

The question being taken, the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. MILLS. I call for a division.

The House divided; and there were—ayes 35, noes 127.

Mr. MILLS. I call for tellers.

Tellers were ordered, 44 members voting therefor; and Mr. MILLS and Mr. HATCH were appointed.

Before the count was completed the hour of 5 o'clock arrived, and the Speaker *pro tempore* declared the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAKER: Petition of Maj. John P. Cleary, formerly of the Thirteenth New York Volunteers, and of several hundred veterans of Rochester, N. Y., in favor of the arrears-of-pensions bill and the bill to award the bounties due to veterans but withheld because of promotion—to the Committee on Invalid Pensions.

By Mr. BLANCHARD: Petition of citizens of Grant Parish, Louisiana, asking material aid to education—to the Committee on Education.

Also, petition of steamboatmen of the Mississippi River protesting against the erection of a low bridge over the Mississippi River at Cairo—to the Committee on Commerce.

By Mr. BOYLE: Resolutions of the Pittsburgh Grain and Flour Exchange, and of the Philadelphia Produce Exchange, against the oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of William T. Campbell Post, Grand Army of the Republic, No. 375, Department of Pennsylvania, of Springfield, Fayette County, Pennsylvania, in favor of granting pensions to all soldiers of the late war—to the Committee on Invalid Pensions.

Also, petition of the Womans' Indian Association of Allegheny, Pa., for the passage of Senate bill 54, providing for the allotment of lands in severalty to the Indians—to the Committee on Indian Affairs.

By Mr. BUNNELL: Petition of business firms of Philadelphia, Baltimore, New York, Boston, New Bedford, Hingham, Mass., Xenia, Ohio, San Francisco, Easton, Pa., Cincinnati, and others, manufacturers of cordage, protesting against House bill 7219, and suggesting certain remedies—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Charles Schiff and others, for an appropriation to carry out the plans for the organization of the section of steam transportation in the United States National Museum—to the Committee on Appropriations.

By Mr. BURNES: Petition of citizens of Andrew County, Missouri, asking for the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. CATCHINGS: Petition of George W. Hutchison, E. C. Carroll, C. C. Florence, and others, against bill authorizing a draw-bridge across the Mississippi River near Saint Louis—to the Committee on Commerce.

By Mr. COMSTOCK: Memorial of Local Assembly, Knights of Labor, No. 3719, of Holland, Mich., requesting the enactment of such laws as will make it a misdemeanor to employ persons under twenty-one years of age more than eight hours per day in any manufacturing, mining, or mercantile business—to the Committee on Labor.

By Mr. CUTCHEON: Resolutions of the N. H. Ferry Post, No. 3, Department of Michigan, Grand Army of the Republic, in favor of pension legislation—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: Petition of citizens of Lindley, Steuben County, New York, for tax on spurious or adulterated butter—to the Committee on Agriculture.

By Mr. FLEEGER: Resolutions of Peiffer Post, Grand Army of the Republic, of Meadville, Pa., asking the adoption of pension bill passed by the Senate—to the Committee on Invalid Pensions.

Also, petition of members of James Wesley Birch Post, No. 493, Department of Pennsylvania, Grand Army of the Republic, of Evansburg, Crawford County, Pennsylvania, favoring additional pension legislation in behalf of disabled soldiers and their dependent relatives—to the same committee.

By Mr. GROSVENOR: Additional evidence in case of heirs of Christopher Cott—to the Committee on War Claims.

By Mr. GROUT: Testimony in support of House bill granting increase of pension to James P. Doggett—to the Committee on Invalid Pensions.

By Mr. HEWITT: Petition of C. W. Teney, for justice to W. C. Phelan—to the Committee on the Judiciary.

By Mr. F. A. JOHNSON: Petition of J. M. Humphrey and 150 others, citizens of Churubusco, N. Y., for imposition of a revenue tax on all forms of adulterated butter—to the Committee on Agriculture.

By Mr. NEECE: Petition of citizens of Seaton, Ill., for taxing oleomargarine—to the same committee.

By Mr. LONG: Petition of R. B. Forbes and 8 others, for light-ship on Stellwagen Bank, off Cape Cod—to the Committee on Commerce.

Also, petition of F. C. Sanford and 59 others, of Nantucket, Mass., for the same—to the same committee.

By Mr. MCCOMAS: Petition of John H. Garrett, of Montgomery County, Maryland—to the Committee on War Claims.

By Mr. RANDALL: Petition of manufacturers of cordage, against House bill 7219, for the importation of rope and rigging free of duty for all vessels built in this country—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. T. B. REED: Memorial of the Maine Annual Conference of the Methodist Episcopal Church, asking for stringent laws to carry out the Chinese treaty, and to protect the lives of the Chinese rightfully in this country in their liberty and estates—to the Committee on Foreign Affairs.

By Mr. SENEY: Petition of the Produce Exchange, protesting against taxing oleomargarine—to the Committee on Agriculture.

Also, protest of William Wall & Sons and others, against section 2 of House bill 7219—to the Committee on Ways and Means.

By Mr. SESSIONS: Petition of citizens of Ellicottsville, N. Y., against oleomargarine—to the Committee on Agriculture.

By Mr. SPOONER: Memorial of Luke Tully and 48 others, citizens of Rhode Island, for amendment of the Constitution—to the Committee on the Judiciary.

By Mr. STORM: Petition of citizens of Milford, Pike County, Pennsylvania, favoring a tax on adulterated butter—to the Committee on Agriculture.

Also, memorial of the Grain and Flour Exchange of Pittsburgh, Pa., against taxing oleomargarine, butterine, &c.—to the same committee.

Also, petition of cordage manufacturing companies of the United States, against section 2 of House bill 7219—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. TUCKER: Petition of Duff J. Reed, for removal of disabilities—to the Committee on the Judiciary.

By Mr. WILKINS: Petition of Valentine Bahmer and 60 citizens of Bakersville, Ohio, praying for the passage of an act to pay soldiers the difference between gold and greenback currency—to the Committee on War Claims.

The following petition, 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, was presented, and referred to the Committee on Agriculture:

By Mr. BUNNELL: Of citizens of Aldenville and Waymart, Wayne County, Pennsylvania.

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. BAYNE: Of citizens of Bellevue, Pa.

By Mr. GOFF: Of citizens of Ohio County, West Virginia.

SENATE.

FRIDAY, May 28, 1886.

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

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

PETITIONS AND MEMORIALS.

Mr. GIBSON. I present a memorial in the form of a concurrent resolution of the General Assembly of the State of Louisiana, relative to the establishment of a navy-yard on the Mississippi River near the city of New Orleans, just below Algiers.

I wish to say that about eight years ago I introduced a bill while a member of the House of Representatives for the establishment of such a navy-yard, and I have continued at every session of Congress since to offer such a bill, for the reason that about the year 1856 the Government of the United States purchased land within the limits of the city of New Orleans near Algiers for the establishment of a navy-yard. It is highly important that some such establishment should be made there, because when most of the navy-yards in this country were established iron rifled cannon, long-range guns, had not been invented, and now a hostile fleet would be able to anchor near several of our navy-yards and destroy them. Iron and steel hulls were not then invented, which rapidly deteriorate in salt water, while in fresh water they can be preserved with but little expense and no hazard.

New Orleans is the gateway of the valley of the Mississippi River, at which stores of all kinds, wood and coal and iron, all materials for the construction of vessels, could be furnished from the West, together with skilled labor and perfect security from any sort of disturbance from any foreign foe. That place is not only the best for supplies of every kind in material and men, but in a strategic point of view necessary not only to the defense of the Mississippi Valley—the heart of the country—but also to command the Gulf of Mexico.

Mr. BUTLER presented the petition of John P. Kinard, a citizen of Newberry, S. C., praying Congress to reimburse him for losses sustained and damages inflicted by United States soldiers since the war; which was referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Naval Affairs.

Mr. BUTLER. I ask leave to present a telegram which I have received from the Merchants' Exchange of the city of Charleston, and, as it expresses so well my views upon the subject of which it treats, I shall read it. The telegram is as follows:

CHARLESTON, S. C., May 27, 1886.

The committee appointed by the Merchants' Exchange to investigate the important subject of the proposed dairy legislation in Congress would respectfully report: Your committee have as carefully as they were able examined this question in all its bearings and recommend the following action by the exchange:

Whereas efforts are now being made to secure enactment by Congress under bills pending providing for imposing a special tax of 10 cents per pound upon the manufacture of oleomargarine and butterine, with additional restrictions in the form of heavy license assessments against dealers in these articles and the placing of their production and sale under charge of the Internal Revenue Department; and

Whereas it has been well and clearly shown that these products are proper ones for food purposes, and their manufacture has proven to be a great public convenience, as well as furnishing an important acquisition to the volume of commercial operations, thus promotive of the business interests of a large number of merchants throughout the country, as well as conferring incalculable benefits upon consumers: Therefore,

Be it resolved by the Merchants' Exchange of Charleston, S. C., That it would be against sound public policy to carry out the proposed legislation, calculated to operate against the oleomargarine and butterine industries; and that as these articles are manifestly proper ones to be manufactured and sold for food purposes, any special tax would be an unjustifiable discrimination against legitimate domestic industry and should not be imposed.

Resolved, That all imitation butter products should be sold on their merits, and that measures providing against their being offered for sale as ordinary butter should be enacted and enforced by State or local authority.

Respectfully submitted,

GEORGE W. BELL, Secretary.

I move the reference of the telegram to the Committee on Agriculture and Forestry, where the question to which it relates is being considered.

The motion was agreed to.

Mr. CULLOM presented resolutions adopted by the Elgin (Ill.) Board of Trade, representing the creamery and farming interests of Illinois and Wisconsin, in favor of the passage of the bill to regulate the manufacture and sale of imitations of butter; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Hiram H. Kingsbury, late a private in Company D, Eighth Illinois Infantry Volunteers, praying that his name be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. WILSON, of Maryland, presented the petition of William L. Amoss and other citizens of Fallston, Md., praying for the passage of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, and taxing them 10 cents per pound; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR presented a petition of Knights of Labor of Washington, D. C., praying for the passage of the bill to provide for leaves of absence to naval employes, and other purposes; which was referred to the Committee on Education and Labor.

He also presented a petition of farmers, mechanics, and dealers of Greenville and Mason, in the State of New Hampshire, praying for the passage of the bill concerning oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. VANCE presented a petition of colored citizens of North Carolina, praying for aid to emigrate to Liberia; which was referred to the Committee on Foreign Relations.

Mr. DAWES presented a resolution adopted by the New England Shoe and Leather Association, favoring the issue of small bills; which was referred to the Committee on Finance.

He also presented the petition of Herman L. Allen and other farmers of Windsor, Mass., praying for legislation to protect the dairy interest against imitations of butter; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Territories, to whom was referred a petition of citizens of Whatcom County, Washington Territory, praying for the annulment of an act of the Legislative Assembly of that Territory providing for the permanent location and construction of a territorial penitentiary at Walla Walla, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the Committee on Patents, to whom was referred the bill (S. 600) for the relief of the assignees of Addison C. Fletcher, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2560) for the relief of Hyland C. Kirk, and others, assignees of Addison C. Fletcher; which was read twice by its title.

Mr. CONGER, from the Committee on Commerce, submitted a report to accompany the bill (S. 584) to incorporate the Atlantic and Pa-

cific Ship Railway Company, and for other purposes, heretofore reported by that committee.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1580) for the relief of Maj. James Belger, reported it with an amendment, and submitted a report thereon.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2545) to provide for the confinement of inebriates in the Government Hospital for the Insane, reported it with amendments.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 2122) for the relief of John P. Walworth, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the petition of Jacob Fritz, of Oregon, claiming certain lands now included in the Fort Dalles military reservation, Oregon, reported adversely thereon; and the committee were discharged from the further consideration of the petition.

COURT-HOUSE IN WASHINGTON TERRITORY.

Mr. PLATT. The Committee on Territories, to whom was referred the bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house, instruct me to report it favorably, and I submit a written report.

There are reasons why this bill should be passed at once, and I ask for its immediate consideration. I ask for the reading of the bill and the report, which are brief, for information. I think there will be no objection to the bill after they are read.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks the unanimous consent of the Senate to proceed to the consideration of the bill reported by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the county of Columbia, in Washington Territory, to issue its bonds, payable in not less than five nor more than fifteen years, at 8 per cent. per annum, to the amount of \$40,000, for the purpose of building a county court-house, in accordance with the vote of the people of the county at the general election held in November, 1884.

Mr. PLATT. I ask for the reading of the report.

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

The Chief Clerk read the following report, submitted this day by Mr. PLATT:

The Committee on Territories, to whom was referred the bill H. R. 6965, being an act to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house, having considered the same make the following report:

Section 1924 of the Revised Statutes has the following provision, namely:

"In addition to the restrictions upon the legislative power of the Territories contained in the preceding chapter, section 1851, the Legislative Assembly of Washington shall have no power to incorporate a bank or any institution with banking powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. Nor shall the Legislative Assembly authorize the issue of any obligation, scrip, or evidence of debt, by the Territory, in any mode or manner whatever, except certificates for service to the Territory."

Such being the law the Legislative Assembly of Washington Territory holds that it has no right or power to authorize a county, nor the Territory, to borrow money and issue bonds for any purpose whatever. And your committee, without passing upon the question of whether the Territorial Legislature is precluded by the statute from authorizing a county to borrow money and issue its obligation for necessary county expenditures, is clearly of the opinion that it would be unwise for it to attempt to confer any such authority upon a county.

Columbia County was duly organized in the year 1875 and now is, and for some years has been, paying rent for its court-house and public offices in a sum equal to 8 per cent. per annum on \$40,000. At the general election in the year 1884 a vote was taken in said county upon the proposition to build a court-house at a cost not to exceed \$40,000, the result of which was as follows:

For the building of such court-house, 586 votes.

Against building of such court-house, 588 votes.

Said county desires to issue bonds and build a court-house rather than to burden the people with an increased tax sufficient to raise the sum required.

The total assessed value of the property of the county in the year 1885 was \$2,569,380; made up of real estate, \$1,514,900; personal property, \$1,054,480.

The county memorialized the Territorial Legislature for authority to issue such bonds, and the Legislature, declining to act thereon, has memorialized Congress to pass the legislation necessary to carry the wish of the county into effect.

The population and assessable property of the district is rapidly increasing. The Territorial Delegate strongly indorses the passage of the act, and your committee recommend the same.

All of which is respectfully submitted.

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

ISSUE OF A DUPLICATE CHECK.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check, and the assistant treasurer of the United States at New York to pay the same, to report it favorably without amendment.

The bill is very brief, and we have the assurance of the Secretary of the Treasury that it is all right. The reason for the passage of the bill is that under the existing law only a check of \$2,500 can be duplicated upon its loss. This happens to be over \$2,500, being \$2,679.53. I ask for the present consideration of the bill.

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

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

INSURANCE COMPANIES IN DAKOTA.

Mr. HARRISON. I am directed by the Committee on Territories to report favorably with an amendment the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws.

I ask leave to state that the situation of that Territory is one very urgently requiring such legislation. The Legislative Assembly some years ago, assuming that they had power to charter insurance companies, passed a general law, and several insurance companies having a large capital were formed—one of them having as much as three millions of insurance—and have been in operation in that Territory. It is now believed that the legislation is inoperative for want of authority from Congress. This is a bill simply to legalize the acts organizing those companies. As amended it consists of a single section, and unless there is objection I ask that the bill be put on its passage.

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

The amendment reported by the Committee on Territories was to strike out section 2, as follows:

SEC. 2. That the Legislative Assemblies of the several Territories shall have power to provide by general laws for the incorporation of companies for insuring against loss by fire, lightning, hail, and tornadoes, and also of life-insurance companies.

Mr. HARRISON. I will state that this provision, giving the other Territories authority, is incorporated in another bill, and therefore we have stricken it out here.

The amendment was agreed to.

Mr. COCKRELL. Let the bill be read now as amended. It is a short bill.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c., That all general laws heretofore enacted by the Legislative Assembly of the Territory of Dakota providing for the incorporation of insurance companies are hereby legalized and made valid, and are declared to have the same force and effect as if the said Legislative Assembly had had full power and authority to enact the same; and all insurance companies incorporated under said laws and in accordance therewith are hereby declared to have been legally incorporated.

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.

The title was amended so as to read: "A bill to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes."

Mr. HARRISON. I desire in that connection to move for a committee of conference on the bill.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate insist on its amendment and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRISON, Mr. PLATT, and Mr. GRAY were appointed.

BILLS INTRODUCED.

Mr. CALL (by request) introduced a bill (S. 2561) for the relief of Mrs. Catharine Odlum; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 2562) granting a pension to Henry F. Kaiser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2563) granting a pension to Lyman H. Walker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 2564) granting a pension to Eleanor S. Lawson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER (by request) introduced a bill (S. 2565) for the relief of the legal representatives of William Johannot, Joseph Torrey, and Thomas Blackwill, respectively; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. DAWES introduced a bill (S. 2566) for the relief of George F. Rider; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 2567) granting a pension to Michael Lane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 2568) for the relief of James

C. Rudd; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 2569) granting a pension to Helen H. Harrell; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. STANFORD submitted an amendment intended to be proposed by him to the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits; which was referred to the Committee on Finance, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VANCE, it was

Ordered, That the papers relating to the bill (S. 2072, Forty-seventh Congress) for the further protection of public property from fire, &c., in various public buildings in the District of Columbia be withdrawn from the files of the Senate, and referred to the Committee on the District of Columbia.

REPORT ON EDUCATION IN ALASKA.

Mr. MANDERSON (by request) submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That of the Senate Executive Document No. 85, "A report on education in Alaska," 6,000 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 3,000 copies for distribution under the direction of the Commissioner of Education.

INDIAN TRADERSHIPS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Chair lays before the Senate a series of resolutions which come over under objection.

The Chief Clerk read the resolutions submitted yesterday by Mr. WILSON, of Iowa, as follows:

Whereas it is stated in the matter of the administration of the powers and duties of the Commissioner of Indian Affairs in respect of the appointment of Indian traders acts have been done, or permitted to be done, in disregard of law and the rights and proper interests of citizens: Therefore,

Be it resolved, That the Committee on Indian Affairs be, and hereby is, directed to investigate the subject of the appointment of such traders, the granting of licenses to them, and the refusal to extend such licenses to persons engaged as such traders, and the methods which have been practiced in that regard since the month of April, 1885, and the reasons and influences affecting the several instances of such granting or refusing of such licenses, to whom licenses have been granted since said date and to whom refused, why granted and why refused, and whether or not any person to whom a license has been so granted has been guilty of conduct or practices prejudicial to the good repute of the public service; and, if so, in what respect, and whether or not the same have come to the knowledge of the Commissioner of Indian Affairs.

Resolved, That in pursuing the said investigation the said committee shall have power to send for persons and papers, administer the necessary oaths, and employ a stenographer should it deem it necessary so to do; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate.

Resolved, That the committee is further instructed to report a bill or bills for such legislation as the investigation may disclose to be necessary and proper in the premises.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

Mr. DAWES. Mr. President, I do not know that I desire to interfere, but the resolutions would impose upon the Committee on Indian Affairs a very serious duty, and a duty which I should like very much in behalf of the committee to be relieved from.

I wish to say a few words in reference to the necessity of it and to inquire of the mover of the resolutions if he contemplates an investigation here in Washington during the session. If it does, it is altogether impracticable, and must be attended with very great expense, for the transactions alluded to, if they exist at all, have existed in the Indian Territory at a very great distance, and witnesses called from the Territory will be brought here at very great expense. It must be a considerable time before they can reach here, and they will come in the midst of the hurry and whirl of the last days of the session. If there is a need (on which I do not speak) of an investigation of such a kind as this, it should be taken at the leisure of a committee on the spot, where it can be done at much less expense and with much greater prospect of a thorough investigation. Whether the Committee on Indian Affairs are going to be so situated as to make that possible in the vacation or not, I have no knowledge.

The whole subject of Indian traders needs revision. The idea that no man can trade with an Indian except by a license from the Government is fast passing away, if it has not already disappeared. It is a reproach to the statute-book of the United States that there stands on it to-day an enactment which relieves any white man from the slightest obligation of keeping any contract he makes with an Indian. There stands on the statute-book to-day an enactment that no white man is under the slightest obligation to keep his contract with an Indian.

Mr. COCKRELL. I should like to see that statute.

Mr. DAWES. You have only to look in the statutes to see that contracts made—

Mr. COCKRELL. I should like to have the chairman of the Committee on Indian Affairs point it out and read it in the Senate.

Mr. DAWES. Contracts made by Indians with white men are not valid unless they are approved by the Secretary of the Interior. That is the enactment upon the statute-book, and that means this—the En-

glish of it is what I state—it relieves every white man from keeping his contract with an Indian, unless the Interior Department says he shall do it.

Mr. BUTLER. Does it not relieve the Indian also?

Mr. DAWES. Certainly, it relieves everybody, but it relieves the white man who knows what his contract is from performing a contract with an Indian. When it was enacted it was supposed that the Indian was incapable of making a contract. It was made in the interest of the Indian, it was supposed, because he was what was called the ward of the nation, and therefore all contracts with him unless approved by the Interior Department are void. He is put at the mercy of the white man; and now, without any reference to this allegation, he is confined in all his dealings with white men on his reservation for the necessities of life to trade with some particular man who is licensed by the Interior Department. That condition of things, that stage in the Indian's life has passed away, and I trust that it is to disappear entirely.

I have nothing to say about whether, while the system is existing law, anything wrong has been done under it. I only say that the whole system ought to go by the board; and when a man makes a contract with an Indian, whether it has the approval of the Interior Department or not, he should at least be held by the law of the land to perform his contract. In every State of the Union, where a man makes a contract with a minor, it is the minor and not the adult who shall say whether the contract shall be kept or not.

Mr. BUTLER. I ask the Senator how he would enforce that contract under existing law, in what court, in what tribunal, as the law now stands, unless the entire law relating to the Indians is repealed?

Mr. DAWES. Repeal the law and the contract between a white man and an Indian will stand as any other contract.

Mr. BUTLER. I do not understand before what tribunal a contract of that kind could be enforced.

Mr. DAWES. I trust that if the Senator will wait until the day after to-morrow he will find that a bill will have passed another branch, which has passed this without opposition, that will put every Indian in this land who transacts business with white men as white men transact business, giving him a position in the courts of the country, State and United States, to enforce every contract made with him; and it is quite time that was done.

Mr. BUTLER. I am delighted to hear that.

Mr. DAWES. I think we shall be gratified. To-day and to-morrow are assigned for that kind of business in another branch, and a bill is pending there which has gone through this body without any opposition, upon full discussion, which has that effect.

The Indian is to be treated now at least as competent to say whether a contract made by a white man with him shall be enforced or not. It is, I repeat, a reproach to the statute-books of the United States that it is left for the white man himself to say whether he will keep his own contract with an Indian.

It is also a reproach that all the Indians are obliged to trade with some particular man licensed by the Interior Department, and further that that man shall not have any Indian blood in him. We undertook to enact a few years ago that a half-breed might open a store on a reservation, and that was defeated; so that the white man must not only be licensed by the Interior Department, but he has got to prove that he has not any Indian blood in him or he can not enjoy the exclusive monopoly of opening a store for the ordinary necessities of life upon an Indian reservation. It naturally leads to suggestions of evil practices such as are contained in the pending resolutions.

I embrace this opportunity to make these statements in advance and without reference to the suggestions which are made in the resolutions. I renew now the suggestion to the Senator from Iowa that he had better consider how the investigation is to be carried on, if he feels that existing facts justify or require such an investigation.

Mr. BUTLER. Let the resolutions be read again.

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

The CHIEF CLERK read the resolutions.

Mr. BUTLER. I have not the slightest objection to the fullest investigation into the matters stated in the resolutions, but it occurs to me, from the casual reading of them, that they embrace questions which should be investigated by the committee before the adoption of the resolutions. I therefore move the reference of the resolutions to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from South Carolina to refer the resolutions to the Committee on Indian Affairs.

Mr. VEST. I wish to understand the position of the Senator from Massachusetts? These resolutions are simply intended to investigate the present condition of the Indian Bureau as to the appointments of Indian traders. They do not begin to reach the great overwhelming evil which has existed for years. I want to make one remark in regard to the appointment of Indian traders, and I say it without reference to the appointments under the present administration. I have no sort of partisan feeling in regard to it; the same abuses existed under a Republican administration of the Government as exist now, and they are inherent.

My colleague asked the Senator from Massachusetts to point to a

statute which put the Indian absolutely at the mercy of the white man who goes in and proposes to trade.

Mr. DAWES. I should like to read the statute.

Mr. VEST. I have it before me, but the Senator can read it.

Mr. DAWES. This is it:

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows.

There are six conditions, and one of them is:

Second. It shall be executed before a judge of a court of record and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Mr. VEST. That is the spirit of the whole system of intercourse laws to be found on the statute-book of the United States. There is another section which more fully illustrates the truth of what the Senator from Massachusetts said.

We are pretending—and I use the term with a knowledge of its full significance—we are pretending from year to year to elevate the Indian, to bring him nearer to civilization, to teach him our methods, our laws, our language, and our religion, and yet we have a system on the statute-book which in every word and line breathes the idea that the Indian belongs to an inferior and a degraded civilization, if you may term it civilization at all; that he has no legal existence except by permission of the Government; that he can not trade, can not barter, can not avail himself of the protection of the law, and he is circumscribed and cut off from the civilization of the white man as by a Chinese wall utterly inaccessible. Now let the Senate listen to section 2135 of the Revised Statutes:

SEC. 2135. Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of \$50.

In other words he can not own property in any way. The ordinary privileges of a human being are taken away from him; practically he ought to be killed, as is the average opinion of the West on that subject. Our legislation absolutely prohibits him from making one single step toward the sunlight of civilization.

But I have something else to say on this subject which I think is exactly pertinent to the resolutions offered by the Senator from Iowa. The whole system of Indian traderships is based upon the idea of making money for the trader without regard to the interest of the Indian at all. If these laws amount to anything they should amount to this, that traderships should be established in the vicinity of Indians or upon their reservations, which should give them the largest opportunity to obtain useful and cheap merchandise at the lowest price.

Instead of that, the whole object seems to be to put just as many traders there as can live on the Indians to the fullest extent and make all the money they can. I say this without any personal allusion to the present incumbent of the Indian Commissionership, who is a perfectly honest and reputable gentleman as I know, and as pure a man (and I have known him for twenty-five years) as lives in the United States, but I speak now of the system; and I say it has degenerated into a system of favoritism and a scramble from one session of Congress to another among Senators and Representatives as to who shall procure for his constituents the opportunity to make money out of the Indians. Applications are made from one day to another by Senators and members to have traderships discontinued for the purpose of making a monopoly in the Indian tribes to put money into the pockets of the favorites of public men in both Houses of Congress. It is a great outrage; it is a shame; and the only wonder to me is that the Indians advance at all. The great wonder to me, after being in the Indian country, visiting it and seeing this system in operation as I have seen it for the last three years in Montana and Idaho, is that the Indians do not become desperate and go upon the war-path and seek extermination rather than exist under the present system. They are systematically robbed.

We give an agent \$900 to \$1,200 a year, and we expect a man of ability, respectability, and business talents to turn his back upon civilization and go out and live with these savages, and if he is humane enough to take his family with him they are to subsist among them at \$900 a year. I believe we expect to get the average Christian virtues in a soldier at \$13 a month; and we expect to get in an Indian agent business capacity, integrity, and good executive ability for a pittance such as we do not give to the lowest clerk in any of our Departments.

I am heartily in favor of this or any other resolution in the direction of inquiry and reform. I believe, however, my friend from Iowa, if he will permit the suggestion, ought to ask for a special committee. The inquiry ought not to be sent to the Committee on Indian Affairs. Let it be a special committee, appointed with power to visit these tribes, examine into this system, send for persons and papers, and make a com-

plete report to Congress, and that report may point in the direction which I hope Congress will soon take.

Mr. WILSON, of Iowa. Mr. President, I have no personal knowledge—

Mr. TELLER. If the Senator will give me a chance before he makes his remarks I should like to call attention to the statute.

Mr. WILSON, of Iowa. I will only occupy a minute.

Mr. TELLER. Very well.

Mr. WILSON, of Iowa. I will yield to the Senator.

Mr. TELLER. I do not intend to make a speech or take much of the time of the Senate this morning on the question suggested by the Senator from Missouri [Mr. VEST]. I propose to do that before this session adjourns, but not to-day. I propose to take time to present to the Senate some of the facts in connection with the intercourse of the whites and the Indians within the last few years, to show what I think are the defects in the statutes and the system of Indian administration as it has existed for many years and now exists.

The statute under which the traders are provided for is:

SEC. 2123. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States.

And that nobody shall trade except such parties as are mentioned in the statute, those who have given bond and received their commission from the Commissioner of Indian Affairs. For a number of years it was the policy to license one trader in an Indian reservation and only one. Then the Department fixed the prices at which he should sell his goods, but it did not make any difference about that; nobody supposed he ever sold goods at the schedule prices fixed, which were to be posted up somewhere in the store for the benefit of the Indians. The posted schedule was just about as valuable to the Indian as the notice is in the parks here to the dogs, that dogs must keep off the grass. The Indians knew just as much about the schedule; it was a dead letter and amounted to nothing.

Recently, within the last few years, the policy has grown up of giving at least two traders to every considerable tribe, and perhaps in some of them even more than that number. It was supposed that might bring about a little competition. Whether it has had that result or not I do not know. It may have brought about combination. All these people are away off beyond the reach of the Commissioner. I do not care how able the Commissioner may be or how honest he may be, under our present system of Indian intercourse it is impossible that there should not be the greatest abuses. I know of no more abuses under the existing administration than heretofore. I have heard of no complaint that I recollect now. It is the system that is complained of.

We have also a provision in the statutes, which I will not stop to read, that no Indian shall be allowed to sell a yoke of cattle or a horse or anything else to a white man. Some of the Indians raise cattle. The price must be fixed by their agent, who alone is authorized to allow them to sell.

I believe the system is an absolutely bad one; and yet just so long as we continue the system of isolating these people just so long, as was suggested by the Senator from Missouri, this bad system will exist. It is utterly impossible to send any man out there and expect him to go there and not be tempted to charge extortionate prices and sell inferior goods. I do not care what administration you have, there will be just cause of complaint on the part of the Indians. Whether it is any greater now than at any other time I do not know and do not mean to say. I only mean to say that until we have adopted a system allowing the Indian to act for himself, and recognizing the fact that the Indian is a man, these evils will continue; and you may have the best man that God ever made as Commissioner of Indian Affairs, and you may have the best man that ever was made agent, and the same trouble will exist. The trouble is in the system, and not in the man who administers the law. It is the law itself, and not the administration of the law, of which complaint ought to be made.

Mr. WILSON, of Iowa. Mr. President, I have no personal knowledge of the facts the alleged existence of which induced me to submit these resolutions to the Senate, but I have had placed in my hands a statement in writing concerning various transactions in connection with this branch of the Indian service. It was my purpose, if the resolution should be adopted by the Senate, to hand this statement over to the chairman of the committee and let the committee consider it.

I have not the slightest objection to the reference of these resolutions and the entire subject to the Committee on Indian Affairs for consideration, that they may consider it in connection with the statement in writing which has been submitted to me; but I am satisfied that if the statements made have any foundation whatever to support them the subject ought to be investigated. Whether it shall be done by the Committee on Indian Affairs during the present session of Congress, or whether it shall be authorized to conduct the investigation during the recess, I have no concern whatever. I am entirely willing that the resolutions and the entire subject shall go to the committee for its consideration and for such report as it may deem proper to make to the Senate. I want the subject considered somewhere, and action taken if it is deemed proper.

Mr. DAWES. I hope the resolutions will not be referred to the committee, because the committee can have no ground upon which to base

a report beyond the ground which the Senator himself states to the Senate he has, unless they go themselves in advance into a sort of grand-jury investigation to ascertain whether there is any ground for it.

I want, before I go further, to indorse what the Senator from Missouri [Mr. VEST] has said in regard to the Commissioner of Indian Affairs. I think I have known him longer than the Senator has, and I take great pleasure on all occasions in indorsing everything that has been said in reference to his personal integrity and personal desire to do the best possible for the Indians, as has been stated by the Senator from Missouri. Therefore what I say in this matter can possibly have no reference to him personally.

If this matter is referred to the committee to consider whether an investigation ought to be had or not, they must do one of two things, take the statement which the Senator from Iowa holds in his hand justifying him in presenting the resolutions, or go into an investigation in advance. They can not go into the investigation in advance; and therefore if the Senate think that the statement of the Senator from Iowa justifies an investigation, it is only for the Senate to say how it shall be conducted. That they can say this minute just as well as after a report from the Committee on Indian Affairs. I trust the Senate will not refer the resolutions to that committee merely to bring them back here for them to restate what the Senator from Iowa states, that if there be any foundation for the statements he has made there ought to be this investigation.

Mr. HARRIS. I hope the resolutions will be referred to the Committee on Indian Affairs. To say the least, they imply the possibility if not the probability of some error in the administration of the Bureau of Indian Affairs. I desire to say for the Commissioner of Indian Affairs that if there be a doubt upon that question of the propriety of the administration of that office, so far from shrinking he would invite and insist upon the most rigid scrutiny, the broadest and most thorough investigation of every question pertaining to the administration of that office.

I therefore desire that the resolutions shall be referred to the Committee on Indian Affairs in order that that committee may put it in such shape as will clothe the committee of investigation with the amplest powers not only to investigate the administration of this office for the last twelve or fifteen months, but as far back as in its opinion the investigation may be necessary to enable the committee to understand what has been the practice of the Indian Bureau under the statutes as they now exist, and necessary to the perfection of a system to be reported by the committee so far as the committee may think legislation necessary to regulate and cure certain evils that seem to be inherent in the system itself as now regulated by law.

For these reasons I desire that the resolutions shall go to the committee and that that committee shall inquire and report the necessity for investigation, the scope of the investigation, the full extent to which the investigation shall be carried in the past as well as up to the present time.

Mr. DAWES. The reason as stated by the Senator from Tennessee renders it altogether unnecessary that the resolutions should go to the committee. I assumed in the outset that the position of the Commissioner of Indian Affairs touching this matter would be precisely what the Senator suggests; and being that, when the Senator from Iowa states that he has that which justifies him in bringing before the Senate these statements, it becomes necessary to meet what the honor of the Commissioner of Indian Affairs would require, that the investigation should proceed; and it is not necessary to have the committee pass on that question. It is due to the Commissioner of Indian Affairs that it should not go to the Committee on Indian Affairs to report whether there is ground for an investigation or not—a report which they can not make justly and fairly to him until they have gone to the bottom of it.

A Senator comes up here and makes a statement upon what he deems to be sufficient ground; the Commissioner of Indian Affairs as an honorable man courts the inquiry, and then you refer it to the Committee on Indian Affairs to inquire whether there is ground for it or not before going into the investigation. It is unjust to him as well as to the Senate that it should go there for any such preliminary examination as is suggested. It should go to that or some other committee clothed with power when they come before the Senate to come before the Senate with the whole case or they should not come before the Senate at all.

Mr. HARRIS. If the Senator from Massachusetts will allow me I desire to suggest that the chief reason which controls me in desiring the resolutions to go to the Committee on Indian Affairs is to have the committee put the resolutions in such shape as will clothe the investigating committee with the fullest and amplest power not simply to investigate the administration of the office for a few months, but to investigate the administration as far back as may be deemed necessary, and the extent to which legislation may be necessary to correct any evils which may be found to exist in the laws regulating the same.

Mr. DAWES. The Senator from Tennessee in the minute he has been talking could put the proposition in that shape. While he has been talking the known facility of the Senator with the pen could put it in just that shape now, without sending it to the committee to come forward and say, "We have reason to believe there are serious grounds of accusation against the Commissioner of Indian Affairs."

Mr. HARRIS. The information of the Senator from Tennessee in respect to Indian affairs does not induce him to believe that he could put a resolution in shape giving the scope and the precise powers necessary to investigate the Indian question in all the ramifications that investigation may possibly be necessary from the remarks of members of the Committee on Indian Affairs, not in respect to the administration of this particular Commissioner, but in respect to the general Indian policy of the Government as now regulated by statute, and if investigation is to proceed at all, I think it should extend to those subjects that would lead to the development of whatever evils there may be inherent in the Indian policy and in the system as it exists in the statutes of to-day.

Mr. BUTLER. I moved the reference of the resolutions to the Committee on Indian Affairs because they seemed to be so far-reaching in their scope as to be worthy of some preliminary investigation by a committee of this body.

It is not simply a question of inquiry. The resolutions, as I understand, are a positive mandate to the Committee on Indian Affairs to make an investigation upon a supposed condition of affairs of which I have no knowledge, I am very frank to say, and I do not suppose there are a dozen Senators on this floor who have sufficient information to enable them to vote intelligently on the resolutions. Hence it was I moved their reference to the Committee on Indian Affairs, which is supposed to be familiar with the whole subject, and if any investigation is deemed to be necessary they can order it. If on the other hand it be held unnecessary they can so report.

I have not the slightest desire to circumscribe the scope of this proposed investigation in the slightest degree. On the contrary, I agree with the Senator from Massachusetts that it is due to the Commissioner of Indian Affairs that an investigation should be had fully and completely. If we were simply asked to adopt a resolution of inquiry directed to the Secretary of the Interior or to the Commissioner of Indian Affairs, I should have no hesitation about voting for its passage; but these resolutions in terms direct the committee to make an investigation upon a supposed condition, true or untrue; and I am not prepared to say that it is true. The Senator who submits the resolutions says he is not prepared to say that it is true. It seems to me the resolutions should not be passed in an inconsiderate kind of way. They ought to go to the Committee on Indian Affairs, who can report in forty-eight hours whether they ought to pass or not in their present shape, and if not in their present shape, in what shape should they pass if at all.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolutions to the Committee on Indian Affairs.

The motion was agreed to.

RESTORATION OF NAVAL CADETS.

Mr. DOLPH. If the morning business is over, I move to take up for present consideration Senate bill 2172, Order of Business 706.

Mr. BUTLER. A few days ago I gave notice that I should ask the Senate to consider this morning 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." After conference with the Senator from Oregon [Mr. DOLPH] I have concluded not to do so; but I give notice now that on Tuesday next after the routine morning business I shall ask the Senate to consider that bill. Meantime several Senators who desire more information about it can have an opportunity of reading the report.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I renew the motion to take up for present consideration Senate bill No. 2172.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the pending question being on the amendment proposed by Mr. VAN WYCK.

Mr. EDMUNDS. I do not wish to vote either way on that amendment, and I move to lay it on the table.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. EDMUNDS].

Mr. BUTLER called for the yeas and nays; and they were ordered. Several SENATORS. Let the amendment be read.

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

The CHIEF CLERK. In the first section, line 10, after the word "main," it is proposed to strike out all down to and including the word "mountains," in line 14, as follows:

Line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, except such of said lands as appertain to and are continuous with the branch line across the Cascade Mountains.

And in lieu thereof to insert:

And branch lines where the railroad required by said act has not been constructed and completely finished at the date of the passage of this act.

So as to make the section read:

That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and

joint resolutions of Congress, which appertain to and are continuous with that part of its main and branch lines where the railroad required by said act has not been constructed and completely finished at the date of the passage of this act be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to the public lands.

Mr. VEST. It is contended on the part of some respectable lawyers that the property which was granted to the railroad company has already been forfeited, and that a forfeiture took place at the time the company failed to comply with the terms of the grant, which was some years ago. Now, if this amendment prevails it does away with that contention, because the forfeiture only takes place as from the time of the passage of the act. In other words, it yields up the ground taken by many good lawyers to the effect that this forfeiture took effect at the termination of the time limited in the original grant for the completion of the road. The company was to finish the road by a certain time, the 4th of July, 1879. They did not comply with the terms of the grant, did not finish the road.

Mr. EDMUNDS. Is the motion to lay on the table debatable?

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Missouri that the motion to lay on the table is not debatable. The yeas and nays have been ordered on that motion.

Mr. VEST. I have said all I wish to say—that this amendment extends the time of forfeiture.

The Secretary proceeded to call the roll.

Mr. BUTLER (when Mr. BROWN's name was called). I was requested by the Senator from Georgia [Mr. BROWN] to state that on account of illness he had been compelled to leave the Senate Chamber, and to announce his pair with the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. The Senator from Georgia spoke to me and said he did not care to be paired on this bill. I asked him particularly about this bill, and he said he did not care about my being paired with him on this bill.

Mr. BUTLER. I only complied with the request of the Senator from Georgia in announcing the pair.

Mr. DOLPH. He may have made other arrangements after he spoke to me about it.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN], who has been called home. I may as well announce my pair now for all the votes that may be taken on this bill. I should vote "yea" on this motion if he were here.

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were here, I should vote "nay."

Mr. DAWES. My colleague [Mr. HOAR] is necessarily absent from the city. He left a request that I should obtain a pair for him; but I am not able to determine how he would vote upon this measure, and, therefore, as I can not get any other pair for him, I will withhold my vote and consider myself paired with him.

Mr. PLUMB. I am paired with the Senator from Alabama [Mr. MORGAN], and therefore withhold my vote.

Mr. DAWES. The Senator from Missouri [Mr. COCKRELL] will pair with my colleague [Mr. HOAR], and I vote "yea."

Mr. COCKRELL. I conferred with the colleague of the Senator from Massachusetts before he left, and he requested me to pair with him. I have not announced the pair, and have not voted. I considered myself paired with him, although he did not make any special request about this particular bill.

Mr. HALE. My colleague [Mr. FRYE] is absent and paired with the Senator from Maryland [Mr. GORMAN].

Mr. GEORGE. I desire to call the attention of the Senator from Illinois [Mr. CULLOM]. I understood the Senator from Illinois to say that he was paired with the Senator from Georgia [Mr. COLQUITT], and that if he were here the Senator from Illinois would vote "nay." I feel authorized to say under the circumstances that the Senator is at liberty to vote "nay" if he desires to do so.

Mr. CULLOM. Then I cast my vote; I vote "nay."

The result was announced—yeas 23, nays 28; as follows:

YEAS—23.

Aldrich,	Dolph,	Logan,	Sawyer,
Allison,	Edmunds,	Miller,	Sherman,
Blair,	Everts,	Mitchell of Ore.,	Spooner,
Cameron,	Hale,	Morrill,	Stanford,
Chace,	Harrison,	Palmer,	Wilson of Iowa.
Dawes,	Hawley,	Sabin,	

NAYS—28.

Beck,	Eustis,	Kenna,	Vance,
Berry,	George,	Manderson,	Van Wyck,
Blackburn,	Gibson,	Maxey,	Vest,
Butler,	Gray,	Payne,	Voorhees,
Call,	Hampton,	Pugh,	Walthall,
Coke,	Harris,	Saulsbury,	Whitthorne,
Cullom,	Jones of Arkansas,	Teller,	Wilson of Md.

ABSENT—25.

Bowen,	Frye,	McMillan,	Plumb,
Brown,	Gorman,	McPherson,	Ransom,
Camden,	Hearst,	Mahone,	Riddleberger,
Cockrell,	Hoar,	Mitchell of Pa.,	Sewell,
Colquitt,	Ingalls,	Morgan,	
Conger,	Jones of Florida,	Pike,	
Fair,	Jones of Nevada,	Platt,	

So the Senate refused to lay the amendment on the table.

Mr. EUSTIS. I move to strike out all after the enacting clause of the bill and substitute the following amendment—

Mr. INGALLS. Is not an amendment pending?

The PRESIDENT *pro tempore*. There is an amendment already pending. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. EUSTIS. I offer it as an amendment to the amendment of the Senator from Nebraska.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska being a motion to amend the text proposed to be stricken out by the Senator from Louisiana, the question must be first put on the amendment of the Senator from Nebraska. His motion is to amend the text and the Senator from Louisiana proposes to strike out the whole bill. The question is on the amendment proposed by the Senator from Nebraska.

Mr. DOLPH. The effect of this amendment if adopted, as I tried to show yesterday, would be to prevent the completion in the near future of the direct line of the Northern Pacific Railroad from Lake Superior to Puget Sound. In the very brief time I occupied yesterday I endeavored to show the importance of this direct line; that there is not now in the Territory of Washington any means whatever of communication between what is known as Eastern and Western Washington; that all the commerce and all the travel between the two parts of the Territory is compelled to go around by the Columbia River in order to reach one portion of the Territory from the other.

I then stated that the Northern Pacific Railroad Company was struggling to complete the branch known as the Cascade branch, which will give them a direct line across the Cascade Mountains, will bring the two sections of the Territory into direct communication with each other, and complete a direct line from Lake Superior to Puget Sound.

I then called attention to the fact that just north of the Northern Pacific Railroad the Canadian Pacific by large subsidies from the Canadian Government had been constructed and is now completed through to Puget Sound, and that Great Britain with her usual foresight and energy was about to seize and take out of our very grasp the commerce of the old East and of the Pacific coast. To my mind that is a controlling reason why the Senate of the United States facing these facts should decline to do anything that would place an obstacle in the way of the completion of this through line, and I gave this as the main reasons why the forfeiture of these 75 miles of the land grant through the Cascade Mountains, lands that are of very little value for any purpose whatever, but which are a basis of credit for the company upon which in connection with their constructed road as they proceed to construct section after section they are enabled to sell bonds to obtain the money to construct the next section and to push their road over and through the mountains, should not be declared.

But, sir, there are other reasons, not so important, not so national in their character, not so weighty with me. One of those is that the object for which the grant of lands to this company was made was to secure a through line of road from Lake Superior to Puget Sound. That was a great national undertaking, a great commercial undertaking, an undertaking that was worthy of the attention of Congress and deserving of the Government aid that was conferred upon the company.

I do not at this time propose to undertake to detail the struggles which this company has made to construct the road. I will not dwell upon the obstacles which the Government has placed in their way by inaction. I showed, when another bill was under discussion the other day, that while complaint is being made of the Northern Pacific Railroad Company that they have not taken patents to their lands so that they become taxable, there had been certified to the company and segregated from the public domain but a little over 700,000 acres of land, but that the company had selected over 11,000,000 acres, lists of which lie to-day in the Interior Department awaiting the approval of the Secretary of the Interior. The Government agreed that the Indian title should be extinguished, but this company has had to go on under the direction of the Secretary of the Interior to negotiate treaties with the Indians, pay for their lands for right of way, and to come to Congress for a confirmation of their purchases, before they could get even permission to survey their lands within the boundaries of Indian reservations.

While the Canadian Government has been subsidizing the Canadian Pacific, there have been constant obstacles thrown in the way of the completion of the Northern Pacific Railroad and constant threats of the forfeiture of their grant affecting their credit. Notwithstanding all that they completed their road from Lake Superior to the Columbia River and have constructed the Cascade branch for 100 miles westward and they are now tunneling the mountain, and have contracted for the construction of the road over the mountain, a piece of road that is entirely separate from the grant for which it is proposed by this bill as it came from the committee to forfeit, lying many miles north of it upon another branch of the road; and I for one, because I think it is right and in the interest of the commerce of this country and the whole people of the United States, sound public policy and true statesmanship, desire to record my vote against now interfering with the construction of that part of the road.

The land proposed by the amendment to be forfeited is of no value

to the Government. In the main at least, it is not fit for homestead and pre-emption claims. It is of some value to the company; it will secure the early completion of this part of its road. On the other hand there are 214 miles of the line running through a much better country the grant for which ought to be forfeited. Another road has been built there without a land grant or Government aid, and running arrangements have been made between the company owning it and the Northern Pacific Railroad Company. It forms a link in the longer route down the Columbia River and across the country to Puget Sound.

Then it appears to me that we owe something to the stockholders of this company, the people who put their money into this enterprise. It seems to me unjust now as an equitable proposition when hundreds of thousands of dollars are being expended upon this very link, this 75 miles in the Cascade Mountains, when it is partly graded, when surveying parties have been seeking to find a practicable route through the mountains ever since the company was incorporated, when a great tunnel is being constructed—it seems to me, I repeat, that it is unjust now to declare that they shall be deprived of that land if the road is not completed when this act shall take effect. If they were not now prosecuting the work with energy, if it could be shown that they were not being diligent in the construction of the Cascade branch, if they were delaying the construction and seeking to hold on to the grant, I would not say a word; but with the diligence that is now being used it appears to me that we ought not to throw an obstacle in the way of the construction.

Something has been said here in regard to the conditions of this grant and the character of it. I do not believe that there is a lawyer in this body and there are very few out of it but what know that this grant is a grant *in presenti*, that it transferred the title upon conditions, that when the conditions are performed, no matter whether within the time limited in the act or afterward, the title becomes perfect and beyond the power of Congress to interfere with it; that as this road was to be constructed in sections of 25 miles and it was provided that whenever a section was completed the President of the United States should appoint commissioners to examine it and accept it and then patents should issue to it; whenever a 25-mile section was constructed and commissioners were appointed to examine it and it was approved by the President of the United States, no matter whether the patents were issued or not, the title of the company became perfect to the lands so far as the road had been accepted. The grant is in its nature divisible, and under the provisions of the act every section stands upon precisely the same basis as if there had been a separate act for each 25-mile section; and no lawyer under a grant with such conditions, in my judgment, after a thorough examination of the question, would contend that the provision as to the completion of the entire road at all affects the condition as to the sections of the road which had been completed, examined, and accepted in accordance with the terms of the act. Of course should this amendment be adopted and should the Senate pass the bill in a shape that would forfeit all unearned lands, then the amendment offered by the Senator from Kentucky [Mr. BECK] would not be either a just or proper one; for when Congress had exercised its entire power in the matter it would be foolish and unjust to hold a threat over the company affecting their credit as to other lands.

Mr. VAN WYCK. Will the Senator allow me a moment? If the amendment of the Senator from Kentucky is proper as to the land lying between Wallula and Portland, why is it not proper as to the land lying on the 75 miles, the farthest point of the Cascade branch? Why is it not as proper for one as for the other?

Mr. DOLPH. The Senator evidently does not understand the situation. If the bill should be passed in the form in which it came from the committee, forfeiting the lands from Wallula Junction to Portland, and not forfeiting the lands for the 75 miles in the Cascade Mountains, and the company should not complete that branch within a reasonable time, Congress might want to forfeit the 75 miles, or what was left of it. That is to say, if the company should now stop operations and should not complete that road within a year or within a reasonable time, Congress might want to act upon the 75 miles; and therefore the saving clause of the Senator from Kentucky, that this act shall not prejudice the right of the United States to forfeit any other portion of the grant, would be proper. But if the amendment of the Senator from Nebraska is adopted, by which the Cascade branch is included in the forfeiture, then there would be, according to my judgment, nothing left for Congress to act upon hereafter, and the provision of the amendment of the Senator from Kentucky would be only a threat, something to be held *in terrorem* over this company, affecting their credit.

I do not propose to discuss this question at length; but after the vote upon the motion to lay this amendment on the table, I do not feel satisfied to allow the vote on the amendment to be taken in silence. I know what I am talking about in this matter. I know what is for the interest of the people of Washington Territory. I know what is for the commercial interest of the people of the United States. I have studied this question, and I desire to record my vote and raise my voice against the proposition of the Senator from Nebraska and to do what I am able to prevent the placing of another obstacle in the way of the construction of this direct line across the Cascade Mountains.

Mr. HARRISON. Mr. President, when the original amendment of

ferred by the Senator from Nebraska [Mr. VAN WYCK] was under consideration yesterday my attention was somewhat distracted, and I was for a time absent from the Senate in preparation for the discharge of a duty which was to follow later in the day.

I have only one suggestion to make to the Senator from Nebraska about this amendment that is pending. It seems to me that it is broader than he intends. For one, I am ready to vote for the forfeiture of any land grant appurtenant to any part of a railroad that is now unfinished; but this amendment as it is pending reads as follows:

The branch lines where the railroad, required by said acts, has not been constructed and completely finished at the date of the passage of this act.

I understand that a considerable portion of this Cascade branch, as it is called, perhaps seventy-five or a hundred miles, has been constructed, and I do not understand that it is the purpose of even the Senator from Nebraska by this amendment to forfeit the land appurtenant to that part of the branch which has been constructed, but only such lands as would be appurtenant to the unconstructed part of the road, that which is not built and in operation. But it seems to me the amendment upon which we have just voted, and which is pending, relates to the entire branch, and would forfeit all lands upon that branch even though the road was actually constructed and in operation, and had been so constructed and so in operation for a number of years. I do not understand that to be the purpose of the Senator from Nebraska; but that in modifying the amendment from the one first proposed he intended to limit the forfeiture so far as it should be made in this bill; and I do not understand that this is an expression, on the part of any of us who are opposing it, of the limit to which we are ready to go. But the amendment is broader than it has been represented and than has been his design. I ask the Senator from Nebraska whether it was the intention by this amendment to forfeit the lands that lie along that part of the Cascade branch which has been finished and is in operation?

Mr. VAN WYCK. It was not my intention by the amendment to do that thing.

Mr. HARRISON. Very good. Then I suggest to the Senator to remove what seems to be an objection in the minds of some of us by so modifying the amendment as to make it apply to those miles of the road that are unfinished instead of to the branch line as it seems to be now. It appears to me as the amendment is pending now we are voting directly upon the question of forfeiting lands that have been earned, if they can be earned by the construction of the road after the time limited in the original act.

Mr. EDMUNDS. As the Supreme Court has decided that they can be.

Mr. HARRISON. Yes.

Mr. VEST. Mr. President, it is a little premature at this time to discuss the whole question as to the forfeiture of the land granted to the Northern Pacific Railroad. The Senator from Oregon seems to be absolutely certain that no lawyer would risk his reputation by stating publicly or privately that the failure of this company to complete the road by the 4th of July, 1879, worked a forfeiture of the grant of those lands. He says that it was a grant *in presenti*, and that the failure of a condition subsequent did not affect the grant. My own reputation as a lawyer may be hardly worth discussion (I leave that to others), but I undertake to say as a lawyer that the failure to complete that road, and the whole road, by the 4th of July, 1879, did work a forfeiture of the grant.

Without going into anything like an elaborate discussion, I will read the eighth section of the act of 1864, which granted these lands, and I will leave the discussion there. After reciting the character of the grant, so many miles in the States and so many in the Territories, alternate sections, &c., section 8 of the act of 1864 is in these words:

And be it further enacted, That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876.

That is the eighth section of the act of Congress making the original grant. The time was subsequently extended to 1879.

Mr. BUTLER. And they accepted it upon those conditions?

Mr. VEST. They accepted it upon those conditions, and they failed to complete that road, and I say as a lawyer that no respectable court would hold anything else except that there was a forfeiture of that grant. It is now a question for Congress within its own grace and clemency to extend the grant, or, in other words, to do away with that forfeiture.

But I do not propose to go further in this discussion at present. When the question does arise here I shall undertake to show, as I think I can, by absolute legal authority that that would be the construction put upon this grant, whether it be a private or a public one.

As to the amendment pending before the Senate, I voted against laying it on the table because, under the rules of the Senate, while that motion was pending without unanimous consent I could not say what I intended to say upon that subject. I am in favor of the passage of the House bill as a substitute for the bill reported by the Senate committee. I am for it because I believe it is in exact harmony with the legal

opinion I have just expressed. I am for it, in the second place, because I consider the argument made yesterday afternoon by the Senator from Louisiana [Mr. EUSTIS] as conclusive in regard to the price of these lands, the tenure by which the actual settlers should hold them, persons who have gone upon them in good faith. Under the bill as offered by the Senate Committee on Public Lands, the actual *bona fide* settlers who went upon the lands embraced within the grant to the Northern Pacific Railroad, although that forfeiture is declared by the bill now pending here to be absolute, are compelled to pay \$2.50 an acre by reason of the fact that that grant was put upon paper to the North Pacific Railroad, although the company did not comply with the terms of it. If that grant is absolutely worthless, as the bill makes it so far as it extends, then the *bona fide* settler should be permitted to go upon it as if the grant had never been put upon paper.

Mr. BUTLER. How much is to be paid to the Government?

Mr. VEST. He has to pay to the Government \$2.50 an acre.

Mr. EUSTIS. Although he may have made a payment already.

Mr. VEST. Although he may have made a payment to the North Pacific Company already, still if we pass the Senate bill declaring that this forfeiture is absolute as to certain portions of these lands, if a *bona fide* settler is found upon them he is made to pay \$1.25 more upon the acre by reason of the fact that the Congress of the United States made a grant the terms of which were not complied with by the grantee.

Mr. MITCHELL, of Oregon. Will the Senator yield to me for a suggestion?

Mr. VEST. Certainly.

Mr. MITCHELL, of Oregon. Is it not a fact that within the limits of this grant, in that portion of the grant which the bill proposes to forfeit, between Wallula and Portland, as reported from the committee, any settlers on those lands may take up 160 acres at \$1.25 an acre; and is not this provision requiring payment of \$2.50 an acre only to apply to those to whom the greater privilege is given by virtue of the provisions of the bill allowing the taking of 320 acres?

Mr. VEST. That may be so, and yet—

Mr. MITCHELL, of Oregon. That is as I understand the bill.

Mr. EDMUNDS. That is it exactly.

Mr. DOLPH. Will the Senator from Missouri allow me to interrupt him?

Mr. VEST. Certainly.

Mr. DOLPH. I did not think a careful reading of the bill would lead any one to suppose that there was any such provision as that in it. These provisions are in favor of the settlers. They do not affect the land laws at all. Anybody in possession of any of these lands who may wish to take under the homestead or pre-emption laws may do so. He will be in possession and he will have the first right to purchase. But the trouble is that all these companies I think, the Northern Pacific company at least, issued a circular and advertised that if people would go on the lands and settle on them and improve them, when they had been earned by the company by construction of its road they would be graded and settlers should have the first right to purchase at an appraised value or in some cases at \$2.60 an acre. Some people went onto these lands under those provisions, and have fenced, cultivated, and improved them, and there are great fields of wheat growing on them to-day. Many of the settlers have exhausted their homestead and pre-emption rights, and if Congress should not make any provision for such persons they would be liable to lose their lands and we should have them coming here at another session of Congress for relief; others would jump their claims under the land laws, and we should have a great deal of trouble growing out of the matter. So the committee undertook to provide for that class of settlers by providing that they shall be given the same amount that one man can take under the homestead and pre-emption laws, namely, 320 acres, at \$2.50, the price which was fixed for the land when the grant was made.

That is the first provision of the section, and that is all that it is. It does not interfere in the least with the rights of the settler under the land laws. I would go as far as any one to protect the settlers. I would be as far from interfering with the rights of the settlers in the State of Oregon as any Senator on this floor. Under this bill they will have all their rights under the land laws, and they have the additional privilege of purchasing the lands held by them under the railroad company at \$2.50 an acre if they find they are not qualified to purchase the same under the land laws when these lands revert to the public domain.

Mr. MITCHELL, of Oregon. I wish to say one other word, if the Senator from Missouri will allow me.

Mr. VEST. Certainly.

Mr. MITCHELL, of Oregon. I desire to state right in this connection that so far as I am concerned I shall vote for no forfeiture bill of any lands that belong to any railroad company that has not a provision in it which, as I understand it, will give to settlers on those lands all the rights that any settler has on any other public lands of the United States. I understand that this bill does that thing.

As I intimated a moment ago, any settler on any of these lands proposed to be forfeited by the bill has a right to take up 160 acres of land under any of the land laws of the United States now in existence and under the provisions of those different acts. The simple fact is that a privilege is extended to them by virtue of this measure allowing them

to take up 320 acres by paying \$2.50 an acre. I understand that under this bill a man located on those lands could take up 160 acres under the pre-emption law, for instance, or under the homestead law, or under the timber-culture act. He could take all that any other citizen could take on any public land, and in addition to that, by virtue of the provisions of this bill, he could take up 160 acres more by paying \$2.50 an acre for it. That is as I understand the bill, and if I am wrong about that I shall vote for any amendment that will give settlers on the lands all the privileges that settlers have on any other lands in the United States.

Mr. EDMUNDS. But you are not wrong, and our friends on the other side want to squeeze the settlers apparently.

Mr. VEST. My construction of the bill is not that put upon it by the Senator from Oregon who last addressed the Senate. Section 2 reads as follows:

Sec. 2. That in all cases where persons are in possession of any of the lands affected by said grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from the said Northern Pacific Railroad Company executed prior to January 1, 1886, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of \$2.50 per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor.

That is to say, the actual *bona fide* settler can purchase from the Government any of these forfeited lands in any quantity up to 320 acres by paying \$2.50 an acre, which amounts simply to this, that by reason of the fact that this grant, which is now declared to be no grant at all, was made by the United States Congress to the North Pacific Railroad and the company has not complied with the terms of that grant, by reason of that single fact, enough vitality is given to this dead grant to make it cost the actual settler a dollar and a quarter more an acre even if he takes 160 acres. If that is not the construction of it, I am utterly at sea, without compass or rudder, in regard to the measure.

I prefer the House bill, which says that these lands shall be sold to the actual settler by the Government as other public lands, and that this grant shall be what we absolutely declare it to be, worthless, null, and void. That is logical and consistent, and I can only be consistent with my legal opinion by voting against the amendment of the Senator from Nebraska, because although I may be an extremist as to these forfeitures and go far beyond what my associates on this side of the Chamber are willing to go, I believe that all these lands are forfeited, if that road was not completed, under the terms of the eighth section of the act of 1864 which I have read. But the Senator from Nebraska is utterly inconsistent with the House bill which he offered yesterday as a substitute, because under his amendment he abnegates and abandons the position that this forfeiture was made on the 4th of July, 1879, by the terms of the act of 1864, and he says now that the forfeiture shall only work from the time of the passage of this bill, giving up and relinquishing what I believe to be the construction of the act of 1864 and taking the illogical and inconsistent position that that forfeiture is not worked but that it is something *in futuro*, to take effect from the passage of the bill.

Therefore I think that Senators who hold with me in regard to the construction of the act of 1864 can not support the amendment, and I say from my standpoint that I believe the forfeiture was worked on the 4th of July, 1879, as to all these lands, upon the branches and the main road too.

Mr. COCKRELL. I stated briefly yesterday that I could not vote for the amendment of the Senator from Nebraska because it went too far. I do not think the Senate understands that amendment exactly, or the effect of it. I will read the clause only using the effective words as the section will be when amended, if the amendment is agreed to:

"That all the lands heretofore granted to the Northern Pacific Railroad Company," &c., "which appertain to and are conterminous with that part of its main and branch lines where the railroad required by said acts has not been constructed and completely finished at the date of the passage of this act, be, and the same are, hereby resumed." Then all the lands conterminous with the completed portions of that road at the date of the passage of this bill are hereby confirmed. That is the amendment; nothing more and nothing less. The effect of it, then, is to confirm every acre of land granted to the Northern Pacific Railroad Company save only between Wallula and Portland and 75 miles of the Cascade branch. That is the amendment pure, simple, and unadulterated. Therefore I am not in favor of it.

Mr. VAN WYCK. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. VAN WYCK. I urged the same position in regard to the bill as it was reported by the Senator from Oregon [Mr. DOLPH], that the forfeiture from Wallula to Portland would be a concession to the railroad company, an admission on our part that there was no more of this grant to be forfeited. I took that position and I understood the Senator then to say that that would not be the construction.

Mr. COCKRELL. Unquestionably the bill only deals with the road from Wallula to Portland and declares the lands on that line forfeited and leaves the other lands entirely untouched. Your amendment confirms every acre of land granted to the Northern Pacific Railroad except between Wallula and Portland and for 75 miles of the Cascade branch, and it goes further than I can go.

Mr. VAN WYCK. If the forfeiture from Wallula to Portland is not an admission that we propose to do no more, by adding to the forfeiture 75 miles more of the railroad to the line between Wallula and Portland, how does that make any different conclusion in the estimation of the Senator from Missouri?

Mr. COCKRELL. It makes this difference, that you confirm all the rest of the grant.

Mr. VAN WYCK. Does it confirm any more than did the forfeiture from Wallula to Portland?

Mr. COCKRELL. It does absolutely confirm it. There can be but one interpretation to it. Let me read it again. Let the Senator just listen, and I do not know the English language if it does not mean that.

The PRESIDENT *pro tempore*. The Senator from Missouri will pause. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. EDMUNDS. I hope the Senator from Missouri will be permitted to conclude the remarks he wished to make before we go on with the other bill.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Missouri will proceed.

Mr. COCKRELL. I simply wanted to read the provision. There can be no misunderstanding of this amendment, and I will read it again so that the Senator from Arkansas [Mr. BERRY] may see exactly what it does mean. There can be no misinterpretation of it. It is too plain:

That all the lands heretofore granted to the Northern Pacific Railroad Company * * * which appertain to and are conterminous with that part of its main and branch lines where the railroad required by said acts has not been constructed and completely finished at the date of the passage of this act, be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to public lands.

Mr. BERRY. Will the Senator from Missouri yield to me?

Mr. COCKRELL. I will yield.

Mr. MANDERSON. I should like to ask the Senator from Missouri a question.

Mr. COCKRELL. I have yielded to the Senator from Arkansas, and I will then hear the Senator from Nebraska.

The PRESIDENT *pro tempore*. The subject-matter has passed away from the consideration of the Senate, the hour of 2 o'clock having arrived.

Mr. COCKRELL. I simply wanted to read the amendment so that it might go in the RECORD, and any one who understands the English language can interpret it.

Mr. BERRY. Does the President of the Senate ask that I can not ask the Senator from Missouri a question?

The PRESIDENT *pro tempore*. The debate is upon the pending bill (S. 1812) relative to taxing railroad land grants, and it is not for the Chair to determine. The bill before the Senate will be again stated by its title.

The CHIEF CLERK. A bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Arkansas has the floor.

Mr. BERRY. This is not the same bill that was under consideration before 2 o'clock?

The PRESIDENT *pro tempore*. No; that has passed from the consideration of the Senate.

Mr. BERRY. I understood that upon the application of the Senator from Vermont [Mr. EDMUNDS] the Senator from Missouri [Mr. COCKRELL] was allowed to complete his remarks, and I proposed to ask him a question during those remarks, which I supposed would be in order.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Arkansas as a matter of courtesy.

Mr. BERRY. I simply desire to ask the Senator from Missouri if he is correct in his statement that in case the bill should pass with the amendment offered by the Senator from Nebraska it would have the effect to confirm to the railroad company all other lands. If the bill passes as reported by the Senator from Oregon without the amendment, will it not have the effect to confirm to the company all other lands than those from Wallula to Portland and the Cascade branch in addition?

Mr. COCKRELL. Not at all.

Mr. BERRY. The bill is to forfeit from Wallula down to Portland. The Senator from Nebraska proposes to forfeit 75 miles of the Cascade branch in addition to those lands. I think myself that if the bill were passed as it came from the committee without the amendment of the Senator from Kentucky [Mr. BECK] it would have the effect to confirm all those lands that have heretofore been earned, and to that I was opposed. I say that if the bill passes without the amendment it not only confirms them, but confirms 75 miles in addition of unearned lands on the Cascade branch upon which the road is not finished to-day. If the Senator from Missouri proposes to support the bill as it was reported by the Senator from Oregon [Mr. DOLPH] without that amendment,

he not only confirms the lands down to Wallula but he confirms 75 miles in addition of unearned land where the road is being built to-day.

Mr. MANDERSON. Before passing from the proposition that was suggested by the Senator from Missouri I should like to call his attention to section 3 of the bill adopted by the action of the Senate yesterday on the motion of the Senator from Kentucky [Mr. BECK] and to call his attention to the fact that that section certainly obviates the difficulty which he suggests. It says:

SEC. 3. That nothing in this act shall be construed to waive or release or in any way affect any right of the United States to have any other lands granted by them to the said railroad company forfeited for any failure of said company to comply with the conditions of the grant.

It seems to me that with that as an additional section to the bill the difficulty suggested by the Senator is certainly obviated.

The PRESIDENT *pro tempore*. Senate bill 1812 being before the Senate, the pending question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. COCKRELL. I should like to have Senate bill 2172 printed with the amendment adopted on motion of the Senator from Kentucky [Mr. BECK] and the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The PRESIDENT *pro tempore*. If there be no objection the bill as amended and the pending amendment will be printed.

Mr. EDMUNDS. It is not to be taken out of the Senate so that it can not be taken up if we wish.

Mr. COCKRELL. No, not as a matter of course, but it can be printed before the next meeting of the Senate.

Mr. EDMUNDS. But I do not wish the order to print to be made in such a way that the bill which has now been passed over by the expiration of the morning hour can not be disposed of to-day if there is time. I do not say that I shall want to do that, but I do not wish to have the Senate lose possession of it by the order to print.

Mr. COCKRELL. Nor do I; but I think that it can be printed before we shall have an opportunity to resume its consideration.

Mr. EDMUNDS. It may be.

Mr. SAULSBURY. I wish to submit an amendment to the bill to be printed.

Mr. MITCHELL, of Oregon. Before the bill passes from the consideration of the Senate I desire to offer an amendment, that it may be printed along with the bill as it stands now.

The PRESIDENT *pro tempore*. If there be no objection the order to print will include the amendment proposed by the Senator from Oregon.

Mr. COCKRELL. And also the amendment of the Senator from Louisiana [Mr. EUSTIS].

Mr. SAULSBURY. I desire to offer an amendment to the bill.

Mr. MITCHELL, of Oregon. I have not yet yielded the floor. I ask that my amendment be read.

The PRESIDENT *pro tempore*. The bill is not before the Senate, but the amendment will be read if there be no objection. The Senator from Oregon proposes an amendment to the bill which was under consideration at 2 o'clock, which will be read.

The CHIEF CLERK. In section 2, line 13, after the word "line," strike out all down to and including the words "eighteen hundred and eighty," in line 18, as follows:

Designated as the terminal limits of the earned portion of said grant easterly from said Wallula Junction by letter of the Commissioner of the General Land Office to the officers of the local land office at Walla Walla, Wash., dated November 17, 1880.

And insert in lieu thereof:

Known as the Harrison line, being a line drawn from Walla Walla, Wash., easterly to the southwest corner of the southeast quarter of the southeast quarter of section 5, in township 7 north, of range 38 east of Willamette meridian.

So as to read:

Provided, That if it shall be found that any lands so resumed by the United States and restored to the public domain lie north of the line known as the Harrison line, being a line drawn from Walla Walla, Wash., easterly to the southwest corner of the southeast quarter of the southeast quarter of section 5, in township 7 north, of range 38 east of Willamette meridian, all persons, or their heirs or assigns, as the case may be, who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to January 1, 1886, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with or license from said company, executed in good faith, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, &c.

Mr. MITCHELL, of Oregon. The only object of the amendment is to make plain a description; that is all.

Mr. SAULSBURY. Before the bill passes from the consideration of the Senate I have an amendment which I desire to offer, that it may be printed. I ask that it be read and printed.

The PRESIDENT *pro tempore*. The amendment will be read if there be no objection. The bill having passed from the consideration of the Senate at 2 o'clock, it is not before the Senate. However, the amendment will be read.

Mr. SAULSBURY. The amendment I propose is to be added to the last section which was adopted yesterday.

The CHIEF CLERK. It is proposed to add to section 3 the following proviso:

Provided, That no patent shall hereafter be issued for any land included in any grant of lands to aid in the construction of any railroad which at any time has

been liable to forfeiture for failure to comply in the time specified with the terms of the grant until Congress shall authorize the issuing of such patent.

The PRESIDENT *pro tempore*. The order to print will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had appointed Mr. T. M. NORWOOD of Georgia, Mr. C. B. LORE of Delaware, and Mr. A. C. HARMER of Pennsylvania Visitors on the part of the House to the Naval Academy at Annapolis, Md., under the provisions of the act of February 15, 1879.

The message also announced that the House had passed a joint resolution (H. Res. 174) authorizing the printing of 25,000 copies of the report of the National Board of Health for the year 1885; in which it requested the concurrence of the Senate.

TAXATION OF RAILROAD-GRANT LANDS.

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, the pending question being on the amendment proposed by Mr. HOAR to add:

That not more than 640 acres of the lands sold under the provisions of this act shall be purchased by any one person, or shall thereafter be acquired or owned or held in trust for any one person; and any title or interest acquired in violation hereof shall be forfeited to the United States, without any act of entry or other process whatever.

Mr. EDMUNDS rose.

Mr. DOLPH. I should be very glad to yield to the Senator from Vermont, but when the bill was last under consideration I yielded the floor to allow the Chinese treaty bill to be brought before the Senate.

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

Mr. DOLPH. I am very glad to yield the floor to the Senator from Vermont.

Mr. EDMUNDS. I beg to thank the Senator from Oregon. I wish to speak to the pending bill as illustrating the bill that has just passed away from the consideration of the Senate. I wish to call the attention of my brother Senators to the circumstance that a bill considered by a committee and reported by that committee, by a majority (I do not know whether it was unanimous or not, probably not), which proposes to forfeit 200 miles or more of a land grant in the rich valley of the Columbia, in respect to which probably all Senators would agree that it ought to be forfeited, has been by a yea-and-nay vote (if I may use such a phrase now) bedeviled, as if we were all employed by a railroad company to bedevil it and do nothing at all by the propositions of amendments and insisting upon considering them, that raise open and difficult and disturbing questions, which our former experience has shown are not likely to be decided in the six weeks that are probably yet left for the action of Congress at this session.

I wish to have the people of Washington Territory and the people of Oregon and the people of New York and the rest of the United States take notice of the proceedings this day, and to see whether they would not fairly suppose that the railroad corporation which does not wish to forfeit this Columbia grant had somehow or other been enabled to bias and hoodwink and mislead the minds of Senators so as to add things which are debatable in order to prevent action upon that on which we are all agreed. That is the way the case stands, and I want the people of this country to understand it.

Then I wish to say to my friend from Nebraska [Mr. VAN WYCK], with all his zeal for the public interest, which has misled us into the state we now are, where probably no bill will pass at all to forfeit any lands of the Northern Pacific after this yea-and-nay vote of the Senate, that it is only a little while ago since he himself proposed to the Senate to give out of the funds of the United States (for that is what it amounts to) a subsidy to the Union Pacific Railroad Company to build branches all over Nebraska and around there and to guarantee their bonds—not guarantee by the United States but guarantee by the corporation, on every dollar of whose funds and on every acre of whose lands we have by existing law a mortgage and a lien which is far beyond their value—to take really out of the funds of the United States the means for building railroads in that region, while he is so very sensitive, and justly so, about appropriating any more public lands in general for the building of railroads.

Doubtless my friend from Nebraska can explain his consistency, and with that I have really nothing to do; but I submit it to his consideration as a reason why we ought not to go very fast in denying to the people of Washington Territory this opening to the East out of some sort of public treasure, be it land or money, which it seems to be in his mind so necessary should be given out of the funds and property of the United States for improving the facilities of the Union Pacific Railroad Company in Nebraska.

I am not addressing this to my friend from Nebraska in the personal sense, but in the public sense, that if it be a good thing and a necessary thing for the public interest in Nebraska that what are really the funds of the United States shall be expended by the Union Pacific to build branches, &c., might it not be proper to extend facilities to the

people of Washington Territory in the way of giving to this company power to finish building their road across to Puget Sound by the use of the mountain lands in a region where the people of Washington Territory and where the people on the whole line of the continent from Puget Sound to New York harbor are interested in building up and finishing this line of intercommunication?

Mr. VAN WYCK. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. DOLPH] has the floor.

Mr. VAN WYCK. Will the Senator from Oregon yield to me?

Mr. DOLPH. If the Senator proposes to make a speech I prefer to finish mine, but if he wishes simply to make an incidental suggestion I shall be glad to yield.

Mr. VAN WYCK. I desire to make a statement in reply to the Senator from Vermont.

Mr. EDMUNDS (to Mr. DOLPH). Oh, yes; let him proceed.

Mr. DOLPH. Very well; I yield.

Mr. VAN WYCK. The Senator from Vermont appears somewhat solicitous lest the public at large shall suppose that we are all in the employ of the railroad corporations, as I understand the Senator.

Mr. EDMUNDS. Oh, no.

Mr. VAN WYCK. He is solicitous enough on that point to make the suggestion that we had so bedeviled the bill that the people would think we were all in the employ of the railroads. That, I think, was the language.

Mr. EDMUNDS. No.

Mr. VAN WYCK. We will appeal to the RECORD in the morning and see how near I am to the Senator's language. I do not think the people will make any mistake about that.

Mr. EDMUNDS. They do not generally make mistakes, at least not more than six years at a time.

Mr. VAN WYCK. No. They probably can draw the line of distinction between who are and who are not in the employ of railroad companies. They will be able to do that doubtless.

I do not know how the Senate has bedeviled the bill which the Senator so eloquently alludes to. The Senate in its independence of action has seen fit to make suggestions and amendments of which the Senator from Vermont did not approve; that is true; but it does not necessarily follow that it is a bedeviling of the bill because the Senator from Vermont did not vote for the amendments. I do not know that the Senate should be characterized as bedeviling the thing because in their judgment they thought it better to extend the provisions of the bill and widen them.

It is perfectly evident from the history of this bill from the time it went into the committee to the time it came out that it was intended to give an advantage to the Northern Pacific Railroad, that it proposed only to forfeit what the Northern Pacific Railroad Company were willing should be forfeited. When the bill went into committee there was given by it a certain number of years for the Northern Pacific to finish their road. When it came out it had not that provision, but the author of the bill, the Senator from Oregon [Mr. DOLPH], refused to vote for the amendment which the Senate did approve, and gave as his reason that it would embarrass the Northern Pacific Railroad if the grant for this 75 miles of unfinished road was taken from it. That was the position of the Senator from Oregon, and he antagonized that amendment. He antagonized it on the ground that it would embarrass the Northern Pacific Railroad, did he not?

Mr. EDMUNDS. No; he says he did not.

Mr. VAN WYCK. Who says he did not?

Mr. EDMUNDS. I understood him to say he did not.

Mr. VAN WYCK. I refer to the senior Senator from Oregon [Mr. DOLPH].

Mr. EDMUNDS. I thought you were speaking of the junior Senator from Oregon [Mr. MITCHELL].

Mr. VAN WYCK. I was speaking of the Senator from Oregon [Mr. DOLPH], the author of the bill. He refused to vote for this amendment relating to the 75 miles because he said it would interfere with the Northern Pacific in constructing its road.

Mr. DOLPH. Who did?

Mr. VAN WYCK. The Senator from Oregon.

Mr. DOLPH. You mean I voted to lay it on the table?

Mr. VAN WYCK. That is the same thing. You opposed the amendment, if you please, and opposed it on that ground. The Senator from Oregon refused his assent to the amendment which the Senate approved on the ground that it would interfere with the completion of the Northern Pacific Railroad in constructing its line.

Mr. DAWES. Where?

Mr. VAN WYCK. On the floor of the Senate. He put it on that ground. Therefore I am justified in saying that the bill as introduced and as conducted here on the floor has been engineered in the interest of the Northern Pacific Railroad.

Mr. DOLPH. If the Senator will yield to me for a moment—

Mr. VAN WYCK. Certainly.

Mr. DOLPH. I will say that the Senator is neither justified in saying that, nor is it the fact; and the Senator ought to know that it is not the fact.

Mr. VAN WYCK. When the Senator from Oregon based his opposition to the amendment on the ground that it would interfere with the Northern Pacific Railroad what other conclusion can be drawn? It is not in the interest of the people, he says.

Mr. DOLPH. The RECORD will show what I said.

Mr. VAN WYCK. You do not deny it?

Mr. DOLPH. I do deny it.

Mr. VAN WYCK. He does not deny what I said.

Mr. DOLPH. The day before yesterday I went on to show how the Canadian Pacific Railroad was contending for the trade of the Pacific, and I thought I suggested a great national reason why the Cascade branch should be constructed. To-day I went on to show that I thought our commercial interests as a nation required it, and I say that the Senator has no authority to draw any such conclusion as he has stated. The bill was not introduced in the interest of the Northern Pacific Railroad Company. If the Senator knows that the Northern Pacific Railroad Company desire a forfeiture of this grant, he knows something that I do not. On the contrary, so far as I have had any communication with any one interested in that road, I know that they want it retained and would like to retain it until they can build that road and earn it. If the Senator will be kind enough to give us the information when they have asked for legislation to forfeit any part of the grant, I should be glad to have him do it.

Mr. VAN WYCK. I will do it cheerfully. The Senator, in addition to what I stated, also said, and that I think he will not controvert, that he did not desire to interfere with the construction of the road by the Northern Pacific.

Mr. DOLPH. Because that is the company constructing the road, of course.

Mr. VAN WYCK. Precisely.

Mr. DOLPH. I did not wish to interfere with the construction.

Mr. VAN WYCK. The Northern Pacific do not want the land on that 75 miles forfeited, and the Senator substantially said so, because it will embarrass them. He said distinctly that the land was worthless to the Government, but yet valuable to the railroad company as a basis of credit—worthless lands valuable to the company as the basis of credit, from which they can obtain money from the issue of bonds and by that means build the road. That is the position of the Senator, because that is what he said. Now he says that the Northern Pacific do not want this forfeiture from Wallula to Portland.

Mr. DOLPH. I did not say any such thing. The Senator may go on and conclude his remarks; but I remind him of the fact that he wanted to reply to the Senator from Vermont when I gave way before I had finished my speech.

Mr. VAN WYCK. I am showing that we are not all attorneys for railroad companies, as the Senator from Vermont would intimate.

Mr. EDMUNDS. No; I did not intimate anything of the kind.

Mr. VAN WYCK. I am sorry I misunderstood the language, then. So he did not intimate that all of us—only a part—

Mr. EDMUNDS. I did not intimate it of a part.

Mr. VAN WYCK. Then of some of us.

Mr. EDMUNDS. Not some.

Mr. VAN WYCK. If the Senator will excuse me, the language will show in the RECORD in the morning.

Mr. EDMUNDS. So it will.

Mr. VAN WYCK. The Senator from Oregon says the Northern Pacific Railroad Company do not desire, or rather, I understand him, it is not agreeable to their wishes that the land from Wallula to Portland shall be forfeited.

Mr. DOLPH. I do not undertake to speak for the Northern Pacific. I say as far as I know anything about it they desire to retain this grant.

Mr. VAN WYCK. They desire to retain the grant. I ask if it is not one of the most remarkable things ever heard of that the Senator from Oregon should introduce a bill to forfeit a portion of their grant that they did not want forfeited, that they should not remonstrate with him about it, that they should not appeal to the committee of this body as they always do, importunately and persistently, when anything is done that they do not want done?

They never fail for attorneys outside of this body to besiege the committee-rooms to make known their wishes; and the fact that the Northern Pacific has not even intimated to the Senators from Oregon that they do not want this forfeiture, that they have not come with eloquent and able attorneys before the committee to proclaim and argue that this thing should not be done, is certainly as good evidence as we need that the Northern Pacific Railroad is assenting to this forfeiture.

Mr. EDMUNDS. If they were willing to forfeit the land, could they not surrender at any time without any legislation at all?

Mr. VAN WYCK. I suppose so, and I look upon this as a surrender of that branch on their part, because they know what is proposed here, and they do not protest against it.

Mr. EDMUNDS. But if they wanted to do it, if I may interrupt my friend—

Mr. VAN WYCK. Certainly.

Mr. EDMUNDS. Could they not just file in the Department of the Interior a surrender and renunciation of any claim to that land? It does not require any legislation to make them do that.

Mr. VAN WYCK. No, not necessarily. Corporations do not always do things as individuals do. They could do that; but is not this really effective here? They make no protest. They concede this. Therefore I say it is in accordance with their wishes that this thing should be done, because the fact that they do not protest, the fact that they give up 200 miles of what the Senator from Oregon says is the best land in Oregon, is good evidence that they do not want it any longer.

Mr. McMILLAN. Are you unwilling to forfeit it because they are willing it should be done?

Mr. VAN WYCK. I want to do it.

Mr. EDMUNDS. I think from their silence they know in point of justice and right it is so clear a case that it must be forfeited. That they do not renounce it, as they could, in the Interior Department today is a fact, and they hope the bill will be so mixed up to do that thing, if it is passed at all, that by and by, when some more hopeful Senators come in, when my friend and I have retired to better and more congenial pursuits, they can probably get the thing fixed so that they will get the land after all.

Mr. MITCHELL, of Oregon. May I ask the Senator from Nebraska a question?

Mr. VAN WYCK. Certainly.

Mr. MITCHELL, of Oregon. Suppose the fact is as stated by the Senator from Nebraska, and I do not know whether it is or not. The Senator will permit me to say, when he speaks about communications with the Northern Pacific Railroad Company, that the Senator from Oregon has no communication with them, so far as I am concerned, and I do not know that my colleague has. But suppose it is a fact that that company is willing to surrender this portion of the grant from Wallula to Portland. I do not know whether it is true or not. My impression is that the company would like to hold on to it if they could. If they had anything to base a claim to it on, I think they would hold on to it until the last day. But suppose it is a fact that they are willing to give it up, whether because they feel they have no ground to stand on or for any other reason—I wish to know of the Senator from Nebraska what objection there is with him, what proper objection can be urged by Congress, to going on and declaring those lands forfeited in reference to which there is no contest, with some such provision as that submitted yesterday by the Senator from Kentucky, that that action shall not be construed as an affirmation of the remainder of the grant, and then after we have done that thing in reference to which there is no controversy, proceed to contest the rest of the company's grant by another bill? What is the objection to that proposition?

Mr. VAN WYCK. The Senator has conceded very properly what I said, that the Northern Pacific Railroad Company had no objection to the forfeiture of this land.

Mr. MITCHELL, of Oregon. I have conceded no such thing.

Mr. EDMUNDS. He said exactly the reverse.

Mr. MITCHELL, of Oregon. I have stated most distinctly, in the first place, that I know nothing about it, as I was not in communication with the Northern Pacific Railroad Company or any of its officers, but that my impression was and my belief now is that it would like to hold on to the grant between Wallula and Portland until the very last day.

Mr. EDMUNDS. And they are likely to do that by this proceeding.

Mr. MITCHELL, of Oregon. As is suggested by the Senator from Vermont, if my friend from Nebraska continues to persist in the position he has taken here and the course he is advocating I think the very great probability is that they will hold on to what they have; for, whatever may be the motives of the Senator from Nebraska, I undertake to say that the effect of his amendment and his position here and of his advocacy to-day is to retain in the hands of the Northern Pacific Railroad Company and under its control some three or four million acres of land in reference to which there is no controversy and which the Senator from Nebraska himself says the company is willing to surrender.

Mr. VAN WYCK. The Senator then, I will say, by inference, taking the whole of his remarks together, concedes that the Northern Pacific do not at this time antagonize the proposition to forfeit the grant from Wallula to Portland.

Mr. MITCHELL, of Oregon. I have conceded no such thing, and I repeat it now for the fourth time that, while I know nothing personally on the subject, my belief is, from my knowledge of the past, that the company are not desirous of relinquishing the lands between Wallula and Portland, but that if they had any ground at all upon which they could stand they would continue to make the claim here and elsewhere and hold on to the land; but that the effect of the course taken by my friend from Nebraska, whatever may be his motives, is to play directly and emphatically into the hands of the Northern Pacific Railroad and against the settlers in Oregon and elsewhere.

Mr. VAN WYCK. That confirms for the fifth time the truth of what I said, because the Senator from Oregon says, if the Northern Pacific believed they had any ground to stand upon they would oppose this legislation. That is all I desire to know in regard to the matter.

Mr. MITCHELL, of Oregon. I understand now, and I have always understood, that the position of the Northern Pacific Railroad Company in reference to this grant as a matter of clean, naked law was

this: By virtue of certain provisions in the charter of the Northern Pacific Railroad Company, in the twentieth section, which was not referred to to-day by the Senator from Missouri [Mr. Vest], they claim that there is no power in the Congress of the United States to declare forfeited any portion of this grant. That I understand has always been their position. I do not agree to it. I do not think it is a position which can be maintained. I have never believed it; I do not believe it now. I think the power of Congress to declare forfeited any portion of the lands adjacent to the line of the road that is not completed is full, ample, and complete; and that we have the right to declare any portion of those lands forfeited for a failure to complete the road.

I say that I have understood heretofore, and I understand now, that the proposition of the company is that whatever Congress might do in the matter of a declaration of forfeiture, even in reference to those lands lying between Wallula and Portland, it would be a mere declaration that amounts to nothing, and that the courts in the end would hold that the action amounted to nothing. I do not believe that, but that is the position of the company. That is all that I desire to say on that point.

Mr. VAN WYCK. Then the Senator knows what the company's views are on one branch of the case.

Mr. MITCHELL, of Oregon. I certainly do.

Mr. VAN WYCK. I am much obliged for that.

Mr. MITCHELL, of Oregon. I have the amplest reasons for knowing. I acted as the attorney of that company for over six years when I had a right to act as its attorney. I know what its views were then, and I have no reason to believe that its managers have ever changed their views upon that question; and I state now to the Senator and I state to the Senate and the country that I do not believe their position in reference to that matter is good law. I think we have a right to declare these lands forfeited in so far as they are adjacent to any line of road along which the railroad has not been completed.

Mr. VAN WYCK. Of course we would expect the Northern Pacific Railroad to entertain the opinion, which railroads entertain generally, that Congress has no such power. That they always maintain, and that we understand.

Mr. MITCHELL, of Oregon. As a general rule.

Mr. VAN WYCK. The Senator is correct about that; but yet it comes back again to the fact, which I think the discussion has elicited, that an attempt to oppose this legislation on the part of the Northern Pacific was baseless and they are not making the attempt to do it. The fact that they are not making the attempt to do it will be conceded everywhere, because both the Senators from Oregon say their attention has not been called by the Northern Pacific Railroad to the injustice, the wrong that is proposed to be done them in forfeiting this land. The Northern Pacific find it baseless, as the Senator says, so baseless that the railroad company have not even called on the Senators from their State, on whom they have a right to call, to interpose against it. They have not sent an attorney before the committee, as the Senator knows.

Mr. DOLPH. I will answer the Senator when he gets through. I yielded to the Senator to reply to the Senator from Vermont, but he can go on and when he gets through I shall answer him.

Mr. VAN WYCK. I am obliged to the Senator from Oregon.

Mr. DOLPH. The Senator has his own ideas of Senatorial courtesy and a good many other things. I want him to go on and conclude, and when he gets through I shall ask to be heard.

Mr. VAN WYCK. I do not know what the Senator means—

Mr. DOLPH. I shall wait until the Senator gets through.

Mr. VAN WYCK. I do not know what the Senator means as to any discourtesy. Does the Senator mean to intimate that I have protracted my remarks too long for the Senator's convenience? If so, I will give way.

Mr. DOLPH. No; go on and finish your speech.

Mr. VAN WYCK. Then I will state, liable and subject to contradiction if I misstate it, that the Northern Pacific Company have sent no attorney to argue their case before the Committee on Public Lands of this body. Every railroad corporation that thinks it has a right which is interfered with or likely to be interfered with by legislation generally overwhelms the committee with attorneys. That my friend knows, and so does every other member of the committee know. They overwhelm them in the committee, and members of the Senate who are not on the committee are importuned in the corridors and other places. The fact that the Northern Pacific Railroad Company have not had sufficient interest to attempt to save three or four million acres of land is evidence that they are assenting, acquiescing; and therefore when we merely forfeit from Wallula to Portland we are doing what they are willing we shall do.

Mr. MITCHELL, of Oregon. Admitting everything the Senator has said, just for the sake of the argument, in order to go further on that point, I wish the Senator to answer the question put to him a few moments ago, what is the objection to going on and declaring forfeited this land in reference to which there is no controversy, the reservation being all the while that the action shall not be construed as affirming the remainder of the grant, and then have a bill introduced and go on and contest the remainder?

Mr. VAN WYCK. That is a very proper inquiry.

Mr. MITCHELL, of Oregon. And I wish an answer to it.

Mr. VAN WYCK. I desire to finish the other branch first.

Mr. MITCHELL, of Oregon. Will the Senator answer now?

Mr. VAN WYCK. I will address myself to the suggestion of the Senator, which is a very proper one, as to what objection there is to forfeiting this land. There is no objection to forfeiting it from Wallula down to Portland. That we insist upon. We claim that it is right; but here is a bill forfeiting certain lands of the Northern Pacific Railroad Company, and some of us think that other lands should be forfeited as much as the lands from Wallula to Portland. We are considering now the question of the forfeiture of the lands of the Northern Pacific. This has been an agitation in Congress for a long time. I think the Senator from Vermont said yesterday that it had been before his committee some three or four years. The question must be met, and let it be met now, as to the forfeiture of the lands of the Northern Pacific. Does the Senator from Oregon think it would be proper at this session to forfeit the lands from Wallula to Portland?

Mr. MITCHELL, of Oregon. I most certainly do.

Mr. VAN WYCK. Then at the next session would come a proposition to forfeit to the point 75 miles on the Cascade branch. Does the Senator think that would be just the thing?

Mr. MITCHELL, of Oregon. I am in favor of doing that at this session if it should be done.

Mr. VAN WYCK. But it should be done, evidently. That is what I insist upon, and I trust you do also. Then the third session we shall come and take the position which my friend from Missouri and I agree about, that the lands should all be forfeited from the 4th day of July, 1879. Would that be a good time to find out about this matter? If we would not be fishing behind the net it is very strange to me. You forfeit from Wallula to Portland now, 200 miles. The next session you forfeit 75 miles on the Cascade branch, and then the third session you come and raise the question of the forfeiture that ought to be made as we think from the 4th day of July, 1879. My friend does not think that could ever be done. Does he not know that it could never be done? What we forfeit at this session of Congress of the Northern Pacific Railroad is all that the American people will ever see forfeited, and no more.

We divide upon that question, and so I stated. The House bill is correct. I offered that as an amendment, but my friends upon this side and some upon the other side, notably the Senator from Missouri [Mr. COCKRELL], insisted that was wrong. He thought there was a great deal of zeal without knowledge. I will say to the Senator from Missouri who spoke to-day that yesterday his colleague thought there was a great deal of zeal in asking that the House bill should be offered here as an amendment, and he said that it was zeal without knowledge. I took the rebuke kindly and acted upon it, as I did the advice of my friend from Vermont, for whom I always entertain the highest respect; and, yielding to the suggestions, I said, "Very well, as it is the desire, I will withdraw the amendment," which I did with the consent of the Senate, and I offered another proposition, to which I supposed Senators on this side would cheerfully assent; and that is what has been read and is now under consideration, that at least we shall forfeit the lands that are not earned up to date.

Mr. MITCHELL, of Oregon. Will the Senator from Nebraska allow me to interrupt him just there?

Mr. VAN WYCK. Certainly.

Mr. MITCHELL, of Oregon. There are evidently three opinions in reference to this grant in Congress. One is that we should go on at once and declare a forfeiture of the lands between Wallula and Portland. Another opinion is that we should go on at once and forfeit all the lands adjacent to that portion of the line of the road that has not been completed. Still a third opinion is that we should pass an act declaring a forfeiture of all the lands adjacent to that portion of the line of road that was not completed in 1879. Those are the three opinions held by different members of the two branches of Congress. What I wish to know of my friend is this: Suppose there are not a majority of either House in favor of the extreme view of forfeiting all lands adjacent to that portion of the road which was not completed in 1879, is that any reason why we should not forfeit all in reference to which there is no controversy?

Mr. VAN WYCK. Not at all.

Mr. MITCHELL, of Oregon. Suppose a majority is not even willing to go so far as to forfeit the lands across the Cascade Mountains, would that be a reason why we should not go on and forfeit those lands about which there is no controversy?

Mr. VAN WYCK. Not at all.

Mr. MITCHELL, of Oregon. Then I fail to see the consistency of the course suggested by the Senator that we must go on and determine the whole business now, when we can throw some three or four million acres of land open to settlers along the line of the road without delay and contest the remainder of the controversy not at the next session or the next year but at the present session.

Mr. VAN WYCK. I will in a few words try to explain my position to the Senator from Oregon. He stated the position correctly. I am one of those who believe with the Senator from Missouri [Mr. VEST] and many others that the forfeiture should date at the expiration of the time fixed in the charter for the completion of the road, and that

the forfeiture should commence on the 4th day of July, 1879. My vote will always be to accomplish that end; but it is perfectly evident that a majority of the Senate do not agree in that opinion. The other House probably does. Now, what are we to do? I am satisfied from the vote this morning that a majority of the Senate concur in forfeiting the land adjoining the uncompleted road. That is the second proposition, to forfeit the land adjoining the uncompleted road, and the third is to forfeit only from Wallula to Portland.

I agree with the Senators from Missouri and Louisiana that the land should be forfeited from the 4th of July, 1879, for I have always believed it; but if we can not sustain that position I want the next best thing in that direction, and that is to forfeit everything adjoining the uncompleted road. That is what I next desire, and if we can not get that, then we will take all that is left, the land they do not want us to keep for them, from Wallula to Portland. I trust the Senator understands my position on that matter. Is it not consistent?

The only time we shall ever deal with the Northern Pacific Railroad on the question of forfeiture will be at this Congress, if we do anything at all. If we forfeit the land from Wallula to Portland that ends it. In the mean time they will go on and finish the 75 miles. They will only want a year or two to do that. What then? You propose by the passage of this bill to give time for the Northern Pacific to finish those 75 miles of road and get their hands on that land too. That will be the result of it.

I say to my friend from Missouri, while I am with him, that if we delay action here on forfeiting the uncompleted portion, that ends it. We shall never get the lands on the 75 miles if we delay the matter to another Congress. Three years ago when it was found that the differences in the two Houses were irreconcilable, would it not have been better to have forfeited the lands adjoining the uncompleted portion? The longer we delay the solution of this question the more land the corporation will get, until finally it will get it all except from Wallula to Portland. I trust the Senate understands the position.

Mr. VEST. If the Senator from Nebraska will pardon me, the only criticism I make on his amendment is this: He holds, as I understand, like myself, that the forfeiture was perfect on the 4th of July, 1879, as to the whole grant.

Mr. VAN WYCK. I do.

Mr. VEST. Now, his amendment does away with that assumption and that construction of the act of 1864, and says that this forfeiture on these branches shall become effective from the time the bill passes. That gives up our position as to the construction of the act of 1864, and is inconsistent with his support of the House bill.

Mr. VAN WYCK. Except as to the third section proposed as an amendment by the Senator from Kentucky, which provides that the action on this bill shall not interfere with the consideration of questions of forfeiture hereafter.

Mr. VEST. Still the Senator's amendment is not logical or consistent with his other position. If he holds, as he does unquestionably, with myself, that the eighth section of the act of 1864 worked a forfeiture of the whole grant on the 4th day of July, 1879, then it is simply impossible, if you proceed logically, to say that the forfeiture of the grant on the branches, which come under the same original grant, does not become perfect until the time when this bill is passed; it may be next August or it may not be at all.

Mr. VAN WYCK. Let me ask my friend, because we agree in principle on this matter and we desire to get something, suppose it is perfectly evident that this Congress will not pass a forfeiture bill dating from the 4th day of July, 1879; suppose we are satisfied of that fact; what then? Are we to sit down and wait until another year and then come and find the same result? In the mean time the railroad will be building right along and acquiring the land from week to week and month to month. Are we to protract this matter when we find such is inevitably to be the result, and let these gentlemen get the whole of the Cascade lands?

Mr. VEST. In answer to the Senator from Nebraska I will say that I want to do exactly what he wants to do. I want to carry out what I believe to be the irresistible conclusion, the legal conclusion that flows from the eighth section of the act of 1864, and which I understood the Senator from Oregon who last spoke to concur in; but at the same time when that main question comes up I do not want to be confronted with a vote which tells me, "You abandoned that position and you voted for the amendment of the Senator from Nebraska, which said that there was no forfeiture until August, 1886," if the bill passes then.

Mr. VAN WYCK. If my friend will excuse me just a moment right there, the amendment under consideration if adopted secures two things. The forfeiture from Wallula to Portland is right; I shall vote for that. Then the amendment to forfeit the 75 miles on the other end of the Cascade branch is right, and I shall vote for that. That gives us so much more. Then the amendment of the Senator from Louisiana adopting the House proposition, I shall vote for that, each time, going an advance as far as I can. It would not be in any one's mouth I think when we vote for the House bill to say, "You offered an amendment for 75 miles." So I did. I vote upon each proposition to get all I can in this matter. First, I take the land from Wallula to Portland; then I take the 75 miles; and then I shall vote for the third proposi-

tion; and if there be enough in the Senate to carry the third proposition then the Senator from Missouri and myself will feel that the right has prevailed as we understand it.

Mr. MITCHELL, of Oregon. Will the Senator from Nebraska yield to me for a moment?

Mr. VAN WYCK. Certainly.

Mr. MITCHELL, of Oregon. I do not wish the Senator from Missouri to have any misapprehension in regard to my views as to the power of Congress under this grant or in reference to the effect of the failure to complete the road in the time limited. In what I said a moment ago in combating the position as I understand it to be maintained by the company, that there is no power in Congress to declare forfeited any portion of this grant, I did not mean to convey the impression that I believed for a moment that the mere failure upon the part of the company to complete its road within the time was of itself a forfeiture or would of itself justify Congress in declaring a forfeiture of all those lands adjacent to the line of road not completed within the time limited. My own opinion is that the law as stated by the Senator from Missouri a little while before 2 o'clock, when this matter was directly under discussion, can not be maintained. I understand that the position stated by the Senator from Missouri is in direct conflict with what the Supreme Court of the United States has decided in more than one case, and notably decided in the case of *Knevels vs. Van Wyck*, and in other cases, to the effect that a declaration of forfeiture can only take effect upon lands adjacent to the road that is not completed at the time of the declaration.

Mr. VAN WYCK. I trust now I have made myself understood that there is not the inconsistency in my position in this matter which gentlemen would seem to think they have found therein.

This question of the forfeiture of unearned lands ought to find a settlement at some time in the American Congress. For years each political party has placed itself on platforms declaring in favor of the forfeiture of unearned lands, and I would say to my friends from Oregon that I think the people of the State they represent—that portion of them, at least, with whom they are more intimately connected politically—have resolved in favor of the principle of this amendment. The people of Oregon have asked that this much shall be done, that the unearned grant shall be forfeited. The objection the Senators from Oregon both make to my proposition is that I am asking to have forfeited the lands which have not been earned on the line of the Northern Pacific Railroad, and in 1884, two years ago, at the Oregon State convention in Portland—

Mr. MITCHELL, of Oregon. I wish to state that as far as I am concerned—I speak for myself—I am quite indifferent personally whether the lands included in the Senator's amendment are forfeited or not. My principal objection is that I believe the proposition is an embarrassment to the passage of the bill, which I think every Senator ought to vote for.

Mr. VAN WYCK. When we are merely annexing an amendment which the people of Oregon want, how will that embarrass the passage of the bill? Will it embarrass it in the other House? The House insists that this even is not enough; the House insists that the forfeiture should date on the 4th of July, 1879, and you send the bill to the House merely forfeiting from Wallula to Portland, and it is an invitation to that body to dissent from your bill. Then why not throw in a little more and make it more in accord with the sentiment of the House, which must unite with us in whatever legislation we have on the subject? Every Senator knows that if the bill is sent to the other House confined to the land from Wallula to Portland it will never be assented to. Then why go through that sort of performance? Who is to be deceived by that? Who is to be cajoled by that sort of thing? If we know it can not be accomplished in that way, and if we want to make some forfeiture, let us make it better, put on all the unearned lands.

Mr. MITCHELL, of Oregon. If we may properly refer to the other House at all, I hope that House will agree to what we do on the same principle.

Mr. VAN WYCK. Mr. President—

The PRESIDING OFFICER (Mr. HAWLEY in the chair). So little in order has been said since the present occupant of the chair has occupied it that he has felt a delicacy in interfering at all. The bill before the Senate has not been alluded to in the discussion before the Senate the last hour.

Mr. VAN WYCK. What is the bill?

The PRESIDING OFFICER. If the present occupant of the chair received the proper instructions from his predecessor, the bill pending is the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. VAN WYCK. The debate has very close connection with it. I am speaking by unanimous consent and in relation to the same subject-matter. It has so much application to the other bill that it will not be lost, this part of it particularly.

The Oregon State Republican convention, at Portland, in May, 1884—

Mr. MITCHELL, of Oregon. There was a later one than that.

Mr. VAN WYCK. Yes; but I thought I would rather go back to

1884. They have done it every year since, but have never got any nearer a solution of it. They have been importuning Congress and their representatives year by year; so have the national Republican conventions; so have the Democratic national conventions. They are all asking for it.

The Republican State convention in Oregon in May, 1884, declared: Seventh. That all unearned grants to railroads and wagon-roads in this State should be forfeited and opened to settlement by those entitled to the benefit of the land laws of the United States.

There is where I am standing.

Mr. MITCHELL, of Oregon. That is just where I am standing. I am voting to forfeit every foot of land in Oregon.

Mr. VAN WYCK. I am reading from the platform of the Oregon Republican State convention at Portland in May, 1884. Everything seemed harmonious. They say in the seventh resolution, which I will read again:

That all unearned grants to railroads and wagon-roads in this State should be forfeited and opened to settlement by those entitled to the benefit of the land laws of the United States.

If I may be allowed to say so, I am representing in these few remarks and in my amendment that sentiment of the Republican party of Oregon. I am representing that branch of it which wants the railroad grants forfeited. The Senator says the year after they passed the same resolution. They have importuned, are reimportuning, the Senators from Oregon to forfeit all unearned land grants.

Mr. MITCHELL, of Oregon. I call the attention of the Senator to the fact that the Republican convention of the State of Oregon have not said in the resolution just read that they are in favor of forfeiting the lands on the top of the Cascade Mountains in this gap of the Northern Pacific in Washington Territory.

Mr. VAN WYCK. They have said that they want all unearned lands forfeited.

Mr. MITCHELL, of Oregon. In the State.

Mr. VAN WYCK. In the State, of course.

Mr. MITCHELL, of Oregon. These lands are not in the State.

Mr. VAN WYCK. I do not believe the notions of public policy of the Republicans of Oregon on great questions like this are controlled by State lines.

Mr. MITCHELL, of Oregon. Their notions of public policy are all right; but as the Senator from Nebraska quotes a resolution I wish him to put the proper construction on that resolution.

Mr. VAN WYCK. I will. The Republicans of Washington Territory have done the same thing, they have resolved just as their brethren in Oregon resolved, that all unearned land grants should be forfeited. That is not all. When in the fall following they went to the ballot-box, the Republican party of the Territory of Washington, as an expression of their opinion, elected a Republican Delegate to represent them at the other end of the Capitol.

Mr. MITCHELL, of Oregon. A Democrat.

Mr. VAN WYCK. Yes, sir; a Democrat.

Mr. DOLPH. Because the convention had adopted the resolution, I suppose.

Mr. VAN WYCK. They adopted the resolution, and the people were just a trifle afraid that when he got here their Delegate would not act in accordance with the resolution. That sometimes happens. Even my brother Senators here do not stand on the resolution of the Republican party of Oregon. If it is good for Oregon it is good for Washington Territory, and the Republicans of that Territory resolved the same thing, and then in their natural disgust they saw their Oregon Republican friends had been beseeching for this for some time without the success which they desired, and so they thought they would try the other party, and they even selected a Democrat who they knew was in sympathy with them upon this question.

I trust my friend will now concede my consistency in this matter. We want all that we can get and that we think we are entitled to; but if we can not get that I do not propose that we shall linger upon this matter. I do not propose that we shall send a bill to the other House which we know in advance they will not accept, and which will make a difference of opinion which will prevent any legislation and allow the railroads to accomplish all they want by reason of the non-action of Congress.

I desire that this great question shall be settled, and settled now. I do not believe in each party amusing the people by resolutions about what they will do, and then take pains not to do it by shaping bills in such way that it can not be done.

One word more by the courtesy of the Senator from Oregon [Mr. DOLPH] and I will yield the floor. The Senator from Vermont [Mr. EDMUNDS], because this bill had not been fixed as he wanted, was being amended in opposition to his judgment, said it had been bedeviled, and he took occasion to say that the Senator from Nebraska was inconsistent in the bill which he introduced in regard to the Union Pacific Railroad. That makes it necessary for me to say a few words by way of explanation.

We know a great deal about the Union Pacific Railroad; we have heard of it here. For grasping greed of course it has in the past ex-

celled anything on earth. That question may arise when the funding bill comes up, which I suppose the Senator from Vermont thinks to be right. It will be necessary then probably to state more at large the violations of law and the infamous robberies perpetrated by that company under its previous management, which I have heretofore characterized as the greatest criminal of the age.

Mr. DAWES. In what respect?

Mr. VAN WYCK. In 1873 you voted for a law which your colleague draughted, which provided that if any officer of that corporation issued any new stock or bonds or impaired the credit of that company he should be consigned to the penitentiary for not more than two years and pay a penalty of not over \$5,000. Their officers did these acts, and there was not power enough in the Government to grapple with the criminals and consign them to the punishment which the law inflicted.

In violation of this law they enlarged the indebtedness of the Union Pacific. They impoverished the people by extortionate charges, and after they had boomed the stock up to 120 they unloaded on the innocent widows and orphans of Massachusetts. And now we are appealed to in sympathy for the widows and orphans of Massachusetts, and we shall hear a good deal about that matter when we come to consider the funding bill.

But the company's control passed into other hands. The odium was so great that the men who had wrecked it desired some one at the head who had a reputation for honesty, and they selected Mr. Adams. I had believed that from Mr. Adams's known views and from his exposition of these men in his Notes on Erie he would conduct, as far as in him lay, an honest management of that concern. The people had a right to believe in his professions; besides, they knew there was nothing left for any man to steal. The company was a wreck. Nothing remained but the shell.

My objection to the funding bill is that you leave a mountain of debt upon the road from which it can never be extricated, and while you leave that mountain of debt, and propose to continue it nearly a hundred years, you keep the people of the territory traversed by the road in a thralldom and servitude for one hundred years as merciless and grinding as Ireland is subjected to now by the dominion of England.

Mr. PLATT. Mr. President, perhaps in justice to Mr. Adams I ought to put his statement on record here. Mr. Adams testified before the Committee on Interstate Commerce, and, upon a suggestion that there had not been very much reduction of rates west of Chicago, he said:

I think there has. The reductions in rates on the Union Pacific since I have had to do with it have alarmed me, they have been at once so incessant and so heavy.

Senator PLATT. Do you mean rates for through business or for local business? Mr. ADAMS. For all business. Mr. Kimball can answer better than I. But I am under the impression that within the last year and a half all our rates have undergone a reduction of something like 33 per cent.

Mr. KIMBALL. From 25 to 33 per cent., taking the average.

I do not know anything about that; but I think when the Senator made the statement that there had been no reductions I ought to put Mr. Adams's statement on record at the same time.

Mr. VAN WYCK. I will say to my friend in that connection that there may have been some little reduction to competitive points. The Senator from Connecticut discovered that west of the Missouri River about fourfold rates were charged for telegraph and railroad service as east of the Missouri River.

Mr. PLATT. Has not the Legislature of Nebraska reduced passenger rates down to 3 cents a mile where formerly they were as much as 8?

Mr. VAN WYCK. A number of years ago they were 8. I remember when the thing was started, when my friend from Massachusetts [Mr. DAWES] and myself were in the other House, to reduce the passenger rates on the Union Pacific Railroad, and strange as it may appear the proposition carried in the House. They had not the same confidence in the Senate which I suppose my friend from Vermont would intimate they have to-day, and therefore they did not wait for the action of the Senate; they reduced the rates themselves, and they kept reducing down until two or three years ago they were 4 cents a mile. I will say to my friend from Connecticut that the Legislature had been working at them trying to reach their conscience, but they could not until the Legislature finally passed a law reducing the fare to 3 cents. Then they ran an imaginary line through the State of Nebraska, and west of that line allowed the roads to charge 4 cents a mile.

It is not necessary now to discuss this question. It will be more pertinent hereafter. The people living to-day west of the Missouri River are subjected to rates fourfold those east of the Missouri River. With the mountains of debt that you propose to continue for nearly one hundred years there never can be any hope of relief to the people west of the Missouri River. What Mr. Adams has done or can do I do not know. I should like to put the strong hand of the law in this branch and on the Legislature of Nebraska and other Legislatures to see that the rates are properly reduced. But at all events they were in that attitude; they were begging of Congress, they were complaining that under the terms of the act money was properly placed in the Treasury,

but it was drawing so small interest that they said to the people of Kansas and Nebraska and of the Territories, "If we can use this money in the Treasury, if we can make it as secure in the construction of branch railroads, let us do it."

The people of Nebraska desired it; the people of the Territories desired it; and I did draw a bill in which I provided not that the Union Pacific Railroad should build the branches; oh, no, nothing of the kind; I proposed that the Secretary of the Treasury and the Secretary of the Interior and the president of the railroad should form a board; they should construct the roads, and that they should construct them upon the basis of cash, not a dollar of stock nor a dollar of bonds to be issued except upon the basis of the cash cost of the road. And then I provided certain other things in that bill, and that the rate of charges on the Union Pacific system in the State of Nebraska should not exceed the rates east of the Missouri River. I should very much like to see the Government build roads on that basis.

Mr. PLUMB. Why not allow some other company to build a railroad? Why limit the investment of the Government money to something which is in favor of the Union Pacific Railroad Company? Why not extend it to the Atchison, Topeka and Santa Fé, and to the Burlington and Missouri River, and so on?

Mr. VAN WYCK. If the Burlington and Missouri River Company, or the Atchison, Topeka and Santa Fé Company have any of their money in the Treasury of the United States, put there for the purpose of paying a debt due the United States in the future and it is only drawing 2 per cent. interest, and we may use it to build a branch railroad which will be honestly administered, certainly let it be done.

Mr. PLUMB. Does the money in the Treasury belong to the Union Pacific?

Mr. VAN WYCK. It is there to pay the debt of the Union Pacific.

Mr. PLUMB. What debt?

Mr. VAN WYCK. Its debt to the United States.

Mr. PLUMB. Then it is money of the Government.

Mr. VAN WYCK. Money of the Government for the sinking fund, kept there to respond to the debt to the United States when it becomes due. The money is not placed there to be appropriated at once upon the debt due by the railroad company, but it is placed there to take up the debt when it becomes due as far as it will go. If that money can be invested honestly to benefit the people of Kansas and Nebraska and Colorado and the Territories and produce a larger return in revenue than is derived from the interest on the bonds, then certainly there should be no objection from any source to using it as I have proposed.

Mr. PLUMB. All I wanted, inasmuch as the Senator was giving a direction to this discussion, was that he should state why it is that he is not willing to take money out of the Treasury to construct other railroads as well as railroads that benefit the Union Pacific. There are other railroads in the State of Nebraska, and the Union Pacific only forms a small part of the system in Kansas. I want to see if we can not get all the people in the condition of being benefited out of the public Treasury.

Mr. VAN WYCK. I stated to the Senator from Kansas the reason of that. The Union Pacific Railroad is a debtor to the Government for a large amount.

Mr. PLUMB. Why allow the Union Pacific to build railroads out of Government money and not allow other people who pay their taxes to do it as well?

Mr. VAN WYCK. For the reason that under legislation of Congress you have placed a condition from which it never can be extricated. You now propose to extend this mountain of debt one hundred years.

Mr. PLUMB. Does the Senator favor that?

Mr. VAN WYCK. I do not, by any means.

Mr. EDMUNDS. You ought to have them spend all the money they have now.

Mr. VAN WYCK. No, not all of it. Your system will probably be to wind them up in the end, but this money is placed in the Treasury, properly placed there, to respond to the debt when it becomes due; the money is paid by this company for this purpose. Now you want to save this road; that is, you talk, the Judiciary Committee have talked, that they want to save the Government debt; they say they want to save the road from bankruptcy. That is their plea. Therefore it is that they propose to extend the debt seventy-five or one hundred years, from which there can be no escape. That they say is good policy; that is statesmanship, they say, to save the Government debt. Well they have said, and very properly, that a certain per cent. should be placed in the Treasury as a sinking fund to pay the debt when it becomes due. It will not be paid to the Government until the debt becomes due. It lies there to the credit of the Union Pacific Railroad for this purpose. It draws 2 or 3 per cent.

Now, if the Government can be made as secure by the construction of branch roads which are not to be built by the Union Pacific Railroad, but by the Secretary of the Treasury, the Secretary of the Interior, and the president of the road, why not? The proposition is that they shall construct them upon certain principles based on honest construction. We have been denouncing the system of stock-watering, which is the one cause of our financial troubles to-day, and that bill proposes as a basis that no stock or bonds shall be issued except upon the

actual cost of building. Now you seek, you say, to save the Union Pacific from bankruptcy. They are circumvented on the north and on the south by rival lines, and their territory is invaded and cut off, and unless they have the power to protect themselves by the construction of branches then other railroads must of necessity despoil them by taking away business from the territory which is naturally tributary to them, and what then? That is the attitude, and the people of all that section of country desire it, and in accordance with their wishes I introduced the bill to protect the Government and protect the people by providing that hereafter on the Union Pacific system they should charge no more than the roads between the Missouri River and Chicago.

Mr. EDMUNDS. How does it protect the Government—if I may interrupt the Senator—that we take out of the Treasury (for that is what it comes to) a couple of millions of dollars to build railroads for the Union Pacific Railroad Company? We guaranteed bonds which are precedent to all the liens of the United States. How does my friend call that a protection of interests of the United States?

Mr. VAN WYCK. What precedence have they of the lien of the United States?

Mr. EDMUNDS. The bonds have been issued and are guaranteed.

Mr. VAN WYCK. No; I beg the Senator's pardon. These bonds are no lien except on the branches they build. That is all.

Mr. EDMUNDS. But for those branches as far as the money goes it is taken from the Treasury, for that is what it is. These bonds are then lapped on as a mortgage, which overwhelms that much and gives to a mortgage bondholder the right to take those lines as against the United States who put in the bottom money.

Mr. VAN WYCK. I beg my friend's pardon. It is not proposed to first build the branch roads with the money in the Treasury and then put stock and bonds on them, as they have been in the habit of doing, to an equal amount. Oh, no; my friend misunderstands entirely.

Mr. EDMUNDS. As little as I know, I think I can read.

Mr. VAN WYCK. I trust my friend will. I trust he will not only read, but see exactly that it is not proposed to build these roads by the Government money and then put stock and bonds on them. Oh, no.

Mr. DOLPH. Will the Senator from Nebraska yield a moment, as he is speaking in my time?

Mr. VAN WYCK. Certainly.

Mr. DOLPH. I suppose the Union Pacific Company desires the legislation proposed by the bill of which he is speaking?

Mr. VAN WYCK. They do.

Mr. DOLPH. In so far the Senator from Nebraska represents the wishes of the Union Pacific Company?

Mr. VAN WYCK. I do.

Mr. DOLPH. I think that would be the certain inference.

Mr. VAN WYCK. Oh, yes; I answer, without any circumlocution, the Union Pacific Railroad Company do desire it, the people of Nebraska desire it, the people of Wyoming desire it, and a portion of the people of Kansas desire it. I am sure now the Senator is answered. It happens at this time that the Union Pacific Railroad Company, driven to the wall as they are, have taken the people a little into their confidence. They are for the first time counseling and advising with the people of Nebraska as to whether they can not—

Mr. MITCHELL, of Oregon. They seem to have taken the Senators from that State into their confidence.

Mr. VAN WYCK. Yes, the Senators of that State listen very heartily to the wishes of their constituents, the people, and if the railroad company happens to be in accord with the people they do not resist on that account. Men who have believed with me have been charged with antagonizing railroads.

Mr. EDMUNDS. I have not heard of that.

Mr. VAN WYCK. Then my friend does not read. I think the proposition is very plain. My friend misunderstands it entirely. If these branch roads are to be built with the money in the Treasury, there will be no stock and bonds.

Mr. EDMUNDS. I should like to have in Vermont several railroads built out of the Treasury at not to exceed the cash cost.

Mr. VAN WYCK. I think the citizens of Vermont have been building too many railroads in Western States.

Mr. EDMUNDS. You want still more.

Mr. VAN WYCK. Yes; I do. But I would like to get them where the hand of Vermont is not on them. I would like to get them where the capitalists of the East will not seek to wring out from the hardy laborers of the West the last dollar besides actual subsistence, as England does on the ryots in India. If the General Government would build a few roads and not have them stocked and bonded for three times the cost, and then have New England and New York demand that the people who are required to transport over them should pay interest and dividends on three times the money actually invested, it would be well.

Mr. EDMUNDS. And yet my distinguished friend, so eager for the interests of Nebraska and its people, while he is willing to take the money of Vermont—Vermont has not any money in any of these roads, for we are a poor people and have no money at all—to take the money of New England (for there is money there that has been earned by labor and is labor in form of accumulated labor) to build roads in Nebraska, will not let the people in Washington Territory have a road

built to Puget Sound to connect them with New York city at an expense of a little public land of the United States. If he can only get the money of New England to build his road, that is very well; but to take the mountain land on the Cascade range is quite another thing.

Mr. VAN WYCK. My friend is mistaken there again. It is New England, and I think Vermont especially, that is very heavily embarked in the Northern Pacific Railroad. I think a Vermont man was president of the company.

Mr. EDMUNDS. A man born in Vermont, as many other good people have been.

Mr. VAN WYCK. The president of the Northern Pacific Railroad was from Vermont, and of course, being a man of large capital, obtained from great labor, as the Senator says, Vermont gathered around him other Vermont capitalists. There is a large Vermont interest in the Northern Pacific Railroad, and "that is what is the matter."

Mr. EDMUNDS. How does that touch the Cascade question?

Mr. VAN WYCK. I will tell you. We gave this munificent donation of land to the Northern Pacific, and Vermont capital was furnished to build the road at a certain time. They did not put a dollar in until they could borrow it. They sold their bonds, and then instead of building railroads they came to Congress and asked an additional law three or four years after their act of incorporation, and they had not thrown a shovelful of dirt; the Vermont capitalists came and asked Congress to allow them to mortgage the road. They got what they asked, as railroads did at that time. In a year or two they came back and said they could not borrow any money on that, that they wanted the law changed, and the law then passed was that they might mortgage not only their road but all their property, even their franchise.

Mr. EDMUNDS. I do not wish to interrupt the beauty of my friend's discourse, but if it does not disturb him I should like to ask whether he is informed that what he has just said is true, that any Vermont man ever had the slightest interest in the Northern Pacific Railroad Company until Pennsylvania and a good many other people, having been presidents and directors, had failed to build it? It was five or six or eight or ten years, so far as I know, without any Vermont man ever being interested in it at all, and then the Vermont man is a New Yorker, who went from Vermont to California, a most eminent and honorable man, who has devoted his energies to building a highway for the benefit of all the people of the United States from Minnesota to Puget Sound, and which the Senator from Nebraska is now trying to prevent his accomplishing by undertaking to cut off in the heart of these mountains, when everything else is done, a proposed right to some mountain land. That is what the truth is.

Mr. VAN WYCK. Just when the friend of the Senator from Vermont took control of this road I do not know. I knew there was a Vermont man in the presidency of the road for some time.

Mr. EDMUNDS. I think there is now.

Mr. VAN WYCK. I understood him to say before that Vermont men did not own railroads.

Mr. EDMUNDS. But he got his money in California and New York.

Mr. VAN WYCK. What I was stating was that in 1864 they had the charter with all this immense donation of land for a road to be constructed in a certain time. In 1869 the company came to Congress and asked that it might be allowed to place a mortgage on its railroad and its telegraph lines. Up to 1869 I think there had not been any work done upon the road—five years. Then in 1870 they came and asked to put a mortgage on all property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise as a corporation. That was in 1870. The company was organized in 1864. In 1870 they had done nothing. They got all the authority they wanted from Congress and then they proceeded. They were able when they got that power to borrow some money by mortgage and then they borrowed the money. Then they passed the time for the completion of the road. They passed years and years beyond.

This land was given to the Northern Pacific on the ground that their road would benefit the remaining land and that the benefit to the Government from this donation would be the enhancement of its other property by building the road; but they delayed building the road for reasons best known to themselves, so that it was not completed until the land had become valuable. I think there would be no injustice even now in saying to this railroad company, "Half the grant at the completion of your road is worth more than the whole would have been had you completed the road within the lifetime of the grant."

Mr. EDMUNDS. How much would it have been worth if the road had not been built at all?

Mr. VAN WYCK. If the Northern Pacific Company had not hedged themselves and surrounded themselves by this immense grant, if we had held it back seven or eight years later, this Government would not have been required to give a donation equal in amount to the one we did give. We gave it because the country was a wilderness.

Mr. EDMUNDS. It would not be required to give any at all, probably.

Mr. VAN WYCK. The American citizen went in advance of the road.

Mr. EDMUNDS. And would not that be true in the great and grow-

ing State of Nebraska, which through her Senator is now asking Congress to help build railroads there? Would not that be equally true there?

Mr. VAN WYCK. I will come to that in a moment.

Mr. PLUMB. I should like to call attention to what is the very deliberate expression of the Senator's opinion about how railroads should be built as embraced in Senate bill 2395, introduced by him on the 10th of May, 1886; and for the purpose of giving an additional text for him to speak from I will read this bill to the Senate, that we may have the benefit of his mature judgment:

Mr. VAN WYCK introduced the following bill; which was read twice, and referred to the Committee on the Judiciary:

A bill to authorize and empower the Union Pacific Railroad to construct branch roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Union Pacific Railway Company is hereby authorized and empowered, for the purpose of constructing branch lines, feeders, and extensions to enable it to secure and hold the traffic and business naturally tributary thereto—

Nothing is said here about the benefit to the people to be derived from it!—

to organize or cause to be organized railway companies under the laws of the several States and Territories into and through which it may desire to build and operate such branch lines and to extend such feeders and extensions, and to aid such companies so organized, and companies heretofore organized for that purpose, and their successors, by subscription to the capital stock, and to guarantee the first-mortgage bonds of said companies—

At this point comes in what the Senator has said about watered stock and overissue of bonds. I desire to have the Senate observe just what he thinks is a protection against evils of that kind:

Provided, however, That such subscription and guarantee of first-mortgage bonds—

That is to say, what the Union Pacific shall issue of their mortgage bonds—

shall in no case or under any circumstances exceed the actual cash cost of the roads of said companies—

But it will be observed they may sell all the balance of the stock and all the balance of the bonds to anybody else—

And provided further—

And there is no limit as to the rate of interest the bonds shall bear. They may bear 12, 15, 20, or 50 per cent. if they choose; but the point is that there is no limitation on the amount of bonds, and no limitation on the amount which the Union Pacific may guarantee.

And provided further, That this act shall not authorize the guarantee of any first-mortgage bonds issued prior to the approval thereof. And said Union Pacific Railway Company is hereby authorized and empowered to operate and control the roads of said companies so aided or built as aforesaid, and their successors, either by purchase or lease thereof; but in no case and under no circumstances shall such roads be purchased or leased by said Union Pacific Railway Company except upon the basis of the actual cash cost thereof.

That is a very fine expression, "basis," but whatever that may mean there is no limitation as to the amount to be paid. You may call "basis" \$10,000, \$12,000, \$15,000 a mile; you may make it 50 per cent. of the stock and bonds guaranteed.

And provided further, That such aid by guarantee and subscription shall not be furnished and such lease or purchase shall not be valid until the same shall have been ratified by two-thirds of the stockholders of the said railway companies.

There is some other milk in this very fruitful coconut. Section 2 is as follows:

SEC. 2. That Congress reserves to itself the right to alter, amend, or repeal this act when the public interest shall require it; but such repeal shall not affect the validity of any action taken under the power of this act prior to such repeal.

In other words, those companies may be stocked and bonded to just as much as the cupidity of the Union Pacific Railroad may induce them to go; and when they have done that, what is the power of Congress to repeal worth? You can shut the door after everything is stolen, but you can not touch or in any wise impinge upon a single proceeding that has taken place prior to that time. I do not speak of this to complain of it, but I want to have my friend from Nebraska, while he is roaming all over this great field of railroad stock—watering and excessive mortgaging, and so on—take into consideration this little measure that he has offered to the Senate, and while he is scuffling everybody else and denouncing railroads and railroad people and the things they have done to take up a few of the things that have been going on since he came into public life and give the Senate the benefit of his opinion about them.

Mr. VAN WYCK. I am obliged to my friend for calling attention to this bill. I am very happy for it, because I want attention to the matter and I trust the Judiciary Committee will see to it. I took especial pains to refer the bill to the Judiciary Committee. I knew the distinguished Senator from Vermont was chairman, and I wanted it referred to that committee so as to be sure when it came out that it would come out all right.

Mr. PLUMB. The Senator was not concerned about how it went in.

Mr. VAN WYCK. No matter so it comes out right. Could I pay a greater compliment to the ability and integrity of my distinguished

friend from Vermont? I desired the severe action of his ability on this matter, and so I put the bill in his charge, which would be a guarantee to the people that it would be in all things correct.

Referring to a suggestion from the Senator from Vermont, Mr. VAN WYCK said: I think there is a ponderosity enough in the Senator mentally and physically to check the momentum.

Mr. EDMUNDS. Not at all.

For years upon years there has been a black belt in Oregon and Washington Territory, 120 miles wide, from which the settlers had no protection until the people of Oregon, our Republican brethren in Oregon, the resolution from whose platform I read, and our Republican brethren in Washington have been stretching forth their hands to us and beseeching us that we would forfeit these unearned lands. We have not done it, but we are trying to do it.

Mr. EDMUNDS. Trying not to do it, I think.

Mr. VAN WYCK. The Senate will excuse me from going into the argument, because it is just what we are trying to do.

Now as to the Union Pacific, my friend referred to it as a bill to take money out of the Treasury. He says the bill is to allow them to take the money from the sinking fund. The Government is to construct these branch roads; the Government owns them and holds them, giving only to the Union Pacific Company the right to the use of them, and from that right of use to raise a revenue to help extinguish their debt.

We have been told here, and it will be told to you when the funding bill is under discussion by the Senator from Vermont probably and by the Judiciary Committee, that we must adopt the funding bill. Why? Because the Government does not own the branches already built, and it will be in the power of the company to strip the stem of the Union Pacific of the great branches now completed, and therefore we ought to do this in order that the Government may have some claim on the branches. By my bill the branches to be built will be under the control of the Government.

The Union Pacific Company and the people found that they would be benefited by the construction of additional branch roads; but latterly, when appealed to, the company said: "No; our credit can not be used under the act of 1873; our money is tied up in the Treasury." But the people of Nebraska thought it best, and I introduced a bill such as the Senator from Kansas has read, and I had it referred to a committee; and that bill authorizes not the taking of money out of the Treasury, but that they may be allowed to use their credit. The act of 1873, to which I have before referred, said that the railroad company should not use its credit in any way except by permission of Congress. They merely come in under the act of 1873 and ask Congress to allow them to use their credit. The bill was introduced with the view of allowing the corporation to use its credit and, as any other railroad corporation can, to borrow money; but the bill expressly protects the Government and protects the people by providing that under no circumstances shall the road be stocked or bonded or leased or purchased except on the basis of the actual cash cost of the road.

Mr. PLUMB. Read the bill.

Mr. VAN WYCK. The Senator from Kansas has read it more eloquently than I could have done, and I am content with his reading. It shall not be leased or purchased except upon the basis of the actual cash cost of the road. It will be worth something to get a Congressional declaration that hereafter railroads shall be built upon that basis.

I have now answered all that need be said. I have explained my position, and I certainly have seen no excuse for the attack except that the Senator from Vermont thought it was glaringly inconsistent that a Senator should insist on the forfeiture of all that was due and that at the same time he should be willing to aid a great section of country, not, however, by loaning money or donating lands.

Mr. GEORGE. To whom would the branches belong?

Mr. VAN WYCK. If the branches are built with money in the Treasury they would belong to the Government. If built by the credit of the company they would belong to the company.

I now ask pardon of the Senator from Oregon for occupying so much of his time.

Mr. DOLPH. Mr. President—

Mr. CAMERON. I ask the Senator from Oregon to give way for a motion that the Senate proceed to the consideration of executive business.

Mr. DOLPH. I yield for that purpose, retaining the right to the floor.

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

Mr. DOLPH. I will not yield to another suggestion from the Senator from Nebraska for fear he might make a speech.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After fifty-two minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L.

PRUDEN, one of his secretaries, announced that the President had, on the 27th instant, approved and signed the following acts:

An act (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property;

- An act (S. 823) granting a pension to Capt. Elihu Jones;
- An act (S. 685) granting a pension to Mary Marsh;
- An act (S. 983) granting a pension to Michael Daly;
- An act (S. 1420) granting a pension to William Powell;
- An act (S. 1431) granting a pension to Jane Carr;
- An act (S. 1509) granting a pension to William H. Moore; and
- An act (S. 1539) granting a pension to Eveline Hunt.

J. D. HAWORTH—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table and be printed:

To the Senate:

I hereby return without approval Senate bill 1253, entitled "An act granting a pension to J. D. Haworth."

It is proposed by this bill to grant a pension to the claimant for the alleged loss of sight in one eye and the impairment of the vision of the other.

From the information furnished me, I am convinced that the difficulty alleged by this applicant had its origin in causes existing prior to his enlistment, and that his present condition of disability is not the result of his service in the Army.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 28, 1886.

MRS. ANNIE C. OWEN—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table and be printed:

To the Senate:

I hereby return without approval Senate bill No. 1850, entitled "An act granting a pension to Mrs. Annie C. Owen."

The husband of the claimant was mustered into the service as second lieutenant December 14, 1861, and discharged October 16, 1862. It appears that he died in 1876 from neuralgia of the heart. In 1883, the present claimant filed her application for pension, alleging that her husband received two shell wounds, one in the calf of his left leg and one in his left side, on the 1st day of July, 1862, and claiming that they were in some way connected with the cause of his death.

On the records of his command there is no mention made of either wound; but it does appear that on the 8th day of July, seven days after the date of the alleged wounds, he was granted a leave of absence for thirty days on account, as stated in a medical certificate, of "remittent fever and diarrhea." A medical certificate, dated August 5, 1862, while absent on leave, represents him to be at that time suffering from "chronic bronchitis and acute dysentery."

The application made for pension by the widow was rejected by the Pension Bureau February 1, 1886.

There is nothing before me showing that the husband of the claimant ever filed an application for pension, though he lived nearly fourteen years after his discharge; and his widow's claim was not made until twenty-one years after the alleged wounds, and seven years after the husband's death.

If the information furnished concerning this soldier's service is correct this claim for pension must be based upon a mistake. It is hardly possible that wounds such as are alleged should be received in battle by a second lieutenant and no record made of them; that he should seven days thereafter receive a leave of absence for other sickness with no mention of these wounds, and that a medical certificate should be made (probably with a view of prolonging his leave) stating still other ailments, but silent as to wounds. The further facts that he made no claim for pension and that the claim of his widow was long delayed are worthy of consideration. And if the wounds were received as described there is certainly no necessary connection between them and death fourteen years afterward from neuralgia of the heart.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 21, 1886.

REFERENCE OF VETO MESSAGES.

On motion of Mr. BLAIR, it was

Ordered, That the veto messages of the President of the United States, received by the Senate on the 24th instant on the following bills, be taken from the table and referred to the Committee on Pensions:

- A bill (S. 2186) granting a pension to Louis Melcher;
- A bill (S. 363) granting a pension to Edward Ayers;
- A bill (S. 1857) granting a pension to Dudley B. Branch; and
- A bill (S. 1630) granting a pension to James C. Chandler.

ADJOURNMENT TO TUESDAY.

Mr. MILLER. I move that when the Senate adjourn to-day it adjourn to meet on Tuesday, June 1.

Mr. EDMUNDS called for the yeas and nays, and they were ordered. The Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 31, nays 16; as follows:

YEAS—31.			
Berry,	Fair,	Kenna,	Saulsbury,
Blackburn,	George,	Logan,	Stanford,
Butler,	Gibson,	Manderson,	Vance,
Call,	Gray,	Miller,	Vest,
Cameron,	Harris,	Pugh,	Voorhees,
Cockrell,	Hawley,	Ransom,	Walfhall,
Eustis,	Ingalls,	Riddleberger,	Whitthorne.
Evarts,	Jones of Arkansas,	Sabin,	
NAYS—16.			
Allison,	Dawes,	Mitchell of Oreg.,	Sherman,
Blair,	Edmunds,	Morrill,	Teller,
Bowen,	Hale,	Payne,	Van Wyck,
Conger,	Maxey,	Sawyer,	Wilson of Iowa.

ABSENT—29.

Aldrich,	Dolph,	Jones of Nevada,	Platt,
Beck,	Frye,	Mahone,	Plumb,
Brown,	Gorman,	McMillan,	Sewell,
Camden,	Hampton,	McPherson,	Spooner,
Chace,	Harrison,	Mitchell of Pa.,	Wilson of Md.
Coke,	Hearst,	Morgan,	
Colquitt,	Hoar,	Palmer,	
Cullom,	Jones of Florida,	Pike,	

So the motion was agreed to.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 174) authorizing the printing of 25,000 copies of the report of the National Board of Health for the year 1885 was read twice by its title, and referred to the Committee on Printing.

Mr. ALLISON. I move that the Senate adjourn. The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until Tuesday, June 1, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 28th day of May, 1886.

PROMOTIONS IN THE ARMY.

Second Regiment of Cavalry.

Second Lieut. Lloyd M. Brett, to be first lieutenant, May 4, 1886, *vice* Huntington, deceased.

Fourth Regiment of Cavalry.

First Lieut. Stanton A. Mason, to be captain, April 24, 1886, *vice* Sweeney, retired from active service.

Second Lieut. James B. Erwin, to be first lieutenant, April 24, 1886, *vice* Mason, promoted.

Second Lieut. Hugh J. McGrath, to be first lieutenant, May 26, 1886, *vice* Bellas, retired from active service.

Sixth Regiment of Cavalry.

First Lieut. William Stanton, to be captain, May 21, 1886, *vice* Madden, promoted to the Seventh Cavalry.

Second Lieut. Elon F. Willcox, to be first lieutenant, May 21, 1886, *vice* Stanton, promoted.

Seventh Regiment of Cavalry.

Capt. Daniel Madden, of the Sixth Cavalry, to be major, May 21, 1886, *vice* Merrill, retired from active service.

Twelfth Regiment of Infantry.

First Lieut. George S. Wilson, to be captain, February 12, 1886, *vice* Stacey, deceased.

Second Lieut. Wallis O. Clark, to be first lieutenant, February 12, 1886, *vice* Wilson, promoted.

Second Lieut. Francis J. A. Darr, to be first lieutenant, May 26, 1886, *vice* Kingsbury, retired from active service.

APPRAISER OF MERCHANDISE.

William H. Cleveland, of Michigan, to be appraiser of merchandise in the district of Detroit, in the State of Michigan, in place of F. A. Blades, to be removed.

COMMISSIONER FOR ALASKA.

Adolph Lippman, of Sitka, Alaska, to be a commissioner in and for the district of Alaska, to reside at Juneau City, *vice* Henry States, to be removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 21, 1886.

ATTORNEYS OF THE UNITED STATES.

John E. Carland, of Dakota, to be attorney of the United States for the Territory of Dakota.

George E. Bird, of Maine, to be attorney of the United States for the district of Maine.

RECEIVER OF PUBLIC MONEYS.

J. Massie Martin, of Opelousas, La., to be receiver of public moneys at New Orleans, La.

POSTMASTERS.

John B. Frasher, to be postmaster at Telluride, San Miguel County, Colorado.

William O. Garvin, to be postmaster at Trenton, Grundy County, Missouri.

Frank T. Lynch, to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas.

Charles H. Brown, to be postmaster at Sterling, Rice County, Kansas.

Egbert R. Watson, to be postmaster at Kearney, Buffalo County, Nebraska.

John C. Pennewill, to be postmaster at Dover, Kent County, Delaware, *vice* Andrew Smithers, whose commission expires May 16, 1886.

Frank L. Thayer, to be postmaster at Waterville, Kennebec County, Maine.

Timothy Shaw, jr., to be postmaster at Biddeford, York County, Maine.

Nathaniel A. Swett, to be postmaster at Saccarappa, in the county of Cumberland and State of Maine.

William H. Torry, to be postmaster at Foxborough, Norfolk County, Massachusetts.

Charles N. Perley, to be postmaster at Danvers, Mass.

Hiram Foote, to be postmaster at Amesbury, Mass.

Lemuel L. Keith, to be postmaster at Bridgewater, Plymouth County, Massachusetts.

Theodore H. Fenn, to be postmaster at Lee, Berkshire County, Massachusetts.

William Buttrick, to be postmaster at Concord, Middlesex County, Massachusetts.

George W. Wales, to be postmaster at Randolph, Norfolk County, Massachusetts.

Jeremiah C. Byrnes, to be postmaster at Ware, Hampshire County, Massachusetts.

James J. Oakes, to be postmaster at Southbridge, in the county of Worcester and State of Massachusetts.

Bushnell Danforth, to be postmaster at Williamstown, in the county of Berkshire and State of Massachusetts.

C. W. Howe, to be postmaster at Rochester, in the county of Strafford and State of New Hampshire.

John J. Dudley, to be postmaster at Newport, in the county of Sullivan and State of New Hampshire.

Albert N. Flynn, to be postmaster at Nashua, in the county of Hillsborough and State of New Hampshire.

George W. Crockett, to be postmaster at Concord, in the county of Merrimack and State of New Hampshire.

W. Scott Gillespie, to be postmaster at Kingston, Ulster County, New York.

James F. Elder, to be postmaster at Richmond, Wayne County, Indiana.

Herbert Williams, to be postmaster at North Bend, Dodge County, Nebraska.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

On the 22d of March, 1886, the President nominated to the Senate Herbert Williams to be postmaster at North Bend, Nebr., *vice* Chauncey W. Hyatt, whose removal is proposed.

The official files containing the papers and documents in the case submitted to the committee by the Postmaster-General disclose the fact that Mr. Hyatt's removal was urged on the ground of "offensive partisanship," and the action taken seems to rest wholly on the political and partisan features of the case.

It appears from the papers and documents in the case that Mr. Hyatt is the editor and proprietor of a newspaper published at North Bend. Several copies of his newspaper were filed in support of the application for his removal. Editorial articles tending to illustrate the offensive partisanship of the editor, whose removal from office was requested, and is now proposed, were indicated by pen and pencil lines drawn around them. In the issue of the newspaper of June 17, 1885, the committee found an article indicated as stated, and here copy it at length, namely:

"Democrats are not offensive partisans, as the following incident will prove: A little boy and girl playing in the yard. The girl finds an apple under the tree, and with an exclamation of delight begins to bite it. 'Hold on,' said the boy; 'throw it away; the cholery is comin', and if you eat that apple you will be took sick, an' you can't talk, an' the doctor will come an' give you some bad medicine, an' then you'll die.' The girl throws the apple down, and the boy, snatching it up, begins to eat it. 'Don't,' the girl cries; 'won't it kill you, too?' 'No,' said the boy, munching the fruit; 'it won't kill boys. It's only after little girls.' Boys don't have cholery."

It is not difficult to see the point of this offensive article. "Offensive partisanship" does not apply to Democrats. "It's only after" Republicans. Democrats do not have it. It is evident that Mr. Hyatt can not be a very bad man or an inefficient officer when resort is had to such a course to effect his removal. The fact that he has such a keen appreciation of the true character of the off-paraded reform doctrines of the present times doubtless had no inconsiderable influence in inducing the importunities of the persons who urged his removal.

It appears that the nominee is a person of good character and competent to discharge the duties of the office to which he is nominated. The committee, therefore, recommend that he be confirmed.

Samuel B. Evans, to be postmaster at Ottumwa, in the county of Wapello and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

Samuel B. Evans was nominated December 16, 1885, to be postmaster at Ottumwa, Iowa, *vice* Augustus H. Hamilton, who was suspended during the recess of the Senate.

The committee requested the Postmaster-General to communicate to it the papers on file in his Department relating to the case. This request was complied with, and on examination of the said papers shows that the suspension of Mr. Hamilton was asked for on the grounds of "offensive partisanship." No other charges appear in the files in possession of the committee, nor does it in any other manner appear that anything has been alleged against him tending in any degree to injuriously affect his character or reputation as a man or his efficiency as an officer.

The nominee appears from the files in the case to be a man competent to discharge the duties of the office. The committee therefore report the nomination of Samuel B. Evans to the Senate with a recommendation that it be confirmed.

Executive nominations confirmed by the Senate, May 28, 1886.

CONSUL-GENERAL.

Clarence Ridgley Greathouse, of California, to be consul-general of the United States at Kanagawa.

UNITED STATES MARSHAL.

David C. Fulton, of Wisconsin, to be marshal of the United States for the western district of Wisconsin.

SURVEYOR OF CUSTOMS.

Richard D. Lancaster, of Missouri, to be surveyor of customs for the port of Saint Louis, in the State of Missouri.

REGISTER OF LAND OFFICE.

Hughes East, of Indiana, to be register of the land office at Yankton, Dak.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 28, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATION FOR SIGNAL SERVICE.

The SPEAKER laid before the House a letter from the Secretary of War, with accompanying papers, relative to the omission from the Army appropriation bill of the appropriation for the Signal Service for the next fiscal year; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BURLEIGH, for one week, on account of important business.

To Mr. DINGLEY, until Tuesday next, on account of illness.

To Mr. GROSVENOR, indefinitely, on account of important business.

To Mr. McRAE, for three days, on account of important business.

To Mr. DUNN, for two days, on account of sickness in his family.

DECORATION DAY.

Mr. MORRISON. Mr. Speaker, next Monday will be Decoration Day. In accordance with custom and the proprieties of the occasion I move that when the House adjourns to-morrow it stand adjourned until Tuesday next.

The motion was agreed to.

The SPEAKER proceeded, as the regular order, to call the committees for reports of a private nature.

ADVERSE REPORT.

Mr. MORGAN, from the Committee on Patents, reported back with an adverse recommendation the bill (H. R. 4402) to provide for the extension of letters-patent for an improvement in insulating submarine cables; which was referred to the Private Calendar, and the accompanying report ordered to be printed.

Mr. LEHLBACH, by unanimous consent, obtained leave to file the views of the minority of the committee within ten days.

WALLIS PATTEE.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (S. 2026) granting a pension to Wallis Pattee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE R. McQUAIDE.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1852) granting a pension to Jane R. McQuaide; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISABELLA JESSUP.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1853) granting a pension to Isabella Jessup; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. WEAVER.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1421) granting a pension to William H. Weaver; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CONGER, 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. 8787) granting a pension to William Thurston; and

A bill (H. R. 8764, for the relief of Capt. H. Alfrey.

EMMA J. HALLOWAY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 578) for the relief of Emma J. Hallo-

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

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 474) granting a pension to William B. Baker; which was laid on the table, and the accompanying report ordered to be printed.

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

A bill (H. R. 2046) granting a pension to Henry M. Bossert; and
A bill (H. R. 6582) granting a pension to Daniel Batdorff.

JAMES LONG.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7796) granting a pension to James Long; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY J. HAGERMAN.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2160) granting a pension to Mary J. Hagerman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JESSE CAMPBELL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8150) granting a pension to Jesse Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN P. M'ELROY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2233) granting a pension to John P. McElroy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

POWHATTAN B. SHORT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2163) granting a pension to Powhattan B. Short; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM BRENTANO.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1766) granting a pension to William Brentano; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRIDOLINE GLASTETTER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2132) granting a pension to Fridoline Glastetter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES M'GLYNN.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8474) granting a pension to James McGlynn; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STEPHEN SAUER.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with an amendment of the Senate, and a recommendation that the amendment be concurred in, the bill (H. R. 5038) for the relief of Stephen Sauer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT POTTS.

Mr. PINDAR, from the Committee on Invalid Pensions, reported a bill (H. R. 9119) granting a pension to Robert Potts; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYRA L. WESTON.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8310) granting a pension to Cyra L. Weston; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, 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. 7945) granting a pension to Charles A. Chase; and
A bill (H. R. 8706) granting a pension to George Henderson.

BENJAMIN F. JONES.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (H. R. 1294) for the relief of Benjamin F. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES MILLENGER.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back favorably the bill (H. R. 2036) for the relief of James Millenger; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DEATH OF SENATOR JOHN F. MILLER.

The call of committees for reports having been concluded, the Speaker laid before the House the following resolutions of the Senate:

Resolved, That the Senate has heard with profound sorrow of the death of JOHN F. MILLER, late a Senator from the State of California.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, to enable his associates to pay proper tribute of regard to his high character and distinguished public services.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

Mr. MORROW. Mr. Speaker, I desire to give notice that at some subsequent time I will offer resolutions pertinent to the matter suggested by the resolutions of the Senate just communicated to the House; and now ask unanimous consent that Saturday, the 19th day of June, be set apart for the consideration of such resolutions.

Mr. BEACH. I will ask my friend from California if he will not consent to take an evening session for the consideration of these resolutions?

Mr. MORROW. I could not consent to that, as I do not think it would be a proper observance of such an occasion.

Mr. BEACH. We have now pending very much public business, and I think it is hardly proper to devote a day to the consideration of these resolutions; however, I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I desire to give notice that as soon as the legislative appropriation bill is disposed of I shall ask the House to take up and consider the naval appropriation bill.

Mr. HATCH. I move to dispense with private business for to-day.

Mr. RICHARDSON. Mr. Speaker, I rise to a parliamentary inquiry. On last Friday the House ordered that the vote on House bill No. 5194, to provide for the settlement of the indebtedness of the McMinnville and Manchester Railroad Company, should be taken to-day immediately after the reading of the Journal. What I desire to ask is, if the motion of the gentleman from Missouri shall prevail if that order will be continued, and if the vote can be taken on this bill immediately after the reading of the Journal on next Friday?

The SPEAKER. That part of the order would necessarily fall with the private business for to-day, because it relates to a particular day; and the bill to which the gentleman refers would come up in its regular order on the next Friday, when business reported from the Committee of the Whole is under consideration by the House.

Mr. RANDALL. It will be properly in order on the next day when private bills come up for consideration on reports from the Committee of the Whole.

The SPEAKER. That would be the effect of the adoption of the motion of the gentleman from Missouri.

Mr. RICHARDSON. I ask unanimous consent, then, that the consideration of that bill, or that portion of the special order with reference to it, be continued until next Friday, on which day the vote shall be taken immediately after the reading of the Journal, or before going into Committee of the Whole for the consideration of private business.

Mr. HATCH. Not for consideration, but for its passage.

The SPEAKER. That is consideration; voting upon the bill is consideration.

Mr. DUNHAM. Reserving the right to object, I desire to ask this question: Has the previous question been ordered upon the passage of the bill?

The SPEAKER. The Chair thinks not.

Mr. RICHARDSON. It has not been ordered.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. JOHNSTON, of Indiana. I object.

Mr. HATCH. I insist now on my motion to dispense with private business for to-day.

Mr. O'NEILL, of Pennsylvania. Does that apply to the night session for the consideration of pension bills?

The SPEAKER. It does not.

Mr. O'NEILL, of Pennsylvania. I hope the House will adhere to the private business.

The question was taken; and there were—ayes 90, noes 67.

So the motion was agreed to.

Mr. HATCH. I now move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue.

Mr. HOLMAN. Yesterday I gave notice that the Committee on Appropriations would ask the House this morning to take up for consideration the legislative, executive, and judicial appropriation bill. Since then that committee has considered the subject, and determined that as a general proposition the consideration of general appropriation bills should not be pressed while a public measure is being considered by the House, and will not ask the House to take up the legislative, &c., bill until the bill now being considered is disposed of, but will then press the appropriation bill for immediate consideration. I will not therefore press the motion to-day, but I will ask the House to take it up as soon as the present bill is disposed of.

The question being taken on the motion of Mr. HATCH, there were on a division—ayes 99, noes 30.

So the motion was agreed to.

OLEOMARGARINE.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill H. R. 8328.

If there be no further amendment to the second paragraph of the third section the Clerk will read the third paragraph.

The Clerk read as follows:

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 imposed 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. HAMMOND. Mr. Chairman, I desire to offer an amendment to this paragraph of the section. I move to strike out the proviso to the paragraph.

The CHAIRMAN. The Chair is informed that there is an amendment to the fifteenth line by the gentleman from Virginia to strike out "forty-eight" and insert "twenty-five."

The gentleman from Georgia is recognized to offer an amendment.

Mr. HAMMOND. I submit the amendment I have suggested.

Mr. Chairman, this paragraph of the section adopts various sections of the code which regulate the sales of intoxicating liquors, malt liquors, tobacco, and cigars. Section 3237 of the Revised Statutes declares that the fiscal year in these matters shall commence on the 1st day of May; and that every such business beginning after the 1st day of May shall pay its tax in proportion to the fractional part of the year during which the business shall be in operation.

Now, in the first paragraph we place a tax of \$600 on manufacturers, which means a tax for one year. This proviso declares that if the business be begun after the 30th day of June the manufacturer shall pay \$500 for protection during the year. If it were only one day, he would have to pay \$500. For one week, for one month, for two months, it is all the same—\$500. Now, if this be really a bill to collect revenue, if it be really a bill to put this article under the same regulations as are applied to the other internal-revenue taxes, this proviso as to the \$500 is wrong and the general law that allows the pro rata of the annual tax according to the number of days or months used by the manufacturer is right; and the proviso should be stricken out.

Mr. VAN SCHAICK. I desire to have a telegram read from the Knights of Labor of Milwaukee.

The Clerk read as follows:

MILWAUKEE, WIS., May 27, 1886.

Hon. J. W. VAN SCHAICK, M. C., Washington:

At a meeting to-day of the executive board of Assembly No. 3567, Knights of Labor of Milwaukee, the following resolution was adopted:

"Whereas a bill is pending in Congress to place a tax of 10 cents per pound on oleomargarine or butterine; and

"Whereas the adoption of such a measure would destroy the manufacture of a cheap and wholesome article of food, thus increasing the cost of living:

"Be it hereby resolved, That the executive board of Assembly 3567, Knights of Labor, do most earnestly protest against the adoption of such a bill, and pray Congress to defeat it, believing that this proposed tax is asked simply to further the dairy interests, to the injury of the people at large.

"Resolved, That copies of resolution be sent to our Representatives in Congress."

JAMES J. McNALLY,
Chairman Executive Board.

Mr. GIBSON, of West Virginia. I rise to oppose the amendment. I propose not only to oppose this amendment, but any other amendment to any part of this bill. I regard the whole bill as a fraud, and all amendments as simply aiding to carry out that fraud. It professes

to be a bill in the interest of the farmers, while in fact it is a bill in the interest of a few rascally dairymen around the big cities who notoriously water their milk and make mean and nasty butter for the people. It in no sense helps the butter interest, because it is a known fact butter has been increasing in price for a number of years.

Mr. WHITE, of Minnesota. It is now 16 cents a pound.

Mr. GIBSON, of West Virginia. I can not understand how a Democrat can advocate this bill. I remember having heard the gentleman from Missouri [Mr. HATCH], who seems to be the wet-nurse for this measure, the child of the gentleman from Pennsylvania, on more than one occasion denouncing the protection theory as a system of plunder and demagogery, and yet now we find him the standard-bearer of these plunderers and demagogues whom he has denounced for years. What has become of his Democracy? What has become of the principles he has professed here for years? Is it because some of this plunder is going to his people that all his principles of Democracy have fled from him, and he is willing to become the leader in the advocacy of a measure the most infamous ever introduced into the American Congress?

The gentleman from Missouri has been here session after session denouncing the internal-revenue system as a system of spies and oppression on the people; and now forsooth he wants to perpetuate this system and put the spies around the home of every old woman in the country. [Laughter and applause.] He has talked here of the oppression of the Federal courts, and yet he drags the people from their domestic hearths miles away that he may carry through this monstrous fraud on the American people, and that at the very time when the high price of living is disturbing and destroying all American interests; when the laborers of the country are demanding increased wages that they may live. At such a time these people are legislating to add 10 cents a pound to this article that the overgrown monopolists may fatten upon the oppression of the people. And that comes from a Democrat—a man who has proclaimed himself a free-trader. He comes forward as the advocate of the protection of one industry against another.

That these gentlemen are not honest in their effort to pass this bill is apparent. It is not to promote the health of the people that this measure is urged. We offered amendments here to apply this test to all food and all commodities, but these gentlemen do not want that. They are willing to let a man sell rot-gut whisky under a retail license of \$25 a year. But those who want to sell a healthy food to the poor man to eat must pay \$48. A man may manufacture mean whisky by paying a tax of \$100. But the man who manufactures food for the laborer must pay \$600 a year. The tax in this bill is \$600 for the manufacturer, \$480 for the wholesale dealer, and \$48 for the retail dealer.

You propose to brand this food and make the tax on traffic in it ten times as much as the tax on the traffic in whisky. And yet this is called a Democratic measure, and it is offered here by a Democratic committee and advocated persistently by Democrats.

Why, Mr. Chairman, if I were allowed to tell the names of members of Congress who have told me openly on this floor that they knew this bill was infamous and monstrous, and they ought not to vote for it but they were afraid to vote against it, I would make a revelation that would startle the country and show the people how hollow this mockery is.

Mr. PETTIBONE. Oh, give us the names.

Mr. GIBSON, of West Virginia. I do not propose to do it. [Cries of "Names!" "Names!"]

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. HATCH. Mr. Chairman, I move that the committee do now rise. The question was taken; and the chairman declared that the ayes seemed to have it.

Mr. GIBSON, of West Virginia. Division.

The House divided; and there were—ayes 113, noes 29.

Mr. GIBSON, of West Virginia. No quorum.

The CHAIRMAN. A quorum is not required. The committee determines to rise.

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.

Mr. HATCH. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of bills raising revenue; and pending that motion I move that all debate upon the paragraphs and amendments thereto be limited to one minute.

Mr. HAMMOND. Mr. Speaker, I move to amend by making the time twenty minutes.

Mr. BUTTERWORTH. I move to make it half an hour. I trust the gentleman from Missouri will allow me to make a suggestion. The amendment offered by the gentleman from Georgia and several others offered here are practical, serious amendments, and I think they ought to be considered by this House. I am in favor of the object and purpose of this bill; but I think these amendments ought to be considered with some little deliberation.

Mr. HATCH. Mr. Speaker, I withdraw my motion, and now move that all debate on the pending paragraphs and amendments thereto be limited to ten minutes; and on that I demand the previous question.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] moves that the House now resolve itself into Committee of the Whole on the state of the Union. Pending that, the gentleman moves that all debate upon the paragraph under consideration and amendments thereto be limited to ten minutes, and upon that he demands the previous question.

Mr. HAMMOND. Will the gentleman from Missouri [Mr. HATCH] allow me a suggestion. An attempt was made yesterday to advance this bill by limiting debate from time to time, and the result was that we had only about twenty minutes' debate during the day and made only about six lines progress in the bill. I would like to state to the gentleman—

Mr. HATCH. I demand the regular order.

The SPEAKER. The regular order is called for. The question is on the motion of the gentleman from Missouri.

The House divided on the motion of Mr. HATCH; and there were—ayes 99, noes 30.

Mr. BLANCHARD. No quorum.

Mr. HATCH. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 180, nays 46, not voting 96; as follows:

YEAS—180.

Adams, J. J.	Ermentrout,	Landes,	Sawyer,
Allen, C. H.	Evans,	Le Fevre,	Scott,
Allen, J. M.	Everhart,	Lehbach,	Scranton,
Anderson, J. A.	Farquhar,	Lindsley,	Seney,
Baker,	Felton,	Lore,	Sessions,
Ballentine,	Fisher,	Louttit,	Seymour,
Barksdale,	Fleeger,	Lovering,	Shaw,
Barry,	Ford,	Lowry,	Singleton,
Bayne,	Forney,	Lyman,	Smalls,
Beach,	Frederick,	Matson,	Snyder,
Bland,	Fuller,	McAdoo,	Sowden,
Boutelle,	Gallinger,	McComas,	Springer,
Boyle,	Geddes,	McCreary,	Stahnecker,
Brady,	Glass,	McKenna,	Stephenson,
Breckinridge, WCP.	Green, R. S.	McKinley,	Stewart, J. W.
Brown, T. M.	Green, W. J.	McMillin,	Stone, E. F.
Brown, W. W.	Grout,	Millard,	Stone, W. J., Ky
Buchanan,	Hale,	Milliken,	Storm,
Buck,	Hall,	Moffatt,	Strait,
Bunnell,	Halsell,	Morgan,	Struble,
Burnes,	Harmer,	Morrill,	Swinburne,
Burrows,	Hatch,	Murphy,	Swope,
Caldwell,	Haynes,	Neal,	Tarsney,
Campbell, J. M.	Heard,	Neece,	Taulbee,
Campbell, T. J.	Henderson, D. B.	O'Donnell,	Taylor, E. B.
Cannon,	Henderson, T. J.	O'Ferrall,	Taylor, I. H.
Carleton,	Henley,	Parker,	Taylor, J. M.
Caswell,	Hopburn,	Payne,	Taylor, Zach.
Cobb,	Hiestand,	Peel,	Thomas, O. B.
Collins,	Hill,	Peters,	Thompson,
Comstock,	Hires,	Pettibone,	Townshend,
Conger,	Hiscock,	Pidcock,	Wade,
Cooper,	Hitt,	Pindar,	Wait,
Cowles,	Hohman,	Plumb,	Wakefield,
Cox,	Hopkins,	Price,	Weaver, A. J.
Crisp,	Howard,	Reed, T. B.	Weaver, J. B.
Croxton,	Hudd,	Reid, J. W.	Weber,
Culbertson,	Jackson,	Reese,	West,
Cutcheon,	Jamies,	Richardson,	Wheeler,
Daniel,	Johnson, F. A.	Riggs,	White, A. C.
Davenport,	Johnson, J. T.	Rockwell,	White, Milo
Dorsey,	Johnston, T. D.	Romeis,	Whiting,
Eldredge,	King,	Rowell,	Wilkins,
Elsberry,	Kleiner,	Ryan,	Woodburn,
Ely,	La Follette,	Sadler,	Worthington.

NAYS—46.

Barnes,	Harris,	Mills,	St. Martin,
Bennett,	Hemphill,	Morrison,	Throckmorton,
Bliss,	Herbert,	Negley,	Tillman,
Campbell, Felix	Hewitt,	Oates,	Turner,
Candler,	Jones, J. II.	O'Neill, J. J.	Van Eaton,
Curtin,	Kelley,	Owen,	Van Schaick,
Davidson, R. II. M.	Lanham,	Perry,	Wadsworth,
Dougherty,	Lawler,	Reagan,	Warner, William
Dowdney,	Mahoney,	Sayers,	Willis,
Dunham,	Martin,	Skinner,	Wilson.
Findlay,	Merriman,	Spooner,	
Hammond,	Miller,	Stewart, Charles	

NOT VOTING—96.

Adams, G. E.	Cabell,	Funston,	Ketcham
Aiken,	Campbell, J. E.	Gay,	Laffoon
Anderson, C. M.	Catchings,	Gibson, C. H.	Laird,
Arnold,	Clardy,	Gibson, Eustace	Libbey,
Atkinson,	Clements,	Gillfillan,	Little,
Barbour,	Cole,	Glover,	Long,
Belmont,	Compton,	Goff,	Markham,
Bingham,	Crain,	Grosvenor,	Maybury,
Blanchard,	Dargan,	Guenther,	McRae,
Blount,	Davidson, A. C.	Hanback,	Mitchell,
Bound,	Davis,	Hayden,	Morrow,
Bragg,	Dawson,	Henderson, J. S.	Muller,
Breckinridge, C. R.	Dibble,	Herman,	Nelson,
Brown, C. E.	Dingley,	Holmes,	Norwood,
Brumm,	Dockery,	Houk,	O'Hara,
Burleigh,	Dunn,	Hutton,	O'Neill, Charles
Butterworth,	Eden,	Iron,	Osborne,
Bynum,	Foran,	Jones, J. T.	Outhwaite,

Payson,	Rice,	Symes,	Ward, T. B.
Perkins,	Robertson,	Thomas, J. R.	Warner, A. J.
Phelps,	Rogers,	Trigg,	Wellborn,
Pirce,	Spriggs,	Tucker,	Winans,
Randall,	Steele,	Viele,	Wise,
Ranney,	Stone, W. J., Mo.	Ward, J. H.	Wolford.

Mr. WHEELER. Mr. Speaker, I move to dispense with the reading of the names of members voting.

Mr. GIBSON, of West Virginia. I object.

The following-named members were announced as paired until further notice:

Mr. EDEN with Mr. WAIT.

Mr. HUTTON with Mr. PIRCE.

Mr. GIBSON, of Maryland, with Mr. HAYDEN.

Mr. CLEMENTS with Mr. HOLMES.

Mr. REID, of North Carolina, with Mr. RICE.

Mr. CAMPBELL, of Ohio, with Mr. GUENTHER.

Mr. BYNUM with Mr. MCKENNA.

On political questions:

Mr. FORAN with Mr. LONG.

Mr. ROBERTSON with Mr. ELY.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. WINANS with Mr. HOUK.

Mr. MITCHELL with Mr. GOFF.

Mr. ARNOT with Mr. DAVIS.

Mr. DIBBLE with Mr. LITTLE.

Mr. WARNER, of Ohio, with Mr. GROSVENOR.

The following-named members were announced as paired for this day:

Mr. CABELL with Mr. BUTTERWORTH.

Mr. VIELE with Mr. HANBACK.

Mr. MULLER with Mr. MARKHAM.

Mr. CRAIN with Mr. LIBBEY.

Mr. GROSVENOR with Mr. WARNER, of Ohio.

Mr. LAFFOON with Mr. STONE, of Missouri.

Mr. OUTHWAITE with Mr. FUNSTON.

Mr. ROGERS with Mr. OSBORNE.

Mr. MCRAE and Mr. PERKINS were announced as paired until Tuesday next. If present, Mr. PERKINS would vote for the pending bill; Mr. MCRAE against it.

Mr. DINGLEY and Mr. DUNN were announced as paired until Tuesday next. If present, Mr. DINGLEY would vote for the bill; Mr. DUNN against it.

The following-named members were announced as paired on this vote:

Mr. MORROW with Mr. WISE.

Mr. GLOVER with Mr. HERMAN.

The result of the vote was then announced as above recorded.

Mr. HATCH. Before the question is put, allow me to say I have been notified by the gentleman from Georgia and the gentleman from Ohio that there are one or two sections of the Revised Statutes—probably more—enumerated in this paragraph on which they desire to speak. I therefore ask unanimous consent of the House to amend my proposition so as to limit debate to thirty minutes instead of ten.

Mr. HAMMOND. I desire to say I have made no such request.

Mr. HATCH. I referred to the gentleman's colleague.

Mr. HAMMOND. Allow me to state that I moved to amend this motion so as to allow twenty minutes; a gentleman on the other side moved thirty. I was willing to accept anything in the shape of a modification before the roll was called.

The SPEAKER. The gentleman from Missouri asks unanimous consent to modify his motion by striking out "ten minutes" and inserting "thirty minutes." If there be no objection the motion will be regarded as agreed to in that form.

There was no objection.

The question recurring on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union, the motion was agreed to.

OLEOMARGARINE.

The House accordingly resolved itself into Committee of the Whole (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 pending amendment was to strike out the following proviso at the end of section 3:

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.

The CHAIRMAN. By order of the House, all debate upon this paragraph and amendments thereto is limited to thirty minutes.

Mr. BUTTERWORTH. Mr. Chairman, in discussing this amendment I desire to resume the line of argument I was pursuing when my five minutes expired, a similar amendment being then before the committee. I then stated that if the object of this bill is to regulate a traffic so as to expose a fraud and enable the consumers of this country

to know what they are buying and what they are eating, unjust and extravagant taxation is not needed. Let us bear constantly in mind that if oleomargarine is the thing which it has been described to be by gentlemen who affect to know—if it is of such a character as suggests the presence of trichinae and tape-worms—if it is of such character when known that the gorge rises at the sight of it, then every sensible man on this floor knows perfectly well that it is only necessary for the protection of the producers and consumers of butter that this counterfeit should be offered in the market for what it really is—oleomargarine.

The opposition to this industry grows out of the fact that from its inception this article has been a corsair, a pirate upon the high sea of commerce; that it has not for an hour sailed under its own flag; that you could not trace oleomargarine a hundred yards from the factory, while you could trace butter from the dairy or the cottage or the cabin where it was made to the table of the consumer. By the fraud practiced by those who make and sell it as butter oleomargarine has placed itself under the ban, has been outlawed, and for that reason the incidental benefit which this bill brings and to which I have referred is of great importance.

Is it the proposition of this House to tax oleomargarine simply and only because it can be used as a substitute for butter? There is not a man on this floor who would propose such a thing. There is not a man on this floor who does not know it would be unconstitutional to do so. The country simply asks that oleomargarine shall be retired to its own reservation and that butter may be permitted by force of its excellent qualities to remain upon its own domain.

Now, if on the other hand it is true that oleomargarine is what it is represented to be by manufacturers and dealers, and honorable men tell me that it is a healthful article of food, though I am not clear that the most of it can possibly be such, else it would not parade itself in a disguise—but if it is so, the fact that it will be used as a substitute for butter and become in its own right a competitor with butter in the market is no reason and no excuse for taxing it out of existence. You might as well tax cream gravy and sauces out of existence, because, forsooth, their use limits the use of butter, and therefore necessarily reduces the price.

What, then, is the object, and aside from the revenue the only proper object, of this bill? Simply to see to it that this corsair upon the high sea of commerce shall either be driven from the sea or else shall sail under its own flag, and with that object I am, I repeat, heartily in sympathy. We have no right to demand anything more. If the purpose is to tax this industry only with a view to its destruction, that purpose ought to find no favor upon either side of the House. We are assured upon all sides, however, that there is no other purpose than to see that we as consumers are not daily defrauded and the dairy industry cheated by this counterfeit butter.

I have no sympathy with the suggestion which asserts that we shall not regulate the manufacture and sale of oleomargarine under the revenue power, because forsooth it is the poor man's food. I am poor enough myself; I have many relatives who are poor, many friends who are poor, many constituents who are poor. But none of us are so poor that we have not the humble right to know what we are eating at our tables and what food we are giving our children. None of us are so poor that we are willing to be fed with the offal from the slaughter-houses of this country, as some gentlemen have asserted oleomargarine to be. None of us are so poor in privilege that we dare not demand and insist upon the right to know what we buy in the markets of our country. And we have the right to insist that we shall receive the precise article of food that we buy and pay for. None of us are so poor that we will not insist on our right as free men to tear the mask of hypocrisy from oleomargarine and make it stand for what it is. And we have the equal right to purchase it for what it is, and eat it knowing what it is, if we are satisfied that it is clean and wholesome for food.

The intimation that in order to heartily support the avowed object of this bill—which is to unmask fraud and forbid by penal laws the commission of the wrong that has been for years practiced by the dealers in counterfeit butter—one must advocate the enormous tax fixed in the bill is stupid, if not worse. The thing to be done is one thing, the manner of doing it quite another.

Mr. FINDLAY obtained the floor.

Mr. BUTTERWORTH. I wanted to say just a word about this amendment. [Laughter.]

Mr. FINDLAY. I am sorry I can not yield my friend a part of my time; but I have very little.

Mr. BUTTERWORTH. The gentleman is generally so good-natured—

Mr. FINDLAY. Generally I am; but just at this time I can not exercise my good nature. I am sorry for it.

Mr. Chairman, a day or two since I offered in comparative good faith, I will not say absolute good faith, an amendment to this bill, the object of which was to broaden the remedial effect of the bill.

On examining the bill I found there was no restriction on the exportation of oleomargarine, and I put an amendment in for the purpose of providing that none of this stuff should be shipped to any port included

within Her Majesty's East Indian possessions where reside the sect known as Parsees. It will be seen at once why this should be done. That sect has a very peculiar form of burial, the particulars of which I will not recite; but before the dead body of the Parsee is taken out to his last home to be deposited on the top of the Tower of Silence the priest is called in, and he takes some clarified butter, or *ghee*, as it is called, and he greases the dead man's face all over; and then he calls the dog of the house in, and if the dog licks that man's face it is a sign he has gone to heaven. [Great laughter.] But if he does not lick him, it is a sign equally infallible he has gone to the other place. [Renewed laughter.]

A MEMBER. What other place?

Mr. FINDLAY. I will imagine this condition of affairs. Suppose by a mistake this man should happen to be greased with oleomargarine, there is not a dog in creation that would lick him. [Great laughter.] And therefore I offered an amendment for the purpose of restricting the exportation of this article.

But, sir, in all seriousness, I am opposed to this bill. I am opposed to it mainly and chiefly because I believe the most iniquitous systems of taxation ever devised, or within the inventive power of man to devise, is the internal-revenue system. [Applause.]

I am in favor of day of repealing the tax on tobacco and on cigars, a thing which is entirely feasible, for I have the authority of the honorable chairman of the Committee on Ways and Means that while it is not feasible to get rid of the whole system of internal-revenue tax, yet it is entirely feasible to get rid of the tax on tobacco and cigars. As I understand him that tax on tobacco and cigars is about equal to the surplus revenue we wish to reduce.

Yet in the face of that fact we are confronted with a bill which not only proposes to extend this system, but make it applicable to a particular class, that is to bring all the farmers of the land within its range, and also to raise a revenue in the very teeth of the assertion of the Committee on Ways and Means and its chairman that no revenue is needed, but on the contrary we ought to reduce the revenue.

Here is an iniquitous bill, which proposes to subject the agricultural class of this country to informers, spies, and detectives. Do not make the mistake, gentlemen, that informers, spies, and detectives are simply to roam through Mr. Armour's factory in Chicago or other places where this article is made, but they will go into the country; and why will they go there? Will any man say that this article, which is called neutral, is not now used to a certain extent by persons who are engaged in the production of butter? And if information is lodged anywhere of suspicion as to that, then your farmer becomes immediately subject to the surveillance of the horde of informers, spies, and detectives.

The CHAIRMAN. The gentleman's time has expired.

Mr. FINDLAY. Can not I get three minutes more?

Mr. HISCOCK. Mr. Chairman, a word in reference to the situation of this bill. It is at the head of the Calendar. An appropriation bill, a revenue bill, the bill reported by the distinguished gentleman from Illinois [Mr. MORRISON], and the bill of my colleague [Mr. HEWITT] are all upon the Calendar, but the pending bill is ahead of them all, and you can not put it aside without a yea-and-nay vote on record in this House. [Applause.]

And more than that, you can not make an amendment to this bill but it will have to be done by a yea-and-nay vote in the House. And the Committee on Appropriations has kindly extended a helping hand to the bill here to-day. [Applause.]

Now, in view of all these facts I desire to say the wit, the invective, the filibustering of the bull-butter man, of the hog-fat-butter man, of the soap-grease-butter man can not drive the farmer out of court. [Laughter and applause.] The agriculturists and dairymen are here, and I hope and trust they are here to stay until they have had due action and consideration of this bill. [Applause.]

One thing more, and I am done. The Committee on Agriculture, after full consultation with the representatives of the dairy interest and with members of the House favorable to the protection of that interest, unanimously reported this bill, and the friends of this legislation are in honor obliged to aid in its passage. Whenever the Committee on Agriculture wish to change any of the provisions of this bill I shall for one vote wish them, and I propose in voting to stand by this bill letter by letter, line by line, section by section until I receive a sign from the chairman of that committee, until it is passed. [Applause.] I say to the friends of this measure, let us concentrate our force on the bill as it is and back up the chairman of the Committee on Agriculture, for in that way only can we hope for favorable action from the House.

One word more to gentlemen on the other side of the House. If I desired you to make a mistake in reference to this matter I would pray you to defeat this bill by filibustering tactics. Seven and one-half millions of the people of the United States are interested in it. The curtain is rung up and we are performing before them; they will examine our record; the people are noting our votes here, as they have the right to, and our action, and commenting upon it. [Applause.]

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to offer two amendments which I send to the desk, and will ask presently to have them read.

I have no doubt in the world that what the gentleman from New York [Mr. HISCOCK] says is precisely true. He and those who are with him in favor of this bill are, no doubt, now performing in view of the seven and one-half millions of people of whom he speaks for the purpose of catching as many of their votes as he can.

But, Mr. Chairman, whether that performance shall receive the applause which the gentleman hopes it will receive hereafter is a question which I will remit to the future.

The amendments which I offer are mainly for the purpose of obtaining more information with reference to the bill and are offered in good faith. Eleven sections of the Revised Statutes are enumerated in this paragraph of the bill. One of these enumerations makes two other sections of the statutes part of them, so that there are in reality thirteen sections made a part of the bill.

These sections provide among other things the duty imposed upon the Internal Revenue Commissioner to furnish stamps. I desire to ask the chairman of the Committee on Agriculture or somebody who has the information what is the estimated expense that will be required to put this law into operation?

What amount of money will have to be paid out of the public Treasury before anything comes in; I mean expenditure for engraving purposes in the preparation of the stamps? There has been no estimate made, no amount has been submitted, no statement made of the probable expense. Has the committee any information? I pause for an answer—for information.

Mr. HATCH. Mr. Chairman, it has not been my purpose to occupy a single moment of the time of the committee in any reply to the many criticisms which have been made upon this bill or any portion of it.

Mr. BRECKINRIDGE, of Kentucky. I am making no criticism, but ask a single question: What is the information the gentleman has upon the subject, if any? Does the gentleman know how much money is involved in the matter of putting this law into operation?

Mr. HATCH. If the gentleman from Kentucky will allow me, as he has made an inquiry, I will undertake to answer it. If he prefers that I shall not answer it I will take my seat.

Mr. BRECKINRIDGE, of Kentucky. Certainly I want the gentleman to answer the question if he has the information, but not to make a speech.

Mr. HATCH. I can only answer the gentleman in my own way, and if that is not satisfactory to the gentleman from Kentucky he can occupy his own time, and I will take other occasion to answer.

Mr. BRECKINRIDGE, of Kentucky. Has the gentleman from Missouri the information as to the amount of money involved? If so, how much is it?

Mr. HATCH. I have information from the Commissioner of Internal Revenue, upon the preparation of this bill, that not one single dollar of appropriation is necessary to carry it into execution and to execute it should it become a law. But two single officers are asked for in this bill, and it makes provision for them; that is to say, a microscopist and a chemist of the Department, the salaries of which are fixed by the bill, and which will be paid out of the revenue derived from the bill—from the execution of the law—as well as the tax and all other matters pertaining to it.

Mr. BUTTERWORTH. And let me interrupt the gentleman from Missouri to say that an estimate has been made by a gentleman on this floor, Mr. PRICE, of Wisconsin, that the net revenue derived from the bill will range from eighteen to thirty millions of dollars.

Mr. BRECKINRIDGE, of Kentucky. The answer of the gentleman from Missouri is precisely like the bill. It fails to give any definite information, and is a mere matter of vagueness, for it is absolutely certain that these stamps must be prepared, and it will require money, as we know from experience, to provide them.

Mr. FINDLAY. The Bureau of Engraving and Printing is expected to do it out of the appropriations made for that purpose. It will cost that much certain.

Mr. BRECKINRIDGE, of Kentucky. I now yield the remainder of my time, if any, to the gentleman from Georgia [Mr. HAMMOND].

The CHAIRMAN. The gentleman has one minute remaining, in which time the Chair will cause the amendment sent up by the gentleman from Kentucky to be read, after which the Chair will recognize the gentleman from Georgia in his own right.

Mr. BRECKINRIDGE, of Kentucky. Is it in order; and, if so, I will ask to have read the sections of the Revised Statutes to which reference is made in this section?

The CHAIRMAN. It would not be in order at this time; and the Chair will direct the Clerk first to read the amendments proposed by the gentleman from Kentucky:

The Clerk read as follows:

First amendment: Strike out in lines 22 and 23 the words "thirty-two hundred and thirty-eight."

Second amendment: Strike out in lines 24 and 25 the words "thirty-two hundred and forty-three."

Mr. HAMMOND. Mr. Chairman, I have proposed two amendments to this bill; one was carried by a majority of this committee, the other was defeated by a very small vote against it. This amendment is proposed because I think it right. The tax for one year is \$600. All of

our internal-revenue taxes are by the year, or by proportionate parts of the year. For instance, if a man manufactures for half a year in the tobacco business, he pays one-half of the annual tax; if for a quarter of a year, one-quarter of the tax, and so on month by month or day by day.

Now, this proviso is that for any fraction of the year, however small, the manufacturer shall pay \$500—\$600 for a year; \$500 for a day. If gentlemen desire to pass the bill that way, why let them pass it.

I do not know what it means when a gentleman on the other side rises and says if the chairman of the committee gives him a wink, he will vote like a slave. I will not.

Now, if the gentleman from Ohio [Mr. BUTTERWORTH] needs further time he may have the balance of my five minutes.

Mr. BUTTERWORTH. I only desire to say that under the internal-revenue law a manufacturer who commences business during the year is only charged with the fractional part of the year. That is just; and the amendment of the gentleman from Georgia seeks to place this industry, if it shall survive the exposures contemplated in this bill, upon the same footing. In other words, if a man engages in this industry in April there is no reason why he should pay for three months \$500, when, under the law which imposes a tax upon the manufacture and sale of whisky, the distiller is allowed to pay for a fractional part of the year. There is no excuse for this distinction, and no man here can persuade even himself it is a just provision, unless he says the only object and purpose of this bill is to destroy this industry whether it is good or bad.

The only object and purpose of the amendment of the gentleman from Georgia [Mr. HAMMOND] is to place this industry on precisely the same footing, giving it no advantage over that enjoyed by the distiller of whisky and of other spirituous liquors and compounds.

Mr. LYMAN. May I ask the gentleman from Ohio a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. LYMAN. Among these sections of the Revised Statutes that are here made applicable is there a section that provides for the fractional part of a license for the fractional part of a year.

Mr. BUTTERWORTH. Yes, sir; and that is the reason why this proviso is added.

Mr. HAMMOND. Section 3237 makes the payment fractional for all other things.

Mr. BUTTERWORTH. That is the reason why this proviso is added. It is in order to establish a different rule in regard to this industry from that which prevails in regard to all other industries prosecuted under the internal-revenue law. That seems to be unjust; and if there is a feline in this meal that proviso discloses the size and character of the animal.

[Here the hammer fell.]

Mr. WHITE, of Minnesota. I want to say to the gentleman from Georgia that when butter is as low in price as it is now it is not likely there will be any oleomargarine made in the summer. And we thought if a man makes a million dollars a year out of this business he should not be licensed for less than \$500. He is not likely to run the factory a whole year.

Mr. HAMMOND. This proviso provides for the case of a man starting the business in July,

Mr. WHITE, of Minnesota. And in that case he only pays \$500 for the balance of the year. He does not pay \$600 and then \$500.

Mr. HAMMOND. Everybody knows that.

Mr. WHITE, of Minnesota. He pays \$500 if he engages in the business for three months.

Mr. HAMMOND. Yes, sir, or for three hours.

Mr. WHITE, of Minnesota. He can take out a license and he can get out as much of this article in one month at the end of the year as he might otherwise do in a whole year.

Mr. HAMMOND. It is a strange business in which a man can make as much in one month as he can in twelve months.

Mr. FINDLAY. Suppose a person goes into the business on the 1st of July and continues in business for the remainder of the year, he only pays \$500; whereas the man who went in on the 1st of January pays \$600.

Mr. WHITE, of Minnesota. If a man runs the business for a year the year begins on the 1st of May.

Mr. FINDLAY. Is that fixed in the bill?

Mr. WHITE, of Minnesota. The year under the internal-revenue law commences on the 1st of May.

Mr. FINDLAY. The license year begins on the 1st day of May. But where does that appear in this bill?

Mr. WHITE, of Minnesota. That is fixed in the sections of the Revised Statutes enumerated in this section of the bill.

Mr. FINDLAY. I would like to hear the section which is referred to read. If the law does not appear on the face of this bill but is in the Revised Statutes, and is put in here by reference merely to those Revised Statutes, I think we ought to know what those sections are.

Mr. WHITE, of Minnesota. So far as this point is concerned the year commences on the 1st day of May. A man engaged in this business would pay \$600 for a whole year, but for any period less than a year he would pay \$500.

Mr. FINDLAY. I understand that; but there is nothing on the

face of the bill to show that you had fixed the annual period for the manufacturer's license.

Mr. WHITE, of Minnesota. We have put the whole thing under the internal-revenue law.

Mr. FINDLAY. That is by a statute which does not appear here.

Mr. HENDERSON, of Iowa. I wish to ask the gentleman from Georgia whether his amendment strikes out from this enumeration section 3237 of the Revised Statutes.

Mr. HAMMOND. Not at all.

Mr. HENDERSON, of Iowa. You simply propose to strike out the proviso at the end of section 3?

Mr. HAMMOND. That is all.

Mr. LYMAN. Is there not an amendment striking out some of the other sections?

The CHAIRMAN. The Chair will cause the Clerk to read the amendment for information.

The Clerk read as follows:

In lines 24 and 25 of section 3 strike out the words "thirty-two hundred and forty-three;" also, in line 22, strike out the words "thirty-two hundred and thirty-eight."

Mr. LORE. Mr. Chairman—

The CHAIRMAN. The Chair will recognize the gentleman from Delaware for the remainder of the time, one minute and a half.

Mr. LORE. I thank the Chair, but I will wait for another time.

The CHAIRMAN. If no gentleman desires to occupy the remaining time the Chair will cause the Clerk to read the amendment submitted by the gentleman from Georgia [Mr. HAMMOND.]

The Clerk read as follows:

Strike out the following proviso:

"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."

The amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE].

The Clerk read as follows:

Strike out in line 22 the words "thirty-two hundred and thirty-eight."

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, is it in order now to demand the reading of the sections of the Revised Statutes which are referred to in that paragraph?

Mr. HATCH. Regular order.

Mr. BRECKINRIDGE, of Kentucky. I have risen to a parliamentary inquiry. I ask the Chair if it is not in order and if I have not the right to demand that the sections of the Revised Statutes which we are acting upon in connection with this paragraph shall be read. This section of the bill includes eleven sections of the Revised Statutes; one of those includes, by reference, two more. Now, is it not in order to ask to have those sections read, so that the House may know just what it is acting upon?

The CHAIRMAN. The Chair is of opinion that as the section covered by the amendment of the gentleman from Kentucky is mentioned specifically in the bill the gentleman is entitled to have it read. The gentleman will please send the section to the Clerk's desk.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out all these sections, and ask that they be read.

Mr. WARNER, of Missouri. Mr. Chairman, I rise to a parliamentary inquiry. Will it be in order after the amendments now pending are voted upon to offer an amendment to line 17, which precedes this part of the bill?

The CHAIRMAN. It will.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I will withdraw my amendment for the purpose of permitting the gentleman from Missouri [Mr. WARNER] to offer his.

Mr. WARNER, of Missouri, offered the following amendment:

In line 17, section 3, strike out "10" and insert "50;" so that the provision will read:
"Every person who sells oleomargarine in less quantities than 50 pounds at one time shall be regarded as a retail dealer in oleomargarine."

The amendment was rejected.

The CHAIRMAN. The Chair will now entertain the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I did not ask to have these sections read merely for delay, and I withdraw the motion.

Mr. McMILLIN. I renew the motion, in order that the House may know what it is voting on. These sections of the Revised Statutes are referred to by number, but they have not been read in connection with this bill.

The CHAIRMAN. The amendment of the gentleman from Kentucky referred to one section.

Mr. McMILLIN. The gentleman from Kentucky changed his amendment so as to include the several sections referred to in the bill. I think those sections of the Revised Statutes ought to be read, so that we may know what penalties we are fixing by this bill to be enforced in the Federal courts.

The CHAIRMAN. The Chair directed the section of the Revised Statutes referred to in the amendment of the gentleman from Kentucky to be read, as that section was specially brought before the committee, but if it is the purpose to insist upon all these sections being read, the Chair thinks that does not come within the privilege of the amendment.

Mr. HATCH. I submit, Mr. Chairman, that it is in the nature of debate, and debate has been closed.

Mr. McMILLIN. Before the Chair rules I would like to make this suggestion. If it is in order, upon moving to strike out one section, to have that section read, it certainly must be in order, under the same rule, when a motion is made to strike out other sections, to have those sections read. I am unable to see how you can have one section read as a matter of privilege, and can not have the others read. Now, I do not urge this for the purpose of delay. Here we have a bill which imposes heavy penalties; those penalties can be enforced only in the Federal courts, which are generally at a considerable distance from the homes of the litigants, and I think it is of great importance, if we undertake to fix penalties, that the full purport of the bill in this respect and the extent and degree of those penalties shall be known.

The CHAIRMAN. The previous decision of the Chair was simply to the effect that, in order to get a better understanding of the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE], the section to which this amendment referred might be read, but upon a more careful examination of the provisions of this section and of the rules the Chair is of opinion that a reference to the Revised Statutes in a pending measure does not entitle the committee, as a matter of right, to have that portion of the Revised Statutes read before the vote is taken; because it is to be presumed that members know what the law is; and the Chair thinks that to have anything read in such a case is in the nature of debate.

Mr. FINDLAY. That presumption, the Chair will allow me to say, is never applied to the statute law. This has been recognized ever since the time of Lord Coke, who said that a lawyer who would give an opinion upon a question as to the statute law without first examining it was a fool, as a lawyer who could not give an opinion about the common law without first examining it was equally a fool.

The CHAIRMAN. The Chair was perhaps inclined to go too far in presuming that all the members of this House understand what the law is; but with respect to this question, which has been debated at some length, he thought himself at liberty to presume that the provisions of the law were understood.

Mr. SCOTT. I rise to a question of order. I submit whether the rules of the House do not require that all amendments presented should be in writing. Therefore, if the gentleman from Kentucky desires to insert the Constitution of the United States or all the provisions of the Revised Statutes in his amendment, I submit whether the rules of the House do not require him to reduce such provisions to writing and submit them with his proposition.

Mr. BRECKINRIDGE, of Kentucky. Whether or not this House is presumed to know the Constitution, I wish to say I have not moved to amend by inserting the Constitution, nor have I offered a single section of the Revised Statutes. My motion was to strike out a part of the pending section; so that the point which the gentleman makes is one which he ought to make against the chairman of the Committee on Agriculture [Mr. HATCH], and not against me.

Mr. SCOTT. I desire as a parliamentary inquiry to ask whether, if the gentleman from Kentucky desires to make a motion to strike out, the rules of the House do not require him to submit in writing what he desires to have struck out.

Mr. FINDLAY. He has done that.

Mr. SCOTT. Let him put in his amendment the provisions of the statute which he proposes to strike out.

The CHAIRMAN. The gentleman from Kentucky has withdrawn his amendment.

Mr. BRECKINRIDGE, of Kentucky. I did put my amendment in writing, so that I am not obnoxious to the criticism of the gentleman from Pennsylvania. The shoe is on the other foot. I commend to the chairman of the Committee on Agriculture the lecture which the gentleman from Pennsylvania has just read, and I hope it will be profitable.

Mr. WILSON. I make the point of order that if the gentleman from Kentucky has offered the Constitution as an amendment to this bill it is not germane. [Laughter.]

Several MEMBERS. "That is so."

Mr. PRICE. I rise to a point of order. I understood that by order of the House all debate upon this paragraph was limited to thirty minutes.

The CHAIRMAN. The debate is already exhausted.

Mr. PRICE. Then I call for the regular order.

The CHAIRMAN. The gentleman from Tennessee [Mr. McMILLIN], however, rose to a question of order, which the Chair will dispose of. Does the gentleman from Tennessee desire to renew the amendment of the gentleman from Kentucky?

Mr. McMILLIN. Yes, sir; that was my motion.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

In line 22 strike out "thirty-two hundred and thirty-eight," and in lines 24 and 25 strike out "and thirty-two hundred and forty-three."

Mr. McMILLIN. I offer this amendment—

The CHAIRMAN. Debate is exhausted.

Mr. McMILLIN. I was addressing myself to the point of order. I desire to have the sections read.

Mr. HISCOCK. What is the point of order pending?

The CHAIRMAN. The gentleman from Tennessee asks as a matter of right that the sections referred to in his amendment be read.

Mr. HISCOCK. I object. That is in the nature of debate.

The CHAIRMAN. The Chair is of opinion that the gentleman from Tennessee is not entitled as a matter of right to have the sections of the Revised Statutes read before the vote is taken.

Mr. McMILLIN. I will do myself the justice to say in the presence of those who have this bill in charge that it was not my purpose to delay the proceedings. I really thought it proper to have the sections read. If that can not be done, I insist on my motion to amend by striking out.

Mr. LORE. I rise to a point of order. I understand that the Chair has decided this question, and no gentleman can contest that decision unless he takes an appeal.

The CHAIRMAN. The point of order has been decided. The question is on the amendment of the gentleman from Tennessee to strike out the language which has been read.

The question being taken, there were—ayes 18, noes 84.

Mr. McMILLIN. I make the point of order that no quorum has voted.

Tellers were ordered; and Mr. McMILLIN and Mr. HATCH were appointed.

The committee again divided; and the tellers reported—ayes 22, noes 136.

Mr. McMILLIN. I have no desire to force a call of the roll, and will not insist further on the point that no quorum voted.

The CHAIRMAN. The point being withdrawn, the amendment is rejected. There being no other amendment to this section, the Clerk will report the next section.

The Clerk read as follows:

SEC. 4. That every person who carries on the business of a manufacturer of oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a wholesale dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than five hundred nor more than two thousand dollars; and every person who carries on the business of a retail dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each and every offense.

Mr. TOWNSHEND. Mr. Chairman, I move *pro forma* to amend by striking out the last word. I have thus far sustained, and will continue to sustain, the efforts of the chairman of the Committee on Agriculture to secure final action on this bill. I find myself, however, differing from the extreme views of some who are opposing and some who are favoring this bill. I am opposed to legislation which will suppress any legitimate industry in this country. At the same time I am unwilling to see any legitimate industry struck down and destroyed by fraudulent imitations of its products sold without restriction in the markets.

I am not opposed to the manufacture and sale of oleomargarine in good faith as such, but I believe it to be wrong to permit that article to be manufactured as a counterfeit of pure dairy butter and fraudulently sold under the pretense that it is butter. I wish to see preserved all the provisions of this bill which will compel a disclosure of the nature of the substitute for butter in its manufacture and sale and thereby protect the producer and consumer from imposition. This is a free country and any citizen should enjoy the privilege of knowingly purchasing and eating oleomargarine if he desires to do so, but it is a country of law and justice, therefore deception and fraud in our food product should be prevented.

In other words, I am in favor of legislation which will compel the manufacturers of oleomargarine to place it on the market under its true name and real character; but I am opposed to legislation which will prohibit its manufacture. While by the employment of deleterious and uncleanly ingredients in its manufacture it is often unwholesome, yet I believe the article is sometimes made honestly and wholesomely and that when so made it is a proper article for commerce. It is wrong, however, to permit the manufacturers of oleomargarine to perpetrate a fraud upon the producers of pure butter and those who may desire the pure article. This can be most effectually prevented by bringing its manufacture and sale under the provisions of the internal-revenue laws and the vigilance and power of the officers of the Internal Revenue Bureau. In this way its true name and character may be exposed and understood, and the counterfeit article may be stripped of its fraudulent pretenses.

At present the manufacturers of oleomargarine by such false representations are securing extortionate profits from the consumer, because it can be manufactured at one-half the cost of the pure article, and they are also undermining and destroying the business of producing genuine

butter. Under these circumstances I feel it the duty of the law-maker to intervene.

I find a number of gentlemen on both sides of this House who desire legislation of this character but who are opposed to such a high rate of taxation as the bill provides. I understand some at least who have been stoutly opposing the enactment of this bill are in favor of compelling the manufacturers of oleomargarine to expose its true character, so that the public may not be deluded into its purchase under the supposition it is pure butter.

INJUSTICE TO AGRICULTURAL INTERESTS.

But before I proceed further in this discussion I wish to say in reply to my friend from New York [Mr. HISCOCK], we have not heretofore had politics injected into this debate, and I hope this will not be done now. But, sir, the warning which that gentleman has given to this side of the House may well be repeated to his own side. If he will ascertain the number of those who resist the passage of this bill under the leadership of the gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Indiana [Mr. BROWNE] he will find the proportion in numbers is as large on his own side as it is on the Democratic side.

Notwithstanding the flings thrown at those who watch and defend the interest of agriculture on this floor, I have no hesitation in standing here to demand its protection from wrong and injustice. I believe the agricultural interest is largely involved in this bill, and therefore I insist it shall have the most careful consideration. Republican Congresses by legislation have protected every interest in the country except agriculture. This is one of the very few measures which have been presented with any reasonable hope of its passage during twenty years past which directly protects or promotes the interest of agriculture.

With the prosperity or distress of the farming classes comes or goes the prosperity of the country. Agriculture is the basis of all wealth, private or public. Wise statesmanship therefore dictates that legislation should not oppress, but, as far as legitimately within its power, should foster and encourage agriculture. Legislation can not control or protect the farmer from misfortunes which come from natural causes. He must look to a higher power for relief from these. But there are evils greater than those inflicted on him by nature. They are evils produced by bad legislation in the interest of monopolies, and which oppress him with onerous and unjust taxation. Now, sir, while agriculture is more deserving than any other interest of any good that may flow from legislation, yet it has suffered more from that source than any other.

I trust the time has arrived when the welfare of the farmer may have consideration in Congress. The Democratic party has ever in the past been the friend of agriculture, and its members have ever professed a desire for its promotion and protection. Indeed, I am gratified to know that as a class they have been faithful to their professions. Since we came into power in this House more careful attention and consideration have been given to the interest of agriculture than it had previously received for twenty years. Indeed, it seemed that railroads, banks, and other corporations held a complete monopoly on the attention of Congress, and that the farmer had been forgotten except when some new way was devised to increase his burdens for the benefit of some form of monopoly. This happy change in Congress has been noticed by others who are deeply interested in the welfare of agriculturists. In the address of Mr. Joseph H. Reall, president of the American Agricultural and Dairy Association before the Committee on Agriculture of this House during this session, he says:

I am much gratified to find so much honest, intelligent interest manifested by members of Congress in agriculture and the interests of the farmer as obtains here. I can see that great progress has been made in this direction, and that the dignity of agriculture and its importance to the country are recognized by the members of both Houses. The farmers have been either unrepresented or misrepresented heretofore.

I have no desire to provoke a political discussion on this question, but I desire to recall to their duty those Democrats who may fail to remember their professions of fidelity to the farming interest and the policy of the party.

THREATENED DANGER TO SMALL FARMING.

Nor do I desire to urge legislation in the interest of one class to the detriment of any other; but, sir, it is our duty to recognize the dangerous tendencies of the times, which, while lessening the prosperity of small farming, are concentrating the ownership of lands and the operation of farms into the hands of the extremely wealthy.

The distribution of our landed estate among the many is the surest means for preserving our free institutions and the promotion of the prosperity of the masses. Whenever the ownership of land in this country comes under the control of corporated capital or of the millionaires the masses of our farming classes will descend to the impoverished and pitiable condition of those of Europe. Then will this country become a land of barons and vassals—of millionaires and paupers. In order to prevent a landed monopoly and an impoverished condition of the farming classes it is necessary that small farms shall yield a profit to those who till them, for when they cease to become profitable or to yield a comfortable living the owners will dispose of them and seek some other occupation for maintenance of themselves and families.

Can it be doubted that the prosperity of small farmers is dangerously threatened by the encroachments of corporated capital? Vast areas of

the most fertile soils have been accumulated by a few and converted into enormous farms where the labor is performed by machinery; thereby the cost of production of wheat and other farm products has become so cheapened and the price so reduced that the small farmers can not successfully compete or realize fair profit. It is becoming more painfully apparent every year that the net returns on the capital and labor invested in small farming are growing less and less every year. I shall not now discuss all the causes which in my opinion contribute to this result, but I will assert that among them will be found the effect of the encroachment of corporated capital upon the occupation of the farmer. It is seizing upon and monopolizing various branches of farming. Cattle raising for the market has passed to a large extent from the hands of the farmers into that of the owners of the immense ranches in certain Western and Southwestern States and Territories. The manufacturers of oleomargarine now threaten to take away from them the dairy.

If we can not altogether guard against the evil tendencies of the times by Congressional action, or check the power of corporated capital in its invasion upon the occupation of the farmer, we can at least in the bill before us furnish him with some relief by protecting him from the fraud perpetrated by the counterfeiting of his dairy products.

THE FRAUDULENT PRETENSE OF OLEOMARGARINE.

One of the most serious complaints raised against the traffic in oleomargarine is that it is sold for pure butter, and that it is made in such imitation, in color, smell, and taste, that ordinarily the purchaser can not detect the difference.

QUANTITY OF OLEOMARGARINE MANUFACTURED.

The production of butter is not confined to the large dairies, but is more or less engaged in for the home and market by farmers all over the country. If the counterfeiters of butter are permitted to continue their deceptive practices the result will be heavy loss in the value of cows and in the ruin of the butter trade, for it is clear the farmer and dairyman can not successfully compete with such a perfect counterfeit which is produced at one half the cost of the genuine article. No one questions the fact that this spurious article is sold in immense quantities as genuine butter. Indeed its manufacturers insist in most emphatic terms that they have succeeded in so perfecting the deception that no expert is able without the most thorough chemical analysis to distinguish the difference between the pure and the counterfeit article. The production of oleomargarine has rapidly increased during the last few years. I have before me a report made to this House by the Committee on Epidemic Diseases in the Forty-sixth Congress, which estimated that in 1880 the production was about 100,000,000 pounds. It is now estimated that the production last year reached 200,000,000 pounds. It is supposed that 200,000 pounds are made daily in Chicago.

A little pamphlet just laid on our desks by the opponents of this legislation asserts:

THE TRUTH; READ IT.

A large proportion of the citizens of New York and vicinity have been eating for years past oleomargarine and butterine as butter. At a safe calculation there has been consumed in this vicinity at least

SEVENTY-FIVE MILLION POUNDS,

or a fifty-pound tub to every man, woman, and child. This is a startling figure.

IT IS TRUE

your press have said that about all your retail dealers have been selling it, and all of

THE PRESS DON'T LIE

(only a good many about oleomargarine). Some of you have been eating it.

READER, WHY NOT YOU?

A SOLID FACT.

NEW YORK, April 2, 1886.

This market is about cleaned out of eatable butter. About 7,500 tubs per day of the substitutes have been and are now being put on the market. Throw these out and what would be the price of butter to-day?

SIXTY TO SEVENTY-FIVE CENTS PER POUND.

A BUTTER DEALER.

Coming as this does from the friends of oleomargarine, the accuracy of these statements will not perhaps be denied by them.

Statistics show that last year nearly 38,000,000 pounds of the oil and imitation of butter manufactured from oleomargarine was exported from this country. With these figures before us, who will say that the prosperity of a very important branch of our agricultural industry is not threatened?

IMPORTANCE AND VALUE OF THE DAIRY INTEREST.

It has been asserted by those who have made the investigation that fifteen million milch cows worth \$400,000,000 were employed last year in the production of butter and cheese, and that 1,600,000,000 pounds of butter and 400,000,000 pounds of cheese were produced. The product of the dairy in this country has become enormous.

The eminent statistician, Mr. Atkinson, of Boston, states:

There were produced and consumed in this country in 1884 of dairy products, \$912,000,000; of bread, \$450,000,000; vegetables, \$360,500,000; of sugar and sirup, \$352,000,000; tea and coffee, \$185,000,000; fruit, green and dry, \$113,000,000; eggs, \$91,250,000; cotton, \$300,000,000; pig-iron, \$85,000,000; wool, \$64,000,000; silver product, \$40,000,000. It will thus be seen that dairy products exceed three times the cotton produced in the country, and were more than the combined con-

sumption of tea, coffee, wool, cotton, pig-iron, and the silver produced, all taken together, by \$34,000,000.

This shows that our dairy product exceeds three times in value the cotton crop, and is greater than all the tea, coffee, wool, cotton, pig-iron, and silver combined that is produced and consumed in this country. Is it right that this vast industry should be fraudulently supplanted by the manufacture of a bogus article?

The honest producers of butter have no fear of competition with the manufacturers of oleomargarine, provided the manufacture and sale is conducted in such a manner as to expose its true character and name; but it is asserted that not 1 per cent. of the entire product of the counterfeit article is sold to the consumer for what it really is. He buys it under the supposition that it is the genuine article, and he usually pays for it the price of pure butter: This is a fraud on the producer and the consumer.

TERMS OF THE BILL.

It is believed that the bill before us will correct this evil. It is understood that it was prepared by the secretary and solicitor of the American Agricultural and Dairy Association of America. The principal features of the bill require that manufacturers of oleomargarine shall pay a special license tax of \$600, the wholesale dealer \$480, and the retail dealer \$48 per annum for the privilege of dealing in oleomargarine made in imitation of butter, and that a tax of 10 cents per pound shall be assessed and collected from the manufacturer. That it shall be sold in packages marked, stamped, and branded in such a way as to disclose its true character. Severe penalties by fine and imprisonment are provided against violations and evasions of the law, and its execution is placed under the control of the Commissioner of Internal Revenue. And the ordinary machinery and force of the law governing the production and sale of spirits and tobacco are applied to the production and sale of oleomargarine. The provisions of the bill are not extended to the article except when made and sold in imitation of butter.

I do not favor all the provisions of the bill. I believe some of them to be harsh and oppressive, and therefore I trust the bill will be amended before its final passage. I think the special license tax and the tax of 10 cents per pound are far too high. I therefore favor a reduction in each.

If its production is as great during the ensuing year as it was in the last a revenue of twenty millions would be derived from this article at this rate of taxation.

With our present overflowing Treasury this amount of revenue is unnecessary. All unnecessary taxation is unjust taxation. The burden of taxation is already onerous and far too heavy and should be reduced. But in order to bring the regulation of this article under the stringent rules of the internal-revenue law I am willing that a small tax shall be placed on the article, and when the eighth section of the bill is reached I shall offer an amendment reducing the rate of taxation to 2 cents per pound.

It is admitted on all sides that the only power which Congress has to legislate upon this subject is that which is derived from the power of taxation, and therefore it is necessary that some tax shall be laid on the article in order that Congressional action may constitutionally reach it. Two cents per pound will raise ample revenue to defray all the expenses attending the enforcement of the law. With the enormous profits derived from this business it can easily bear this tax if with its exposure the people wish to buy and use it. The object which I desire to see accomplished by this bill is to compel a disclosure of the nature of the article in order that a fraud against the producers and consumers of pure butter may be prevented.

If this article is as wholesome and desirable as is claimed by its producers, it can fairly compete with genuine butter under its true name and color. This is a land of freedom where any one should be permitted to manufacture, sell, or purchase any article of food which is wholesome; but it is a land of law, and therefore the public should be protected from fraudulent impositions. As I have already stated the honest producer of genuine butter has no fear of competition with the manufacturer of oleomargarine if it is sold under its true name. The farmer and dairyman does not or should not ask protection from fair competition, but they have a right to demand that legislation shall protect them from fraud.

I would prefer to leave this question to the legislation of the States; but, like the regulation of interstate commerce, owing to the diversity of the laws of the different States on the subject, it can not be effectually and properly dealt with by State laws, and therefore it becomes necessary to resort to the legislation of the General Government.

THE NATURE AND PROCESS OF THE MANUFACTURE OF OLEOMARGARINE.

Before finishing my remarks I wish to briefly call attention to the nature and process of the manufacture of oleomargarine. It was invented during the Franco-Prussian war by Hippolite Mège, a Frenchman. An eminent authority in Massachusetts friendly to its production describes the process of its manufacture as follows:

It was, according to Hippolite Mège, a demand such as this which led him to investigate the manufacture of a palatable substitute for butter from the fat of animals slaughtered for food. By his investigations he was led to believe that the only difference between butter and beef fat was that the latter contained an excess of stearine. He also came to the conclusion that the taste and smell of

ordinary tallow are largely due to the want of care in its manipulation. He therefore prescribed the following method of procedure:

The caul fat was to be taken as fresh as possible and to be thoroughly washed, then chopped fine and rendered with a dilute solution of acid phosphate of lime and the stomach of a pig or sheep at a temperature not exceeding animal heat. (This heat has been gradually raised in reissues of his patent until, at the present time, it reads "at a heat not exceeding 125° F.") It is not possible to do good work at a temperature below 115° F.) After the fat is completely liberated by this process it is allowed to stand until the membrane settles; it is then drawn off into coolers and allowed to granulate and to cool to a temperature of about 80° F. The fat is then placed in cotton-cloth press-bags and submitted to a powerful press, the press-room being maintained at an even temperature of 80° F. The oleomargarine thus produced is free from any disagreeable taste or odor. It is in fact a pure tallow oil, suitable for use as an article of food. In this state it makes an excellent substitute for lard.

Such was the process as originally proposed by M. Mège. The process as now followed is much more simple, and omits some of the objectionable features of the Mège process.

In the first place, the fat, which is received warm from the slaughter-house, is sorted over, and all bloody pieces thrown out; it is then at once placed in cold fresh water, where it is thoroughly washed. From this water, which not only washes it but serves to cool it, it is at once taken to hashing-machines similar to the ordinary sausage-cutters, where it is cut into fine pieces. From these machines it falls at once into the rendering tanks, where it is rendered at a heat varying from 160° to 200° F., the object being to separate as quickly as possible the fat from the membrane. No "gastric juice" or phosphate of lime is used. After the fat is well cooked a quantity of salt is added; this serves to separate the membrane more completely. After standing a few minutes the fat is then run off into barrels or other vessels, where it is allowed to settle and is crystallized. When it has cooled to about 95° to 100° F. it is pressed in the usual manner.

After pressing, the oil is churned with milk or buttermilk, some genuine butter being frequently added; it is colored properly, and then run into ice-water or pounded ice, so as to prevent its crystallization. After this operation it is worked as ordinary butter.

When well made it is a very fair imitation of genuine butter, being inferior to the best butter, but much superior to the low grades of butter too commonly found in the market.

IS OLEOMARGARINE WHOLESOME?

It is claimed by many that when properly made it is a wholesome and cheap substitute for butter, and that its production should be encouraged.

On the other hand it is asserted by those opposed to its manufacture as an article of commerce that in the manufacture of the article almost any kind of animal fats are used, such as horses and dogs as well as of beef and hogs.

I shall not hazard an opinion as to whether it is always wholesome and a proper food or not. I presume that if made from pure and wholesome materials it is wholesome.

I am inclined to believe that when it is manufactured by a reputable firm like that of Armour & Co., and some others, of Chicago and elsewhere, it may not only be harmless, but a nutritious article of food. I will, however, present the views of some of those who insist that it is otherwise. The committee which reported this bill, in the report accompanying it, declares, in regard to the counterfeit article—

That such imitations are not only disastrous to the dairy interest directly, and to all branches of agriculture indirectly, but that they are detrimental to public health, being the fruitful cause of dyspepsia and other diseases.

That among the articles and ingredients used in the manufacture of such imitations are the following: Nitric acid, sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caud, gastric juice, curcumeine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, caparic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal-soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, broma chloralum, oil of peanuts, sugar, caustic soda.

Several of the gentlemen who have engaged in this debate have asserted that the consumption of oleomargarine has produced Bright's disease of the kidneys and it is otherwise detrimental to health.

ADULTERATED FOOD AND OTHER PRODUCTS.

In truth, Mr. Chairman, there is need for judicious legislation which will guard the public health from the injurious effect which results from the consumption of any food substances in the preparation of which poisonous and deleterious compounds have been used, and also of the manufacture of clothing and other articles; many such unwholesome articles are now in use.

Accompanying the report of the House Committee on Epidemic Diseases in 1881 is much valuable information on the adulteration of food, &c., which was collected by Mr. George T. Angell, of Boston. I ask the attention of the House to a portion of that information, which was furnished by gentlemen of high scientific attainments and reliability. There is much valuable scientific information accompanying that report, relating to a number of articles of adulterated food-products; but not wishing to occupy much time and attention I will only ask leave to present the following extracts:

POISONOUSLY ADULTERATED FOODS AND OTHER POISONOUSLY ADULTERATED ARTICLES IN AMERICAN MARKETS.

[Some of the evidence in paper read by George T. Angell, esq., of Boston, before the Boston Board of Trade, November 11, 1880.]

To give all the evidence I have collected on this subject would require a volume. One paper which I have read upon it filled eleven and a half newspaper columns.

The German Government had in 1878 231,478 samples of different articles analyzed for adulterations, and obtained 3,352 convictions in the courts.

In Great Britain during 1879 about 80 public analysts, appointed under act of Parliament, analyzed 16,772 samples, and detected and exposed 2,978 adulterations.

In other European countries stringent laws are enforced for the protection of public health against the poisonous and dangerous articles which would otherwise be sold in their markets.

The object of this paper is to show that protection is quite as much needed in this country as on the other side of the ocean.

[From Professor George A. Mariner.]

No. 81 CLARK STREET, CHICAGO, October 18, 1879.

DEAR SIR: In answer to your questions; I would say that I have been an analytical chemist to this city twenty-three years; am a graduate of the Lawrence Scientific School, chemical department of Harvard University, and was during two years assistant of Professor Horsford in the laboratory. I have devoted myself entirely to chemical analysis and teaching chemical students ever since. I think I have had much the largest chemical practice of any man in the West. At the request of a highly respectable citizen of Chicago, I have examined fourteen brands of sugar, bought, as I understood, in this city; some granulated, some white, some colored, some coarse, and some fine. I tested them thoroughly for impurities. In twelve of the samples I found tin in the form of a chloride, an active poison. The other constituents I can furnish if you desire. I have examined several sirups made essentially and entirely of glucose, and found in them chlorides of tin, calcium, iron, and magnesia, and in quantities which made them very poisonous. In one case a whole neighborhood was poisoned, and I was told of one death. I have in several cases found sugar of lead in vinegar. I use no vinegar myself. I look with suspicion upon our vinegar. I use fruit acid in place of it—lemon-juice, &c. I never eat pickles. I have found in various cases they were poisoned with lead and copper.

I have tested to some extent the cheap tinware sold in our markets, and have no hesitation in saying that there is great danger in using fruits, vegetables, meats, or fish put up in tin cans of any kind. They are liable to contain lead and tin, both active poisons. Terra alba is largely used in cream of tartar, confectionery, and pretty universally for adulteration. I have found in many baking powders alum instead of cream of tartar—a thing dangerous and injurious in all cases. I should say that I have come to expect adulteration, and to fear dangerous adulteration, in almost every article of the grocery kind. I have had large experience in the analysis of colored poisonous articles of clothing, being employed by one of the largest dry-goods firms of this city. I examined, I think, sixteen samples, and nearly all of them were poisonous. I have also analyzed for other parties. In one case a child nearly died from wearing colored stockings. I would like to add that I have analyzed numerous samples of cosmetics and powders used on the face and hair. Almost all the hair cosmetics, including most of those in common use, I have found to be very poisonous, and many of the face powders and preparations I have found to contain arsenic or lead. I should not be surprised if twenty thousand people in Chicago to-day were injuring their health and endangering their lives by the use of these cosmetics and powders. You can hardly overestimate the present danger to public health from the large and growing sale of poisonous and dangerously adulterated articles in our markets, and you have my thanks and earnest wishes for your success in your efforts to call public attention to this subject. I would say that I have personally known Dr. R. U. Piper, of this city, for more than twenty years. He has no equal in the West as a microscopist, and has had wide experience as a chemist and physician. I should say most decidedly that there is no scientific man in Chicago whose evidence would be entitled to receive higher credit in our courts.

Yours, respectfully,

G. A. MARINER, *Analytical Chemist.*

GEORGE T. ANGELL, Esq.

[From Dr. R. U. Piper.]

CHICAGO, October 16, 1879.

DEAR SIR: I have no hesitation in saying to you—First. That I have entirely abandoned the use of vinegar generally sold in our markets, believing it to be unfit for use and dangerous. I know that sulphuric acid is largely used in its manufacture.

Second. I never use the pickles generally sold in our markets. I think the yellow pickles are quite as dangerous as the green. I know that lead is largely used in their manufacture. Verdigris is used in making the green.

Third. I have examined a large number of specimens of oleomargarine, and have found in them organic substances in the form of muscular and connective tissue, various fungi, and living organisms which have resisted the action of boiling acetic acid; also eggs resembling those of the tapeworm. I have them preserved, to be shown to any one who desires to see them. The French patent under which oleomargarine is made requires the use of the stomachs of pigs or sheep. This is probably the way the eggs get in. I have specimens of lean meat taken from oleomargarine. There can be no question that immense amounts of oleomargarine are sold and used as pure butter. I regard it as a dangerous article, and would on no account permit its use in my family.

Fourth. Enormous amounts of the meats of diseased animals are sold in Chicago. I have made a large number of examinations.

Fifth. I have been informed of several cases of poisoning in this city from the use of canned meats.

Sixth. I know that Professor G. A. Mariner, of this city, a chemist of twenty years' standing, of as high reputation as any man in the West, and a personal friend of mine, has found chloride of tin—an active poison—in numerous samples of sugar he has examined; also in some of them chloride of calcium—another poison.

I do not dare to use the sirups commonly sold in our markets, and I use but little sugar, as I believe them nearly all adulterated.

In regard to glucose, I am informed and believe that seven-eighths of all the sugar sold in Chicago is made of or adulterated with glucose.

As now manufactured and used, I know that many of our eminent physicians believe it dangerous and productive of disease of the kidneys. The manufacture of glucose in this country is now enormous, and large factories are being built to increase its manufacture.

I could fill a volume with the adulterations which I have found within a few years past in articles of food and drink in common use, by microscopical and chemical analysis. I have made more than a thousand microscopical examinations of milk in this city. I think that not over 10 per cent. of the milk sold here by dealers is wholesome and unadulterated.

At your request, I would say that I am a physician of over twenty years' practice, and the past ten years I have given almost entirely to chemical and microscopical analysis. I have written several volumes on scientific subjects—surgical, medical, &c.—and am well known to Drs. Storer, Holmes, Henry J. Bigelow, Cutter, J. B. Treadwell, Harriman, and others of your city.

Yours, truly,

GEORGE T. ANGELL, Esq.

R. U. PIPER.

[From J. M. Chapman, sugar dealer.]

CHICAGO, October 17, 1879.

DEAR SIR: I have been in the sugar business about twenty years. Fifteen years ago our markets were filled with excellent sugars. Among the brands then sold, as I remember them, were Stewart's, Miller's, Bradish, Johnson & Son's, and Ockershausen's, of New York; Lovering, of Philadelphia; Woods, Weeks & Co., of Baltimore; East Boston, Union, Salem T. Lamb, and Adams

refineries of Boston; J. B. Brown & Sons, of Portland, and many others, all of which were excellent sugars. Every one of these sugars have been driven out of our markets. For the past two years, with three or four exceptions, there have been, I believe, no pure sugars sold in Chicago. The average sale of sugars now in this market is more than a thousand barrels a day. In my opinion not more than one barrel in a hundred is pure sugar, the rest being what we call doctored goods.

GEORGE T. ANGELL, Esq.
Who are these men?

J. M. CHAPMAN.

[Dr. Smart.]

Dr. Charles Smart, United States Army, has recently analyzed a wide variety of articles, and says adulteration is now practiced in this country to as great, if not greater, extent than it was in England when the great agitation commenced there a few years ago.

[Prize essays.]

A \$1,000 prize was offered last year, through the United States Board of Trade, for best essays on adulteration, and four have been published.

The writer of the first, G. W. Wigner, an Englishman, says, under British laws adulteration has been reduced from about 65 per cent. in 1860 to about 16 per cent. in 1878, and in Canada under similar laws, from about 52 per cent. in 1876 to about 26 per cent. in 1879, though he says, they still have in English markets tinned fish heavily contaminated with lead; sweetmeats colored with chromate of lead; hams externally coated with chromate of lead; bread containing large quantities of alum; and children's powders and sleeping draughts containing poisonous doses of narcotics. Teas, which used to be almost universally adulterated, are now good. This results from stringent laws enacted by Parliament, about four years ago, for the inspection and analysis of teas landed at any port of Great Britain. In the Sanitary Engineer of June 1, 1880, I find that seven thousand chests of adulterated tea had been recently burned, under British laws, in British India.

The second essay, written by V. M. Davis, of New York city, gives many adulterations, and says, referring to this country: "We believe it no exaggeration to say that adulteration is practiced wherever opportunity offers and pecuniary profit or commercial advantage is made thereby."

The third, by Dr. William H. Newell, of Jersey City, N. J., gives among other poisons liable to be found in food and drink, "chromates of lead, Brunswick greens, red oxide of lead, arsenite of copper, sulphate of copper, acetate of copper, carbonate of copper or verditer, carbonate of lead or white lead, bisulphuret of mercury, sulphate of iron, gamboge, sulphate of lime, carbonate of lime, red ferruginous earths, and other injurious substances; that potted meats, fish, and anchovies, cayenne, &c., are liable to contain red lead, or even bisulphuret of mercury; and pickles, bottled fruits, and vegetables to contain copper;" and that "the ramifications of adulteration extend over this whole country."

The fourth and last is by Dr. O. W. Wight, commissioner of public health of Milwaukee. He names, under the head of usual adulterations of food and drink in this country, lead in canned vegetables and meats, corrosive sublimate in rind of cheese, poisonous colors in confectionery, caustic lime in lard, aniline colors in fruit jellies, preserves, sausage, and wine, salts of tin in sugar, cocculus indicus and tobacco in beer and ale, salts of copper in pickles, sulphuric acid in vinegar, and about twenty-five other deleterious adulterations. He says it is useless to attempt to estimate the number of deaths and the amount of sickness caused by adulterated foods and drinks, "but the articles used are known, and the effects of such articles when taken into the human body."

[Professor Johnson.]

In an essay read before the "American Social Science" at Saratoga, on the 8th of last September, by Professor S. W. Johnson, professor of chemistry in the Sheffield Scientific School, Yale College, I find, among other adulterations named, the following as liable to be found:

Bread, with alum and sulphate of copper.
Yeast, with alum.
Baking-powders, with alum, terra alba, plaster of Paris, whiting, and kaolin.
Milk, with a variety of articles.
Cheese, with potatoes, beans, oleomargarine, vermilion, red chalk, sulphate of copper, arsenic, and corrosive sublimate.
Lard, with boiled starch, alum, and quicklime.
Confectionery, with chromate of lead, red lead, vermilion, Prussian blue, copper, and arsenic.
Pickles, with sulphuric acid and verdigris.
Mustard, with yellow ochre and chromate of lead.
Vinegar, with sulphuric acid, arsenic, and corrosive sublimate.
Coffee, with roasted acorns, spent tan-bark, spent logwood, mahogany, sawdust, and burnt liver of horses.
Teas, with a great variety of articles.

OLEOMARGARINE.

I have spoken of glucose as a giant which has grown in a few years to colossal proportions. I will now speak of what I may properly call its twin-brother—oleomargarine.

Few persons have any correct idea of the extent to which this article is now made in this country. A single firm in New York city has recently contracted with parties in Vermont for 300,000 firkins, to be delivered this year, for packing oleomargarine butter.

It is estimated that there was made in this country last year about a hundred millions of pounds.

It is sold, as I am informed, in almost every butter stall in our great Faneuil Hall market, and large quantities of it, I am informed, are shipped to Vermont to come back as Vermont butter. It is put up in beautiful forms as well as in tubs and firkins, and can not ordinarily be distinguished from the products of the milk of the cow.

It is not only filling our markets in the shape of butter, but also as cheese. Many creameries and many large dairies, as I am informed, are now mixing 25 per cent. or more of oleomargarine oil with their cheese.

Are these commodities unwholesome? Manufacturers will tell you they are even better than the products of the milk of the cow; and they will show you a long list of certificates from their paid chemists to the same effect.

I have microscopic photographs which tell a different story, and the testimony of scientific men whom I believe.

It is a great pity that chemical analyses are so expensive. A great glucose or oleomargarine ring, making millions of dollars, can easily afford to furnish all the chemists in the country carefully prepared samples of their commodities, and pay the highest prices for analyses and certificates. But who is there in this country to cautiously collect from the highways and by-ways in our various cities and towns, a great variety of the articles actually sold, and pay honest chemists to analyze them?

Professor Henry Leffman, one of the most respectable chemists of Philadelphia, states that he knows large establishments which employ scientific men simply for the purpose of adulterating and to invent new processes of adulteration.

The French Academy of Medicine have, as I am informed, recently reported that French oleomargarine is unfit for use in French hospitals, and the French minister of the interior has refused to permit its use in French hospitals. The ground taken was, as I am informed, that while it might be possible to make, in a chemist's laboratory, a pure article which would not be unwholesome, in

point of fact it was found by the academy experts in Paris that only an inferior article was actually sold in commerce, and which appeared to injure the digestive organs of sick and debilitated persons.

Mr. Michels, of New York city, a well-known microscopist and editor of a scientific journal, testifies 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. He states that he has found in it tissue, and muscle, and oells of suspicious nature, and that Mr. Saylor has also found in it positively identified germs of disease.

Mr. Michels further states that all the caul fat of oxen brought to New York city in a week would not supply one factory four days, yet there were then seven factories in New York city, and he asserts that there can be no doubt that fats and grease of various descriptions are used in making oleomargarine.

The eminent English chemist, Professor Church, states that he has found in it horse fat, fat from bones, and fats such as are ordinarily used for making candles.

But the gentleman who, probably more than any one else, has written upon this subject is Dr. R. U. Piper, of Chicago, concerning whom the chief-justice of the superior court of that city, and three other judges, certify "that the testimony of no other scientific gentleman of that city would, in their judgment, be entitled to higher respect."

Dr. Piper says his attention was first called to the subject by an article published by Mr. Michels, before referred to, 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 who may desire to see them, and he has also microscopic photographs of them. He thinks these may get in through the stomachs of pigs and sheep used in making the article, though he has found in it specimens of uncooked meat. His conclusion is that it is a dangerous article, and that he would on no account permit its use in his family.

The Rev. E. Huber, microscopist, of Richmond, Va., writes in the Southern Clinic of May, 1880, that oleomargarine differs in its microscopical appearance as well as in its nutritive and dietetic 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.

Mr. Michels says I have reason to believe that the refuse fat of at least one pork-packing establishment is used for oleomargarine; and as the trade increases, fat of every description will probably be offered for sale; even that from the carcasses of diseased animals may be purchased without guilty knowledge of the managers.

Professor Piper says it is not unreasonable to suppose that one of these populated stomachs chopped up with the fat, even if washed and cleaned, may contain thousands of living organisms.

From an article in Boston Herald of January 8, 1881, I find that Dr. George B. Harriman, a most respectable microscopist of Boston, well known to me, has recently examined some twenty specimens of oleomargarine obtained from different dealers, and has found in every specimen more or less foreign substances, a variety of animal and vegetable life. Among these 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.

I find also in the American Journal of Microscopy of October, 1878, a letter from the celebrated English microscopist, W. H. Dallinger, said to be the greatest living authority on this subject, in which he shows that oleomargarine is not subjected to a heat sufficient to kill the living organisms which refuse fats are liable to contain.

In view of the great and increasing magnitude of this business; and the report of the French Academy of Medicine; and the discoveries of the scientific gentlemen before named; and the danger of using the raw fats and stomachs of diseased animals, and of those that die on the cars, which number hundreds of thousands annually; or of pleuro-pneumonia; or of cattle fever; or of hog cholera; I think we have no reason to rejoice over the erection of these enormous factories which are now supplying the tables of our hotels, restaurants, boarding-houses, and private families with oleomargarine butter and cheese.

Whatever else may be said by the great capitalists engaged in their manufacture, one thing they can not honestly deny, namely, that not three men or women in a hundred would eat an ounce of these articles if they could know by color or otherwise what they were eating.

No man would knowingly give his wife or children for butter the raw uncooked fats of animals that may have died of cattle plague, hog cholera, or other diseases. But how manufacturers are to guard either themselves or the public against the fats of such animals is a problem which no manufacturer or chemist employed by him has, thus far, to my knowledge, attempted to explain.

If any one shall ever assert that such fats can not be used, I am prepared with evidence to prove the contrary.

A new article of butter and cheese has recently made its appearance in Western markets containing from 50 to 75 per cent. of hog's lard. The Chicago Tribune, of November 17, 1880, states that fifteen factories in that city are now engaged in its manufacture, and that one article used in making the cheese will eat through the oak barrels in which it is kept. Concerning its effects on the human stomach I have, thus far, no evidence.

Mr. WARNER, of Missouri, addressed the committee. [See Appendix.]

Mr. McMILLIN addressed the committee. [See Appendix.]

Mr. ADAMS, of Illinois. I do not believe that if this bill becomes law butterine will cease to be manufactured and sold. It will no longer be sold as butter. It will be sold for what it really is. If butterine can be sold to the consumer under its own name as a substitute for butter, dairymen will have no right to complain. They would have no more right to complain than if olive oil, or even purified cotton-seed oil, were to be generally used in this country as an article of food, as olive oil is in some of the countries of Southern Europe.

But dairymen have a right to say that their product shall not be counterfeited. This right of the dairyman is identical with the right of the consumer. In ordinary cases the consumer may be left to his own intelligence to protect himself against impositions. By the exercise of a reasonable degree of caution he can protect himself from frauds in under-weight and in under-measure. If he can not detect a paper-soled shoe on inspection he detects it in the wearing of it, and in one way or another he can impose a penalty upon the fraudulent

vender. As a general rule the doctrine of *laissez faire* can be applied. Not so with many of the adulterations of food. Scientific inspection is needed to detect the fraud, and scientific inspection is beyond the reach of the ordinary consumer. In such cases the Government should intervene. This is generally admitted to be a reasonable doctrine. Many of the nations of Europe and many of the States of this Union have recognized their obligations to their citizens to protect them against frauds which can not be detected by ordinary inspection, and have passed statutes imposing penalties against adulterations of food, whether injurious to health or not.

But it is said that legislation by the States of this Union is sufficient. Congress, it is said, ought not to interfere. True it is that Congress as a general thing may well leave to the jurisdiction of the several States laws relating to the public health and laws imposing a penalty upon frauds of vendors. But there are exceptions to the rule, and the subject covered by this bill is one of them. When I hear gentlemen insist that the fraudulent sale of butterine as butter may be safely left to the jurisdiction of the several States and ought not to be handled by Congress, I am reminded of an episode in my legislative experience.

Some years ago I was a member of the State senate of Illinois. There came before that body a measure somewhat like this; whether it related solely to oleomargarine or included other adulterations of food I have forgotten. Oleomargarine was certainly included, and I think had a prominent place in the bill and in the discussion upon the bill. The bill was supported by about the same arguments that we have heard on the floor of this House in support of this bill. It was strenuously opposed. What do you suppose, Mr. Chairman, was the main argument used against it? It was nothing less than this: That the subject could not be effectively handled by a State Legislature, and therefore must be left to the action of Congress. The reasoning was this, and it struck me as having considerable force: Oleomargarine-makers in Illinois manufacture not merely for consumption in Illinois, but also for consumption in Missouri and other States.

Oleomargarine-makers in Missouri manufacture partly for consumption in Illinois. It is practically impossible to detect and arrest the product as it passes to and fro across State lines. However strict the law against it might be in Illinois, we could not be sure that other States would pass similar laws and enforce them strictly against the sale of oleomargarine for consumption in Illinois. We might suppress the manufacture in Illinois and thereby benefit the manufacturers in other States. The consumer in Illinois would not be protected. He would simply eat butterine not made in Illinois but made in some other State. Nothing will be effective except a national law, enforced everywhere with equal strictness throughout the United States. This was the argument which I heard against the enactment of an anti-butterine law by a State Legislature.

Now I find myself in Congress, and the butterine bill is in Congress, too. And when I listen for the substantial objections to such a bill, lo, and behold! I find that it is claimed that it is not a fit subject for national legislation, because it belongs properly in the State Legislature.

That is to say, when I was in the State senate and the butterine bill was there I was told that it ought not to be there because it ought to be here, while now that I am here and the butterine bill is here I am told that it ought not to be here because it ought to be there.

Perhaps the wisest course would be to assume that it might properly be in both places at the same time. We ought to supplement with Congressional action the supervision of the subjects by the States. We impose an internal-revenue tax on beer and whisky, and it claims to be enforced uniformly in all the States of the Union. But the sale of beer and whisky is also subject to regulation by the States. One State permits it under a low license, another State permits it under a high license, while still another does not permit it at all. Even counties and cities within the same State may adopt varying regulations on the subject and may vary them from time to time.

So with butterine. We may lay an internal-revenue tax upon it everywhere within the United States. We may supervise its manufacture and sale by Federal officials. At the same time we leave to the several States to say what further regulations they shall impose within their respective limits.

The advantages to be gained by national supervision are twofold. We prevent a fraud upon the consumer. We afford a safeguard to the public health. There is no doubt in my mind that some butterine is wholesome food. There is just as little doubt that, as it is sometimes made, it is injurious to health, to say the least of it. And as the ordinary consumer can not detect the difference between that which is properly made and that which is not, it is a legitimate function of government to give the citizen the means of ascertaining whether it is wholesome or unwholesome. It is a great step in the right direction to compel the retail dealer, if he sells it at all, to sell it for what it is.

When I buy butter I am tolerably secure against serious harm. If the butter is badly made, it is not usually dangerous to health unless it is bad enough to betray itself to the senses. I need no warning against adulterations injurious to health when I buy butter. And, therefore, when I buy butterine as butter I am liable to injury without warning.

But when I buy butterine as butterine I am put on my guard, and I shall be likely to investigate the quality of the butterine that I buy; that is, I know I am buying something which, if carefully made, contains nothing injurious to health, but which, if carelessly or improperly made, carries, it is said, the germs of disease.

Mr. Chairman, I think that when we have gone as far as this we have gone far enough. If we can see to it that butterine is sold only under its own name to the consumer, we can safely leave to the consumer the task of distinguishing between good butterine and bad. He will be aided first by the natural rivalry between butterine and butter, and secondly by the rivalry between different makers of butterine. The rivalry between different makers of butterine will be a very effective agency in extirpating the unwholesome product. It does not operate effectively now, because a very large part of the butterine now manufactured is intended to be sold to the consumer as butter. It is not seriously pretended that it is sold as butter by the manufacturer to the wholesale dealer or by the wholesale dealer to the retailer. The fraud intervenes between the retailer and the consumer.

If this bill becomes a law the manufacturer, in order to find a market, will be obliged to take upon himself the trouble and expense of persuading the consumer to buy it for what it is. He can do this only by making a pure and wholesome article. He must persuade the consumer that it is wholesome and pure.

Therefore, Mr. Chairman, if any butterine-maker is willing to put his product into sealed and stamped packages, which can pass from the manufacturer to the wholesale dealer, and from the wholesale dealer to the retail dealer, and from the retail dealer, with the stamps still unbroken, to the consumer he ought to be allowed to do so. If this course were adopted by any one or a few prominent manufacturers all oleomargarine that can not stand the test of the microscope will soon vanish from the market.

To give the manufacturer this right is to treat him as we treat the manufacturer of tobacco. When the consumer of smoking-tobacco wants to buy 4 or 8 ounces of a particular brand he does not have to depend on the integrity of the retail dealer to give him what he wants. The retailer gives him a 4 or 8 ounce package, which has been put up, sealed, and stamped in the factory. He knows just what he gets. If he finds any defect in it he can place the responsibility upon the manufacturer, and the fact that the identity of the thing sold can be traced back from the consumer to the manufacturer will compel the manufacturer either to make a wholesome article or to retire from business. An article so packed and stamped by the manufacturer can not be sold as butter. It can not be used as an instrument of fraud. It can not injure the public health. To forbid the use of such packages is to encourage the practice of fraud on the consumer by the retail dealer.

As the bill now stands the manufacturer must pack the product in packages of not less than 10 pounds, while the retail dealer is required to sell from the original package. The retailer whose customer wants 1 or 2 pounds must dish the requisite amount out of the 10-pound package. I desire to amend the bill at the proper time, so that the retailer may sell to the consumer a 1 or 2 pound package just as it comes, with the seals and the internal-revenue stamps unbroken, from the factory. To effect this change will require certain amendments to section 6 of the bill. I trust that the committee will recognize that these amendments will practically improve the measure.

Mr. CURTIN. Mr. Chairman, if this is a bill to raise revenue the pains and penalties proposed to be placed upon the manufacturer or the seller are too high to bear the burdens proposed by the act under consideration. The tax proposed to be imposed upon this article can not produce revenue. If revenue is the object, make the pains and penalties less, and the tax less onerous, and you produce revenue. If the object of the bill is to legislate an industry of this country out of existence, the tax is not high enough, and the pains and penalties are not in proportion to produce such a result.

If it is true, as claimed, that the article now under consideration produces disease and contagion and death, where is the evidence? I do not say that we should depend upon chemical analysis. Let us go to the facts. If humanity is disturbed or diseased by the use of this article, we are without any evidence before this House to that effect. If such is the fact, we should consider directly the question of abolishing the production of this article altogether as deleterious and injurious to the public health.

If the object of the bill is revenue, make your tax low and your pains and penalties lower; then you will get revenue, as you have done upon whisky. Let us not, standing within the mere letter of the Constitution, undertake by indirection through heavy taxation and severe pains and penalties to exclude an article of food from the market. As we all know, the farmer is the great producer. His industry, which raises from the earth that which supplies to man his food—an industry which makes this country great and powerful—should not be tampered with, but should be fostered and protected for its benefits and blessings, and not by the destruction of other industries. I am not quite sure that the farmers of the country claim such exclusive and personal benefits which manifestly injure the business and means of living of others, who are equally entitled to fair and just government.

But whatever we do, let us not fight any branch of industry by indirection, as this bill clearly does in all its essential discrimination.

Mr. Chairman, I am opposed to the centralization of all power here in Washington, and especially those reserved to the States, where the real power is large for the protection of persons and property of the citizen. But assuming that the gentleman from Georgia is correct in his statement of the law passed by that State, suppose the adjoining State should not pass such a law, then the maker of oleomargarine would go to that State, just as under the system of allowing the several counties in a State their "local option" as to the use or sale of ardent spirits, if one county adopts the prohibition and the adjoining county permits the sale and use of intoxicating liquors, the business is destroyed in one county, while the adjoining county makes profit from that destruction. If, in the manufacture of oleomargarine, there is anything so pernicious as represented, let us put it down by direction, not by indirection.

But, Mr. Chairman, suppose we carry out the principle of this legislation. Suppose we raise a tax upon spurious coffee, so much complained of and so deleterious. Suppose we tax molasses, so much of which is made of rags until people are afraid to use the article. Suppose this principle were applied to the manufacture of whisky. In Pennsylvania we produce rye whisky. Suppose the Pennsylvania producers of whisky from rye should come to this august assemblage of the nation's wisdom, representing that whisky made of corn produces, as the papers say, Bright's disease, and asking that corn whisky be legislated out of existence by taxation. Every member on this floor from Kentucky would protest earnestly against such legislation [laughter], and in that protest they would be joined most emphatically by members from the State of Ohio.

Again, Mr. Chairman, the enterprise of the South is introducing on the slopes of the mountains there the culture of the olive, which is likely to be a great success. Suppose, when that industry shall be successful, the producers of olive oil should determine that the production of the oil expressed from the cotton seed should be legislated out of existence. You will have parties interested in the manufacture of olive oil knocking at the doors of this House and asking such legislation.

Mr. TILLMAN. California already produces large quantities of olive oil.

Mr. CURTIN. I know that fact; but if the producers of olive oil should succeed in convincing Congress that the production of the oil from cotton seed should be legislated out of existence that production would go to the wall, and one of the great staples of a part of this country would suffer destruction.

Sir, I would like to find where are the graveyards in which are buried those persons whose lives have been shortened by the use of the article we are now asked to legislate against. There is not before the House any evidence of the fearful diseases or contagions which it is alleged to produce. Mr. Chairman, the average American ought to know, if he does not, what he buys. He ought to be the judge of what is useful food for himself and family, and he has a right to get for his family what he and they eat where he can buy it on the most reasonable terms; that is a personal right of every American citizen of which he should not be deprived. Mr. Chairman, there is not a country in Europe which does not cause all food to undergo a rigid examination, and of the liquids used as well, and it must be fresh in the memory of the members of this House since our beef and pork were excluded from the markets of Germany. To such legislation I would give my hearty approbation.

[Here the hammer fell.]

Mr. MILLIKEN. Mr. Chairman, I desire to say to my friend from Pennsylvania [Mr. CURTIN] if it is shown that any kind of whisky produces Bright's disease I would not oppose voting it out of existence simply because it might benefit some other person who made something else. It is sufficient to know it is producing disease, and that it is unfit for use.

Mr. CURTIN. Is that to be taken out of my time, Mr. Chairman? [Great laughter and applause.]

Mr. MILLIKEN. I have the floor.

The CHAIRMAN. The committee will come to order, as it is impossible to understand what is going on unless members will resume their seats.

Mr. CURTIN. Why, sir, there is not a nation on the face of the globe which does not have provision of law for the inspection of food sold to the people. How is it about your pork and about your beef sent to Germany; are they not inspected?

Mr. MILLIKEN. I insist upon being allowed to proceed.

Mr. CURTIN. Do not take up too much of my time. [Great laughter.]

The CHAIRMAN. The Chair requests gentlemen to resume their seats.

Mr. CURTIN. If you wish to make sanitary regulations, then make them like men and let us understand that they are sanitary regulations, and for that purpose only.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired, and the Chair recognized the gentleman from Maine [Mr. MILLIKEN], who is entitled to the floor.

Mr. CURTIN. Oh, I beg the gentleman's pardon; I thought he was taking up my time.

The CHAIRMAN. No; the gentleman's has expired.

Mr. MILLIKEN. I have the floor, I believe.

The CHAIRMAN. The gentleman is recognized.

Mr. HATCH. I move that the committee rise.

Mr. MILLIKEN. I am on the floor and the gentleman can not take me off without my consent.

The CHAIRMAN. Debate on the pending amendment is exhausted. The formal amendment was submitted by the gentleman from Illinois to strike out the last word.

Mr. MILLIKEN. I move to strike out the last two words.

The CHAIRMAN. The gentleman will proceed.

Mr. MILLIKEN. Mr. Chairman, it would give me great gratification to have the gentleman from Pennsylvania [Mr. CURTIN] make my speech if he was on the right side, for I have no doubt he would make a much better speech than I could.

I was proceeding to say when interrupted that this bill seems to be fought by a few gentlemen here with a persistency equal to the profits in this fraudulent business, and in a way as unwarranted as the product itself is dishonest. It is fought by every manner of filibustering, and by introducing amendments frivolous in the last degree. And it has been fought in a legitimate way, too, with a great deal of skill.

It gives me pleasure always to listen to the very eloquent remarks of the gentleman from Kentucky [Mr. BRECKINRIDGE], and I never listen to him with more delight than when he gets upon his favorite proposition that one man or one industry should not be taxed for the benefit of another. There is a little trick of oratory in this—and I do not say it in an offensive way, for it has been used by great orators in the past as well as in the present—and that is to urge upon the House, or upon the audience, as the case may be, a proposition which they entirely agree with, and get them thoroughly warmed up and enthusiastic in their embrace of that proposition, and then by a skill which only the accomplished orator understands transfer that enthusiasm to the subject which is before them. So my friend made his remarks and argued upon this proposition that one industry should not be taxed out of existence for the benefit of another. Who disputes the correctness of that proposition? No one in this House. No one disputes it at all. But, sir, that is not the question before the House. The question is whether we should raise a revenue on a manufactured article which is stated to be a fraud. The evidence of its fraudulent character is that it stalks forth not under its own name, but under that of another. It has gone out, ever since its invention, to the country as butter and not as oleomargarine. And I say that the fact that it assumes a disguise, fearing that its name would discover its bad character, is evidence that it is a fraud. He who counterfeits food is worse and more wicked than he who counterfeits money, and deserves to suffer a severer penalty.

Now in favor of what industry do our friends on the other side say this legislation is to operate? Is that legislating for one industry against another when you legislate this fraud out of existence in favor of the honest farming element of the country? Why, Mr. Chairman, it is the very father and mother of all industries. The farmer produces the prime necessities of life. You all know that every man here, whether he be a farmer, or a doctor, or a lawyer, or anything else, is as closely identified and interested in the avocation of the farmer, that avocation which produces all we eat and drink and the material of all we wear, as the man himself who pursues that avocation.

Not only that, sir, but it is that which gives to the great cities its manhood. There is not a city on earth that could live for three hundred years if the country did not furnish it with its manhood as well as with food. The strong man comes from the country, where, bred in the pure air, he acquires strength and vigor. He comes to the city, but in its turmoils and cares and interests he exhausts his manhood and his strength. He can not reproduce himself. The country that sent him must send another in his place.

The farmers are the conservative force of the country, to be relied upon in times of excitement which threaten the good order and safety of society.

Who ever heard of a riot of farmers? They are not those who pull down the column Vendôme, who destroy the Tuileries, with all those records so valuable to mankind. They are rather the conservators of the genius and labor of the past. They are neither communists, socialists, nor anarchists. They above all others are sober-minded and deliberate. Their patriotism is proverbial. Their possessions are a part of the country itself. They can not pocket these and depart for other lands. If we have bad government they can not escape it. They must live under and suffer it or improve it.

Hence they have been of all people the most to be relied upon to stand steadily by real and needed movements of reform, while they have been the first and strongest to defend good government and wholesome laws.

Amid the mutterings and threatenings and bloody collisions in our great cities who does not see the wisdom of strengthening this great conservative element of our nation, the thinking, reflecting, intelligent, patriotic farmers? How soon we shall need their conservative power no one can say. Let us see that they are not driven from their useful

fields of labor by any great and powerful interests that stand behind a counterfeit.

Mr. HATCH. I move that the committee do now rise.

Mr. MORGAN. I hope the chairman of the committee will yield me five minutes. I want to say a word for these farmers.

Mr. HATCH. Very well; I will withdraw the motion.

Mr. MORGAN. Mr. Chairman, the farmers of this country have been so persistently misunderstood, not to say misrepresented, in the course of this debate that I shall ask the House to give me only the brief space of five minutes to enable me to set them right, if they need to be set right, before this committee. I ask that time only to set at rest some of the misrepresentations that have been made with reference to the pending question.

It has been stated on this floor, and reiterated time and again, that the farmers are here demanding financial protection for their industries, and I reply that such is not the truth. They do not ask any such protection. They ask protection not for the purpose of advancing the value of the products of the farms and dairies, but they simply ask the protection of the law of the land; that protection which is thrown around all of our citizens in their property, and just as every other citizen in the land is entitled to protection under the Constitution and the law to life, liberty, and property. They ask that and nothing more, and to say that they make any other demand is to say that which can not be sustained. They are not asking here protection in the sense that their products may be advanced in value, but they ask the protection, I repeat, of the law of the land; that and nothing else.

This is a subject with which we had to deal in the committee, and we investigated it, and I have the testimony before me. That question was asked Mr. Reall, the president of the American Agricultural and Dairy Association, and nobody will dispute his capacity to answer it. He was asked what protection do you want; and are you endeavoring to break down this industry in order to build up that of the dairy?

What is his answer? He says:

We only want fair competition, and care not how great it is if it be with a genuine article.

That is all they demand. They do not want to come into competition with their own stolen name. Are you not willing to accept the statement of the head of the agricultural organization of the United States? Are you not willing to accept the truth of his statement? What does Mr. Littler say, who is secretary of the Iowa Dairy Association, secretary of the Chicago Produce Exchange, and the head of the great Western organization? When asked the question, What do you desire the protection for—is it one industry against another? His answer was:

No, sir; we ask nothing of the sort; honest competition can be no cause of complaint upon our part.

What do you say to that, gentlemen? Is that in harmony with the statement you are making here that this is an effort to build up the butter interests of the country at the expense of a legitimate industry?

What does Mr. Hughes say, the president of the Baltimore Produce Exchange? He said that they do not want legislation for the purpose of destroying an industry.

Mr. BUTTERWORTH. Then a nominal tax is all that is required.

Mr. MORGAN. Mr. Hughes says in response to similar questions asked him:

Put oleomargarine or butterine in competition with butter as it is turned out from the beef fat or lard and it will not affect butter in the least.

Mr. Chairman, that is the uniform tenor of all the testimony taken. All they ask is fair competition. Then what do you gentlemen complain of? They say that the fraudulent character of this compound and its sale under the name of "butter" is an evil, an injury, and an injustice, and it is that of which they complain. Mr. Hughes says all we ask is to have this compound placed before the country in its proper light. Mr. Littler says all we ask is that the country may have information of the sale of this product under its proper colors to protect them. He wants the people to be informed of what it is, and not that it shall sail under false colors. What then becomes of your charge that this is an endeavor on the part of the farmers to break down one great industry to build up or help their own?

Again, Mr. Chairman, as to the constitutional power to levy the tax. I presume it will not be questioned that we have the power to levy such taxes as are necessary for the support of the Government, and these taxes must be levied upon property and objects to be selected by Congress. If then you are to select an article on which revenue is to be raised, by what principle are you to be governed? Can you select one better adapted to it than the one in question? For this will be a tax not only that produces revenue, but one which at the same time protects the property the farmers have in the good name and in the good will which that good name has given to one of their principal products.

Are you in favor of honesty or dishonesty? Are you willing to protect butter against the theft of its own good name? If you are against dishonesty, gentlemen, and want to raise money, the question is how much is necessary to be raised, and how can you best select the property to which to apply it—not how much is necessary to break down the industry or run it out. We took testimony also upon this point of dishonesty

in the sale of this product with a view to profits and raising revenue, and the testimony shows that not more than 1 per cent. of the whole of this stuff that is sold in the country has been sold for what it really is. It is never sold for anything else than butter.

Mr. TILLMAN (from his seat). How about bad whisky.

Mr. MORGAN. There is no fraudulent whisky. My friend thinks all whisky is good. [Laughter.] But here is a substance made at a cost of 7½ cents a pound which is sold for butter for not less than 26 cents a pound, and often retails at from 30 cents to 36 cents a pound. If 200,000,000 pounds of this stuff is sold at a dishonest profit of 200 per cent., is not here a splendid and legitimate field to turn at least 100 per cent. of that profit from the pocket of the fraudulent vender to the coffers of the Government? If this is not a suitable place to impose a tax, where is one?

Good butter can not be made for less than 20 cents per pound; the best oleomargarine or butterine can be made for 7½ cents per pound. Here is, then, under the inexorable law of production, a protective tariff of about 175 per cent. per pound in favor of this product. It will always sell at retail at the price of butter, or just enough under to command the trade. No person can tell it from the smell, from the taste, or by the eye from creamery butter. It is given the favor, the savor, and the flavor of butter, and it steals its good name and its good will with consumers. Neither whisky nor tobacco, both of which should be taxed as long as money is required to be raised to support the Government, affords so just a field for taxation. Without burden to the people, or even affecting the price of the article, a splendid revenue can be raised from it.

[Here the hammer fell.]

Mr. WARNER, of Missouri. I submit the amendment which I send to the desk.

The Clerk read as follows:

Add to section 4 the following:
"Provided, That the provisions of this, and the preceding sections, shall not apply to any manufacturer, wholesale or retail dealer in oleomargarine who, under such rules and regulations as shall be established by the Commissioner of Internal Revenue, shall show to the satisfaction of said Commissioner that the oleomargarine manufactured, sold, or offered for sale by them or either of them is as wholesome in every respect as butter."

Mr. BRECKINRIDGE, of Kentucky. I offer the amendment which I send to the desk.

The CHAIRMAN. The amendment will be read for information.

The Clerk read the amendment, as follows:

Strike out of line 4 of section 4 the words "one thousand" and insert "fifty;" and strike out of line 9 the words "five hundred" and insert "fifty."

Mr. HATCH. I am advised by the gentleman from Kentucky [Mr. BRECKINRIDGE] and the gentleman from Missouri [Mr. WARNER] that they do not desire to speak to this amendment. The debate on this section has already run forty or fifty minutes. I ask unanimous consent that debate on this section and amendments thereto be closed.

Mr. DUNHAM. Oh, no.

Mr. HATCH. Then I move that the committee rise.

Mr. BAYNE. I think unanimous consent may be had.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate on the pending section and amendments thereto be closed.

Mr. DUNHAM. I guess we had better do it in the regular way.

Mr. HATCH. I move that the committee rise.

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.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue. And pending that motion I move that all debate upon the pending section of the bill (H. R. 8328) and amendments thereto be limited to one second.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union 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.

The CHAIRMAN. By order of the House all debate on the pending section and amendments thereto is limited to one second. The Clerk will read the amendment submitted by the gentleman from Kentucky [Mr. BRECKINRIDGE], which is an amendment to the text of the section.

Mr. WARNER, of Missouri. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WARNER, of Missouri. With the liberality with which this discussion has been conducted heretofore I presume the gentleman from Missouri [Mr. HATCH] will divide the time. [Laughter.]

Mr. HATCH. I will be more generous than that. I will yield it all to my colleague.

The amendment proposed by Mr. BRECKINRIDGE, of Kentucky, was again read.

The CHAIRMAN. All debate on the section and amendments thereto is limited to one second.

Mr. WARNER, of Missouri. I have that second.

The CHAIRMAN. The gentleman from Missouri will proceed.

Mr. WARNER, of Missouri. I wish to say that in all—

The CHAIRMAN. The time of the gentleman has expired. [Laughter.]

The amendment was disagreed to.

The CHAIRMAN. The question is next on the amendment submitted by the gentleman from Missouri [Mr. WARNER].

The amendment was again read.

The committee divided; and there were—ayes 32, noes 95.

Mr. WARNER, of Missouri. I wish to reserve the point of no quorum for the purpose of making an inquiry. I do not wish to delay the vote on this bill. Is the gentleman who has charge of it willing that a vote should be taken on this amendment in the House? I look upon it as being material, and have offered it in good faith.

Mr. HATCH. So far as I am personally concerned I would have no objection. But I have acted in this matter for the committee that have this bill in charge; and I do not regard the amendment offered by the gentleman in the light he does. I think it would be utterly impossible and impracticable to carry it out. There is no such thing as oleomargarine that is as wholesome in every respect as butter.

Mr. WARNER, of Missouri. I do not make the point as to a quorum.

So (further count not being called for) the amendment was disagreed to.

The Clerk read section 6, as follows:

SEC. 6. That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and shall pack the oleomargarine sold by them in suitable wooden packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not less than \$100 nor more than \$1,000, and be imprisoned not less than six months nor more than two years.

Mr. SPOONER. I regret to find so many of my friends, for whose opinions I usually have much respect, differing from me concerning the propriety of this proposed legislation. That difference, I apprehend, arises largely from a mistaken or distorted view upon their part of the facts involved and of the actual evils requiring correction; for I am sure I am as much opposed as any of them can be to fraud in any manufacture, and particularly in any article of food, and I as strongly insist that each should be sold for what it actually is, and that no imposition should be practiced upon the purchaser. Our difference, I believe, is as to the necessities and methods of legislation.

With the progress of civilization come inventions, improvements, and scientific discoveries; and, while all that is new is not necessarily good, nor necessarily better than the old which it attempts to compete with, supplement, or supplant, intelligent legislators, mindful of the history of the past, teeming with prudent lessons, should hesitate to interpose any barriers to legitimate industry and business enterprise, save such as experience and necessity dictate. New methods and processes for the utilization of various products have marked our progress in the past, and will unquestionably accompany our progress in the future, among which canned meats, fruits, and preserves, condensed milk, prepared soups and meat extracts, oleomargarine, and other products of inventive skill have grown to be important, if not indispensable, articles of food consumption.

This bill proposes to impose special taxes, as follows: Upon manufacturers of oleomargarine, \$600; upon wholesale dealers in the same, \$480; upon retail dealers, \$48; and an additional tax of 10 cents is also imposed upon every pound of the article produced, which taxation, if it does not destroy the entire industry and utterly prevent the manufacture and sale of oleomargarine (as the advocates of this bill seemingly intend), must necessarily largely increase its cost to consumers. Are the advocates of this bill seeking either of these results?

Now, if I am correctly informed, many of the advocates of this bill have indulged in gross exaggeration of statement, entirely unjustified by any acts which have come to my knowledge. They overstate their case; for if oleomargarine is the unwholesome product they describe, and yet has acquired an annual sale of one hundred and fifty or two hundred million pounds, who can reconcile its continued purchase and great consumption with the continued health of our people and the survival of its consumers?

All reasonable purity in food is extremely desirable; but hypercritical analysis is scarcely to be commended, and if invoked might discredit many healthful articles of food in general use.

He is a bold and I think an imprudent man who would attempt to trace every attractive and palatable dish upon his table back to its origi-

nal constituents and through its various manipulations. If he should insist upon absence of any cause for suspicion, I fear he would eat little and drink less.

Even the water we drink, if persistently traced from its sources through its devious and questionable channels, would excite our suspicion and perhaps our disgust.

The same people who are loudest in their protests against Germany's exclusion of American hog products (upon the pretense of their unhealthfulness) are among those who are the most bitter in their warfare against "oleomargarine," as defined by this bill—a product of this identical American hog! What is lard—rendered from what fats and how? Yet it is one of the articles most commonly and generally used in the cooking of our people. And how is its purity and healthfulness vouched for more fully than is oleomargarine, manufactured by responsible parties from the best of it? What are sausages? From what kinds and qualities of meats made?

Mr. PRICE. I give it up. [Laughter.]

Mr. SPOONER. And in what packed?

Mr. MILLIKEN. I suggest if the gentleman from Rhode Island can explain what sausages are he can tell what oleomargarine is. [Laughter.]

Mr. SPOONER. Yet there is no proposition to tax any of these products, save oleomargarine, out of existence.

Are not the advocates of this bill pressing their inquiries too far, and in a direction calculated to injure the very interests they claim to support? "For people will talk, you know!" And I am surely justified in assuming that "choice beef fats" are at least equally unobjectionable with lard.

Why then this war on these products? If unwholesome, or if sold for what they are not, I heartily assent to such legislation from proper sources—by Congress if necessary—to prevent the sale of the unhealthful and compel the sale of the others for only what they really are; but I can not, under any such pretense as this bill makes, lend my voice or my vote to the destruction of one legitimate domestic industry for the advantage of another, however great or important that other may be. Such an attempt seems to me inconsistent with any theory of the correct and honorable exercise of my duty as a legislator.

I have heard some of these gentlemen, who I fear are afflicted with peculiarly vigorous imaginations, stigmatize oleomargarine in terms unjustified by any facts which have come to my knowledge.

They have called it "bogus," "counterfeit," "dirty," "filthy," "poisonous!" Adjectives have failed them with which to express their disgust and abhorrence; and the gentleman from Iowa [Mr. HENDERSON] apparently attempted to persuade the House that the recipe from which it is usually manufactured is identical with that by which the "witches' broth" in Macbeth was compounded! Yet I have heard no authentic statement in support of such extraordinary charges; nothing save wild and extravagant assertions, based upon little else than vague speculations and suspicions; for it certainly is not "bogus" or "counterfeit" if it is sold for what it is.

Now, I am neither a manufacturer, a physician, nor a chemist; but perhaps I should not be accounted singular in possessing the disposition, not uncommon certainly in the locality which I represent, to be guided by reliable testimony, rather than by intemperate abuse and unsupported assertions. I will therefore let manufacturers, chemists, scientists, and physicians speak and give to you the facts upon which I necessarily base my judgment.

Mr. Philip D. Armour, of the celebrated firm of Armour & Co., of Chicago, in his sworn affidavit, presented by the gentleman from Illinois [Mr. DUNHAM], gives a clear and definite statement of the ingredients used in the manufacture of oleomargarine and butterine and describes the entire process of manufacture. That affidavit is as follows:

STATE OF ILLINOIS, Cook County, ss:

Philip D. Armour, being first duly sworn, deposes and says that he is a resident of the city of Chicago, in the State of Illinois, and that he is a member of the firm of Armour & Co.

Deponent further says that said firm of Armour & Co., in the course of their business, makes and sells oleomargarine and butterine, and that this deponent knows of his own knowledge the materials and the methods used by said firm in the making of said products. They are as follows:

METHODS OF MANUFACTURE.

The fat is taken from the cattle in the process of slaughtering, and after thoroughly washing is placed in a bath of clean, cold water and surrounded with ice, where it is allowed to remain until all animal heat has been removed. It is then cut into small pieces by machinery and cooked at a temperature of about 150 degrees until the fat in liquid form has separated from the fibrine or tissue; then settled until it is perfectly clear. Then it is drawn into graining vats and allowed to stand a day, when it is ready for the presses. The pressing extracts the stearine, leaving the remaining product, which is commercially known as oleo oil, which, when churned with cream or milk, or both, and with usually a proportion of creamery butter, the whole being properly salted, gives the new food product, oleomargarine.

In making butterine we use neutral lard, which is made from selected leaf lard in a very similar manner to oleo oil, excepting that no stearine is extracted. This neutral lard is cured in saltbrine for forty-eight to seventy hours at an ice-water temperature. It is then taken and, with the desired proportion of oleo oil and fine butter, is churned with cream and milk, producing an article which, when properly salted and packed, is ready for market.

In both cases coloring matter is used which is the same as that used by dairymen to color their butter. At certain seasons of the year, namely, in cold weather, a small quantity of salad oil made from cotton seed is used to soften the texture of the product, but this is not generally used by us.

Deponent further says that no other material or substance except as above stated is used by Armour & Co. in making oleomargarine or butterine.

Deponent further says that he has read the statement made in a report of the Committee on Agriculture to the House of Representatives purporting to give the materials used in making oleomargarine and butterine, and he says that none of the materials or substances therein enumerated are used by Armour & Co. in making said products or either of them except as herein stated.

Deponent further says that he has read a letter dated May 19, 1886, signed Armour & Co., Swift & Co., George H. Hammond & Co., N. K. Fairbank & Co., and Samuel W. Allerton, a copy of which is hereto attached, and he says that the same is the letter of the parties whose names are attached thereto, and that the statements therein made so far as the same relate to Armour & Co. are true, and so far as they relate to the other parties signing said letters, he upon information believes them to be true.

And this deponent further deposes and says that no ingredient is or ever has been used by said firm of Armour & Co. in the manufacture of said oleomargarine and butterine which is in any way injurious to health.

PHILIP D. ARMOUR.

Subscribed and sworn to before me this 22d day of May, 1886.

[SEAL.]

EVERETT WILSON, Notary Public.

In the "Marx case," in New York, the following sworn testimony was given:

By Professor Henry Morton:

I am professor of the science of technology at the Stevens Institute, Hoboken, and have been for fourteen years. I have seen oleomargarine made repeatedly, and analyzed it frequently, and have obtained knowledge about it from reading in reference to its history from the time it was first devised and introduced up to the present time.

I am familiar with the article known as dairy butter, and have analyzed and examined it.

Oleomargarine is a word used for two things. It is often used for the product obtained by the treatment of fats, by which there is gotten out from the fat a pure fatty substance having almost the identical elements of fats existing in butter. And the word is also used to indicate the marketable article produced when that pure fatty substance is churned up with milk or cream, and perhaps mixed with butter, so as to be in a condition of solidification for use on the table.

Q. Professor, will you state the general character of this oleomargarine butter as far as wholesomeness is concerned?

A. In my opinion it is precisely as wholesome as dairy butter.

By Professor Charles F. Chandler:

My profession is that of a chemist, and has been for thirty years. Besides my college professorship at Columbia College and my connection with the College of Physicians and Surgeons and the College of Pharmacy, I have been chemist of the board of health for many years, and for twelve years its president. I was chairman of the sanitary committee for three years. In connection with my profession and business, I have examined the substance known as oleomargarine, and compared it with the product known as dairy butter.

Q. What is the difference between the two articles, so far as wholesomeness is concerned?

A. There is no difference.

Q. How does the one compare with the other, so far as cleanliness is concerned?

A. Oleomargarine is manufactured in a very cleanly manner.

No attempt was made to contradict this testimony.

The following opinions have been given by scientific men:

George F. Barker, University of Pennsylvania, says "it is perfectly whole some and is desirable as an article of food."

S. W. Johnson, Sheffield Scientific School of Yale College, says of it: "A product that is entirely attractive and wholesome as food, and one that is for all ordinary culinary and nutritive purposes the full equivalent of good butter made from cream."

S. C. Caldwell, chemical laboratory, Cornell University, said of it: "Possessing no qualities whatever that can make it the least degree unwholesome."

C. J. Goessman, Amherst, Mass., who said it "furnishes thus a wholesome article of food."

Charles P. Williams, analytical chemist, Philadelphia, gives as his opinion: "It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best dairy butter."

Henry A. Mott, analytical chemist, New York, says: "Essentially identical with butter made from cream—a perfectly pure and wholesome article of food."

J. S. W. Arnold, medical department, University of New York, said of it: "A blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food."

W. O. Atwater, Wesleyan University, Connecticut, said it "is perfectly wholesome and healthy, and has a high nutritive value."

Charles F. Chandler, health department, New York city, says: "The product is palatable and wholesome, and I regard it as a most valuable article of food."

A. S. Heath, M. D., Robert J. Dodge, and Willet Seaman, judges, American Institute, New York, who reported: "This process utilizes valuable products and makes useful in the kitchen and upon the dining table much that was formerly used for less important purposes."

Scientific American: "Oleomargarine is as much a farm product as beef or butter and is as wholesome as either."

Professor H. A. Mott, Jr., Ph. D., E. M., in reply to John Michael, who claimed to have discovered parasites in a sample of oleomargarine butter, said: "The best answer to these remarks is probably a confession which Mr. Michael made to me personally when he stated that in all his examinations, and in all his reading, he had never seen or heard of germs of disease or embryos of parasites in caul fat."

Professor William Brewer, of Yale College, said: "The idea that oleomargarine is more dangerous than butter, because heated to only 120° Fahrenheit, is simply nonsense."

The committee on health of the State board of Massachusetts, of which my friend and neighbor the gentleman now representing the first district of that State upon this floor [Mr. DAVIS] was then a member, in 1883 made the following report on oleomargarine:

When well made it is a very fair imitation of genuine butter; being inferior to the best butter, but much superior to the low grades of butter too commonly found in the market.

So far as its influence on health is concerned we can see no objection to its use.

Its sale as genuine butter is a commercial fraud, and as such very properly condemned by law.

As to its prohibition by law, the same law which prohibited it should also prohibit the sale of lard and tallow, and, more especially, all low-grade butters, which are far more injurious to health than a good sweet article of oleomargarine.

A great deal has been said in regard to the poor grade of fats from which the oleomargarine is made. Any one making such assertions in regard to the fats is simply ignorant of the whole subject. When a fat has become in the least tainted it can no longer be used for this purpose, as it is impossible to remove the odor from the fat after it has once acquired it.

The use of substitutes for butter seems to be steadily on the increase in this country. When good butter is at from 40 to 50 cents per pound, it has passed beyond the means of persons in moderate circumstances, and they have the choice of three things—to do without, to use poor butter, or to use some substitute.

The following letters of recent date give the opinions of competent authorities, who personally witnessed the manufacture, as to the character of the process employed and the resulting products:

CHICAGO, May 13, 1886.

GENTLEMEN: It gives us pleasure to say to you that we have recently visited your factory at the Union Stock-Yards, in this city, and thoroughly examined the whole process of the manipulation and manufacture of butterine and oleomargarine. We cheerfully testify that we consider the products cleanly, palatable, and wholesome food products, containing nothing injurious or detrimental to health, but, on the contrary, cheap and desirable substitutes for the medium grades of dairy butter.

Yours, respectfully,

CYRUS EDSON, M. D.
OSCAR C. DE WOLF, M. D.

Messrs. ARMOUR & Co., Chicago.

ILLINOIS STATE BOARD OF HEALTH,
OFFICE OF THE SECRETARY,
Springfield, Ill., May 17, 1886.

GENTLEMEN: While engaged in an official investigation with regard to the slaughtering of beef at the Union Stock-Yards, accompanied by Dr. Cyrus Edson, food inspector of the New York board of health, and Dr. O. C. De Wolf, health commissioner of Chicago, recently, I witnessed your process for the manufacture of oleomargarine and butterine. By what I saw I am convinced that it is conducted with the most scrupulous cleanliness; that nothing in the manufacture or the materials used is detrimental to health, and that the products are wholesome.

Very respectfully,

JOHN H. RAUCH, M. D.

To ARMOUR & Co.

Such is the testimony.

Now, I see but two possible evils connected with the manufacture and sale of these products which can require correction. If an unwholesome article is manufactured and sold by unscrupulous persons, or if the product is sold for something it is not, in fraud of the purchaser and consumer, proper legislation to regulate its legitimate manufacture and sale may be fairly demanded. In my opinion such legislation is within the proper sphere of State and municipal control, and can be safely left to the intelligent care of the people acting through their local governments as they do in protecting themselves against the sale of unwholesome meats and vegetables, impure milk, and other food products, and against frauds and impositions generally. I believe that all necessary regulation and control can thus be secured, and the actual evils complained of, wherever existing, effectually remedied.

It seems to me that even those evils have been considerably magnified in this debate; for I think purchasers as a rule can protect themselves in the purchase of butter, as in the purchase of other goods, by the exercise of ordinary prudence, and purchasing of known, reputable dealers. How do we protect ourselves from imposition in making other purchases? Competent dealers know, and are bound to know, what their goods are, and where they come from; of what manufactured, and of what quality. If I want to buy West of England broadcloth, or Lonsdale cambric, or Haxall flour, or any other particular kind or quality of goods, is there any difficulty about it? Certainly not in my part of the country.

If a person, satisfied of the purity and wholesomeness of Armour & Co.'s oleomargarine, wishes to purchase it, is there any difficulty in obtaining it? and having obtained it, will any one doubt that he has procured an article manufactured of the materials and in the manner specified by Mr. Armour in his affidavit, which I have read? And can not the same result be safely predicted concerning the product of many other honorable manufacturers? And if he wants to buy genuine butter, is it not quite as easy a matter to procure it?

In either case he has only to seek honest, honorable dealers—who are plentiful among my own constituents and, I have faith to believe, numerous in the various localities which all you gentlemen represent—and the purchaser may be confident he obtains exactly what he buys.

But if, as claimed here, Congressional legislation is necessary for the protection of purchasers and consumers, it is entirely unreasonable to demand other laws than such as are required to secure the legitimate ends sought—to insure a proper manufacture and wholesome product and its sale under its own name; and if the plan proposed by this bill is decided to be the desirable one, I earnestly insist that the taxation should be limited to raising the amount of revenue required to defray the necessary expenses of governmental inspection, regulation, and control; and that we should refuse, under the pretense of attaining those ends, to lend ourselves to the imposition of the immense taxes proposed by this bill, wringing from the people annually perhaps twenty millions or more of dollars in taxes unrequired by any needs of the Government. Let us be honest as well as just.

Mr. SPRIGGS. Mr. Chairman, I am in favor of this bill in all its parts and provisions, from beginning to end. I am in favor of levying a tax of 10 cents per pound upon every pound and fraction of a pound

of oleomargarine and butterine manufactured throughout the whole length and breadth of the land, and in favor of passing this bill, because I believe it will accomplish that object.

The opponents of this measure declare themselves in favor of doing anything and everything to prevent the unwholesome, filthy stuff from being thrown upon the market and sold under false pretenses. The gentleman from Illinois [Mr. DUNHAM], the champion of the opposition, says he is willing to have a provision in the bill that this imitation butter should be painted red or green, so that purchasers could not be deceived.

The gentleman from Georgia [Mr. HAMMOND] declares himself in favor of having it so marked or stamped that no fraud can be practiced. Ay, willing that innkeepers, boarding-house keepers, or others who use it for sale to the public should be compelled to put up a sign over their front doors and in their dining-rooms and on their registers that "We use oleomargarine here!" to protect the public against its use, and all concur in the opinion that everything should be done to warn the public and the poor against its use, but they are violently opposed to the one feature of this bill which alone gives us jurisdiction over it, namely, the 10-cent-tax clause.

The constitutional opposers, the gentleman from Texas [Mr. REAGAN] and the gentleman from Georgia [Mr. HAMMOND], contend that we have no power under the Constitution to tax this filthy stuff. I think, however, they have surrendered that position since the distinguished gentleman from Virginia, the chairman of the Judiciary Committee, propounded the law as he did on the floor of this House on Tuesday last. For the sake of accuracy I quote his words. He said:

« Gentlemen have asked me, and they asked my friend from Georgia [Mr. HAMMOND], the other day, "Do you not believe this tax is constitutional?" Yes; I believe that Congress has the power to levy the tax on oleomargarine. For what purpose? To raise revenue.

Since this exposition of the law from the distinguished chairman of the Judiciary Committee, a gentleman from whom we are all willing to take the law, and from whom the distinguished gentlemen from Texas and Georgia are compelled to take it, we have heard no more about the law or the provisions of this bill being unconstitutional.

Mr. Chairman, I go further than the gentleman from Virginia. I believe Congress has the power to tax oleomargarine for the purpose of revenue, and I believe it is equitable and right to exercise the power. Why, sir, it is conceded by every gentleman who has spoken against this bill that oleomargarine is a filthy and deleterious compound, that it was a disease-spreading compound, and that it was proper and they favored any police regulation that would protect the public from its sale and use. If, sir, this is true, will not the continuance of its manufacture increase the police and the other legitimate expenses of the Government; and if this industry or fraud increases the legitimate expenses of the Government, is it not just and equitable that the product should be taxed to meet this increased expense?

The manufacture of an imitation or counterfeit article in large quantities is *prima facie* evidence of intention to sell it as genuine. In this case we have proof positive that it is so sold. Of the 200,000,000 pounds manufactured in this country last year no one pretends that 1 per cent. of it was sold for what it was—oleomargarine. All the evidence shows that these spurious butters are filthy and unwholesome and are fraudulently sold. The consuming public, be they never so poor, will neither buy nor eat them knowingly. It is not an honest or legitimate article, it wears a false guise, it is sold for butter, and is made from the gut-fat of hogs, dogs, sheep, horses, or cattle, which in many instances have died from disease, and has not a single ingredient of which butter is composed. Can this be said to be a legitimate industry, and that by passing this bill we are discriminating in favor of one legitimate industry and against another legitimate industry to prevent honest competition? Sir, I deny it. I concede, however, that by the passage of this bill we do discriminate. We discriminate in favor of honesty and against fraud and forgery. We discriminate in favor of public health and against disease. We discriminate in favor of life and against death. I, sir, am in favor of this discrimination, and if there is any gentleman on the floor of this House who is opposed to this kind of discrimination when the final vote is taken on this bill his name will be found in the list of those who are recorded as opposed to this measure.

Mr. Chairman, I have the honor to represent a portion of the richest dairying country in the United States, the counties of Oneida, Lewis, Jefferson, Herkimer, Montgomery, Madison, and Oswego having long been celebrated for the production of the best butter and cheese in the world. It was here that the first cheese factory was erected. It was here that the first creamery was put in operation. The milk factory and creamery have added very largely to the material interests of the dairyman. With their aid, and protected from fraud and forgery, there can be no limit to the power of production of pure butter, and the increase of this production does not depreciate the value of the soil, but greatly enriches and increases it. This brings me, Mr. Chairman, to another class of objections to this bill.

There is a class of gentlemen who are opposed to this bill—gentlemen for whom I entertain the most profound respect, but whom I have not always, consistent with the proper discharge of the duty I owe to an intelligent constituency, been able to follow—who object to this bill

because they say it is protection pure and unadulterated. That is, by levying this tax they say we raise the price of butter 10 cents per pound, and that we put 10 cents per pound upon all butter manufactured by this great industry into the pockets of the producer and take it from the pockets of the consumer. I shall not stop now to discuss this question, but will content myself with saying that upon the tariff issue theory and practical experience do not travel lovingly hand in hand, as we have often discovered by listening to the arguments pro and con upon this great and interesting subject. The price of butter will continue to be regulated by supply and demand, without reference to the tax laid upon this fraudulent imitation.

This fraudulent competition, which was able last year to put upon the market 200,000,000 pounds of forged butter and displace 200,000,000 pounds of genuine butter, was to the men engaged in this industry a grievous wrong. The farmers have for the first time almost in the history of the country petitioned Congress to protect them from a fraudulent assault upon their business—not to protect them for the purpose of getting high prices, but to protect them from unfair and illegitimate competition. Call it what you please; call it protection pure and unadulterated. I, sir, am in favor of protecting American industries and American labor from foreign competition; and, Mr. Chairman, I am in favor of protecting the dairying interests of America from competition with this fraudulent industry—the manufacture of oleomargarine.

I am in favor of it because the men who are engaged in the dairying interests are, as a class, men who have ever been the friends of our Government, men who in the early days of our being made it possible for us to become a free and independent people, and who at all times since, in prosperity and adversity, in peace and war, have contributed freely of their money and their brawn to protect the Constitution and Government of our country.

Mr. HAMMOND. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In lines 2 and 3, strike out the words "wooden packages not before used for that purpose" and insert the word "packages."

Mr. HAMMOND. Mr. Chairman, on one occasion since I have been in Congress I was greatly puzzled to know why the vote on a certain sugar bill was in a particular way until the solution came out that if the bill passed it would prevent certain sugar refiners in New York from doing the work, and therefore Michigan was opposed to it because Michigan made the barrels to put the refined sugars in. [Laughter.] I do not know whether the "wooden" here has such a job in it as that or not; but certainly, whether oleomargarine is good or bad, I do not see why Congress should legislate that it shall be put up only in new wooden packages. It looks to me as if there was a job for some barrel-maker in this bill.

It looks to me as if there was not only an effort to protect butter, but an effort to protect barrels. There may be some good sensible reason for this that I do not understand, and I shall be pleased to be enlightened on the subject by anybody who can enlighten me. Tin may be stamped and marked and branded as well as wood. Tin is more convenient than wood in a great many particulars. Why tin may not be used I ask the gentleman in charge of this bill.

The question was taken on the amendment offered by Mr. HAMMOND; and there were—ayes 52, noes 102.

Mr. HAMMOND. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints the gentleman from Georgia, Mr. HAMMOND, and the gentleman from Pennsylvania, Mr. SCOTT, to act as tellers.

Mr. HAMMOND (during the count). Mr. Chairman, I submit whether I am properly paired here. The gentleman from Pennsylvania [Mr. SCOTT] has told me to count him on my side.

The CHAIRMAN. As no objection is made, the count will proceed.

Mr. HAMMOND withdrew the point of no quorum, and the tellers reported—ayes 35, noes 88.

So the amendment was rejected.

Mr. DUNHAM. Mr. Chairman, I move to amend by inserting after the word "wooden," in line 2 of this section, the words "or tin."

The question was taken; and there were—ayes 29, noes 78.

Mr. VAN EATON. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint the gentleman from Mississippi, Mr. VAN EATON, and the gentleman from Iowa [Mr. HENDERSON] to act as tellers.

The House again divided; and the tellers reported—ayes 42, noes 126.

So the amendment was rejected.

Mr. ADAMS, of Illinois. Mr. Chairman, I move to amend in lines 3 and 4 by striking out the words "each containing not less than ten pounds." The purpose of this amendment I have already tried to show. It is to enable any manufacturer of pure oleomargarine, if there is any such, to prove the fact to the consumer by putting up the product in packages of such size that the consumer can buy them from the retailer without breaking the stamps.

Mr. LORE. Mr. Chairman, I am opposed to the amendment, and I desire to say that I am in favor of this bill as a means of giving some relief to the agricultural interests of our country which it concerns. No bill this session has been opposed with more vehemence than the one now pend-

ing. It has been attacked by my very able and distinguished friend from Texas [Mr. REAGAN], who wields the sledge-hammer of the Constitution as Samson did the new jaw-bone of the ass, with which he slew a thousand Philistines, and we have had the Constitution and the law explained, iterated, and exhausted in an effort to defeat the bill. Next, the opponents of the bill resorted to amendments in every conceivable form, many of them frivolous, ridiculous, and unseemly. Then, the facile gentleman from Maryland, my friend Mr. FINDLAY, who is the embodiment of wit and sarcasm, and who evidently, like Tam o' Shanter's wife, who sat—

Gathering her brows like gathering storm,
Nursing her wrath to keep it warm—

like her he had been nursing his wit and his sarcasm to keep it warm to insure defeat, aided by several other gentlemen around him, gave his sarcasm vent upon this bill thus far without avail, as its friends have manfully stood by the interests of the people, and I trust will do so.

Mr. Chairman, this fact stands clearly out, that there has been no bill presented to this House the objects and purposes of which have been desired and asked for with such unanimity by the people of this country.

Mr. BLANCHARD. By what portion of the people of this country?

Mr. LORE. By the people all over the country. There is not a farmer in this country who makes one pound of butter beyond his family needs that does not desire the passage of this bill, and they number about eight millions.

Mr. BLANCHARD. The gentleman is certainly mistaken about that.

Mr. LORE. Now, Mr. Chairman, the point I desire to make is this: Oleomargarine is a fraudulent compound which is represented and sold as butter, and it imposes upon the people only because it is a fraud and is skillfully disguised under artful manipulations. Therefore, in the interest of fair and honest dealing, we desire to suppress this fraud, and, if necessary, even to tax it out of existence. But aside from that, if there were any doubt in my mind as to the propriety of the measure, that doubt would be dispelled by the way the matter is presented here on the one side and on the other. The forces arrayed in the contest show most clearly the true nature of the subject.

I will ask who are opposing this bill? First, the "cattle kings," who have their "flocks upon a thousand hills," claim that we must eat oleomargarine in order that their tallow and lard so used, the products of their herds may bring a higher price. Next, the manufacturers of the spurious articles who, at small expense and on small capital, preying upon popular needs with spurious compounds, are coining millions by deception and fraud. Then there is another class of men who oppose it—those who go about our cities gathering up the "fat of the land;" and sometimes they are not careful what kind of fat it is, so that it is animal fat. It is often foul, rancid, and malodorous. They gather it up, turn it into their factories, and convert it into an imitation of butter. One corporation last year is said to have made thereby over a million dollars. While your farming interests are paying about 2 per cent. on their lands and industry, you will find that these men are making two, three, four, even five hundred per cent.

On the other hand, the passage of this bill is desired by all that class of people, as I have before said, making even a pound of butter beyond that which they use in their families. The remedy applies to every section of the country. Of the eight million people engaged in agriculture, I think I may safely say at least one million have a direct personal interest in the passage of some measure that will give relief against these imitation butter frauds. Put up in the form of butter and intended to be bought by the community as such, this article is fraudulently foisted upon the public. Let it be branded; let it go out for just what it is; let people know what they are buying; and my word for it, no man is so poor, and I trust no man will be so mean, that he will feed his children upon such stuff as is put into this article, I care not how it may be purified.

Why, sir, we have evidence that in this very city men go about gathering up from the butcher-shops, market-houses offal and other matter which is absolutely so rancid and offensive as to sicken one as he walks past the cart; yet out of this disgusting garbage are manufactured oleomargarine, butterine, and other compounds of this character which are sought to be palmed off upon the people as pure and wholesome food. The materials out of which this spurious article is made may be steeped, as it is said they are, for forty-eight hours in salt, but the salt will have "lost its savor" before ever it can purify and make palatable such material. Yet in its favor we hear gentlemen presenting constitutional arguments and elaborate legal platitudes.

Sir, this bill is not subject to constitutional objections; it has been, and I presume will be, exposed to the shafts of ridicule from the subtle intellects that gather about us here; but ridicule is the last resort of desperation. Let me say to gentlemen who have so vigorously attacked the measure, "then bring in a better bill. It is easy to criticise and destroy; you admit the evil; give us an adequate remedy." The Committee on Agriculture has been considering this bill during this entire session; they are gentlemen of marked intelligence and capacity, and have given the subject mature thought and thorough consideration. I prefer their bill to crude suggestions made by members on the spur of the moment,

however able such members may be. If any man in this House or any committee of the House can frame a bill which when brought up for discussion will not be objected to by some one of the three hundred and twenty-five members who are gathered here, representing all sections of our country, then indeed we shall have reached a period when the angels have gathered together and wise men may sit down and worship them. Verily the millennium would be upon us when three hundred and twenty-five Congressmen agree.

I desire to insert as a part of my remarks the following circular, issued by G. P. Lord, of Elgin, Ill., which delineates in the clearest manner the history, composition, and objectionable features of these fatty compounds which originated in the fertile brain of a Frenchman named Mège, in the dire distress and famine of the city of Paris in the Franco-Prussian war. I ask careful consideration of the facts as the best vindication of the wisdom of the bill:

MORE ARTIFICIAL BUTTER.

It is reported that boards of trade, cattle associations, and other commercial associations, Knights of Labor, and other organs of workmen have petitioned Congress against the passage of a law restraining and taxing the manufacture of oleomargarine.

It is claimed by these petitioners that "the manufacture of oleomargarine is now in such a state of perfection that the product is quite as healthful and palatable as that made from cream; that oleomargarine is much to be preferred as an article of food to rancid butter, and that there are not cows enough in the country to supply sufficient butter for the people."

To this it is replied that there is no such thing made as "rancid butter;" that if there ever is any rancid butter in the market it is because the demand for butter is not equal to the supply, and the butter has been kept until it has spoiled or become rancid; that whenever the demand shall be equal to the supply there will be no rancid butter in the market. Until such a state of things exist it is folly for any man to assert that there are not cows enough in the country to supply all the people with good, sweet, fresh dairy butter.

Then as to oleomargarine, if it be true that those engaged in that business have carried the manufacture of that article to such a state of perfection as to challenge the confidence of the public, it must be so by reason of improved methods or materials used by them.

As the manufacture of all kinds of substitutes for butter is carried on under patented formulas, we can know what materials are used, and the public can judge whether the article is equal to butter made from pure cream.

Patent No. 146012, dated December 30, 1873, is the famous Mège patent, and has been reissued three times, to wit: No. 5868, May 12, 1874; No. 8424, September 24, 1878; No. 10137, June 13, 1882.

Under this formula the following ingredients are used in making oleomargarine, to wit: Animal fats rendered at a very low temperature, salt, sulphate of soda, biphosphate of lime, bicarbonate of soda, 10 per cent. of milk, cream, or water, stomach of a calf, pig, or sheep, udder of a cow, and perhaps some butter.

Patent 110626, dated January 3, 1871. This patentee uses the following ingredients: "In twelve parts: beef or mutton, suet, tallow, three parts; vegetable or fixed oils seven parts; hog's lard, stearine two parts."

Patent 120026, dated October 17, 1871. This patentee uses "cotton-seed oil, chlorate of potash, nitric acid, carbolic acid." And he kindly informed the officials in the Patent Office that his preparation is "found to be a peptic and alternative" article of diet.

Patent 145840 was issued December 23, 1873. This patentee uses "tallow, lard, or other fatty matters, strong sulphuric acid, alum, chloride of sodium vapor."

Patent 153350, dated July 21, 1874. Ingredients used under this formula are "fat, sugar of lead, alum, bicarbonate of potash, nitrate of soda, and sulphuric acid."

Patent 169008, issued October 19, 1875. Ingredients used under this formula, "animal fats, salt, soda ash, bicarbonate of potash, sweet cream."

Patent 173591, issued February 16, 1876. This patentee says that his "invention relates to the manufacture of butter for table use from oleine and margarine, as obtained from animal fats, fruits, and nuts," and under his formula he uses "animal fats, any one of the oil of peanuts, or oil of sweet almonds, or oil olives, lactic acid, cane sugar, caseine, chalk, and lopped cream or milk."

Patent 187327 was issued February 13, 1877. Under this formula the following ingredients are used: "Animal fats, salt, saltpeter, borax, boracic acid, salicylic acid, benzoic acid."

Patent 236453, issued January 11, 1881. This patentee "separates his oleine and margarine from the stearine by any known methods," then places the oleomargarine with an alkaline solution, and agitates them until the alkaline solution and oil globules of the oleomargarine are partly saponified, and then flavors this half-made soap with butyric acid, and he has the audacity to assure the officials in the Patent Office that his soap grease so flavored will have so "fine a flavor that even an expert can scarcely distinguish it from excellent dairy butter."

Patent 262207, dated August 8, 1882. Ingredients used in this formula: Animal fats, cotton-seed oil, slippery elm bark, to wit, "sixty-eight parts cotton-seed oil, twenty-eight parts prepared suine fat, and about five parts beef stearine."

Patent 263042, issued August 22, 1882. Under this formula the patentee uses oleomargarine obtained by the Mège, or analogous processes, vegetable stearine obtained from cotton-seed oil, benne oil, or mustard-seed oil, emulsifying the mixture with milk, cream, or other watery substances.

Patent 263199, dated August 22, 1882. N. I. Nathan, the patentee, claims to purify leaf lard that is usually put up in kegs, and he uses borax, nitric acid, more nitric acid, commercial oleomargarine, milk, or cream and sugar.

I have before me a copy of a letter addressed to N. S. Anderson, 921 D street, Washington, in which this patentee offers his "creamy brand of butterine, attractively put up, at 10 cents per pound."

Patent 264545 was issued September 19, 1882. Under this formula the patentee uses animal fats or vegetable oils and orris root.

Patent 266568, October 24, 1882. Under this formula the ingredients used are clarified lard, buttermilk, pepsin, and tallow.

Patent 266580, October 24, 1882. This patentee claims to use 50 to 60 per cent. of lard, 30 to 35 per cent. of butter, 5 to 10 per cent. of beef suet, 1 to 2 per cent. of glycerine, 5 to 10 per cent. of water. He kindly informs the Patent Office Department that prior to his invention inferior products have been made in which hog's fat has been used wholly in place of beef suet in the manufacture of oleomargarine.

Patent 265833, dated October 10, 1882. This patentee treats his oleomargarine oil with sal soda, and the milk he uses he also treats with sal soda, then churns them together.

Patent 266417, issued October 24, 1882. Under this formula the following ingredients are used: Oleomargarine oil, butter, milk or cream, sweet or sour, sugar, glycerine, oil ben.

Patent 266568, October 24, 1882. This patentee claims to use lard, warm buttermilk, pepsin, tallow, and dairy butter.

Patent 266777, October 31, 1882. Under this formula the ingredients used are cotton-seed or other vegetable oils, caustic soda, corn starch, or other farinaceous flour that has been cooked.

Patent 267637, November 14, 1882. This patent uses sweet cream, oleomargarine, or oil derived from tallow, an oil derived from lard or hog fat, an oil derived from butter, oil derived from sesame, benne, sunflower seed, or cotton-seed.

Patent 327626, October 6, 1885. This patentee uses milk, white wine rennet, bicarbonate of soda, bicarbonate of potassium, alum, butter.

Patent 335084, January 26, 1886. This patentee uses milk, rennet, nitrate of potash, granulated sugar, and butter.

There are other patents for making oleomargarine, butterine, or substitutes for butter, but as these are among the latest discoveries or inventions they show whether or not "the manufacture of oleomargarine is now in such a state of perfection" as to be able to produce an article that is fit for food, saying nothing about its value as compared with pure butter.

It will be noticed that the patentee of No. 267637, issued November 14, 1882, has introduced into his compound an "oil derived from butter." If we inquire how this is obtained we will find that the "rancid butter" in the market is "deodorized," and the oil is afterward expressed and is being used in various ways in the manufacture of food.

But we say again that there is no such thing as "rancid butter" made; that butter becomes rancid because the supply is greater than the demand.

As those engaged in making spurious butter are continually harping about "rancid butter," we would emphasize the fact that rancid butter is butter that has spoiled because there is not a sufficient demand to meet the supply in the market, that nineteenth-twentieths, if not ninety-nine hundredths of the butter made in this country—when fresh—would be of a flavor and quality fit for a king.

The manufacture of poor butter is a thing of the past, not because, as it is claimed, the manufacture of bogus butter has compelled farmers to improve the quality of their product, but because the demand for fine butter and the enhanced value of such butter has stimulated the dairy farmers throughout the country to improve the quality of their butter and thereby secure to themselves the enhanced value.

And here we may say that pure, sweet, fresh dairy butter is the finest and cheapest flavoring extract for flavoring and making food palatable that can be found in the market, nor as such a flavoring extract is the price of butter beyond the reach of the poor.

The poor or laboring class can not afford to spoil their food by using an imitation or spurious flavoring extract in the preparation of their food.

That oleomargarine is unfit for use in the culinary department is evidenced by the fact that the French Academy of Medicine reported that it was unfit for use in the French hospitals, and the French minister refused to allow its use in hospitals under charge of that government.

This fact was brought before the Committee on Epidemic Diseases as per their report No. 199 of February 4, 1881, ordered printed to accompany bill H. R. 7065.

It is fair to say that if the French oleomargarine is unfit for French paupers, this American oleomargarine (as shown by the patents) is entirely unfit for American freemen to use.

Nor is the point well taken that "the manufacture of imitation butter has quite as much right to seek protection as those engaged in dairying."

Manufacturing imitation or spurious butter is a fraud that is injurious to a legitimate and long-established industry. It is also a fraud upon the public. No one inquires in the market for spurious or imitation butter.

All such stuff is palmed off on an unsuspecting public as butter.

To ask Government protection for such a fraud is as senseless as it would be to require the Government to protect "lotteries," counterfeiters, or any other fraudulent schemers.

True, the dairymen ask protection, and why? Because the Government has given to parties chartered or patented rights, enabling such parties to manufacture and sell—either as genuine or otherwise, as they please—an imitation of their product. We say to sell either as genuine or otherwise for the reason that there is no limitation of their rights in the patents which they have obtained. There are no patents on dairy butter.

That business has been carried on for hundreds of years, and it is open to all, and the farmer has no protection against the frauds perpetrated by those who have obtained chartered or patented rights from the Government to defraud the dairymen of their legitimate industry.

It is strange that our Government should have ever granted to any man or set of men charters or patents that would, in the very nature of things, defraud and destroy any legitimate agricultural industry of this country. Stranger still that Congress should hesitate or delay in enacting such laws as will repair the injury already done by those who are carrying on a business that has been inaugurated under and by virtue of charters which they have obtained from the Government.

It is true that the dairy industry does ask protection; and they claim that the Government has no more right to grant charters or patents for the manufacture of an imitation of butter than it has to give permits for the manufacture of bank bills or coin, or for establishing lotteries, or to any or all of the numerous frauds that are practiced on the public.

The dairymen further claim that the Government having granted to parties patented rights for the manufacture of imitation butter, and allowed the business to extend so as to largely supply the demand for butter so that the farmer's product is allowed to accumulate and spoil, or grow "rancid" in the hands of commission merchants in our large cities, therefore it is the duty of Congress to pass such laws as will restrain the further progress of this evil, and thus restore to the dairymen their legitimate and well-earned rights.

Nor is this all, for the public need protection as well as the dairymen, for under all of the patented formulas the animal fat is rendered at a very low temperature, a temperature so low as not to destroy any parasites that may have been in the living animal.

It is true that all of the patentees seek to separate the animal fat from the tissue, but no one will claim that such a separation is perfect, and therefore any living parasite that may be in the animal tissue is liable to and is frequently transferred to and is found in samples of oleomargarine.

Professor Piper testifies that while no true butter can carry trichina, 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 and eggs resembling those of tape-worms.

Mr. Michaels, of New York city, a microscopist, and once (if not now) editor of a scientific journal, testifies that oleomargarine is simply uncooked raw fat, never subjected to sufficient heat to kill parasites that are liable to be in it. He states that he has found in it tissue and muscle and cells of a suspicious nature, and that Mr. Saylor has also found in it positively identified germs of disease.

The Rev. E. Huber, microscopist, of Richmond, Va., writes in the Southern Clinic of May, 1880, that oleomargarine differs in its microscopical appearance as well as in its nutritive and dietetic 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 into tape-worms. And he states that he has frequently found in oleomargarine eggs resembling tape-worms.

Dr. George B. Harrison, a microscopist of Boston, Mass., in the Boston Herald of January 8, 1881, says he has recently examined some twenty specimens of oleomargarine, obtained from different dealers, and has found in every speci-

men more or less of foreign substances, a variety of animal and vegetable life, 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. He found a portion of a worm, dead hydra varidis, portions of muscular fibers, fatty cells, and eggs from some small parasites.

The English microscopist, W. H. Dallinger, said to be the greatest living authority on this subject, in a letter to the American Journal of Microscopy of October, 1878, shows that oleomargarine is not subjected to a heat sufficient to kill the living organisms which refuse fats are liable to contain.

And George T. Angell, of Boston says: "No man would knowingly give his wife or children for butter the raw, uncooked fats of animals that may have died of cattle plague, hog cholera, or other diseases.

"But how manufacturers are to guard either themselves or the public against the fats of such animals is a problem which no manufacturer or chemist employed by him has thus far, to my knowledge, attempted to explain. * * * If any one shall ever assert that such fats can not be used, I am prepared with evidence to prove to the contrary."

These facts were presented to the Committee on Epidemic Diseases, and are incorporated in their report, No. 199, to accompany H. R. bill 7005, on adulteration of food, February 4, 1881, and that committee says that they have investigated so far as they could the injurious and poisonous compounds used in the preparation of food substances, and find from the evidence submitted to them that the adulteration of articles used in the every-day diet of vast numbers of people has grown to and is now practiced to such an extent as to seriously endanger the public health, and to call loudly for some sort of legislative correction.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and, Mr. McCREARY having taken the chair as Speaker *pro tempore*, several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed a joint resolution and bills of the following titles:

Joint resolution (H. Res. No. 79) for the relief of William L. Dunlop, trustee;

An act (H. R. 1361) giving a pension to Nira D. Gwynne;

An act (H. R. 3921) granting an increase of pension to Richard Gear;

An act (H. R. 6429) granting a pension to Eunice E. Clark;

An act (H. R. 7207) making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River;

An act (H. R. 1398) to grant a pension to Silas S. White; and

An act (H. R. 5254) to increase the pension of George W. Smith.

OLEOMARGARINE.

The Committee of the Whole on the state of the Union resumed its session.

Mr. MCADOO. I move *pro forma* to amend the amendment by striking out the last two words.

Mr. Chairman, recognizing the fact that the product under consideration so closely resembles butter that there should be some distinction made, so that the purchaser may know that he is buying oleomargarine instead of butter, I have very reluctantly come to the conclusion that it is my duty as a member of this House, looking to my obligation under the Constitution of the United States, to vote against this bill. Sir, if the Constitution of the country is to be entirely left out of sight in our legislation, there is no evil in the land against which we may not direct our enactments. There is a great deal of agitation throughout the country in favor of what is called a "uniform divorce law," and this Congress could readily be flooded with appeals from clergymen, philanthropists, humanitarians, and social reformers in behalf of the enactment by Congress of a law which would make our marriage laws uniform throughout the whole country. How many touching appeals to our hearts and our judgments could be made on such a question we can all readily imagine. And yet every member of this House knows full well that the Constitution of the United States does not permit the Federal Government to interfere with the marriage relation in the several States. Yet, Mr. Chairman, with as much propriety and as much constitutionality might Congress interfere with the marriage laws because some people consider it a great evil that they are not uniform and are considered unjust in many States as to lose sight of this instrument and pass a law to interfere and regulate the police and internal arrangements of the several States, under the confessedly untrue plea that we want to increase internal taxes. Admitting the whole case against oleomargarine, in my opinion the remedy is worse than the disease. Opposed to internal taxes, how can I vote for this admittedly unnecessary one? Opposed to interference with legislation that properly belongs to the States, how can I give my vote for this bill? I deeply respect the farmers and am jealous of the rights of the consumers, but to serve either I can not set this vicious precedent in Federal legislation. It is doubtful, in my humble judgment, if legalizing oleomargarine by a tax will not make it stronger. Taxing whisky helps the whisky-making interests.

Now, Mr. Chairman, I do not think it is at all germane to this discussion we should go into the question of the healthfulness or unhealthfulness of this article. Much eloquence has been lost, or at least expended, here as to the purity or impurity of oleomargarine. Gentlemen have given loose rein to their imagination. They have seen horrid shapes and things of darkness creeping through it. Mr. Chairman, let me say, and as no defense of oleomargarine, that if you sub-

ject to the microscope almost any article of food you will find these horrid shapes and things are in it. [Laughter.]

But, sir, it has been, in my opinion, left an open question, after all this storm of words, and even of contending scientists here, whether oleomargarine, if made according to the established formula, is unhealthy. Why, the distinguished gentleman from Delaware [Mr. LORE] who has just sat down is, in his severe and classical proportions, a physical example of the effect of dairy butter, while my urbane, rotund, and oleaginous friend from Massachusetts [Mr. LOVERING] represents the effect of eating oleomargarine. [Great laughter and applause.]

The same argument will apply almost to any article of food. If we are going to protect the stomachs of the people by depleting their pockets let us take up the subject of sausages. [Laughter and applause.] Let us take up the weird and mysterious subject of hash. [Renewed laughter.] Millions of free Americans to-day in millions of boarding-houses throughout the land are being supplied with, and place implicit confidence in, a compound under the denomination of hash, which science dares not engage and which no man knows the contents of. [Laughter and applause.] Let us have a heavy tax, say of 75 cents, on every dish of hash, and let us compel boarding-house keepers to file in the city hall of every town or city an inventory of the component parts of this most remarkable American dish. [Laughter and applause.]

The chairman held that amendments offered to the bill were facetious and ridiculous. Now, Mr. Chairman, without questioning the ability and foreknowledge of the Chair, let me suggest that if a ridiculous measure comes before Congress all amendments to it of necessity must be ridiculous. Such amendments are germane for the very reason that they are in harmony with the subject, and it was this my friend from Texas [Mr. REAGAN] clearly pointed out by his amendment offered yesterday. It appeared ridiculous *ad infinitum* if carried out to its logical consequences.

I do sincerely hope this bill, which has the single merit of trying to prevent the fraud of trying to impose upon an innocent purchaser a spurious article for that which he intends to buy, but which in its proposed remedy violates the Constitution and which lays a long train of evils in its path the end of which no member of this House can foresee, which is so vicious in its propensities and inclinations as a legislative measure from the crown of its head to the sole of its feet that I sincerely hope it will be defeated.

I have considered it fairly and honestly and sincerely wanted to vote for it, but can not with my convictions. I have the remonstrance and petition of every man in New Jersey who owns a mule or horned or other Jersey cow in behalf of this bill. [Laughter.]

Mr. LORE. Will the gentleman yield to me to ask him a question?

Mr. McADOO. I have not time. With me it is simply a question, shall I violate my oath to support the fundamental law of the country? Will I, in order to abate one evil, lay the train for a thousand others? Will I help by my vote to start Congress on the track of vicious legislation in order to allay the temporary excitement of the country on behalf of these interests said to be imperiled?

When the sober second thought of this House comes back to it, when this bill is carefully analyzed, when its consequences are seen members will surely hesitate on this bill. When men instead of discussing the real question at issue dilate on the horrid character of oleomargarine as they depict it and as contrasted with dairy butter, the real issue is obscured and we fail in our duty. It is not a question of expediency, but one of duty.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. Mr. Chairman, I desire to submit some reasons why this bill should not be passed unless it is substantially amended.

If this measure fails its projectors will be responsible for its fate. A conservative bill, dealing fairly and justly with all the interests involved, might, in my opinion, have passed without provoking serious or protracted opposition. It is not surprising that when it is proposed to tax a butter substitute, honestly made and honestly sold, to the point of prohibition, that the attempt is resisted with earnestness. Why, the license taxes imposed on this industry exceed by 400 per cent. those put on the manufacturers and dealers in tobacco and spirituous and malt liquors. Is this necessary to protect the consumer? Is it necessary to insure an honest commerce? In addition to the special-license taxes the bill levies a tax on the product equal to not less than \$20,000,000 per annum. Besides this the bill provides for extravagant and inhuman punishments for trivial offenses.

It is to these provisions I object. Against these I enter my earnest and solemn protest. It is these extraordinary and unnecessary exactions and punishments which inspire my opposition. Reduce these taxes, diminish these penalties, and my support is assured. I do not seek to impair the measure, but by making it fair and reasonable insure its efficiency. Take off three-fourths of your special-license fees and put a tax on the product of 2 cents per pound and your bill is safe. The tax I suggest will raise \$4,000,000 a year. Then this will indeed be a revenue measure. Tax it 10 cents a pound and the industry will be destroyed and the Treasury will not receive a dollar. The bill as it is will not, in my judgment, pay the expenses of its execution. But the

interest behind this legislation does not want taxes, but wants prohibition. At the hazard of repeating myself I submit—

First. The manufacture of oleomargarine is a lawful and an entirely legitimate industry; that the pure product is a nutritious food, clean, palatable, and healthy; that it is made and sold in large quantities in our domestic trade and is exported for what it really is. It has been subjected to the most rigid scientific tests and found to be a harmless and healthy food.

Second. There enters into the honest product no ingredient that is not healthy and in common use on the tables of the best people; that it is made of pure and sound beef fat, leaf lard, vegetable oils mixed with milk, cream, and pure butter; that while it is as healthy and palatable as butter, it may be produced cheaper, and is therefore more easily obtained by consumers of limited means.

Third. This new industry has not only furnished the people a cheaper food, but has increased the demand for, and as a result the value of, the beef cattle and fatted swine of the farmer. If the manufacture tends to diminish the profits of the dairy, its destruction will rob the farmer who deals in fat cattle and swine of a portion of his just and rightful profits.

Fourth. All legitimate industries have a right to live. If an industry is lawful, healthy, and pursued by honest methods, it ought not to be subjected to taxes, penalties, or conditions not imposed on other lawful pursuits. It is the true American policy to encourage home production, increase the market for what we raise, and create larger fields for the employment of labor. That oleomargarine may be substituted for butter, or that it is cheaper than butter, is no excuse for legislation that will destroy it or injure it.

Now, Mr. Chairman, these propositions have not been seriously questioned in this debate. The conclusion to which they inevitably lead is easily understood. But, sir, again I say these evils growing out of this traffic ought to be remedied, and so far as the remedy provided by this bill is just and reasonable it is worthy of support. It is certain—no one denies it—that a filthy and unhealthy food product in imitation of butter, a bogus oleomargarine, is often put on the market as butter by unscrupulous men. This I condemn without reservation, and this I would prevent by the exercise of any legitimate legislative power. But, sir, because filthy butter is sometimes sold as pure butter affords no excuse for taxing all butter out of existence. Because a New York dairyman waters his milk and then chalks it is no reason why honest milk should be taxed. All the legislation needed in these instances is such as will secure honest butter and pure milk.

Now, sir, this evil, this grievous evil of selling impure and unhealthy food products is a crime against society, and is so declared by the penal code of every State and every incorporated city in the Union. It seems that these laws, if faithfully enforced, would protect the people from "a fungi, tape-worm, and trichina" imitation butter wherever made or by whomsoever offered for sale. I am pleased to see that this bill gives the people some additional protection by subjecting this unhealthy and filthy stuff to seizure and confiscation. As this power to seize and confiscate is exercised by the Government to duly enforce a collection of its revenues it is subject to no constitutional objection. If, however, this legislation was intended solely to protect the public health it would be a palpable invasion of the authority of the States.

I hope this provision will remain in the bill. While it is an incident only of the taxing power, it will aid in securing the people a pure food, and will be a protection in some measure to every honest food product intended for table use as butter or as a substitute for it. Honest men who make honest butter substitutes and put them fairly upon our markets will benefit by it, as will the producers of the pure butter of the dairy. This legislation only discriminates against the dishonest and impure product.

Sir, I go further: I admit an imitation butter is sometimes imposed on the people as genuine butter. This is a fraud, and while the State only can declare the act criminal and impose a punishment on it, I freely admit the Government may, in the discretion of Congress, impose a tax on the product, whether it is pure or otherwise. I have all the time admitted the power. It is only a question of expediency. I think all thinking men will admit, when they reflect coolly and dispassionately, that the taxing power should never be invoked except when revenue is needed for public purposes. But I pass this point. I freely concede that if we may impose a tax on butterine, or oleomargarine, or other substitutes for butter, we have the right to provide for ascertaining where these substances are, who manufacture them, who sell them, and to equip all the necessary machinery to prevent them from escaping the tax-gatherer.

To accomplish these ends we may compel them to be sold and offered for sale for what they really are. I am not prepared to question the fairness or prudence of this part of the bill. To me it seems a legitimate use of the taxing power. What I have been attempting to impress upon the minds of the committee is that when we have compelled the dealers in a pure and healthy imitation butter to offer it for sale and to sell it for just what it is—to put it on the market in its real name and to sail it under its true colors—we have given the makers and dealers in butter all they can rightfully ask. All that one citizen can ask of another is honest competition. The rights of one citizen are

as sacred as those of another. My honestly acquired property is as much entitled to protection as yours. Shall the lawful occupation of one citizen of the Republic be stricken down that that of another may thrive and grow fat? It has been tauntingly said to me, "You are the friend of bogus butter." I answer, "No; I know nothing about it, and I do not care if not an ounce of it is ever made." But, sir, I am honestly contending for a principle worth more to the people a thousand times than all the butter, pure or spurious, that has ever been made—the perfect liberty of every citizen of the Republic to an equal right with every other citizen to engage in a lawful enterprise, and the right of all to pursue an honest industry without being subjected to unnecessary taxation. The vindication of this liberty, of this equality, of this right to enjoy the fruits of honest toil is of inestimable value to the poor and the rich alike. In the presence of this great principle the other questions presented by this bill are scarcely worthy a moment's thought.

But, sir, I say again I am willing to so legislate that no manufacturer of a product that may be used as butter can practice a fraud on the consumer. I am anxious to protect an honest article from having to compete with a fraud. Who asks more asks me in the sacred name of the law to oppress some one, to injure some industry, to destroy some interest. This I dare not do.

I repeat with emphasis that I regret that protection to any industry must be given in a questionable way; but as this bill on its face is for revenue, and this assumed protection a proper incident, I will waive my objections, serious objections, to its methods, and give it my best support whenever its projectors will consent that it be shorn of its power and its purpose to destroy honest and perfectly legitimate industries.

Is not my proposition a fair one? No gentleman in this debate has shown, or attempted to show, that the amendments I suggest will in the least impair the protection the friends of the measure seek, if they seek only what they publicly claim.

You may force me, gentlemen, to vote against this bill. If I do, it will not be, as you know, because I indorse impure foods or sympathize with dishonest methods; but because I am not willing to indorse measures or a principle that will unnecessarily destroy an industry, a measure that will tax a fair and honest business wholly out of existence. I must demand as a condition of my support a modification of the penalties and a reduction of the onerous and inequitable special taxes imposed by this bill. I hope I am understood. It has been my purpose to define my position clearly.

Every gentleman knows that this extraordinary tax, these extreme penalties, are not required to protect the consumers of food. It is an open secret that this use of the taxing power is intended to secure the end I have imputed to it, and I submit it is a monstrous outrage to use this power to destroy even the weakest or the humblest honorable industry. No manufacture ought to demand more than to be secured a fair, open, and honest opportunity to compete with a rival industry.

It is said this measure is not a departure from the long-established policy of the country; that we have always exercised the power to tax one product to protect another. I deliberately deny that this has been the case as between home products. We tax tobacco, but what home product competes with tobacco? We tax whisky, but not in the interest of a rival industry. We tax imitation wines as wines to prevent frauds on the revenue. All these measures are for revenue solely. Customs duties are imposed on a rival product when of foreign manufacture to protect American home labor. The prime object of a tariff is to prevent the destruction of a home industry by foreign cheap labor. Tariffs favor home production. They encourage home competition and the development of new industries. This bill protects nothing from foreign labor, it encourages no home competition, nor does it build up any new industry. On the contrary, it destroys competition and robs one citizen to put the money in the pocket of another. Have it understood that "protection to American industry" means this and you give it a blow from which it will not easily recover. This bill seeks a class legislation in its present shape of the most pronounced type. A great danger lurks under its thin disguises; it makes a precedent which may be at any time employed to destroy the weak in the interest of the strong. The theory upon which this bill proceeds may be used to justify any legislative monopoly however monstrous or exacting. A morning paper somewhat ironically but truthfully says:

If Congress is to put a prohibitory tax on butterine at the command of the dairy interest, why should it not put a prohibitory tax on gas at the command of the whale-oil and petroleum interests, and on blue jeans at the command of the woolen interests, and on pork and sausages at the command of the hucksters of mutton-chops, and on plain straw hats for the "protection" of the Panama-hat importers, and on two-dollar shoes for the protection of Burt's shoes at \$6 a pair, and on cider and lager beer for the benefit of champagne?

And I may add, why not tax the common milk of the farm for the benefit of the golden dairy product of the Alderney or the Devon, and white butter in the interest of the yellow, and all inferior farm products in favor of those that may be assumed to be their superiors? A principle in legislation that could even be tortured to justify these things is frightful. Never was a measure supported by more extravagant declamation or stranger or more inconsistent logic.

On one hand it is said if these imitations are put on the market for what they are, under their true name, nobody will buy them. When we ask if they are not healthy food products, and may they not be law-

fully sold, and bought, and used, we are answered, "Yes; and if we tax them at the enormous rate of 200 per cent., cover the business of production and sale all over with frightful penalties, and compel them to go into the market as imitations, they will still be sold, bought, and consumed." On the one hand it is said that these products can pay these taxes and live and thrive; on the other it is declared that they ought to be crucified by taxation. Tell me, gentlemen, please tell me who is right? If these compounds are inevitably filthy, impure, or unhealthy, in the name of humanity let them be exterminated root and branch. For such stuff I have no defense. I will, in all proper ways, assist in protecting mankind from such. But, Mr. Chairman, the framers of this bill admit these imitations to be harmless, or the bill itself is a shameless fraud, for it encourages their production for exportation by exempting from taxation all that may be sent abroad. Do you propose to sell the Germans, French, and English commodities that are unclean and dangerous to health? Are you in earnest in encouraging this exportation? Oh, the foreigner will rush into the market to get American oleomargarine when he reads this debate!

It is said that the trade in these goods is secured by improper and fraudulent means. If so, let the wrong and the fraud be prevented. No one objects; but do not seek to correct the abuse by legislation as improper and fraudulent as is the wrong itself. Do not destroy all respect for the name and fame of our great country by sending a sham and a fraud into the markets of the world. But I do not impute this purpose to any gentleman. This exportation clause is a confession that these compounds may be and are made pure and healthful. That they are such I offer here a little of the proofs, volumes of which are in my possession.

The supreme court of New York says in *The People vs. Marx*, June, 1885:

On the part of the defendant it is proved by distinguished chemists that oleomargarine was composed of the same elements as dairy butter. The only difference between them was that it contained a smaller proportion of fatty substance known as butterine; that this butterine exists in dairy butter only in a small proportion—from 3 to 6 per cent.; that it exists in no other substance than butter made from milk, and is introduced into oleomargarine butter by adding to the oleomargarine stock some milk, cream, or butter, and churning; and when this is done it has all the elements of natural butter, but there must always be a smaller per cent. of butterine in the manufactured product than in butter made from milk. The only effect of the butterine is to give flavor to the butter, having nothing to do with its wholesomeness; that the oleaginous substances in the oleomargarine are substantially identical with those produced from butter and cream. Professor Chandler testified that the only difference between the two articles was that dairy butter had more butterine; that oleomargarine contained not over 1 per cent. of that substance, while dairy butter might contain 4 or 5 per cent.; and that if 4 or 5 per cent. were added to oleomargarine there would be no difference; it would be butter; irrespective of sources, they would be the same substances. According to the testimony of Professor Morton, whose statement was not questioned or controverted, oleomargarine, so far from being an article devised for the purposes of deception in trade, was devised by a French scientist, who was employed by the French Government to devise a substitute for butter.

This is the substance of the uncontradicted testimony of sixteen distinguished chemists whose names are before me. I will not tire the patience of the committee by giving them; they may be found in the record of this case.

In deciding the above case the supreme court makes some observations which I commend to the serious consideration of all. I quote:

Measures of this kind are dangerous even to their promoters. If the argument of the respondent in support of the absolute power of the Legislature to prohibit one branch of industry for the purpose of protecting another with which it competes can be sustained, why could not the oleomargarine manufacturers, should they obtain sufficient power to influence or control the legislative councils, prohibit the manufacture or sale of dairy products? Would arguments then be found wanting to demonstrate the invalidity under the Constitution of such an act? The principle is the same in both cases. The numbers engaged upon each side of the controversy can not influence the question here. Equal rights to all are what are intended to be secured by the establishment of constitutional limits to legislative power and impartial tribunals to enforce them.

I could multiply judicial authorities asserting this doctrine, but I need not. Nobody controverts it. It is a corner-stone of republican government. It would be well for all to consider the danger of asserting that one of two industries, securing control of Congress by force of its numbers, may lawfully tax the other out of existence. That this bill proposes to do, and that every court holds may not be done without violating the letter and the spirit of the Constitution.

But, says some one whose hands are wholly innocent of the touch of the plow-handle, and whose zeal is in proportion to his want of knowledge of agriculture, its wants or its interests, "I am for the farmer, and you are his enemy." I might retort, but I will not, "Who appointed these lawyer-Congressmen the guardians of the toiling farmer? I am not a farmer, but nearly every dollar of my little means is invested in the farm and its products. My family, friends, and supporters are largely engaged in agriculture, and he who intimates that I do not respect the farmer, his industry and his interest, is wholly ignorant of the facts. Farmers are the bed-rock of our industrial systems; they are fair and intelligent; they despise the demagogues who traffic in their good name; they ask nothing but justice and equality in legislation for legal methods and honest goods; they are capable of judging both motives and measures.

I am told by many of its friends that all of the objectionable features of the measure will be eliminated before it can become a law. Well, sir, when this is done it will stand well in my favor and get my vote.

To get clear of unwise and dangerous provisions is just what I have been seeking to do. Oh, it is said, we can not do this here; we must stand by the bill of the committee and let its defects be cured elsewhere. Why, sir, this House did not delegate the authority to this committee to commit it to this or any other bill, and it is as much the duty of the House to pass a good and fair bill as it is of the Senate. To skulk responsibility is an act of cowardice, as I look at it, and I respectfully decline to do it. But again, and for the last time, I say that when a just bill is presented I will vote for it, and my convictions of duty compel me to vote against the present bill. I hope one will come from the Senate that will challenge the support of all.

I have not attempted to delay this measure nor to defeat any just end it is capable of attaining. The majority has the right to pass it and I will not seek its defeat by resorting to parliamentary obstructions, but will help its friends to reach a vote at as early a day as is practicable. I have endeavored and will continue to labor to perfect it and make it fit to become a law. From the beginning my whole desire has been to give protection to all and save all from injury. There is little hope that any amendment will be allowed by this House. All about me gentlemen say it must go through just as it is. I do not like this method of legislation, but each must act and judge for himself. I will do my duty as I understand it. From time to time I will offer such amendments as may appear to me to be fair and just, and such as will not impair the efficiency of the measure, in the attainment of any honest purpose, and if all substantial amendments are rejected, I will be compelled, in obedience to my judgment and my best convictions of duty, to vote against it. My people never ask me to do what in my conscience I believe to be an unjust and dangerous thing. This is a sudden frenzy—so sudden as to justify suspicion of its purpose. It has never been discussed in any canvass nor been debated by the people. My constituency—a thinking, reading people, engaged in all the varied industries, in trade, manufacture, agriculture—have given me no instructions, but left me to follow my judgment. This I have done with an honest purpose and with a full sense of my responsibility to them as their representative.

Mr. BUCHANAN. Mr. Chairman, I profess to have just as high a regard for the Constitution as my colleague who has just spoken [Mr. MCADOO], and having that high regard, I can with a clean conscience vote for this bill.

I rose simply to say a word about the pending amendment. During all of these weary days I have voted consistently with the friends of this bill. The character of the opposition has been such as to almost imbitter me against any proposed amendment; but I say to the House that in my judgment this amendment ought to be adopted. It is offered by a friend to the bill and is offered for a worthy purpose, to allow the manufacturer who puts care and prudence into his goods to demonstrate that fact to the consumer of those goods. It seems to me that no valid reason can be urged against the amendment to the bill, and the bill itself would be stronger with the House and before the country with that amendment if adopted.

Mr. GIBSON, of West Virginia. Mr. Chairman, I desire to offer an amendment to the amendment so as to make it read:

In tubs or other wooden or paper packages not before used for that purpose, each containing, &c.

Then following the amendment as now pending.

The CHAIRMAN. The gentleman will send his amendment to the desk.

Mr. GIBSON, of West Virginia. It is simply to insert in line 2 of this section, after the word "wooden," the words "or paper;" and upon that amendment I desire to express a few further opinions upon this bill, which should be styled a bill for the betrayal of the party, and for an outrage of the rights of the people.

This bill, professing to be in the interest of honest table food, professing to be in the interest of the farmer class of the country, not only fixes pains and penalties upon a legitimate industry, but requires that that industry shall be so conducted that there will be no packages of less than 10 pounds, making it impossible for a poor man out of his weekly wages to buy a complete package of this product however unhealthful it may be, or however much he may desire it. It is not only, therefore, a bill to rob the poor man, but it is a bill to muzzle and to chain him. It is not only a bill in favor of fraudulent dairy interests, but it is a bill for the oppression of those who can least take care of themselves.

Mr. MORGAN. Let me ask the gentleman a question.

Mr. GIBSON, of West Virginia. No; I can not yield.

Mr. MORGAN. Then let me state that a man can sell a spoonful if he wants to, if he pays the tax.

Mr. GIBSON, of West Virginia. And, Mr. Chairman, it not only does that, but it offers a reward to every man's neighbor to become a spy upon his neighbor. This act would undertake to create again the informer system in this country and to divide the fees among the informers. First, the State wiped out the iniquitous system as barbarous and infamous; then the General Government wiped it out, and it has been ever since, in the Halls of this Capitol in every Congress that has ever sat here, denounced as unjust and oppressive.

You remember how corruptions and frauds arose under it in New York, where this spy and informer system was in force; how complaint was made all over the country where it prevailed, and yet we return to this stinking, nasty, fraudulent system for the purpose of carrying out this miserable bill. Why, the bill makes every man's neighbor a spy. It gives him a reward for informing upon his neighbor; and under the bill, if it should ever pass, no man or woman can feel safe while his or her neighbor is paying a visit.

Mr. STRUBLE. Especially if violating the law.

Mr. GIBSON, of West Virginia. Ah, if they are violating the law! Sir, if you had that regard for the law you are undertaking now to preach up you would not be here advocating this bill. [Laughter.] This is not the first time we have heard people cry out and advocate things in this Hall that we know they are not in favor of. I stood here not five minutes ago and heard a man say he was voting for the bill because he was an arrant coward.

Mr. STRUBLE. You did not hear me say that.

Mr. MILLIKEN. Who was it? Why does not the gentleman call the name?

Mr. GIBSON, of West Virginia. If I undertook to call the names of those who are acting in that manner it would take me the whole of my five minutes, and I would have to commence on that side of the House. [Laughter.]

Mr. MILLIKEN. Give one name.

Mr. GIBSON, of West Virginia. If gentlemen on that side want the names I will point them out.

Mr. MILLIKEN. The gentleman ought not to use the expression or make such a statement if he does not intend to give the names; and if the gentleman refers to me, his statement is not true. When the gentleman makes such a statement and does not call names, he reflects upon every man here.

Mr. GIBSON, of West Virginia. Let those gentlemen who think that I reflect upon them call upon me and I will not be found wanting.

Mr. CANNON. However, it creates a sort of a suspicion. [Laughter.]

Mr. GIBSON, of West Virginia. Oh! I understand that. Gentlemen know as well as I do the object of this bill. Some people are very suspicious on all subjects because they have very evil natures. [Laughter.]

Mr. CANNON. That does not apply to this side. [Laughter.]

Mr. GIBSON, of West Virginia. Now, sir, this bill, full to overflowing with iniquities, can be styled nothing whatever but a betrayal on the part of the Democrats of their party, and a betrayal of the people on the part of the Republicans, who have always claimed to be the friends of the laboring man.

[Here the hammer fell.]

Mr. CANNON. It occurs to me there has probably been scolding enough about this bill. I have sat here for four days and heard it. I have heard everybody's motives impugned; everybody accused of cowardice or foolishness in connection with this bill. I never thought as a matter of taste that was a very manly way in which to present one's views touching matters before the House. It is to be supposed that each man here performs his duties, and represents his constituents as he believes is right, according to his judgment and under his oath; and for one I have yet to arise in my place in this House and make insinuations against my fellow-members, collectively or individually, unless I was ready when challenged to give the name or names.

I want to say for myself, for fear that my mere silence here for days might give assent by implication to these statements that are made, the principle involved in this bill meets my full and hearty approval. I believe in it. I am for it, because I believe it is just and proper, and if enacted into law will inure to the benefit of the great majority of the people of this country [applause], not only the farmer but the people that depend upon the farmer as well.

I could take the speeches of the gentleman from Pennsylvania, whose seat is before me [Mr. KELLEY], and the speeches of gentlemen all along the line from the foundation of the Government to the present time, where they show the propriety of a promotion of a diversity of industries, and I will strike out iron, strike out steel, strike out woolen goods, strike out anything, and insert butter in its place, and you have the argument as strongly in this case as you have in the cases that they put so ably and so strongly.

Once more I want to say I am for this bill, not only because I believe I am representing my constituency, but I am for the principle involved in it, because I believe it is justified and demanded from a broad and just public policy.

Mr. BUTTERWORTH. I want to ask my friend a question before he sits down, as his time is not yet exhausted. Are you in favor of taxing any industry in this country for the very purpose of destroying it? Let the gentleman answer categorically.

Mr. CANNON. I will say to the gentleman in reply that I am not only in favor of raising revenue, but I am in favor of protecting every great industry in this country that needs protection.

Mr. BUTTERWORTH. Yes, undoubtedly; but that does not answer my question. Is my friend in favor of taxing any industry to destroy it simply because it is the competitor of another industry? Yes or no.

Mr. CANNON. I will answer the gentleman.

Mr. BUTTERWORTH. I agree with the principle the gentleman enunciates.

Mr. CANNON. If the gentleman will be still I will see if, in my own time, I can make a proper answer to his question.

[Here the hammer fell.]

Mr. CANNON. I am in favor of so taxing bogus butter as to prevent its being passed upon the consumer as genuine butter at a price not only equal to its real value, but an added price for the falsehood that is sold to the consumer who takes it for butter, when in fact it is a counterfeit.

The CHAIRMAN. The time of the gentleman has expired. [Laughter.] The hour for debate on this amendment and the amendment thereto is exhausted. The question is on the amendment to the amendment submitted by the gentleman from West Virginia.

Mr. HATCH. I move that the committee rise. Pending that motion I ask unanimous consent that all debate on the section under discussion and the amendments thereto be limited to ten minutes.

Mr. VAN EATON. Will the gentleman give me five of them?

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. DUNHAM. I object.

Mr. HATCH. Then I move that the committee rise.

Mr. BUTTERWORTH. Upon what amendment does the gentleman propose to limit debate?

Mr. HATCH. On all amendments to the pending section.

The CHAIRMAN. Debate is exhausted on the amendments as they now stand, and the Chair thinks those may be disposed of before the question is put on the motion of the gentleman from Missouri.

Mr. HATCH. Very well.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from West Virginia [Mr. GIBSON] to the amendment of the gentleman from Illinois [Mr. ADAMS].

The amendment proposed by Mr. GIBSON, of West Virginia, was read, as follows:

In line 2, section 6, after the word "wooden," insert "or paper;" so that it will read "in firkins, tubs, or other wooden or paper packages."

Mr. ADAMS, of Illinois. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS, of Illinois. I ask if that is a proper amendment to my amendment, since mine has reference to one line, and the amendment of the gentleman from West Virginia has reference to another?

Mr. GIBSON, of West Virginia. This is a proper amendment to the amendment of the gentleman from Illinois, because his amendment relates to the quantity of certain packages, and mine designates the character of packages in which his quantity is put.

Mr. HATCH. I suggest to the gentleman from West Virginia if he will offer his amendment to the sixteenth line, where the packages are mentioned in connection with their sale, I will accept the amendment as far as I am concerned. But in the second line there is a reference merely to the manufacturer.

Mr. GIBSON, of West Virginia. As the gentleman from Missouri says he will accept it at the sixteenth line, I withdraw my amendment.

Mr. ADAMS, of Illinois. I wish to ask the chairman of the committee whether he will not accept my amendment with the view of perfecting the bill.

Mr. HATCH. I will hear it read.

The Clerk read as follows:

In lines 3 and 4, section 6, strike out the words "each containing not less than 10 pounds."

Mr. HATCH. I will state frankly I can not accept that amendment, simply because it is an effort to allow the manufacturer to imitate butter in rolls of half a pound or a pound.

Mr. ADAMS, of Illinois. Will the gentleman allow my second amendment to be read, and then he will understand my purpose is not what he now states?

The CHAIRMAN. The Clerk will report the remainder of the amendment.

The Clerk read as follows:

In line 9, section 6, strike out the word "only" and insert in lieu thereof "the same only when put up in stamped packages or."

Mr. BRECKINRIDGE, of Kentucky. I desire to offer an amendment to that amendment.

Mr. ADAMS, of Illinois. I ask to have my amendment read in order that the chairman of the committee may see that I had no such purpose as he intimated of letting the oleomargarine be put up in packages to counterfeit butter. My object is to allow the manufacturer to make up packages so small that they can go with their seals unbroken and the internal-revenue stamp upon them from the manufacturer to the wholesaler, from the wholesaler to the retailer, and from the retailer to the consumer, so that nobody can be deceived. I will say to the chairman of the committee that one gentleman here, a strong friend of this measure, has characterized this as an amendment tending to perfect the bill.

Mr. HATCH. I have no doubt gentlemen have so stated, and that may be their view of it, but we have considered that question very carefully in the committee—it was under consideration for hours—

and we know what would be the effect of the amendment suggested by the gentleman. Not that he has any such purpose in offering the amendment, or any purpose except, as he states, to perfect the bill, but the effect of it, if adopted, would be to enable dealers to put this article up in packages like those in which butter is sold.

Mr. BRAGG. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRAGG. I understood the Chair to state a while ago that debate upon this paragraph or amendment had been closed by order of the House.

The CHAIRMAN. The Chair did not so state. The Chair stated that in the condition of the amendment at that time debate was exhausted.

Mr. BRAGG. Has there been any change in the condition since?

The CHAIRMAN. Yes; the amendment to the amendment has been withdrawn, leaving only the single amendment pending.

MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate, and Mr. RICHARDSON took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house; and

A bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check, and the assistant treasurer of the United States at New York to pay the same.

The message further announced that the Senate had passed with amendments the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, asked a conference with the House on the amendments of the Senate, and had appointed as conferees on the part of the Senate Mr. HARRISON, Mr. PLATT, and Mr. GRAY.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. FINDLAY. Mr. Chairman, I have here an amendment which I think is absolutely necessary to perfect this portion of the bill. I propose to strike out the word "wooden," in line 12.

Mr. HATCH. I have already stated to the gentleman from West Virginia that I will accept that amendment in line 16 where it applies to the retail dealer.

Mr. FINDLAY. I think it ought to come in here. This provides that retail dealers must sell only from original stamped packages. Now the retailers are required to sell from the same packages that come from the manufacturers in quantities not exceeding 10 pounds, and to pack it in suitable wooden packages. My amendment will permit the retail dealer to sell any small quantity of the article and roll it up in a cloth or any other convenient material.

Mr. HATCH. I am willing to insert after "wooden" the words "or paper."

Mr. FINDLAY. The bill as it stands now will require every retail dealer when he sells a pound or a half pound of this article to put it up in wooden packages. Is there any sense in that?

Mr. HATCH. They can use these little wooden trays, which are cheaper to-day than paper. Every grocer in the country uses them.

Mr. FINDLAY. Do you mean to say that wood is cheaper than paper?

Mr. HATCH. I have been told so by grocers.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman will permit me, there is no such thing as a retail dealer under this bill, because this very portion of the bill says that this article shall be sold in quantities not exceeding 10 pounds.

Mr. HATCH. And that makes the man a retail dealer.

Mr. FINDLAY. Mr. Chairman, I recognize the fact that there are wholesale dealers and retail dealers by virtue of this section of the bill, but I say it is very unwise to require a retail dealer if he sells a pound or half a pound of this article to put it up in a wooden package.

Mr. HATCH. I have already said that I am willing to accept the amendment of the gentleman from West Virginia [Mr. GIBSON] to come in on line 16.

Mr. FINDLAY. If the chairman of the committee will not accept my amendment, I will withdraw it.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. One more suggestion, Mr. Chairman. The form and material of these packages will be regulated by the Commissioner of Internal Revenue, and he will see to it that manufacturers do not use such 1-pound packages as will enable oleomargarine to be confounded with butter.

Mr. HATCH. Mr. Chairman, it is only necessary for me to say in reply to the gentleman from Illinois that I have already, upon conference and consultation with the Commissioner of Internal Revenue and the officers of his bureau, obtained fully the views of those gentlemen upon this question, and that therefore the bill has been reported in this shape by the committee.

The question was taken on the amendment offered by Mr. ADAMS, and it was rejected—ayes 64, noes 92.

Mr. HATCH. Now, Mr. Chairman, for the purpose of carrying out the statement I have made here, I move to insert, in line 12, after the word "wooden," the words "or paper;" so that it will read "in suitable wooden or paper packages," &c.

Mr. FINDLAY. Why not say "or linen?"

Mr. HATCH. Simply because, as the gentleman very well knows, nothing of this kind, when sold by grocers, is ever wrapped in linen.

Mr. FINDLAY. Then why not say simply "suitable packages?"

Mr. HATCH. Again, in line 16, after the word "wooden," I move to insert the words "or paper."

Mr. GIBSON, of West Virginia. And the same amendment wherever it is necessary throughout the bill to carry out that idea.

Mr. HATCH. I do not think it is necessary anywhere else.

The amendment was agreed to.

Mr. ADAMS, of Illinois. I sent to the desk some time ago an amendment which I ask the Clerk to read.

The Clerk read as follows:

In line 9 of section 6 strike out the word "only" and insert in lieu thereof the words "the same only when put up in stamped packages;" so as to read: "Retail dealers in oleomargarine must sell the same only when put up in stamped packages," &c.

The amendment was rejected.

Mr. WHEELER. I move the amendment which I send to the desk.

The Clerk read as follows:

After line 23, section 6, insert:

"No person who was reported by the tenth census as unable to read or write shall be fined or imprisoned for violating the provisions of sections 6, 11, 12, or 13 of this act until one year after the passage of the bill now pending in Congress to aid in the support of common schools; and all money collected under this act shall be used for the purpose of aiding in the support of common schools; the money to be distributed among the States in proportion to the illiteracy in said States as shown by the tenth census."

Mr. HATCH. I raise a point of order on that amendment.

The CHAIRMAN. The committee has passed section 6, and it is not now amendable.

Mr. WHEELER. Then I will move the amendment to section 7.

The CHAIRMAN. The Clerk will report the next section.

The Clerk read as follows:

Sec. 7. That every manufacturer of oleomargarine shall securely affix, by pasting, on each package containing oleomargarine manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—The manufacturer of the oleomargarine herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of oleomargarine who neglects to affix such label to any package containing oleomargarine made by him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined \$50 for each package in respect to which such offense is committed.

Mr. WHEELER. I now offer my amendment to this section.

Mr. HATCH. I have submitted a point of order upon the gentleman's amendment.

The CHAIRMAN. What is the amendment of the gentleman from Alabama?

Mr. WHEELER. It provides, in substance, that no person shall be fined or imprisoned for violating certain sections of this act, provided he was one of those persons reported by the tenth census as unable to read or write, until a year after the passage of the bill now pending giving him an opportunity for education.

The CHAIRMAN. The Chair did not ask the gentleman to state the substance of his amendment, but simply what his motion was.

Mr. WHEELER. My motion was to insert this amendment at the end of section 7.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. HATCH. I make the point of order that this amendment is not germane to the pending section.

The CHAIRMAN. The Chair thinks the amendment is not germane to this part of the bill.

Mr. WHEELER. Then I will reserve it until we reach section 11.

Mr. VAN EATON. I move to amend the pending section by striking out, in line 16, the word "fifty" and inserting "twenty-five." In support of this amendment I wish to say that unless I can succeed in my effort to protect "the great American hen" it will be impossible for me to support this bill. I hold in my hand a dispatch I have just received from the Merchants' Exchange at Oshkosh, in the district once so ably represented on this floor by Hon. Mulberry Sellers. I send up this dispatch to be read in my time.

The Clerk read as follows:

Once upon a time Mr. and Mrs. Cow went out for a little promenade, as was their custom in pleasant weather. They took with them their favorite child, Butter, a bright, yellow-haired cherub, greatly admired by the friends of Mrs. Cow. As they strolled along, the cherub wandered into a grocery store near by and presently came running out, accompanied by another cherub, who was its very twin. Mr. Cow looked inquiringly at Mrs. Cow.
"Oh, mamma!" cried dear little Butter, "See, see! I have found my twin."
"Quite true, my child," responded Mrs. Cow, and, turning to the twin, she asked, "What is your name, my dear?"
"Oleomargarine," lisped the twin.

"What a pretty name," said Mrs. Cow; "and who is your mamma and papa?"
"I do not know," said the twin. "I guess I must be a poor little orphan."
"So you are; so you are," said the kind Mrs. Cow; and after some consultation with her husband and continued appeals from her own cherub, she asked the twin to come home with her and be a playmate for Butter.

This the twin readily agreed to do, and that night Oly and Butty slept together in the sweetest harmonies of childhood. In the morning Mrs. Cow went in to call the little ones, and they both sat up in their trundle-bed.

"Which is Butty and which is Oly?" laughed Mrs. Cow in playful mood.

"I am Butty," lisped Oly, sweetly.

"No, I am," screamed Butter, pulling out several handfuls of Oly's golden hair.

"No, I am," persisted Oly; and then Mrs. Cow, looking first at one and then at the other, burst into tears.

"How is this?" inquired Mr. Cow, coming into the nursery.

"Oh, oh! I do not know which is Butter and which is Oleo Margarine," cried Mrs. Cow, pointing at the two little similarities.

"Eh?" gasped Mr. Cow, turning to the bed.

"See!" exclaimed Mrs. Cow, "there isn't any difference. Which is which?"

"Both of them," growled Mr. Cow. "But, wife, if there isn't any difference, what is the difference?" And he went back to his morning newspaper, leaving Mrs. Cow still in tears.

Moral: If there is any moral to this fable, you are welcome to it.

[Laughter.]

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. VAN EATON] has expired.

Mr. WORTHINGTON. Mr. Chairman, I do not expect to add anything to the fund of information which has been contributed by other gentlemen on this subject, yet I am unwilling to vote on all the phases of this question without expressing my views upon it. There is no more doubt that Congress has the right to tax every pound of oleomargarine than that it has the right to tax every gallon of whisky and every pound of tobacco. It is equally certain that if this taxing power is abused for the purpose of crushing and destroying the manufacture of oleomargarine, such action on the part of Congress is indefensible. The real questions then presented to us on this subject are, in my judgment, first, is oleomargarine a proper subject of taxation; and, next, are the rates provided in this bill fair and reasonable?

I assume that oleomargarine is a proper subject of taxation. Why not? The elements of which it is composed, we are told, are cheap; and if we have any trustworthy information on this subject, the article is sold at a large profit. In addition to that, the tax which will be collected under this bill, if it should pass, will be paid ultimately by the consumers, because those who manufacture and sell oleomargarine will be simply the agents of the Government to collect and receive the tax from those who purchase and consume the article; and any one who has ever given any attention to this subject of taxation knows that taxes which are paid in this way by the consumers are the least onerous and burdensome of all taxes.

But there is another reason why this is a proper subject of taxation, a reason which has been adverted to so frequently that I shall simply mention it. It is certainly no objection that some desirable result follows the taxation of this article. At present the article goes into the market, not as a fair competitor with the farmers' butter, but it goes there masquerading under false colors. Now, if we can succeed in getting revenues from this article under a proper law duly authorized by the Constitution, and at the same time can expose a fraud and compel oleomargarine, which it is said so nearly resembles butter as to require an expert to tell the difference between them, to hoist its own colors and fight under its own flag, that is certainly a desirable object, and we ought to be willing to pass a law for the purpose of securing that end, if for nothing else.

Now, there is one other object which seems to me desirable, though it may not suit the views of a great many members of this House. I do not believe in the doctrine of protection. I am here to say, as I will say upon every proper occasion, that I believe the system of protection to be wrong in principle and unjust in practice. It is impossible for one end of the seesaw board to go up without the other going down. It is impossible by any system of taxation to put money into the pockets of one class in the community without at the same time taking it out of the pockets of another class. If it were in my power I would wipe from the statute-book every tariff law except those that bring in necessary revenue. But it seems that we are not able to do this. The combination against us is too strong. The iron-men, the glass-men, the coal-men, the men interested in pine forests, and those who have salt-wells have so banded together—being held together not by bands of steel, but by bands of interest, which are infinitely stronger—that up to this time we have been unable to reduce materially the war taxation, although twenty years have elapsed since the declaration of peace.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. TOWNSHEND. I move to strike out "one hundred" and insert "fifty," and yield my time to my colleague.

Mr. WORTHINGTON. I am much obliged.

I do not know, Mr. Chairman, how much longer we shall be compelled to suffer under this system of taxation. So far it has fallen with peculiar severity on those who live in the Great West. The farmers have been the hewers of wood and the drawers of water for every protected industry in this country. By reason of it they have paid higher prices for everything they have had to buy, and have received no higher prices on account of it for what they have had to sell. It has created a

prejudice in European markets against American agricultural products. France and Germany refuse to take American pork, while our exports of cotton and wheat to England are every year growing less. Western farmers have protested against this unjust tariff system. I am here as the Representative of a district with 2,500 Republican majority, according to the last Presidential vote, because I have denounced in every town and at every cross-roads this infamous system of taxation.

We can not break it down. The combined forces of protection are so far too strong for us. Some of my Democratic brethren, too, I am sorry to say, are imbued with the same views entertained by gentlemen on the Republican side of the House.

What then is the next best thing to do? I have heard that one of the ways of forcing the repeal of an odious law is to enforce it. If we can not defeat this system of tariff legislation in any other way, I am in favor of protecting every possible industry you can find in this country. [Laughter and applause.] We will protect the iron-man of Pennsylvania against the iron-man in Georgia, and the iron-man of Georgia against the iron-man of Pennsylvania; and the woolen manufacturer in Massachusetts against the woolen manufacturer in Rhode Island, and the woolen manufacturer in Rhode Island against the woolen manufacturer in Massachusetts. We will interlace these protective measures until we protect every industry in the country. In this way it will amount to no protection at all, because all will fare alike, and the people will begin to see the enormities of a system which they have been taught to believe was a great blessing. [Laughter and applause.]

Now it may be said we do not want any revenue; that we have enough. Let us take off the tariff tax from salt, take it off lumber, reduce it on sugar, reduce it on woolen goods, and in their stead put a little on oleomargarine, make it travel in its own clothes, and give to the farmers of Illinois and Iowa and Wisconsin and Kansas and Nebraska a little taste of this protection tax which they have been for so many years helping to pay into the coffers of the manufacturers of the East.

If we do this, and extend this system to the protection of the farmers' products, we will find a great many gentlemen—we will find perhaps the venerable gentleman from Pennsylvania [Mr. KELLEY], for whom I have so much respect and who is such a strong advocate of high duty—we will find him and his friends learning the lesson that we have long since learned by sad experience, that protection is a sharp-edged tool, cutting the many while helping the few; and may possibly find Eastern tax-payers uniting with Western men without respect to party, Republicans and Democrats alike joining hands to reduce the taxes in the shape of duties which consumers pay solely for the benefit of manufacturers and producers.

Mr. BUTTERWORTH. Are you in favor of taxing one legitimate domestic industry out of existence merely because it is the successful competitor of another domestic industry? Is not that absolutely indefensible?

Mr. WORTHINGTON. I think it is. I said in the outset that if the rates of tax were so high as to crush and destroy the oleomargarine interest that this bill was absolutely indefensible. I believe there is no propriety in putting a license tax on manufacturers of \$600, on wholesale dealers of \$480, and still less a license tax of \$48 a year on little retail dealers who may not have \$500 worth of stock in their stores.

A MEMBER. Is 10 cents a pound too much?

Mr. WORTHINGTON. I think that 10 cents a pound is too high.

Mr. STRUBLE. Will the gentleman yield to me for a question?

Mr. WORTHINGTON. I have only five minutes, and much of that time has already been taken up by interruptions. There are other matters in this bill that are objectionable. Section 6, that we have just been considering, contains penal legislation and you can drive a four-horse team through it. [Laughter and applause.]

Mr. McADOO. Will the gentleman yield to me for a question?

Mr. WORTHINGTON. The gentleman must excuse me. It makes it penal for a retailer to deliver oleomargarine in anything but a new wooden package. How are you going to determine whether a package is new or old? When you pour water into a bucket does it make that bucket an old one as soon as you pour it in? You put a new pair of shoes on for the first time and take them off again; are they new shoes or old shoes? What is a new package and what is an old package?

Mr. HATCH. Will the gentleman yield to me for a question?

Mr. WORTHINGTON. I do not expect to get the floor again and I only have a few minutes.

Mr. HATCH. I will agree to yield five minutes to the gentleman if he will allow me to ask a question.

Mr. WORTHINGTON. Very well; go ahead.

Mr. HATCH. Does not the gentleman know that under the present revenue laws you enforce the very provisions enacted here and which he criticises, by providing that cigar-boxes and tobacco packages shall not be used a second time to put cigars in or to put tobacco in?

Mr. WORTHINGTON. Certainly; and I have no objection to such a provision; but while you are saying that I want you to put it in language that is not susceptible of misconception.

Mr. HATCH. It is exactly in the language of the statute-book on this subject.

Mr. WORTHINGTON. I fear the gentleman from Missouri is mistaken in that, for he will find that the reference is made to the descrip-

tion immediately preceding it, and that description is not new or original packages. The revenue law in almost every instance uses the word original instead of new packages.

But again, while on this subject, Mr. Chairman, in section 12 I find—

That every person who purchases or receives for sale any oleomargarine from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of \$100, &c.

It does not say who "knowingly" purchases, and yet, sir, you may send your child, fourteen or fifteen years of age, to a retail store—

Mr. HATCH. I will save the time of the gentleman's argument, if he will permit me to interrupt him, by saying that that was an inadvertence in the original draught of the bill. It is the intention of the committee to insert the word "knowingly" when we reach that point.

Mr. WORTHINGTON. I am very glad to hear it, and I hope upon a careful review of the bill that the chairman of the committee at the proper time will correct many other inadvertences which are to be found upon examination.

For myself I wish to say that if this tax can be reasonably reduced and if the license tax is put at fair figures I am in favor of the bill. I agree with the gentleman from Illinois [Mr. CANNON] that the bill is right in principle, and with these modifications I hope to see it pass; and I would be glad to see gentlemen who occupy the same position that I do with reference to the bill in its present form aid in correcting its serious and manifest defects and thereby secure its speedy enactment into law. [Applause.]

[Here the hammer fell.]

Mr. EVERHART. Mr. Chairman, it seems to me that the right to tax is coeval with sovereignty. It is essential to its existence; it needs neither grant nor reservation—

Mr. STRUBLE. I rise to a question of order; it is utterly impossible to hear.

The CHAIRMAN. The committee will come to order.

Mr. STRUBLE. Just as in the circus it will be observed that the bald-headed men are standing up in front. [Laughter.]

Mr. HENDERSON, of Iowa. How about the red-headed ones? [Renewed laughter.]

The CHAIRMAN. Gentlemen will resume their seats. The gentleman from Pennsylvania is entitled to the floor.

Mr. EVERHART. Mr. Chairman, the right to tax is coeval with sovereignty; is essential to its existence; needs neither grant nor reservation, and is limited mainly by the uniformity of its operation and the wisdom of the Government. It is a legislative right, and no court will inquire as to the degree of its exercise. It may impose prohibitory burdens upon foreign and domestic products. It may discriminate for or against industries or classes. It may throw greater restrictions around distilleries than breweries; favor cider more than wine, and cigars more than cigarettes. And Congress under other clauses may bestow charities, endow schools, grant pensions, punish counterfeiters, and by the establishment of a national board of health provide against the invasion of disease. The constitutionality of the question under consideration seems therefore beyond dispute, whether it be for revenue only, or mediately for the public welfare. The policy is justified by the facts.

Mr. Chairman, the time-honored business of butter-making is threatened with signal mischief. Another article has been put in circulation not as original, or auxiliary, or even as a substitute, but skillfully disguised so as to pass for the honest product. And this is oleomargarine. [Laughter.] Composed, as said, in some instances at least, of miscellaneous offal, the slag of the butcher-shop, the kitchen, and the alley; dissolved, neutralized, combined, and prepared by drugs and temperatures so that it may resemble the taste, form, and color, and bear the name of butter. Then its fabrication and excellence are lauded as if its origin were associated with springs and pastures, with cows and churns, and all the charm and flavor of the dairy. [Applause.]

The more perfect the imitation the more saleable and dangerous the commodity. And this mixture its friends expect the poor man to roll under his tongue as if it were a morsel sweet as sin, and which indeed it may be. [Applause and laughter.] Against this substance, whose claim now to be deemed a rival industry savors of a false pretension, the bill would protect the people, as other measures protect them against bogus coin and the importation of infected rags. It is designed—

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. Mr. Chairman, if I can be recognized I will yield every one of my minutes to the gentleman from Pennsylvania.

Mr. EVERHART. I am much obliged to the gentleman. Such a deception seems even more reprehensible than that which exaggerates or disparages, or that which surreptitiously abstracts property, or that violence which boldly seizes it. It not only deceives the customer, but assails the credit of the real article, confounds its identity, impairs its prestige. And though, if the oleomargarine ingredients be neither filthy nor deleterious, nay, though it be pure as the "icicle on Dian's temple" and wholesome as the "bread of angels" or, like "the sovereignest thing on earth," yet still it is but a counterfeit claiming to be genuine. And being of cheaper materials and of more extensive production, its tendency, like that of poor money to expel the

better, would, unhindered, usurp the market and corrupt the trade. And this to the serious and aggravated damage of that great majority who cultivate the soil, whose sweat and labor mingle with its furrows, and augment the public wealth; who supply us sustenance from the harvest and the orchard; who are the conservators of law and order; and whose brawny patriotism is the last unflinching reliance in the hour of trouble, in riot, and in war. [Loud applause.]

The CHAIRMAN. The Clerk will report the pending amendment and the amendment to the amendment.

The amendment proposed by Mr. VAN EATON was read, as follows:

In line 16, strike out the word "fifty" and insert "twenty-five."

The amendment to the amendment proposed by Mr. TOWNSHEND was read, as follows:

Strike out "twenty-five" and insert "one hundred."

The amendment to the amendment was disagreed to.

The amendment was disagreed to.

The Clerk read section 8, as follows:

SEC. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

Mr. TOWNSHEND. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 3, strike out "10" and insert "2" so that it will read:
"There shall be assessed and collected a tax of 2 cents per pound."

Mr. TOWNSHEND. I have no desire to detain the House with any elaborate remarks on the amendment. I simply wish to call attention to the nature of it. The bill provides a tax of 10 cents a pound on oleomargarine. The amendment I offer proposes to reduce that to 2 cents. If the same quantity of oleomargarine is manufactured next year that it is said was manufactured last year a tax of 2 cents a pound will raise a revenue of \$2,000,000.

Several MEMBERS. Four million dollars.

Mr. TOWNSHEND. Be that as it may, a tax of 2 cents a pound will raise an ample fund to defray all the expenses that may be necessary to enforce the revenue law in this case.

I shall not occupy the attention of the committee longer at this time. I think it would be wise if the friends of this bill should adopt the amendment. If it is adopted I am confident we will have a speedy conclusion of the discussion over this bill.

Mr. BAYNE. I rise to oppose the amendment. I believe if this amendment is adopted—and I know a great effort is being made to reduce the tax from 10 cents to 2 cents per pound, or some other figure—it will eviscerate from this bill its efficacy and its force. This bill is intended to protect the dairy interests of this country. If the tax be made so low that this stuff may be manufactured, and put in competition with butter on the market, although all the safeguards that are provided for by this bill shall remain in it, it nevertheless will persist as a rival for honest butter in the market and sooner or later will drive honest butter out of the market.

Now, if you put a tax of 2 cents a pound on this article, and the cost of manufacturing it is but 8 cents a pound, you have a material which can be put upon the market at 10 cents a pound; and if you undertake to put upon the market a commodity that will cost but 10 cents a pound against a commodity that can not be produced at a profit at less than 20 or 25 cents a pound, the effect is going to be, as certain as anything can be, that the lower-priced article will drive out of the market the higher priced.

You can talk as much as you please about the safeguards thrown around this; about the manufacturer having to put the article in a marked package; about the retail dealer having to sell from a marked package, but who is to protect the consumer, and what provision in this bill is to advise the consumer when the commodity is put on the table that that is oleomargarine and not butter? All these things may be done, and yet when this thing reaches a boarding-house table, the table of the hotel-keeper, or the table of any citizen there is no mark by which you can distinguish it from honest butter. It is there, and all the safeguards taken would amount to nothing at all. To reduce this tax to 2 cents a pound would be to take out of this bill the very feature of it which makes it a protection of the dairy interest. And I say to the friends of the dairy interest that if they vote in this amendment they might as well decline to pass the bill at all, because, although all that has been provided for may be done, the butterine will be sold and it will be a rival to honest butter in the market and will reach the consumer and the consumer will have no means of determining what it is.

Mr. TOWNSHEND. Will the gentleman allow me to ask him a question?

Mr. BAYNE. Yes, sir.

Mr. TOWNSHEND. Does the gentleman believe honest butter will not successfully compete with oleomargarine when the purchaser knows it?

Mr. BAYNE. It can not compete with oleomargarine.

Mr. TOWNSHEND. When the purchaser knows it?

Mr. BAYNE. He does not know it.

Mr. TOWNSHEND. He will if this bill is passed.

Mr. BAYNE. I do not care whether the retail grocer knows it, whether the wholesale dealer and the manufacturer know it, they may know it; but the consumers are the persons who ought to be advised. If you will incorporate into this bill some provision like what they have in the State of Vermont, requiring that oleomargarine shall be colored so that when it is put upon the table the consumer will be able to distinguish its color from that of natural butter, then you will have a protection; and for my part you can then make the tax as low as you please—1 mill a pound, if you want to do it in that way. But unless that is done the passage of this bill will be a keeping of the promise to the ear and breaking it to the hope of the farmers of this country if you reduce the tax from 10 cents a pound to 2 cents.

A tax of 10 cents a pound will cause the exportation of this material. I understand that it is being largely exported now. Let us keep this tax on it and encourage its exportation. Let us "build up" our foreign commerce in this way by subsidizing steamship lines, if necessary, and get rid of this "surplus product" to the other countries of the world. [Laughter.] But do not take from this bill its vital force, its efficacy, its protective feature.

Mr. WARNER, of Missouri. Does not the gentleman know that under the provisions of this bill the manufacturer may export oleomargarine without paying the 10-cent tax.

Mr. BAYNE. I know it, and I want it that way. I do not want one cent of tax put upon that which is exported.

[Here the hammer fell.]

Mr. MCCREARY. I move to strike out "two" and insert "five."

Mr. SCOTT. Mr. Chairman, this debate has developed one remarkable fact: The legislative records of gentlemen who have opposed this bill are noticeable for their opposition to monopoly, centralization, and consolidation. Now I wish to call the attention of the House to the fact that the principal protests against this measure have originated not only with boards of trade, but with gentlemen who are controlling and monopolizing many of the great industries of this country. I call attention to the fact that ten or fifteen years ago the article of lard was produced all over the United States by every farmer, and the sale of it was not centralized in any one locality, while to-day if a man desires to engage in any considerable transaction in lard he is obliged to go to the city of Chicago, and there have it dealt out to him by two or three firms who control the lard industry of the country, and at such prices as they may choose to part with it.

The same men who are at present controlling the wheat and corn markets and the lard and the hog products of the United States now propose to control the industry which seeks to displace the legitimate dairy interest of the country. They can not control it until they destroy the farmer. But when they do destroy the dairyman and his industry, when his cows are sold by the sheriff and his farm is sold by the sheriff and the seven millions of men who comprise this industrial class have been driven into bankruptcy and ruin by fraud and the article of pure butter can only be found on the tables of the rich, the wage-worker can have the privilege of buying from these gentlemen who are now appealing to this House a filthy, unwholesome counterfeit or imitation of butter at double the price at which the pure article can be procured if the dairy industry is preserved. I hear gentlemen on this floor saying that the opposition to this bill is in the interest of the wage-worker. If it is, sir, I fail to see it.

I say that this bill is for the purpose of keeping disseminated throughout this country an interest which concerns the health and the comfort and welfare of all the people of the country and giving every man who chooses an opportunity to engage in it.

The distinguished gentleman from Pennsylvania, my colleague, Governor CURTIN, speaks for the Knights of Labor. Other gentlemen on this floor speak in behalf of other classes, but the gentlemen who are opposing this bill have not yet expressed one particle of sympathy with the farmer. I can say to the House that the failure of this bill will put butter or its imitation representative into the hands of the biggest monopoly that exists in this country to-day.

Mr. GLASS. Mr. Chairman, I move to strike out "ten" and insert "one," and I offer that as a substitute for the pending amendment. I offer this amendment in good faith, and pledge myself if it be adopted to vote for the bill; but, sir, I can not vote for any bill that embodies the doctrine of protecting one domestic industry against another. In my interviews with the dairymen I have never heard one of them state that the object of levying this tax on oleomargarine was to bring revenue to the Treasury. On the other hand, all of them have stated that the object was to protect the dairy interest of the country against the injurious competition of these products. Mr. Chairman, I can not commit myself to such a policy. I believe that the internal-revenue system is odious to the people of this country and inconsistent with the genius and the spirit of republican government, and so soon as we approach the payment of our war debt I hold that that system should be swept entirely away from our statute-books. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The amendment offered by the gentleman from Tennessee [Mr. GLASS] is not now in order.

Mr. GLASS. I offer it as a substitute.

The CHAIRMAN. It is not a substitute. It is an amendment in the third degree, and is not in order. The question will first be taken on the amendment offered by the gentleman from Kentucky [Mr. MCCREARY] to the amendment of the gentleman from Illinois. The amendment is to strike out "two" and insert "five."

Mr. LEHLBACH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That is not in order.

Mr. LEHLBACH. Is not debate in order.

The CHAIRMAN. No debate is in order at this time. Debate has been exhausted and the question must now be put upon the amendment to the amendment.

The question being taken, the amendment of Mr. MCCREARY was rejected; there being—ayes 33, noes 90.

Mr. GLASS. May I now offer my amendment as an amendment to the original amendment?

The CHAIRMAN. The amendment of the gentleman is now in order and will be read.

The Clerk read as follows:

Amend the amendment by striking out the word "two" and inserting "one," making the tax 1 cent per pound.

The amendment was rejected; there being—ayes 47, noes 118.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Illinois [Mr. TOWNSHEND], which will be read.

The Clerk read as follows:

In line 3, strike out "ten" and insert "two," so as to make the tax 2 cents per pound.

Mr. BUTTERWORTH. Mr. Chairman, is debate exhausted?

The CHAIRMAN. The gentleman can move to amend the amendment.

Mr. BUTTERWORTH. I move then to amend the amendment by striking out the last word.

Mr. Chairman, it has been proclaimed to this House time and again by the representatives of the great butter industry, by those who speak for the agricultural interests of this country—and I represent that interest with others here—that all that is desired in this matter is such a law as will place the manufacture of oleomargarine separate and apart from the manufacture of butter, compelling the men who manufacture oleomargarine to label or stamp it for what it is, so that it may go to the consumer as oleomargarine and not as butter. Now, there is not a man on this floor who does not know that a tax of 2 cents a pound is ample and more than ample to pay the expense of bringing about that result. Now, Mr. Chairman, I desire to say to this side of the House—we are for protecting American industries against every kind of foreign competition—in that we differ from our friends on the other side—

Mr. BRECKINRIDGE, of Arkansas. The chairman of the committee [Mr. HATCH] has said that no expense would be incurred, and therefore we do not even need a 2-cent tax.

Mr. BUTTERWORTH. I accept the suggestion, even the 2-cent taxation is not required; but supposing a tax of this amount is necessary and is sufficient, I wish to say to my friends on this side of the House, if the time has come when you are willing to wipe out one legitimate domestic industry which but for your antagonistic legislation might survive and flourish, to wipe it out simply because it is the competitor of another domestic industry, you may expect that the specter of free trade will stalk to every town and village of this country within five years, and it ought to, as the inevitable result of the blow you deal at the protective system. [Applause on the Democratic side.]

Now, let me say another thing. If oleomargarine is what gentlemen say it is, the bare exposure of the character of the article, the bare requirement that it shall appear before the country for what it is, is enough to destroy it. If it can not stand on its own merits, it ought to die. If it can survive and flourish on its own merits, there is no right on the part of Congress to strike it down, without other reason than that it has entered the field to compete for favor with another domestic product of the country, no matter whether that other product is of the field, shop, factory, mill, or dairy.

Mr. BAYNE. Will the gentleman vote for a proposition to require this product to be colored pink or blue or some other color which will distinguish it from butter?

Mr. BUTTERWORTH. It is not necessary to color it pink or blue or to stamp on it a fac-simile of the American flag. It is simply necessary that it should pose in its own domain as oleomargarine; and if the people of this country desire to buy it, knowing what it is, upon its merits for what it is, if citizens of the country desire to manufacture it for what it is, selling it in its true character, I deny the right of Congress to wipe it out simply because some other industry finds it in the field as a competitor. [Applause.]

Mr. HATCH. The Speaker informs me that there are several executive communications upon his table which should be presented to the House this evening, and I therefore move that the committee rise.

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 had, according to order, 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.

REBECCA ELDRIDGE.

The SPEAKER. The Chair lays before the House a communication from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I return without approval a bill originating in the House of Representatives numbered 2145, and entitled "An act for the relief of Rebecca Eldridge."

This bill provides for the payment of a pension to the claimant as the widow of Wilber H. Eldridge, who was mustered into the service on the 24th day of July, 1862, and discharged June 21, 1865. He was pensioned at the rate of \$2 per month for a slight wound in the calf of the left leg, received on the 25th day of March, 1865. There is no pretense that this wound was at all serious, and a surgeon who examined it in 1880 reported that in his opinion the wounded man "was not incapacitated from obtaining his subsistence by manual labor;" that the ball passed "rather superficially through the muscles," and that the party examined said there was no lameness "unless after long standing or walking a good deal."

On the 28th of January, 1881, while working about a building he fell backward from a ladder and fractured his skull, from which he died the same day.

Without a particle of proof and with no fact established which connects the fatal accident in the remotest degree with the wound referred to it is proposed to grant a pension to the widow of \$12 per month.

It is not a pleasant thing to interfere in such a case. But we are dealing with pensions and not with gratuities.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 28, 1886.

Mr. MATSON. I move that the bill and accompanying message be referred to the Committee on Invalid Pensions, and ordered to be printed.

The motion was agreed to.

ELEANOR C. BANGHAM.

The SPEAKER. The Chair also lays before the House the following communication from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I hereby return without approval a bill which originated in the House of Representatives numbered 1582, and entitled "An act for the relief of Eleanor C. Bangham."

The claimant in this case is the widow of John S. Bangham, who was mustered into the service of the United States as a private on the 26th day of March, 1864, and was discharged by General Order June 23, 1865.

It appears that during his fifteen months of service he was sick a considerable part of the time; and the records in two of the hospitals to which he was admitted show that his sickness was epilepsy. There are no records showing the character of his illness in other hospitals.

His widow, the present claimant, filed an application for pension March 12, 1878, alleging that her husband committed suicide September 10, 1873, from the effects of chronic diarrhea and general debility contracted in the service. Upon the evidence then produced her claim was allowed at the rate of \$8 a month. She remained upon the rolls until July, 1885, when a special examination of the case was made, upon which it was developed and admitted by the pensioner that the deceased soldier had suffered from epilepsy from early childhood, and that during a despondent mood following an epileptic fit he committed suicide.

Upon these facts it was determined by the Pension Bureau that the pension should not have been granted, and it was withdrawn. It was so satisfactorily proven that the disease which indirectly caused the death of the claimant's husband was not contracted in the service that, in my opinion, the conclusion arrived at on such examination should stand.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 28, 1886.

Mr. MATSON. I move that the bill and accompanying message be referred to the Committee on Invalid Pensions and ordered to be printed.

The motion was agreed to.

SIMMONS W. HARDEN.

The SPEAKER. The Chair also lays before the House a communication from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the Senate and House of Representatives:

I hereby return without approval bill numbered 1406, which originated in the House of Representatives, and is entitled "An act granting a pension to Simmons W. Harden."

The claimant mentioned in this bill enlisted as a private December 30, 1863, and was discharged May 17, 1865.

He filed an application for pension in 1866, in which he alleged that he was injured in the left side by a fall from a wagon while in the service.

In 1880 he filed another application, in which he claimed that he was afflicted with an enlargement of the lungs and heart from overexertion at a review. His record in the Army makes no mention of either of these troubles, but does show that he had at some time during his service dyspepsia and intermittent fever.

The fact that fourteen years elapsed after he claimed to have been injured by a fall from a wagon before he discovered that enlargement of the lungs and heart was his real difficulty is calculated to at least raise a doubt as to the validity of his claim.

The evidence as to his condition at the time of enlistment, as well as since, seems quite contradictory and unsatisfactory. The committee to which the bill was referred report that "the only question in the case is as to his condition at time of enlistment, and the evidence is so flatly contradictory on that point that it is impossible to decide that question."

Notwithstanding this declaration it is proposed to allow him a pension of \$16 a month, though he has survived all his ailments long enough to reach the age of seventy-two years.

I think upon the case presented the action of the Pension Bureau overruling his claim should not be reversed.

GROVER CLEVELAND,

EXECUTIVE MANSION, May 28, 1886.

Mr. MATSON. I move that the bill and accompanying message be referred to the Committee on Invalid Pensions and ordered to be printed. The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; when the Speaker signed the same.

Mr. SCOTT. I move that the House take a recess until half past 7 o'clock this evening.

Mr. HAMMOND. If we take a recess until half past 7, will the evening session be for the consideration of pension bills only?

The SPEAKER. The session this evening will be held under the special order of the House.

Mr. McMILLIN. I ask by unanimous consent that the session this evening be postponed till 8 o'clock. It is difficult for members to get back at half past 7, and few are present at that hour.

There was no objection, and it was ordered accordingly.

The House accordingly (at 4 o'clock and 55 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by the Chief Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 28, 1886.

SIR: Hon. JAMES B. MCCREARY is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, Speaker.

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

Mr. MCCREARY accordingly took the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. MATSON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the purpose of considering bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. McMILLIN in the chair.

Mr. ERMENTROUT. Mr. Chairman, I ask unanimous consent that the privilege be accorded to each member present to call up a bill for consideration before proceeding with the general order.

There was no objection.

ABEL MISHLER.

Mr. ERMENTROUT called up the bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to restore to the pension-list the name of Abel Mishler, late first lieutenant of Company H, One hundred and twenty-eighth Regiment Pennsylvania Volunteers, and quartermaster of said regiment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JENNETTE DOW.

Mr. LYMAN called up the bill (H. R. 3363) granting a pension to Jennette Dow; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to enter upon the pension-roll of the United States, at the rate of \$8 per month, the name of Jennette Dow, widow of Charles E. Dow, late first sergeant of Company K, Eighty-ninth Regiment of Illinois Infantry Volunteers.

The committee recommend the adoption of the following amendment:

Strike out, in line 5, the words "at the rate of eight dollars per month" and insert "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY RENFRO.

Mr. NEAL called up the bill (H. R. 2358) granting a pension to Mary Renfro, which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Mary Renfro, mother of Mark C. Renfro, deceased, late a private in Company D, Second Regiment Tennessee Volunteers, on the pension-roll of the United States at the rate of \$8 per month, according to the rules and regulations governing such cases, said pension to continue during the lifetime of said Mary Renfro.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. TAULBEE) was read, as follows:

The soldier and son of claimant, Mark C. Renfro, enlisted as private in Company D, Second Tennessee Volunteers, September 1, 1861, and was killed in battle July 20, 1864.

Claimant filed application for pension as dependent mother on August 13, 1879,

which was "rejected by Pension Office December 2, 1882, on the ground that the soldier at the date of his death left a child surviving him. The soldier was killed July 20, 1864, and it is shown by the testimony of witnesses that his child died July 22, 1864.

The facts are fully shown by the brief as prepared in the Pension Office as follows, to wit:

"Bazzel Hedgecoth and F. M. Narramore testify that they have been acquainted with the claimant and her family for fifty years; was acquainted with the soldier at and before his enlistment, at which time he and his young wife were living with and supporting his parents, and that soldier's wife died about March 8, 1864, leaving a child, Mary F. Renfro, who within a few weeks after died, and that said child was the only child of said soldier; that said soldier was the youngest son of the claimant, and was her only support, and that he did provide for and contribute to her support before and after his enlistment; that claimant's husband, William Renfro, has been totally unable to perform manual labor since the death of the soldier.

"Clerk of court certifies that assessed value of real estate assessed to claimant's husband from 1865 to 1881 varies from \$500 to \$1,600.

"F. M. Narramore and J. F. Greer testify that the lands assessed to claimant's husband were poor and unproductive, and the title is in dispute, and that income would not be worth \$250; that claimant, or husband, has had no income since 1864."

Your committee recommend the passage of the bill with the following amendment: Strike out, in line 7, the words "at the rate of eight dollars per month."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I would like to know who has charge of this bill?

Mr. NEAL. I did not make the report on the bill, but I am ready to answer any questions the gentleman may wish to ask.

Mr. BRECKINRIDGE, of Arkansas. Are you familiar with the facts in this case?

Mr. NEAL. I am not only familiar with the facts in the case, but I know the parties personally as well as the witnesses who have testified to it.

Mr. BRECKINRIDGE, of Arkansas. Has this claimant any other sons, or had she any other besides this one?

Mr. NEAL. Yes, sir; she has several other sons who have families of their own and live in that county.

Mr. BRECKINRIDGE, of Arkansas. What are their circumstances?

Mr. NEAL. They are all in very moderate circumstances. This land spoken of where this man lived is the table-land of the Cumberland Mountains and is very unproductive, as everybody knows who is acquainted with that part of the country and its agricultural character.

If you will notice the report shows that there was a child of this soldier at the time of his death. The soldier was killed in battle and the child died two days after the soldier.

Mr. BRECKINRIDGE, of Arkansas. It is stated that this claim was once rejected by the Department here upon the ground that the soldier left a child. It does not seem that the child was living at the time the application was filed.

Mr. NEAL. No, sir, but at the time that the soldier was killed the child was living, and would have been entitled to the pension which belonged to the father, but the child died two days after. Technically the Pension Office could not grant the claim for a pension to the dependent mother under the law.

Mr. BRECKINRIDGE, of Arkansas. Be kind enough to explain to me the reason of the rejection.

Mr. NEAL. I am not familiar with the pension laws.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask a question in reference to this case, and if the gentleman can not answer it, perhaps some member of the committee will be kind enough to do so. I wish to know why the fact that this child was living upon the date of the soldier's death would militate against the claim of the dependent mother?

Mr. ROWELL. Because that is the law.

Mr. BRECKINRIDGE, of Arkansas. If there was any child living at all at the time of his death?

Mr. ROWELL. Yes; if any child was living at the date of the death of the soldier, that cuts out the dependent father or mother.

Mr. BRECKINRIDGE, of Arkansas. Suppose the child had died prior to the death of the soldier?

Mr. ROWELL. Then the mother would have been entitled to the pension.

Mr. NEAL. I suppose it is true that on technical grounds only the case was rejected. Had the child survived, of course it would have been entitled to the pension; but under the circumstances the committee think that it should go to the dependent mother.

Mr. BRECKINRIDGE, of Arkansas. Now, Mr. Chairman, there are a number of us present here who are familiar with the productiveness of the Tennessee farms and of that country where this land is located. I suppose the gentleman occupying the chair, as well as myself, has traveled over that portion of the country and knows its character. It seems that this claimant's husband has a farm which is assessed at \$500 to \$1,600. That, it must be apparent, would be the assessed value of a very good farm in that part of the country—of course not a very large farm; but it is also said that this lady has vigorous sons. In addition now to the fact there is this farm, I do not think that this is a just claim upon public charity or shows a dependent condition. They have not lost that farm, but have occupied it since the war, as shown by the testimony cited.

Mr. WEAVER, of Iowa. But the report shows that there is no income.

Mr. BRECKINRIDGE, of Arkansas. Well, there is no income but the crops on farms generally. There is not one farm in a thousand that has an income outside of the crops. In view of the fact that this lady has a number of vigorous children living, who at most would be called upon for a very sparse expression of love and responsibility to care for her, I think under such circumstances it would have a tendency to dry up the well-springs of natural love for the Federal Government to enter upon such charities.

We have never found that gifts of that character help society. I object to the pension upon those grounds. I do not think there is any state of dependency shown. The bill had better be passed over, because I shall require a quorum.

Mr. NEAL. As to the merits of this case and the proof on file, it is unnecessary for me to refer to them at any great length. The gentleman from Arkansas is certainly not familiar with the farming lands, especially on the table-lands, of the Cumberland Mountains where this woman lives. Although this woman has other children, as I have stated, who may be vigorous, still it is well known to every one who is acquainted with the productive character of the farms on those table-lands that it is very difficult for the people there to subsist by farming. There may be 500 acres of land in this tract, and yet as farming land it may not be worth \$500. The proof shows all the other children of this woman have left her and have families of their own to provide for. The proof shows that this old lady was dependent upon her soldier son for her livelihood, and only upon the technical ground that this soldier had a child living at the time of his death, which died two days afterward, the claim was rejected at the Department. I think, knowing the facts as I do, this is a meritorious case.

Mr. BRECKINRIDGE, of Arkansas. Has any gentleman possession of the facts as to the expression of the Department in regard to that technical objection? Does the Department state that but for that technical objection they would have granted the pension?

Mr. NEAL. They objected on that ground. That is what is stated in the report.

Mr. BRECKINRIDGE, of Arkansas. The Department does not seem to have intimated that but for that objection the application would have been granted.

Mr. BROWN, of Pennsylvania. The Department never state it in that way. They state the grounds of rejection. They do not state what they might have done had the facts been otherwise.

Mr. BRECKINRIDGE, of Arkansas. Then it is entirely inferential that the Department would have granted a pension otherwise.

Mr. ROWELL. I would like to ask the gentleman from Arkansas a question. Suppose you had a farm worth \$500, and suppose you had to hire the labor upon it, how much would be the income? What per cent. of the value of the farm would be the income? Would it be over 10 per cent.?

Mr. BRECKINRIDGE, of Arkansas. A farm assessed at \$500 is worth a good deal more.

Mr. ROWELL. That depends on the State you are in.

Mr. BRECKINRIDGE, of Arkansas. We know as a general rule that property is not assessed at more than one-third of its value.

Mr. ROWELL. In Massachusetts they assess it at 100 per cent. of its value.

Mr. BRECKINRIDGE, of Arkansas. We have no evidence in this case that the property is assessed at 100 per cent. of its value. The general rule is to assess it at one-third of its value.

Mr. ROWELL. The value of the land is generally measured by the amount of income it would bring.

Mr. BRECKINRIDGE, of Arkansas. And the income of a farm is always the income over and above the living.

Mr. ROWELL. The income of a farm is what it will bring after hiring the labor. If a man works his farm and puts his own labor upon it the amount of what would be his wages is taken into account in estimating the value of the farm. Measured by the income it will bring, a farm worth \$1,000 may bring an income of \$50 net; and that would not be a large support for this woman.

Mr. BRECKINRIDGE, of Arkansas. I would call that a very small income. But we know this, that when labor is hired on a farm like that they raise what they consume; they raise their hogs; they have their cows, their orchard, &c.

Mr. ROWELL. Suppose you were to rent it, would not that be a way of estimating the income of such a farm?

Mr. BRECKINRIDGE, of Arkansas. I ask the gentleman to wait a moment. I am demonstrating this from the standpoint from which the gentleman from Illinois [Mr. ROWELL] was looking at it. They have their garden; they have their living from the farm in nearly every particular; and whatever income they have is something over and above the cost of living; it is surplus wealth. That is the way in which farmers estimate their income. They do not estimate the cost of living in the income. I think the gentleman from Illinois is enough of a stranger to know that as well as I do.

Mr. ROWELL. I do not estimate it in that way. If a man works his farm, what he earns upon it by his labor is deducted from the account as wages. The income above that is its rental value, and any farm that will pay 5 per cent. net is a good farm.

Mr. BRECKINRIDGE, of Arkansas. My disposition is in every pension case to give the benefit of the doubt to a claimant. I understand the gentleman from Tennessee [Mr. NEAL] to say he knows the claimant.

Mr. NEAL. It has been twenty years since I saw her. I saw her there while attending to a lawsuit. Her husband was then a magistrate. He is still living and both are over eighty years of age. And I know the land.

Mr. BRECKINRIDGE, of Arkansas. Is the land poor?

Mr. NEAL. It is poor, as all the land on the table-lands of the Cumberland Mountains is.

Mr. BRECKINRIDGE, of Arkansas. I am familiar with that country myself, and I will ask the gentleman this: Do you believe this is a worthy case?

Mr. NEAL. I believe it is, otherwise I would not have presented it.

Mr. BRECKINRIDGE, of Arkansas. Do you think she is in a condition of dependency?

Mr. NEAL. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. I withdraw the objection.

Mr. BRADY. I should like to ask the gentleman from Arkansas a question. The gentleman spoke in a low tone of voice, but I understood him to say in discussing the question that he regarded a pension as public charity.

Mr. BRECKINRIDGE, of Arkansas. I expressed no such opinion as that. I look upon a proper pension as a public duty.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABRAHAM POINTS.

Mr. HEPBURN. I call up the bill (H. R. 8556) granting a pension to Abraham Points.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Abraham Points, late a private in Company C, Forty-second Regiment Missouri Infantry, and now a resident of Allerton, Iowa, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I should like to hear the report in that case.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8556) granting a pension to Abraham Points, have considered the same, and beg to report:

This soldier was a private in Company C, Forty-second Missouri Volunteers. He filed his declaration for pension December 2, 1878, alleging that at Tullahoma, Tenn., in February, 1865, some comrades caught hold of him in a playful way and threw him down, injuring his left arm so badly that the elbow-joint became ankylosed, and has so remained to this date. He also alleges that at Shelbyville, Tenn., in the fall of 1864, his eyes became sore, and so continued until the left eye is nearly blind and the right very much affected. His claim was rejected by the Pension Office "on the ground that the disabilities for which pension is claimed existed before enlistment."

The rejection seems to have been based upon the result of a special examination, in which it was elicited that claimant, when a child, had his arm dislocated, and at one time had sore eyes; but it is also very clearly proven that this early injury to arm never disabled him from the performance of all kinds of hard manual labor, and that the elbow was not stiff when he enlisted, nor during his service, until the accident alleged, his officers swearing that he always drilled and could handle his musket as well as any one up to the time of the injury to his arm.

The soundness of his eyes at enlistment is proven by affidavits of his officers and of the physician who examined him at enlistment.

Capt. Peter Thompson and Lieut. N. H. Wykoff, both of soldier's company, testify to the fact of the playful scuffle in which claimant was injured; that the soldiers were not excited, nor angry, nor under the influence of liquor. They also both testify to incurrence of sore eyes and their continuance until discharge.

The continuance to the present date of both disabilities is well authenticated by neighbors and by physicians. The latest medical examination gives the following:

"Granular conjunctivitis lids of both eyes, and considerable opacity of both corneae. At times vision so obscured that can not see to perform manual labor; disability one-half. Has ankylosis of left elbow-joint; limb semi-flexed; pronation and supination lost; no pain in part; one-fourth."

"A. H. WRAY, Examining Surgeon."

Your committee find that this soldier was disabled in the service, and from no fault of his; his disabilities have been continuous and still exist. They believe he should be pensioned, and therefore recommend the passage of the bill.

Mr. GIBSON, of West Virginia. Mr. Chairman, I think we have arrived at a stage in the action of Congress upon these pension matters when this House ought to stop for a moment to consider how far in the discharge of their public duties they can go in voting away the money of the people in the form, not of pensions, but of gratuities. The report just read shows a case presenting this state of facts, that the injuries received by the applicant for a pension did not in any way or degree arise from the discharge of any military duty. They were such injuries as are incident to any condition of civil life and such as might occur whether the party was in the Army or out of it. Without assigning any reason why military duty brought upon him sore eyes, this man claims a pension because his eyes got sore, and also because, in skylarking or playing a game, he received other injuries. Now, Mr. Chairman, I submit that the claim here made far exceeds any claim that any soldier has a right to make upon his country, and in calling the attention of the House to the facts of this case, I want to call attention also to the character of our legislation generally upon this sub-

ject. I do not mean to deal unkindly with the Committee on Invalid Pensions; I do not mean to deal unkindly with anybody in this House, nor with any side of it. I do not desire to wound or shock the feelings, the sympathies, or the sentiments of anybody, but I do desire, in a calm unimpassioned manner to put in as condensed form as possible some statements that may go to the country showing how we legislate here upon the subject of pensions.

I start out with the proposition that the granting of pensions by this House is done usually by less than twenty men.

Mr. ZACH. TAYLOR. Then why does not the gentleman attend these pension sessions and make the number twenty-one?

Mr. GIBSON, of West Virginia. I will tell you directly. I say the granting of pensions is usually done by less than twenty men, and of those twenty men it is safe to say that not more than two have ever read the bills or the reports that are presented here to be acted upon.

In this statement I include the members of the Committee on Invalid Pensions, and I say that as a rule not more than two out of the twenty could make any statement of any given case if called upon.

Mr. GALLINGER. How does the gentleman know that?

Mr. GIBSON, of West Virginia. More than two-thirds of these pension cases are passed without even the report made by the subcommittee being read to the House.

As illustrations of this what have we seen? I stood here at the last session of this House and witnessed action on the case of a soldier who forty-four years ago enlisted in the regular Army, and in "the piping times of peace," in the State of New York, was granted leave of absence for twenty-four hours, went off, got on a spree, lay out at night, had his fingers frost-bitten and had them amputated by the surgeon. Forty years after that amputation that man came here and asked for a pension. It was granted to him as a man who had been disabled in the service of his country, and the Committee on Invalid Pensions recommended and pushed that case through this House under the operation of the previous question.

Mr. ROWELL. Will the gentleman please state how the Committee on Invalid Pensions got jurisdiction of that case?

Mr. GIBSON, of West Virginia. I do not know, sir.

Mr. STRUBLE. Was the gentleman present when the case was acted upon?

Mr. GIBSON, of West Virginia. I was, sir.

Mr. HAYNES. I wish the gentleman would state where he gets his facts.

Mr. GIBSON, of West Virginia. I got my facts from the report made by the committee to this House.

Mr. HAYNES. Mr. Chairman, I would like to ask the gentleman from West Virginia whether he means to say that in any report made by the Committee on Invalid Pensions the statement has been made that any applicant or any proposed beneficiary of any pension bill introduced here went off and got on a spree and had his fingers frozen off. I have heard every report read in that committee and I do not know of any such case, and I will say, in defense of the Committee on Invalid Pensions, that every report that is made upon a case is read to the full committee and passed upon by the full committee.

Mr. GIBSON, of West Virginia. I do not yield for a speech. Gentlemen, if you want to speak you will have your own time. If you want to ask questions, I will answer them.

Mr. GROUPE. Will the gentleman give the name of the case to which he has referred?

Mr. GIBSON, of West Virginia. I do not remember the name, but I will tell the facts, and the chairman of this committee knows of the facts.

Mr. PERKINS. I would like to ask the gentleman if it is not probable that he is mistaken in regard to the committee. Is it not the fact that the Committee on Invalid Pensions has no jurisdiction of such cases?

Mr. MATSON. Mr. Chairman, I wish to ask the gentleman from West Virginia whether he referred to me when he said just now that the chairman of the committee knew the facts of the case as he has stated them?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. MATSON. Do you say that I know those facts?

Mr. GIBSON, of West Virginia. Were you not present when the case was acted upon?

Mr. MATSON. I was not, and I never heard of any such case until you mentioned it here. [Laughter.]

Mr. STRUBLE. Was not that a case in the last Congress?

Mr. GIBSON, of West Virginia. I said it was in the last Congress.

Mr. HAYNES. Was it not something you dreamed of?

Mr. GIBSON, of West Virginia. I am willing to answer questions, but I do not want impertinence.

Mr. MATSON. I understood the gentleman from West Virginia to say that it was at the last pension session of this House.

Mr. GIBSON, of West Virginia. No; I said at the last session of Congress.

Mr. MATSON. If the gentleman refers to anything that transpired in the last Congress it is impossible for me to remember with accuracy, but I understood him to refer to the last meeting of this House.

Mr. GIBSON, of West Virginia. Well, I will call your attention to the case.

Now, Mr. Chairman, that report was made; the bill came before this

House at night. I objected to it, and spoke against it, but said I did not desire to take the responsibility of defeating a pension bill; that all I wanted was a vote of the House. The promise was made, as the RECORD shows, that there should be a discussion of the question in the House next morning; and I left the House that night with that understanding. But when the bill came up in the House next morning the previous question was called, and though I desired to speak on the question and oppose the bill I was refused that opportunity, and the case was passed.

Now, I follow up that case with another. A soldier professed to have been hurt in the State of Florida forty years before by having a barrel roll over him while he was unloading a boat. He came to this House, and this committee at this session of Congress reported not only in favor of granting him a pension, but the report granted him arrearages for forty years; and but for my calling attention to that fact, and protesting against it, the bill would have passed granting him arrearages for forty years. When I called the attention of the committee to it the gentleman from Virginia [Mr. BRADY] frankly stated that it was an error, that the committee had not intended to make such a report.

Mr. BAYNE. Will the gentleman allow me a moment?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. BAYNE. As I understand, cases of the class about which the gentleman is talking belong not to the Committee on Invalid Pensions but to the Committee on Pensions; and the session of the House to-night is not for the consideration of cases reported from the Committee on Pensions.

Several MEMBERS. Oh, yes, it is.

Mr. BAYNE. Well, I thought it was not.

Mr. GIBSON, of West Virginia. I do not remember whether these reports to which I have referred came from the Committee on Invalid Pensions or the Committee on Pensions; but I am talking about the action of the House upon the subject. Now, here are two cases in which forty years ago—

Mr. BRADY. Will the gentleman pardon me a moment? I am sure he does not want to misrepresent that case which I reported.

Mr. GIBSON, of West Virginia. Certainly not.

Mr. BRADY. I think the gentleman is mistaken in his statement. The committee had agreed not to grant arrears of pension, because it has been the invariable rule of the Committee on Pensions, as well as the Committee on Invalid Pensions, in the present Congress not to grant arrears of pension.

This bill in that form was submitted through inadvertence and mistake, and I was about to take the floor to call attention to the fact when the gentleman from West Virginia mentioned it, and as soon as he did so I stated to him frankly at the time as I have since that there was an error in making the report.

Mr. GIBSON, of West Virginia. Why, Mr. Chairman, that is just what I said. I stated that when I called the attention of the House to the matter the gentleman from Virginia very promptly and frankly stated that the report was made through inadvertence, and that the committee had not intended to make such a report. But that does not do away with the fact that such a report was made, nor does it do away with the fact that the attention of the committee—

Mr. BRADY. Will the gentleman permit me one further remark? The report itself did not report in favor of allowing arrears, but the portion of the bill providing for that, through some inadvertence of the printer or some one else, was not stricken out.

Mr. GIBSON, of West Virginia. Still, Mr. Chairman, the fact is not altered that these pension matters do not receive proper consideration in this House; that they are passed with undue haste and without proper regard to the rights of the people in the matter.

What is the state of affairs which we find existing to-day? Over 20 per cent. of all the revenues of this great Government is now being paid in the shape of pensions. There is pending in the other House, with a probability of passage, a bill providing for an additional class of pensions which will increase that amount \$25,000,000 annually.

Mr. ROWELL. That bill has already passed the other House.

Mr. GIBSON, of West Virginia. Then a bill has already been passed there increasing the amount of these pensions \$25,000,000 annually, making over one-third of the revenues of this Government annually diverted from the business of the country to be paid in the shape of pensions. Add to this further legislation in the other House, which will probably pass, entailing upon the public Treasury an expenditure of \$244,000,000 to be paid in the shape of arrearages; and we shall have granted in one single year by acts of Congress a greater sum than is raised by all sources of revenue from the sixty million people of this country.

Mr. PERKINS. We will be in debt.

Mr. GIBSON, of West Virginia. Yes, sir; we will be in debt.

Mr. PERKINS. That is why we want a tax on oleomargarine.

[Laughter.]

Mr. WARNER, of Missouri. Does the gentleman by his argument mean to imply we should stop paying any pensions?

Mr. GIBSON, of West Virginia. If you gentlemen will not continue to interrupt me I will answer all these points before I get through.

Mr. WARNER, of Missouri. I thought you yielded to me for a question.

Mr. GIBSON, of West Virginia. There is no use asking me questions on a subject upon which I must express myself necessarily in the line of my argument before I get through.

Mr. WARNER, of Missouri. I do not wish to interrupt the gentleman without his consent.

Mr. GIBSON, of West Virginia. Here is the remarkable spectacle of more than the revenue of this Government in one single year proposed to be paid out for pensions.

Now, the theory of pensions is not one of gratuity, or bounty, or compensation. It is not intended by pensioning a man to compensate him for his services. No government under the sun so construes it. This Government does not so construe it. But, on the contrary, the theory of pensions is that when a man has become disabled in the performance of his duty then the Government will not let him suffer but will take care of him. And the taking care of him simply means provision for him in the future and not paying him for any service in the past.

We have need, sir, of money for other purposes. This Government has great need of money for a great many other purposes. We have great need of money for military purposes. We are to-day without any sufficient navy to defend any portion of our seacoast or any portion of our country or any portion of our commerce from the inroads of an enemy. We are to-day in that position we do not dare resent the insult any nation may put upon us or injury it may do our commerce. And yet in this condition, when we are without money for those necessary purposes, we are asked to continue to pay out the money needed for the protection of our seacoasts which are now defenseless. We have no ordinance, nor have we any of those things which are necessary for our defense because large sums of money—

Mr. JOHNSTON, of Indiana. Will the gentleman yield to me for a question?

Mr. GIBSON, of West Virginia. I do not like to be so discourteous as to refuse to yield for a question, and I hope gentlemen will show the same courtesy to me on the other side and not expect me to yield.

Mr. JOHNSTON, of Indiana. What has become of the surplus in the Treasury a year ago?

Mr. GIBSON, of West Virginia. I am not undertaking here to make a partisan speech.

Mr. GALLINGER. The country will judge of that.

Mr. GIBSON, of West Virginia. Nor will I be dragged into a speech of that sort. There are many things I might say about the Republican rule if I chose to go into that subject.

Mr. WEAVER, of Iowa. Do not do that. [Laughter.]

Mr. GIBSON, of West Virginia. No; I will not. But, Mr. Chairman, I simply desire to call the attention of the House to this character of legislation and to urge better attention be paid to it.

What did we see at the other end of the Capitol quite recently? We saw two or three hundred pension bills passed in a bunch without being read. We are pursuing the same policy here now. Gentlemen on the other side want to know if I think this Government ought to stop paying pensions. I tell them no. There is no man who has worked harder to secure legitimate pensions to his constituents during the last six years than I have done for my constituents, and the records of the Pension Office will show it. I think every man entitled to a pension ought to have one. I think every man disabled in war should have a pension. I think every man disabled by reason of his service should have a pension.

Mr. WEAVER, of Iowa. The gentleman from West Virginia says, as I understand him, that every man entitled to a pension ought to have it. I ask him to yield to me to call up the case of a man who ought to have one. [Laughter.]

Mr. GIBSON, of West Virginia. I want to know whether the case here reported comes within the provisions of the rule. The injury was not caused in the military service. He was not on the march. He was not complying with any order. He was not carrying any musket. He was not, in fact, rendering service that would entitle him to a pension. If every man who received an injury while in the Army from one cause or another entirely disconnected with the military service is to be pensioned where are we to stop? Is it not right we should draw the limit somewhere? Is it not right we should confine that limit to injuries received while actually in the performance of military duty?

If the House would do that I am certain that there is nobody, on this side at least, who would raise his voice against it. If the House would do that, so far from raising a voice against it I would gladly help the system. But I do think it right, in view of the vetoes of the President and the attention he has called to the cases which have passed the House, that some more consideration should be given to these matters, for it shows that we are passing this bill without due consideration. Now, I think if the committee—

Mr. BROWN, of Pennsylvania. We are certainly giving this bill reasonable consideration. Does not the gentleman think so?

Mr. GIBSON, of West Virginia. That is exactly what I want to do. I think if the Committee on Invalid Pensions would give a little more attention to these matters, if the House here, when they come to act upon them, would give a little more attention, the result would be to remove a great and crying objection to this pension system, and so far

from hurting the interests of the soldiers, those who have a real interest in the pension laws, it would help them in gaining their pensions. That is all I have to say. It is, as I said before, only with a view to the public interests, and no desire of calling in question any man's intentions or wounding any sentiment, nor is it for the purpose of making any partisan speech, but simply to protest against this unlimited and apparently indiscriminate granting of pensions without due and proper consideration.

Mr. MATSON. Mr. Chairman, the criticisms and strictures which have been made by the gentleman from West Virginia upon the Committee on Invalid Pensions are unjust, as I propose to show the House. When he says that the Committee on Invalid Pensions bring in bills here and that no man on the committee but one or two know anything about the facts of the cases so reported, he is simply mistaken. No bill, not one that has ever been reported from the Committee on Invalid Pensions to the House while I have been the chairman of it at least, has had ever less than eight members of the committee—a quorum—present, who have heard the whole report read, and made a careful investigation and passed upon the bill. Not a single bill has passed otherwise. If anything else than that had been done a rule of the House, and a parliamentary rule, would have been violated by the committee. I do not think the gentleman from West Virginia meant to charge that.

The fact is, and I repeat it, that there never was a single bill reported to the House that has not had the careful consideration of at least eight members of the committee; and in addition let me say that committee has had a session on every Tuesday and every Friday during the whole session of this Congress up to this time, and usually, I may say, at nearly every session more than eight members are present and frequently the whole committee. That committee has been at work. It has reported a large number of bills to the House. Do gentlemen complain because the Committee on Invalid Pensions reported bills that have been referred to them? The Committee on Invalid Pensions was organized for that purpose. We are organized to consider these bills, and give the relief asked for, where the facts warranted it, in such cases as could not be passed under the general law by the office because of some technicality. We are trying to discharge that duty conscientiously and faithfully, and that committee-room is the workshop of the House. There is more work done there I think, and I do not say it boastfully—for very possibly I do not do my share of it—than is done by any other committee.

Mr. GIBSON, of West Virginia. Will the gentleman permit me to ask him a question?

Mr. MATSON. Certainly.

Mr. GIBSON, of West Virginia. I will ask the gentleman if all the pensions of certain States are not referred to subcommittees of two or three?

Mr. MATSON. They are referred to committees of one; each member of the committee having charge of the pensions from a State.

Mr. GIBSON, of West Virginia. Then I ask if that subcommittee is not in the habit of examining the papers and reporting the facts to the whole committee?

Mr. MATSON. It is.

Mr. GIBSON, of West Virginia. I want to ask then if it is not true that this subcommittee makes the reports, takes the papers and acts upon them and the report is made to the committee and the evidence of the case is considered only by the subcommittee, and then the committee acts upon that report whether it be correct or not?

Mr. MATSON. Wherever a question is raised—

Mr. GIBSON, of West Virginia. The gentleman does not answer my question.

Mr. MATSON. You do not allow me to answer it.

Mr. GIBSON, of West Virginia. I am not asking the gentleman where a question is raised; but I am asking him as to the mode of passing the bills through the committee?

Mr. MATSON. You do not give me the opportunity of answering.

Mr. GIBSON, of West Virginia. Very well. Then I will yield to the gentleman.

Mr. MATSON. I say wherever there is a question at all about the case, where any one member of the committee raises any objection at all, the papers are all handed in and examined by the member, and it is frequently done in the committee. One member wishes to know some fact in reference to a case, and the papers are handed him and he is asked to look at it and investigate it. The matters are not considered loosely by the committee or loosely, either, by the House. If they are, it is the fault of the members themselves who do not attend the sessions of the House to consider them. Certainly it is not the fault of the committee if they do not come here at these evening sessions. It is not certainly to be expected of the members of the committee who come here and attend these evening sessions that they will call for the reading of the report in each case, but if any gentleman desires that, we are always glad to have it done and to have a discussion upon these questions. But we do not want to be criticised when we are not fairly open to criticism.

Mr. PERKINS. Will the gentleman permit me to ask him a question? Is it not a fact that this House has passed with a quorum present bills reported adversely by the Committee on Invalid Pensions?

Mr. MATSON. That has been done in several instances. Where we have reported adversely bills for the increase of pension they have been passed by the House with a quorum present. And I will say to the gentleman from West Virginia that we have reported more bills adversely than we have favorably. There have been now already referred to that committee about four thousand bills by this House; and of those that we have considered more have been acted upon adversely than have been acted upon favorably. I will not say the reports have been made in that proportion, but there has been adverse action more frequently than otherwise. Members say to the members of the committee, "Let the report lie; do not make an adverse report."

Mr. GIBSON, of West Virginia. I desire still to repeat my question to the gentleman from Indiana, and to ask him if it is not the rule in his committee—I am not talking about the exception, where some man raises a question—if it is not the rule in his committee where one single member examines the case and makes a report, then that report is taken as the report of the whole committee?

Mr. MATSON. If they vote for it, it is; but if there be any objection, it is not.

Mr. GIBSON, of West Virginia. But is it not the rule that objections are not made on the report of a subcommittee?

Mr. MATSON. It is impossible for me to say in what per cent. of the cases reported objections are raised. But that is the rule in all committees, just as in the committee over which the gentleman from West Virginia himself presides; if no objection was raised when the matter was brought before the committee he would not, I am sure, say it was improper if no objection was made that the report should be agreed to. And so it is here. There is this about it, Mr. Chairman, if there is a dishonest man on that committee, and he is willing to state facts in his report that do not exist, he might practice a fraud upon the committee and upon the House. But I think I know, and I believe the gentleman from West Virginia will say, that there is not a member of that committee, nor do I believe there is a member of this House, that would upon his solemn oath as a member of the House state in his report a fact that did not exist. That is all there is of it.

Mr. GIBSON, of West Virginia. There was no intention on my part to make any personal reflection upon any member of the committee.

Mr. MATSON. I understand that.

Mr. GIBSON, of West Virginia. I simply called the gentleman's attention to what I have understood and have reason to understand was the rule of action upon this subject; and I desired to call the attention of the House to the fact that I did not consider that they are giving due consideration to cases involving so much of the public money.

Mr. MATSON. I want to say to the gentleman from West Virginia that that rule is the same rule which obtains in all other committees so far as I know. I have never heard of any other. It is impossible, as every member of this House knows, where so many bills are placed before a committee, or even a much less number—it is impossible for the whole committee, for every one of its members, to go into the details of every case. The gentleman himself must see how entirely impossible that would be. But any criticism that comes from the gentleman from West Virginia or from any other source, I care not where, upon this committee as having not fairly and fully considered the bills that are sent to it to be considered by the House is unfair and unjust, because I know what has been the work of that committee—of all of them more perhaps than myself; but I shall not remain silent and hear it said that committee has been derelict in its duty when it has already reported to this House some seven hundred bills. I imagine the complaint is not that we have not done work enough, but rather that we have done too much work.

Mr. WHEELER. I regret very much to see the attitude taken by the gentleman from West Virginia. I agree with him fully that this House ought to do all that can be done to protect the honor of our country and to improve our Army and our Navy; but it is also important in that same line that we should take scrupulous care, and I believe the Committee on Invalid Pensions has taken scrupulous care, to show to the country that any man who risks his life in battle shall have a proper pension given to him in case he is injured, or in case he is killed that his family shall be provided for. While I express those sentiments, I think every gentleman in this House will admit that I have done, while I have had the honor of being a member of Congress, as much as was possible by my feeble efforts to sustain the honor of our country and protect the honor of every officer of our Government and to see that all soldiers receive their just compensation. While people may not think that I take that view on account of certain circumstances that have transpired in this House, I wish to say a word in regard to what has transpired while considering the Army bill.

The Clerk read as follows:

For the Subsistence Department and for one Commissary-General, two colonels three lieutenant-colonels, eight majors, twelve captains (mounted), and additional pay for one hundred and forty acting commissaries, \$79,500.

Mr. HEPBURN. I move to amend by striking out the paragraph just read; and I give notice that at the proper time I shall move to strike out the paragraphs beginning respectively on lines 100, 113, 116, 120, and 124.

Mr. BAYNE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. It is very evident that the gentleman from Alabama proposes to discuss a subject that is not properly before the committee. The Committee of the Whole at these Friday evening sessions has a special jurisdiction conferred by the order of the House. That jurisdiction is to consider cases reported from the Committee on Pensions, from the Committee on Invalid Pensions, and from the Judiciary Committee with reference to relieving persons from political disabilities. Any other subject than subjects which are reported from one of those committees is not properly before us at these Friday evening sessions, and the situation of the Committee of the Whole here is entirely different from what it is when the House resolves itself into Committee of the Whole—

Mr. WHEELER. Has the gentleman read my speech?

Mr. BAYNE. Wait a moment.

Mr. WHEELER. Will you answer that question, please?

Mr. BAYNE. Wait a moment. I say, Mr. Chairman, that our situation at these Friday evening sessions is entirely different from what it is when the House resolves itself into Committee of the Whole for the consideration of bills generally, and when almost any subject may be discussed. It is quite evident from what the gentleman from Alabama has already said, that he proposes to discuss the Army bill, or some controversy that arose while the Army bill was under consideration in the House, and I submit that the discussion of a question of that sort on this occasion is out of order.

The CHAIRMAN. The Chair will state in reference to the point of order made by the gentleman from Pennsylvania [Mr. BAYNE] that the business of this evening session is the consideration of pension cases. The Chair, however, is not able to anticipate what will be said by any speaker. The gentleman from Alabama [Mr. WHEELER] knows the order under which this session is held, and will proceed in order, confining himself within the limits prescribed by the order of the House.

Mr. WHEELER. Mr. Chairman, I shall endeavor to do so, but I think some explanation is necessary to sustain what is said in the opening of my remarks. As I was about to say, the gentleman from Iowa [Mr. HEPBURN] in carrying out this intention made four additional motions to strike out the other paragraphs as they were successively reached. The chairman of the Committee on Military Affairs, General BRAGG, explained to him and to the House that all these appropriations were for the pay of officers who held their positions under existing laws, and that our failure to appropriate would not lessen the liability of the Government to the officers referred to.

The gentleman from Iowa had been very prominent in attacks upon the bill to provide for improving our rivers and harbors. He had used his best efforts to destroy many of the essential features of that measure—

Mr. BAYNE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. My point is that the gentleman from Alabama is not discussing any subject before this committee.

The CHAIRMAN. The gentleman from Alabama states that his purpose is to illustrate his views of the question under consideration. There is necessarily a good deal of latitude allowed in debate, but the gentleman from Alabama will confine himself to the question before the committee.

Mr. BAYNE. Mr. Chairman, I have heard with pleasure the remarks of the gentleman from Alabama, especially his opening remarks, and I have no doubt that he means what he then said, but I hope he will not precipitate a discussion of this sort upon this occasion. There is no knowing where it will end, and the consideration of pension business may as well be given up if this sort of discussion is to be brought into these Friday evening sessions.

Mr. WHEELER. I will state to gentlemen that I am willing to sit here until 11 o'clock to-morrow to vote on every bill that comes up.

Mr. GALLINGER. But some of us will get pretty weary in the mean time.

Mr. ZACH TAYLOR. To-night has been set apart for the special purpose of considering pension bills; and as a member of the Pension Committee, who always attends these Friday night meetings, I protest against a long debate on a question not before the House.

The CHAIRMAN. Some latitude is of course allowed to a member in debating any question; but the gentleman from Alabama will please confine himself to the business before the committee under the order of the House.

Mr. WHEELER. The RECORD shows that he made twenty different speeches in his continued and repeated assaults upon the bill; and when this amendment to the Army bill—

Mr. STRUBLE. Now I rise to a point of order. My point is the same as that which has already been made by the gentleman from Pennsylvania. It is evident that the gentleman from Alabama is not speaking in order. I understand very well that my colleague [Mr. HEPBURN] does not want any better fun than to have a discussion with the gentleman from Alabama, but I also know he does not desire that the time of this Committee of the Whole on this occasion or any other Friday night shall be taken up with such discussion. I hope, therefore, that the gentleman from Alabama will realize the importance of going on with the business set for this evening.

The CHAIRMAN. The gentleman from Alabama will proceed in order.

Mr. WHEELER (resuming). And when this amendment to the Army bill was coupled with the assertion that the next five paragraphs would be attacked by him, were we not justified in our belief that the gentleman intended an assault upon every feature of the bill then being considered, the only effect of which, if successful, would have been to embarrass and block the machinery of the Government?

Mr. DOCKERY. Now I ask the Chair to interpose. The point of order has already been made by the gentleman from Pennsylvania and the gentleman from Iowa. I make the same point and insist that the Chair should require the gentleman from Alabama to confine himself to the question under consideration.

The CHAIRMAN. The Chair has already stated, and he supposed the gentleman from Missouri [Mr. DOCKERY], as well as others, has observed the fact, that the order of business of to-night is the consideration of reports made from the Committee on Pensions and the Committee on Invalid Pensions and bills for removing political disabilities. Objection has been made to the gentleman from Alabama proceeding with anything outside of that order. The Chair admonishes the gentleman from Alabama to proceed in order under the special order made for the transaction of business to-night.

Mr. WHEELER. I do not wish to occupy any time of this House which would be used in passing pension bills—

Mr. BAYNE. I desire to submit to the gentleman from Alabama a question.

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. WHEELER. I yield for a question.

Mr. BAYNE. Does the gentleman from Alabama propose to discuss the bill now before the House?

Mr. WHEELER. I propose, after this explanation, to discuss the bill before the House and advocate it. After the remark of the gentleman from Pennsylvania, however, I will say that if agreeable to gentlemen of the committee, I will postpone my speech until after we have acted on these bills, if then I can proceed—

Several MEMBERS. Very well.

Mr. WHEELER. If gentlemen will wait here and hear me.

Several MEMBERS. Certainly.

Mr. ZACH. TAYLOR. I will agree to wait with pleasure.

Mr. HEPBURN. The report in this case shows that early in 1865 the soldier named in the bill, while at Tullahoma, Tenn., was standing in camp, when some of his comrades playfully seized him, and he engaged in a scuffle trying to get loose from them. There was no drunkenness, no anger on the part of any of them; but in the scuffle, in his effort to get loose, he received a hurt to his elbow, which resulted in a permanent injury. The joint is ankylosed, and he has no use of it. It also appears that he contracted sore eyes while in the service, and they have continued from that time to this. These facts are proved by the evidence of his captain and lieutenant. There is no controversy about them. But he had sore eyes before he went into the service; and when a small child he fell and injured his elbow. Although it was proved that he had perfect use of his elbow up to the time of this last injury, though he could go through the manual of arms without difficulty, could perform all the duties of a soldier, and although he had no sore eyes for years previous to his service nor until near its close, yet because of these antecedent difficulties the Department elected to say that the injuries were not incurred in the service, and upon that ground solely refused to grant him a pension, assuming the fact that the injuries were pensionable, provided they had not existed antecedently to his enlistment.

The CHAIRMAN. The question is on the motion to lay the bill aside to be reported favorably to the House.

The motion was agreed to.

CORNELIA R. SCHENCK.

Mr. MAYBERRY. I call up the bill (S. 1584) for the relief of Cornelia R. Schenck.

The bill was read, as follows:

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 Cornelia R. Schenck, widow of Daniel F. Schenck, late captain of the Fiftieth New York Engineer Corps.

Mr. GLASS. Mr. Chairman, I know it is a very ungracious task to raise the point of no quorum. Yet I doubt whether this House ought to pass a solitary pension bill where the case has been rejected by the Commissioner of Pensions. We have been traveling in this direction at a very rapid and very reckless pace, and I do not think it proper for two or three dozen members to assemble here and pass forty or fifty pension bills during one evening.

Mr. ZACH. TAYLOR. Will my colleague allow me a question?

Mr. GLASS. Yes, sir.

Mr. ZACH. TAYLOR. As my colleague has spoken of the small attendance at these night sessions, I will ask whether this is not the first Friday night session that he has ever attended?

Mr. GLASS. I think this is the first night session I have attended,

because my constituents are satisfied if I come here and work industriously and honestly in the daytime without returning at night.

Mr. NEECE. Will the gentleman permit me to interrupt him to make a statement?

Mr. GLASS. I will hear the gentleman from Illinois.

Mr. NEECE. Many of these cases we are passing have been recommended by the Commissioner.

Mr. HAYNES. Exceptional cases.

Mr. NEECE. Yes, exceptional cases, and which would have been allowed by the Commissioner, but within the limitations of the law it was impossible for the claimant to secure his proof in time.

Mr. GLASS. The Commissioner of Pensions has particular facilities for ascertaining the proof in these cases. He has much better opportunity, therefore, to act upon them than a few members here in this House.

Mr. HAYNES. What additional facility has the Commissioner of Pensions than are possessed by the members of this House?

Mr. GLASS. Under the law he has agents who go in the region of country where the claimant resides and they report the proof in each case to the Pension Office.

Mr. HAYNES. I want to ask the gentleman from Tennessee whether the Committee on Invalid Pensions has not precisely the same testimony which is before the Commissioner of Pensions?

Mr. GLASS. In the matter of passing these pension bills it is done here, in my judgment, without due consideration.

A MEMBER. Perhaps that is true.

Mr. GLASS. Few members know what is transpiring when the House is considering these cases.

Mr. FARQUHAR. Does the gentleman speak from actual knowledge or is that merely his inference?

Mr. GLASS. I have been here in daytime when the House has been passing upon these pension cases, and I do not think when these bills were being passed there were a dozen votes on either side and possibly there were not two dozen members in the House who knew what was going on.

Mr. SOWDEN. Will the gentleman permit me to interrupt him?

Mr. GLASS. Yes, sir.

Mr. SOWDEN. Does the gentleman know—

Mr. GLASS. I am a new member.

Mr. SOWDEN. So am I. [Roars of laughter.]

Mr. GLASS. I have hesitated to make this new point.

Mr. SOWDEN. Let me interrogate the gentleman.

Mr. GLASS. Let me get through first with what I wish to say.

Mr. SOWDEN. Certainly.

Mr. GLASS. We have arrived at that point in this character of legislation when I believe it to be the duty of some member to bring the question before the House, and if no member of experience and greater ability than I possess will get up and say it is not right to go on and make these appropriations I feel it to be my duty to do it. I owe the responsibility to my constituents, and I owe as well responsibility and duty to myself, and I can not acquit my conscience to stay away or stay at home when I know these bills are being passed in this manner.

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

Mr. GLASS. Yes, sir.

Mr. SOWDEN. My question is this: Does not the gentleman know this House has intrusted a certain number of members with the charge of this business—the Committee on Invalid Pensions—in whom it has perfect confidence?

Mr. GLASS. I have confidence in the committee, and I do not intend to cast any reflection upon that committee. I make no charges against the committee or any individual member of it, but I do make the assertion it is a wrong and improper class of legislation.

Mr. DOCKERY. The gentleman certainly does not wish to be understood as meaning it is wrong and improper to pay pensions.

Mr. GLASS. No; but I do say that it is an improper way for this House to conduct its business by passing such bills without a sufficient number of members present.

Mr. SOWDEN. Does not the gentleman know this is the proper tribunal for just such cases as have been considered on these occasions?

The CHAIRMAN. The committee will be in order, and gentlemen will resume their seats.

Mr. SOWDEN. The gentleman from Tennessee has yielded to me to ask him a question.

The CHAIRMAN. The gentleman will proceed.

Mr. SOWDEN. Does not the gentleman from Tennessee know this is the only tribunal to which a claimant whose case has been rejected at the Pension Office for want of technical evidence can come for relief?

Mr. GLASS. This House has the intelligence to pass a law which will meet every emergency, and it is their duty to do it; and when that law is passed the officer upon whom has been imposed the burden of deciding these cases should be allowed to do so.

Mr. SOWDEN. Is not the Committee on Invalid Pensions the proper body to pass on these cases?

Mr. HAYNES. Just as much as a clerk in the Pension Office.

Mr. GLASS. This House has jurisdiction, and ought to exercise it by passing a law to cover all possible emergencies; and where the duty has been confided to the proper official and he has rendered his decision that ought to be a finality.

Mr. SOWDEN. Then if for want of technical evidence the claim is rejected, the parties are to be denied the right to come to Congress and ask relief; is that it?

Mr. GLASS. No, sir—

Mr. NEECE. Let me suggest to the gentleman, if he will allow me a moment—

Mr. GLASS. Certainly.

Mr. NEECE. The gentleman is laboring under a mistake, I am satisfied, as to the facts in reference to the reporting of these cases. He is conscientious in his position, I am satisfied, and does not want to occupy a position that is not a proper one. The Committee on Invalid Pensions does not pass upon any claim until it has been first rejected in the Pension Office.

Mr. GLASS. I understand that.

Mr. NEECE. When a case comes to us which has been rejected at the office we examine it, and we only allow such claims as have been rejected through some technicality, just and equitable claims, and we rely strongly upon the equity of the cases. I can recite an instance in my own experience, a case which came under my own observation and was reported by me. There was a soldier, whose company I have forgotten, who was sent from the Seventh Kansas Regiment to visit the Seventh Illinois. He had to cross a stream of water which was full to overflowing, and was never seen or heard of again. His entire effects were left in camp.

He was a truthful soldier and bore a good reputation. His mother, who was dependent upon him for her living, could not prove his death, and technically she was barred from the pension. It is such claims as that that we consider. She could not prove him to be dead.

Mr. DANIEL. If he was absent for ten years the law would have deemed him dead.

Mr. MAYBURY. Will the gentleman permit a question? Is his objection on account of the demerits of this particular case?

Mr. GLASS. No; it is that there is too small a number of members present to-night to transact this character of business.

Mr. MAYBURY. For if the objection was to this particular case, I would withdraw it, so as not to prevent the consideration of other business.

Mr. GLASS. I am not speaking to the merits or demerits of any case.

Mr. HEPBURN. I rise to a question of order.

Mr. GLASS. But I do not think the House should legislate upon important matters with so small a number of members present.

The CHAIRMAN. The gentleman from Iowa rises to a question of order.

Mr. HEPBURN. I make the point of order that the gentleman from Tennessee says he is not speaking to the merits or demerits of the case, consequently he is not in order.

The CHAIRMAN. The gentleman from Tennessee will confine himself to the question before the committee.

Mr. HERMAN. I would like to ask the gentleman from Tennessee if his objection is to the merits of the pending bill or to the general subject of pensions?

Mr. GLASS. I am not criticising the merits of this bill; I am only objecting to legislating with so few members present.

Mr. BOUTELLE. I rise to sustain the point of order made by the gentleman from Iowa. I desire to say, Mr. Chairman, that it is well known by all members present to-night that the House of Representatives, when they made the special order for Friday sessions for pension cases, understood that there would be the liability of a small attendance. They understood that it lay within the power of any member of the House to raise the point of order of no quorum at any time if any one saw fit to do so; and this was well understood by gentlemen now present. I wish to suggest, therefore, to the gentleman who has just occupied the floor, and also to the gentleman from West Virginia, who preceded him, and to other gentlemen on that side of the House, that if it be true, as it seems to be, that they came here to-night for the purpose of preventing us from going on with pension legislation they should in good faith say so and let us go to our homes. [Cries of "Regular order!"]

The CHAIRMAN. The gentleman will confine himself to the question of order.

Mr. BOUTELLE. I am confining myself to it; but desire to criticise the fact that the discussions this evening have not been to the merits of bills presented, but have been entirely directed to a denial of the propriety of any of this legislation at all. And I repeat, if it is the purpose of gentlemen on that side of the House to raise the issue that we shall have no more pension legislation this session let them make it now and let the country understand it.

Mr. CANNON. I desire to say a single word upon the point of order.

Mr. HEPBURN. I withdraw the point of order.

Mr. GLASS. I have nothing else to say, but I wish to make a word of reply to the gentleman on my right, whom I do not know—

Mr. CANNON. Will the gentleman from Tennessee allow me a moment?

Mr. GLASS. I will in a moment. I will say to the gentleman on my right, whom I do not know—

Mr. BOUTELLE. That is your misfortune. [Laughter.]

Mr. GLASS. I will say to the gentleman that I did not know the gentleman from West Virginia was to be here to-night, nor have he and I had a conversation about these night sessions to-night or at any other time. The fact that we are here together to-night is purely accidental. I will state to the gentleman that I did come here with the view of seeing how small a number of members were passing these bills, and if it were totally out of proportion to a quorum I was disposed to make an objection.

Mr. SOWDEN. I wish to ask the gentleman a question.

Mr. GLASS. I will say I did that without consultation with any other gentleman.

Mr. BOUTELLE. Let me say to the gentleman from Tennessee I had not the slightest intention of attributing to him any conspiracy. I wished merely to ask him whether it is the purpose to raise the question here of the propriety of any pension legislation?

Mr. SOWDEN. The gentleman from Tennessee yields to me for a question.

Mr. WILLIS. I am satisfied the gentleman from Tennessee is through if gentlemen will only let him alone.

Mr. GLASS. I will hear the question of the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. I wish to ask the gentleman whether this is not the first evening he has been here during the session?

Mr. GLASS. This is the first Friday night session I have attended.

Mr. SOWDEN. That is all I want to know.

Mr. GLASS. I am willing to have that go on record. My constituents did not send me here to work at night. They expected if I did an honest day's work they would be satisfied. I think if we meet here in the daytime and pass appropriation bills and revenue bills and then go home, the country will be better off.

Mr. CANNON. I would like to say a word about the bill under consideration. Many of us have bills that are meritorious. This bill, I think, is meritorious, as shown by a report of the committee, a majority of which are Democrats and a minority Republicans; all of them painstaking, honorable men. They have made their report. It comes on their honor after investigation.

Now, Friday night sessions, almost ever since I have been a member of this House, have been about like this Friday night session, except that there are more members here to-night than ordinarily are; and I submit to my friend from Tennessee that the proper way to proceed in the line of precedent would be to take the cases, case by case, and if the report does not show it is a meritorious case after discussion, then let him make the point of order there is no quorum here, and no doubt the gentleman in charge of the bill would withdraw it if the point of order was made under such circumstances, and then let the next one come up. A number of bills are here that I know are meritorious. I know of one especially where the claimant is old, suffering, and unfortunate.

Mr. ZACH. TAYLOR. I make the point of order that the gentleman from Illinois is not discussing the bill before the committee.

Mr. CANNON. Then I yield the floor. I have no desire to speak further.

The bill was laid aside to be reported to the House with a favorable recommendation.

THOMAS S. HOPKINS.

Mr. REED, of Maine. I call up the bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers. The bill was read, as follows:

Be it enacted, &c., That Thomas S. Hopkins, late a private in Company C, Sixteenth Maine Volunteers, now on the pension-roll, be, and he is hereby, exempted, by reason of mental incapacity, from the limitation prescribed in section 2 of the act of Congress approved March 3, 1879, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," and he shall be entitled to and there shall be paid to him the same rate of pension, and the same arrears thereof, as if his application for a pension had been filed with and allowed by the Commissioner of Pensions prior to June 16, 1880.

Mr. REED, of Maine. I ask for the reading of the report.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers, submit the following report:

The facts upon which this claim is based are set forth clearly in the report of the Senate Committee on Pensions, which this committee adopt, with a recommendation that the bill do pass.

Thomas S. Hopkins, late a private in Company C, Sixteenth Regiment Maine Volunteers, seeks relief from the limitations of the arrears-of-pensions act of March 3, 1879, on the ground that from a time some months prior to the passage of said act down to a period subsequent to the 30th of June, 1880, he was prevented, by reason of the extreme severity of his illness and by mental and physical disabilities, from making an application for arrears in accordance with the provisions of said act. It appears that upon the first return of mental strength,

and as soon as he could dictate a letter, viz, on November 20, 1880, that he made an application for a pension, which was granted him.

This claim received consideration in the first session of the Forty-seventh Congress, and a bill granting the relief sought for passed the House of Representatives. The Senate Committee on Pensions, however, reported adversely upon it, on the ground that the evidence was not sufficient to substantiate the claimant's disability. Subsequent to this report additional testimony upon this point was procured, including the following statement from Drs. W. W. Johnston and H. D. Fry, his attending physicians, which statement seems to your committee as conclusive evidence of the fact that during the time within which applications could be made for arrears of pension under the act above referred to the claimant was mentally and physically disabled from taking advantage of its provisions, and for these reasons the committee believe that the petitioner is entitled to the relief sought for, and they recommend the passage of the accompanying bill as a substitute for Senate bill No. 183.

Mr. BRECKINRIDGE, of Arkansas. I should like to ask the gentleman from Maine one or two questions. What is this claimant receiving now?

Mr. REED, of Maine. I believe it is \$50 a month.

Mr. BRECKINRIDGE, of Arkansas. His sufferings are very severe, I presume?

Mr. REED, of Maine. He is a very great sufferer.

Mr. BRECKINRIDGE, of Arkansas. What amount of money will this bill carry?

Mr. REED, of Maine. I can not say. It simply puts him in the same position as he would have been in if he had not been mentally incapacitated from making his application in proper time.

Mr. BRECKINRIDGE, of Arkansas. He would receive arrearages upon the basis of the pension that he first received, I presume?

Mr. REED, of Maine. I so understand it.

Mr. BRECKINRIDGE, of Arkansas. Not upon the basis of subsequent increases of pension?

Mr. REED, of Maine. I suppose not.

Mr. BRECKINRIDGE, of Arkansas. I would like some member of the committee to make a statement about that.

A MEMBER. Is he in a dependent condition?

Mr. REED, of Maine. I am informed by a gentleman at my side he is dependent for support on his family.

Mr. HAYNES. I will state to the gentleman from Arkansas that this bill proposes to give the claimant arrearages back to the time this disability came upon him. It came upon him very suddenly. It did not date back to the time of the war. My impression is that this covers arrears for a period of about three years. He was not pensioned at that time, as I understand, and the arrearages are not to date beyond the time when he was completely prostrated.

Mr. PRICE. The bill carries about \$1,800.

Mr. BRECKINRIDGE, of Arkansas. The statements which have been made I think are satisfactory. They are so to me.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN J. WELCH.

Mr. LOVERING. Mr. Chairman, I call up the bill (H. R. 7721) granting a pension to Ellen J. Welch.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen J. Welch, widow of John H. Welch, late of the Third Massachusetts Light Battery Artillery.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. PAYTON.

Mr. WARNER, of Missouri. Mr. Chairman, I call up the bill (H. R. 7750) to place the name of John W. Payton on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place the name of John W. Payton, late a private in Company I, Eighteenth Illinois Volunteer Infantry, on the pension-roll, subject to the limitations and provisions of the pension laws of the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANNIE S. WEBB.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I call up the bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Annie S. Webb, a volunteer nurse in the late war, at the rate of \$25 per month.

An amendment reported from the Committee on Invalid Pensions striking out "twenty-five" before the word "dollars" and substituting "twelve" was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LETITIA J. GARRARD.

Mr. MATSON. Mr. Chairman, I call up the bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard.

The bill was read, as follows:

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 Mrs. Letitia J. Garrard, dependent mother of Daniel Garrard, late captain of Company F, Twenty-second Kentucky Volunteers.

A MEMBER. Mr. Chairman, I call for the reading of the report in that case.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4816) granting a pension to Letitia J. Garrard, submit the following report:

Claimant is the widowed mother of Daniel Garrard, deceased, who was captain of Company F, Twenty-second Regiment Kentucky Volunteers, and who was killed in battle near Vicksburg, December 29, 1862.

Her claim for pension was rejected on the ground that she was not dependent on the soldier for support at the time of his death.

Claimant's husband was, at the time of the soldier's death, living and in receipt of \$1,700 per annum as a salary, as treasurer of Kentucky; his health was at the time of enlistment of soldier very feeble, so feeble that he could not perform the duties of his said office and kept the soldier in the office, where he (soldier) performed the duties thereof, and to that extent contributed to the support of claimant and her invalid husband.

The claimant's husband owned at the time of soldier's enlistment an interest in salt-works property in Kentucky, which was afterward destroyed by order of General Buell to prevent their falling into the hands of the confederates. The destruction of the property rendered it almost worthless, and it was afterward sold by the husband for a nominal sum. He also owned a small farm in Franklin County, Kentucky, but owed the purchase price therefor, and for which it was afterward sold. He also owned a house in the city of Frankfort, Ky., in which the claimant now lives; this being all that is left of the property of the husband. Soldier frequently during his service in the Army contributed to the support of his mother; the father died soon after the soldier was killed.

The claimant is now old and in needy circumstances, with no means of support, except what little money she earns by her own labor in keeping boarders. Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD COLEMAN.

Mr. CANNON. Mr. Chairman, I call up the bill (H. R. 8351) for the relief of Edward Coleman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is, authorized and directed to place the name of Edward Coleman, late a private in Company H, Fourth Regiment Illinois Cavalry Volunteers, and of Company C, One hundred and sixth Regiment Illinois Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. BRECKINRIDGE, of Arkansas. Let the report in the case be read.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8351) for the relief of Edward Coleman, report:

That this claimant served through the Mexican war, and when discharged from that service was suffering from chronic diarrhea.

He made application for pension in 1850, but before the claim had been adjudicated the papers in the case were lost while in the hands of claimant's attorney at Stryker, Ohio, and were never found.

In August, 1861, he enlisted in Company H, Fourth Illinois Cavalry, and served until March, 1862, when he was discharged by reason of chronic diarrhea.

On December 24, 1863, he re-enlisted as a private in Company C, One hundred and sixth Illinois Volunteers, and was honorably discharged in 1865.

Claimant in recent years has endeavored to establish his claim for pension for disabilities incurred in the Mexican war, but was unable to prosecute it to a successful issue, owing to the impossibility of securing evidence of comrades, &c.

In 1881 he filed application for a pension, alleging asthma, diarrhea, and dyspepsia as a result of his military service in the war of the rebellion. This claim was rejected on the ground that alleged disabilities existed prior to enlistment.

A special examiner of the Pension Office, who investigated the case at the home of claimant, says that—

"This man is a total wreck; his mind is feeble, and he can not live long. He is a man of fair reputation, and I believe his statements could be relied upon if his memory was not so defective. After a careful examination of the case I am inclined to believe that as it now stands it ought to be rejected, although I believe the claim meritorious as to chronic diarrhea contracted while in the Mexican war."

Claimant was examined by the Terre Haute board of surgeons in 1885, who reported as follows:

"He is thin, spare, stoop-shouldered, and broken down. Bowels receding, slightly tympanitic. Increased dullness of hepatic area. Tongue red at tip and edges, and coated. Mucous membrane of anus pale and relaxed. Heart's action feeble and sounds indistinct. He is very poorly nourished, and totally disabled for the performance of manual labor."

The committee believe that claimant incurred chronic diarrhea while in the Mexican war, and that his service in the war of the rebellion aggravated his malady, resulting in his present incapacitated condition, and report the bill favorably, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SILAS K. HAINES.

Mr. WILSON, of West Virginia. Mr. Chairman, I call up the bill (H. R. 2626) granting a pension to Silas K. Haines.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Silas K. Haines, late of Company H, Third Regiment Potomac Home Brigade Maryland Volunteers.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read, Mr. Chairman.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 2626, submit the following report:

Claimant enlisted as a private soldier in Company H, Third Maryland Potomac Home Brigade, on March 8, 1862, and remained in the service until honorably mustered out at the close of the war. It is fully proved that he was a man of vigorous health when he entered the Army. In September, 1862, he was sur-

rendered with his command at Harper's Ferry, Va., by Colonel Miles, and on his release on parole was sent to Camp Parole at Annapolis. While there, to wit, in November, 1862, a member of his company, who was his nephew, died with typhoid fever, and claimant and another comrade were granted leave to accompany the corpse home to Preston County, West Virginia. But on the day after they started, and when they had reached Pittsburgh, claimant was himself stricken down with the same disease, and with great difficulty reached his home, where he was prostrated with it for many weeks. This disease has permanently impaired his lungs, and left him a victim of increasing infirmity, suffering with swelling of joints of his lower limbs and with pains in his left hip to such a degree that he has become helpless and destitute.

Dr. M. S. Bryte confirms these facts, which are testified to by several comrades, and says:

"That he has known claimant all his life, and has treated him professionally since the death of former physicians, and that there is no doubt claimant's present physical wreck is due to the same attack of fever above alluded to, and that it has never been aggravated by use of intoxicating liquors, from which claimant is an abstainer."

There can be no doubt that this fever was contracted in the parole camp, although its first attack was felt the day after leaving camp, and your committee have no doubt, under the circumstances proved, that claimant is well entitled to be put on the pension-rolls, and report accordingly.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. AURELIA C. RICHARDSON.

Mr. WEBER. Mr. Chairman, I call up the bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Aurelia C. Richardson, dependent mother of Albert H. Fillmore, late of Company F, Eleventh New York Cavalry Volunteers.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read, Mr. Chairman.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 1584, beg leave to submit the following report:

The claimant is the dependent mother of Albert H. Fillmore, late of Company F, Eleventh New York Cavalry Volunteers.

The soldier enlisted in August, 1862, for three years, and died in hospital at Memphis, May 20, 1865, from confluent small-pox.

The claim was rejected on account of non-dependence upon the soldier at the time of his death.

The claimant is seventy-six years old, and the evidence shows that she is now poor and suffering from the infirmities of old age. Her husband, the stepfather of the soldier, is seventy-eight years old, a blacksmith by trade, broken down by physical infirmities, and unable to support himself and wife by labor. The income of all the property they now own is insufficient to furnish the commonest kind of a living.

At the time of the son's enlistment the property of the claimant was entirely insufficient for her support, and even with the earnings of her husband at that time was not enough to render them a comfortable living.

The evidence tends to show that at and before enlistment the son recognized his filial obligations by contributing to some extent to the mother's support.

We think this is a claim falling fairly within the rule adopted by the committee governing such cases, and finding it to be meritorious and just, recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CLARA L. PREUSS.

Mr. WILLIS. Mr. Chairman, I call up the bill (H. R. 921) granting a pension to Clara L. Preuss.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to place on the pension-roll the name of Clara L. Preuss, at the same rate received by her deceased husband, Leopold B. Preuss, late captain of Company C, Fourth Regiment Kentucky Cavalry Volunteers.

The report (by Mr. TAULBEE, supplied later) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 921) granting a pension to Clara L. Preuss, submit the following report:

Claimant's husband was at the time of his death drawing a pension for paralysis and varicose veins and varicocele, resulting from injuries received in line of duty. His widow's claim for pension was rejected on the ground that the disease which was the immediate cause of the death of soldier did not result from the injuries received in the service and line of duty.

The facts as shown by the record are as follows:

Soldier was captain of Company C, Fourth Regiment Kentucky Cavalry, and while in the line of duty was thrown from his horse and dragged a considerable distance by the foot, resulting in varicose veins in left leg and varicocele of left testicle, on account of which disabilities he resigned, as shown by surgeon's certificate of disability.

A board of medical examiners issued certificate of soldier's condition of date October 4, 1875, viz:

"(1) Varicocele of left cord of left scrotum of marked development; disability, one-half, \$2.

"(2) Whole left calf, especially external and posterior surfaces, covered by enlarged or varicose veins, which collect and empty into the internal saphena, itself likewise enlarged to saphenous opening; disability one-half, \$4. (The rating for No. 1 too low; should have been at least one-half, \$4.)

Present condition.—General paralysis, nearly complete; there is no voluntary movement of the arm, or hand, or finger; insignificant power over lower extremities, amounting to merely and barely movement; articulation indistinct. Pensioner is as helpless as a babe, and requires constant personal attendance and aid day and night; complains of intense pain over the whole body, but more especially in the back, result of chronic myelitis, consequent upon fall of horse.

"The disabilities Nos. 1 and 2, for which he is now pensioned, continue less marked because of the constant recumbency; pensioner had to be visited and examined at his residence. We find his disability, as described above, to be equal to and entitling him to special rating, \$50. Should be exempted from biennial examination."

The decision of medical referee of Pension-Office is as follows: "Immediate cause of death, paralysis of muscles of respiration. Remote cause not known; did not originate in the United States service."

Your committee think that the pathological sequence is very plain, and that the cause of death, "paralysis of muscles of respiration," is the outgrowth and extension of the general paralysis resulting from the injury received in the service, and from which claimant suffered for a number of years prior to his death.

Your committee recommend the passage of the bill with the following amendments:

Strike out in lines 4 and 5 the words "at the same rate received by her deceased husband" and add to the bill the words "subject to the provisions and limitations of the pension laws."

The amendments recommended by the Committee on Invalid Pensions—striking out the words "at the same rate received by her deceased husband," inserting the words "widow of" after the name "Clara L. Preuss," and adding at the end of the bill the words "subject to the provisions and limitations of the pension laws"—were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The CHAIRMAN. The Chair is informed that the bill in the Clerk's desk is not accompanied with any report, the report not having been received from the Printer.

Mr. BRECKINRIDGE, of Arkansas. Then let some gentleman who is familiar with the case make a statement.

Mr. WILLIS. My colleague [Mr. TAULBEE] made the report. I am cognizant of the facts. This lady, the widow of Captain Preuss, resides in my city. The claim was rejected at the Department on a technicality. There is a report, which was made, as I have remarked, by my colleague [Mr. TAULBEE].

Mr. BRECKINRIDGE, of Arkansas. Let the gentleman make a brief statement of the exact facts.

Mr. TAULBEE. The gentleman from Arkansas requests a brief statement of the facts. I did not remember the particulars in this case until my colleague [Mr. WILLIS] made a suggestion with reference to it. I now remember the facts. This soldier, while a captain in the Army, fell from his horse and was dragged a considerable distance by the foot, suffering severe injuries, for which he was granted a pension at the rate of \$15 a month. He made application for an increase of pension, and the medical examining board rated him at \$50 a month for the injuries which he had received to the left leg, consisting of varicose veins and, I believe, varicocele. So far, however, as appeared from any evidence which we could gather the pension recommended at the rate of \$50 a month was not granted. The bill as originally drawn proposed to put the widow on the pension-roll at the same rate which had been received by her husband, the understanding doubtless being that he had been on the roll at the rate of \$50 a month, which, however, did not appear from the records to have been the fact. The soldier died from paralysis, which, according to the report of the examining board, was the result of the injuries received when he fell from his horse. The report of the examining board stated that the soldier's left arm and left leg, in fact both legs, were paralyzed to a very considerable extent.

Mr. BRECKINRIDGE, of Arkansas. This bill proposes to give a pension to the widow?

Mr. TAULBEE. The bill proposes to give a pension to the widow at the rate provided for under existing law.

Mr. WILLIS. Not at \$50 a month.

Mr. BRECKINRIDGE, of Arkansas. I see no objection.

Mr. WILLIS. I know these parties in Louisville. They are a worthy German family—upright, honest people.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY SPRAGUE.

Mr. JAMES. I call up the bill (H. R. 5715) granting a pension to Mary Sprague.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Sprague, a volunteer nurse in the late war, on the pension-roll, subject to the provisions and limitations of the pension laws, and pay her the sum of \$25 per month from and after the passage of this act.

The report (by Mr. PINDAR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5715) granting a pension to Mary Sprague, submit the following report:

The claimant, Mrs. Mary Sprague, volunteered as a nurse and was accepted as such May 22, 1861, and was in continuous service until December, 1863. That while serving at the Mansion House Hospital, attending to her duties, her health became greatly impaired through a contagious fever there contracted, which disabled her for duty and from the effects of which she is still suffering. That she is now unable to perform any kind of labor or household duty, never having recovered her health. She now asks that, being unable longer to labor, she be granted a pension of \$25 a month; in support of such claim she presents the affidavit of Dr. D. W. Bliss, her own verified petition, and letters from J. B. Porter, surgeon U. S. A., and others, which are hereto attached and made part of this report.

The committee believe that the claimant is entitled to a pension, and they recommend that the bill be amended by striking out the words "twenty-five," in line 7, and inserting in lieu thereof "twelve," and as amended, that the same do pass.

The amendment reported by the committee to strike out, in line 7, the words "twenty-five" and insert in lieu thereof the word "twelve," was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

ELIZABETH SLENBAKER.

Mr. SHAW. I call up the bill (H. R. 4727) granting a pension to Elizabeth Slenbaker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Slenbaker, mother of Joseph Slenbaker, late of Company E, First Regiment Potomac Home Brigade Maryland Cavalry.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4527) granting a pension to Elizabeth Slenbaker, respectfully report:

Joseph Slenbaker enlisted in Company E, First Regiment Potomac Home Brigade Maryland Cavalry, February 17, 1864, and was discharged June 28, 1865. He died September 18, 1870.

The soldier's mother applied to the Pension Office for relief, and her claim was rejected on the ground that it can not be established that the fatal disease of soldier was due to service.

In diverse statements before your committee among the papers on file claimant testifies as to her husband's inability to support her since soldier's death on account of his diseased condition. She was at different times in receipt of voluntary contributions from friends and relatives. Claimant has tried hard to procure the evidence called for by the Department, but usually has been unsuccessful in procuring same on account of so long a time having passed since the happening of the different incidents. She received no replies to many of her letters sent to the officers and comrades of her son.

As to the soldier's prior soundness, Dr. J. A. Taylor testifies that he always regarded the soldier as a healthy man. John Duerr and Peter K. Baker testify that they knew soldier for twenty-five years, and have every reason to believe that he was a hale, hearty, robust man prior to enlistment.

The evidence as to soldier's condition during service is very unsatisfactory. The captain of the company does not remember much about the soldier, and a letter addressed to John McIlwain, late assistant surgeon, was returned unclaimed.

Since service the soldier's condition is given by R. Zingling as follows:

"I saw soldier nearly every day before he went into the Army, and never knew him to complain in any way. He came home from the Army with a cough and hoarseness, which continued getting worse until his death, and about one year before he died he lost his speech entirely."

The attending physician in soldier's last days testifies that he was only called in professionally in the last stages of his (soldier's) illness, and can not say how long he had been suffering from disease of lungs; but phthisis was the immediate cause of his death.

There is quite a good deal of testimony in reference to soldier's condition since service, and it all tends to show that soldier went into the service a robust, healthy man, as far as the witnesses could tell, and returned to his home with hoarseness and a cough, which lasted until was the cause of his death, as shown by competent medical evidence. It is also clearly shown that the claimant's husband was an invalid, and did not support her; also that the soldier did aid very materially in the maintenance of his parents.

Thomas H. Joy and Peter I. Wilkehn testify that they contributed flour and money to claimant and her husband in payment for labor of soldier; that soldier aided materially in the support of his parents; that soldier's aid was necessary for their support, as the income from their property was insufficient.

To recapitulate: The soldier was well and hearty when he enlisted; he returned home with a cough, which continued and resulted in phthisis, which ended in death. While well he contributed to the support of his parents, who are now poor and in want.

For these considerations your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SALLY B. BENT.

Mr. GROUT. I call up the bill (H. R. 6606) granting a pension to Sally B. Bent.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Pensions is hereby directed to place on the pension-roll, subject to the limitations of the pension laws, the name of Sally B. Bent, dependent mother of David P. Bent, a soldier of the Union Army in the war of the rebellion, as shown by her application for a pension, numbered 268462.

Mr. GROUT. Let the report be read.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6606) granting a pension to Sally B. Bent, submit the following report:

Sally B. Bent filed a claim as dependent mother of David P. Bent, a private in Company G, Fourth Vermont Regiment, who died of disease in the service. Her claim was rejected "on the ground that claimant was not dependent on the soldier for support at the time of his death, her son, C. C. Bent, having before that time agreed to support her, and having performed said contract."

It appears from the evidence filed in the Pension Office, and with this committee, that in the spring of 1861 the Bent family consisted of the claimant and her husband, two sons, and two daughters. The husband was at that time, by reason of poor health, able to perform but little manual labor, nor was he at any time before his death, which occurred in 1880. Both daughters were deformed in person and deficient in intellect and intelligence, being thereby unable to take care of themselves.

The family resided upon a farm in the town of Marshfield, Vt., which was situated nearly half a mile from the public road, and comprised 61 acres of wet, stony land. The buildings were poor, and the entire property, real and personal, was worth from \$1,000 to \$1,500.

July 9, 1861, Mr. and Mrs. Bent deeded their property to their eldest son, Charles C. Bent, in consideration of a life support for themselves and their two idiot daughters. The youngest son, David P., was a party to this arrangement, but, being a minor, could not appear of record. It was understood, however, that he should enter the service, turn over his pay for the support of the family, and on his return was to share in the title to the property. He enlisted September 21, 1861, and his State pay of \$7 a month was drawn by the father, besides which he forwarded about \$10 per month from his Government pay. He died in hospital at Washington, May 13, 1862.

The bar to the allowance of the mother's claim is in the contract for support made with the son Charles C. Technically, it destroyed her claim of dependence upon the soldier. In fact, we think, that dependence existed to a considerable extent. All the evidence tends to show that of the three male members of the family circle the soldier was the most competent.

The father was an invalid for twenty-five years, and the son, Charles C., has had several severe fits of sickness. The miserable little property involved was

manifestly insufficient for the maintenance of two old people and two idiotic children. The father is now dead, also one of the daughters. But the mother, in her old age, is obliged to work hard for the support which is guaranteed to her on paper, but which the guarantor has been unable to furnish in fact. She gave her son to the country, and we think the country can well afford to waive for the few remaining years of her life the technical objection to granting her a pension.

The committee recommend that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following: "That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally B. Bent, dependent mother of David P. Bent, late a private in Company G, Fourth Regiment Vermont Volunteers," and that as so amended the bill do pass.

The amendment reported by the committee, to strike out all after the enacting clause and insert the language stated at the conclusion of the report, was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee rise.

The motion was not agreed to.

CHARLES RIDDLE.

Mr. MCCREARY. I call up the bill (H. R. 6952) granting a pension to Charles Riddle.

The bill was read, as follows:

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 Charles Riddle, father of Milton Riddle, deceased, late of Company G, Eighteenth Kentucky Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6952) granting a pension to Charles Riddle, submit the following report:

Milton Riddle enlisted as a private in Company G, Eighteenth Regiment Kentucky Volunteers, November 18, 1861, and was killed in action August 30, 1862; he was never married; he left his father, Charles Riddle, surviving him; his mother died before his enlistment.

Charles Riddle filed claim for pension as dependent father May 24, 1880, which was rejected on the ground that the father was not dependent on his son for support at time of enlistment.

The proof is abundant and plain.

Milton Riddle was sixteen years old when he enlisted. He had, up to the time of enlistment, lived with and labored for his father, he being the eldest son.

Charles Riddle was, at the time of his son's enlistment, afflicted with palsy, from which he has been a continual sufferer.

His family consisted of two daughters, aged eighteen and eight years, respectively, and three sons, namely, soldier, aged sixteen years, and two others, aged twelve and ten years, respectively. One of his daughters lost one of her eyes soon after the war; one of his sons was paralyzed; and one of his sons lost an arm.

The father owned a farm of about 50 acres, worth about \$600, and from which his income was about \$40 or \$50 per annum, and he owned a very small amount of personal property, and depended on his labor for the support of himself and family.

He has married three times since the death of his son, concerning which fact the special examiner in his report makes the following observation:

"My candid opinion is, that the only thing in which he ever manifested any energy was in marrying."

The proof shows that prior to his second marriage he was compelled to procure homes for his children, he being unable to provide for them, and that after his second marriage his children returned home and his wife aided in their support.

The marriages of claimant were all honorable, and your committee believe were proper and expedient, and we regard the attempted reflection of the special examiner as in very bad taste, and an evidence of bad faith.

He acquired no property of any consequence by any of his marriages, and is now, and has been ever since his son's enlistment, in poor health and very poor.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

MARGARET D. MARCHAND.

Mr. EVANS. I call up a bill (S. 226) granting a pension to Margaret D. Marchand.

The bill was read, as follows:

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 Margaret D. Marchand, widow of Commodore J. B. Marchand, late of the United States Navy, and pay her a pension at the rate of \$50 per month from the date of the passage of this act.

Mr. BRECKINRIDGE, of Arkansas. I have run through the report, and the case seems to be meritorious, but I would rather the gentleman should make an explanation.

Mr. EVANS. Mr. Chairman, this claim was reported favorably and was passed by the House several weeks ago. The bill provided that Mrs. Marchand be pensioned subject to the provisions and limitations of the pension laws.

About the same time a separate bill was reported favorably and was passed by the Senate allowing the claimant \$50 per month. Now, as I understand it, the House Pensions Committee report favorably the Senate bill.

It seems to me from the gallant, distinguished, and long services of Commodore Marchand that it is nothing more than an act of justice, but tardy at that, that this poor widow, who is now far in the decline of old age, being seventy-eight years old and in destitute circumstances, should receive this pension, which will, in a measure, add to her comfort for the few remaining years of her life. I hope there will be no objection to the passage of this bill.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, as I understand

the gentleman the widow of Commodore Marchand is poor and venerable.

Mr. EVANS. Yes, sir; and has nothing to live on.

Mr. BRECKINRIDGE, of Arkansas. I think that is enough.

Mr. EVANS. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

A MEMBER. Is this a favorable report?

The CHAIRMAN. The Chair is informed it is a favorable report.

Mr. EVANS's motion was agreed to; and the bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

GEORGE G. EARLY.

Mr. WEAVER, of Iowa. I call up a bill (H. R. 3379) granting a pension to George G. Early.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George G. Early, of Newton, Iowa, late of Company I, Third Ohio Infantry Volunteers.

Mr. WEAVER, of Iowa. I call for the reading of the report.

Mr. NEECE. Unless the reading of the report is called for I hope it will be omitted.

The CHAIRMAN. It has been the habit to call for the reading of the reports.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I will not object to dispensing with the reading of the report if I am permitted to ask a question.

Mr. WEAVER, of Iowa. Certainly.

Mr. BRECKINRIDGE, of Arkansas. Was this case rejected by the Pension Office?

Mr. WEAVER, of Iowa. Yes; upon the ground the claimant could not furnish testimony. He was in prison at the time.

Mr. BRECKINRIDGE, of Arkansas. Why has he not made a subsequent application?

Mr. WEAVER, of Iowa. He was in prison.

Mr. BRECKINRIDGE, of Arkansas. Why did he not make application when he got out of prison?

Mr. WEAVER, of Iowa. He could not get it when he was in prison.

Mr. BRECKINRIDGE, of Arkansas. But what prevented him from getting it when he got out of prison?

Mr. PERKINS. From inability at that late period to show the occurrence.

Mr. WEAVER, of Iowa. Let the report be read, and that will show the facts in the case.

Mr. BRECKINRIDGE, of Arkansas. I thought we might get at it quicker by explanation on the gentleman's part.

Mr. WEAVER, of Iowa. It is better to read the report.

Mr. BRECKINRIDGE, of Arkansas. Very well; let it be read.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3397) granting a pension to George G. Early, submit the following report:

This soldier enlisted June 15, 1861, as a sergeant, Company I, Third Ohio Volunteers, was taken prisoner at Murfreesborough, Tenn., December 31, 1862, and was paroled January 27, 1863, and discharged June 21, 1864. He re-enlisted as a private in Company G, One hundred and eighty-seventh Ohio Volunteers, February 14, 1865, and was mustered out January 20, 1866, having served more than four years. He filed application for pension June 21, 1882, alleging disease of the heart, stomach, liver, and kidneys, or general debility.

His application was rejected for the want of proof showing the existence of his disability while in the service.

He has proven his four years or more of arduous service, which certainly ought to be conclusive proof of prior soundness; and he has furnished medical testimony of his general debilitated condition in 1866, immediately after his discharge, and from that time to present date. The following affidavit of Dr. J. R. Gorrell, of Newton, Iowa, gives a full history of the case, and is fully corroborated by other testimony.

"I have known George G. Early intimately, socially and professionally, since the spring of 1869. I have seen him, I believe, every week, and often every day, for months together, during the whole of that time. I began the treatment of his case in the spring of 1869, and he has been constantly under my care ever since. My diagnosis of his case then was obscure liver and kidney disease. During the fall of 1869 there occurred irregularity of the heart's action, which was then believed to be functional and to depend upon the liver and kidneys. As before stated, he has been constantly under my care professionally since 1869 for disease of the liver, kidney, and heart, which defied treatment, for he has slowly but steadily grown worse up to the present time.

"In view of the character of the disease at my first examination in 1869, and its persistence up to this time, and also as he had at one time (1862) in the Army an acute attack of kidney disease, attended with delirium for several days, I have no hesitancy in saying that the cause of his present disability was his army life. He was a brave soldier for four years and a half; was never off duty except a few days following acute attack referred to, from which he supposed he had recovered, but subsequent developments clearly point to the fact that the disease then contracted from exposure to cold, he being barefooted and with one ragged blanket on a forced march in January, only remained in abeyance and silently invaded other organs until his present physical wreck is the result. He has done no work for several years, he not being able to because of disease of his liver, kidneys, and heart, and there is no probability of a recovery. He is poor and has a large family. He was a true soldier, and is now an honorable man."

Garrett Post, Grand Army of the Republic, of Newton, Iowa, in a memorial to Congress also set forth the same facts, and pray that he be pensioned.

That this man has no hospital record ought rather to be placed to his credit than set down against him. The fact of his four and a half years of faithful and honorable service, his capture, his imprisonment, his continued disability since, and his present disabled condition and consequent poverty, in the judgment of your committee, demand recognition and recompense by the Government. The passage of the bill is therefore recommended.

Mr. BRECKINRIDGE, of Arkansas. The report does not seem to develop why he did not make application for a pension, or why it was rejected if he did.

Mr. WEAVER, of Iowa. It does show his claim was rejected on account of the failure of the claimant to furnish proof showing that the disability was incurred while in the service.

Mr. BRECKINRIDGE, of Arkansas. That is enough. Do you know this physician to be a responsible and competent man?

Mr. WEAVER, of Iowa. Yes; Dr. Gorrell is a member of the board at Newton, Iowa.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SARAH P. M'KEAN.

Mr. STRUBLE. I call up a bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa.

The bill was read, as follows:

Be it enacted, &c., That the pension of Mrs. Sarah P. McKean be, and the same is hereby, increased to \$50 per month; and the Commissioner of Pensions is hereby authorized and directed to place the name of Mrs. Sarah P. McKean on the pension-roll as a pensioner of the United States for the sum of \$50 per month, said \$50 per month being in lieu of all other pensions heretofore granted.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, have examined the same, and report:

This bill, reported by the Senate Committee on Pensions with the recommendation that it do pass, provides for increasing the pension of Mrs. Sarah P. McKean from \$30 to \$50 per month.

She is the widow of General Thomas J. McKean, who was a graduate of West Point, was promoted to brevet second lieutenant in the Fourth Infantry July 1, 1831, where he served until his resignation March 31, 1834.

Subsequently he served as a private soldier in the war with Mexico; was appointed paymaster United States Volunteers June 1, 1861, and brigadier-general of volunteers November 21, 1861, in which capacity he served through the war of the rebellion, leaving the service a physical wreck and dying in 1870 from the effects of his service.

The present pension (\$30) of Mrs. McKean is the rate for the rank of lieutenant-colonel, being the highest grade allowed under the general pension laws. The petitioner is now over sixty years of age and wholly dependent (for her support) upon her pension, which is inadequate to afford her a comfortable living.

In view of the long and distinguished services of petitioner's husband, her own needs, and the numerous precedents established by Congress in cases of this kind, your committee report the bill favorably and recommend that it do pass.

Mr. PRICE. I do not want to delay the proceedings, but this is one of the kind of things I do not want to vote for, nor do I think any man here would like to vote for it. I understand another similar case was laid aside to be reported to the House with the recommendation that it do pass, the purpose of which is to raise the pension of an officer's widow. I wish now to call attention to the fact this is based on the rank of her husband, and not because of extraordinary gallantry.

Mr. STRUBLE. It is based on his long and valuable service.

Mr. PRICE. That is the case with all of them.

A MEMBER. What was the rank of this officer?

Mr. STRUBLE. A brigadier-general in the late war. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. STRUBLE's motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK ROBERTSON.

Mr. ANDERSON, of Ohio. I call up the bill (H. R. 1860) granting a pension to Frederick Robertson.

The bill was read, as follows:

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 Frederick Robertson, late an assistant surgeon in the United States Army, at the rate of \$30 per month.

The committee recommend in the seventh line to strike out "at the rate of \$30 per month."

Mr. BRECKINRIDGE, of Arkansas. The amendment strikes out "\$30 a month," and leaves it under the operation of the pension laws.

Mr. ANDERSON, of Ohio. Certainly.

Mr. BRECKINRIDGE, of Arkansas. What does the law allow to widows of surgeons?

Mr. BRADY. That depends upon the rank held by the claimant.

Mr. BRECKINRIDGE, of Arkansas. Do the surgeons have military rank? It is so long since the war that I believe I have forgotten.

Mr. BRADY. Yes, sir.

The CHAIRMAN. The Chair is informed he rank in this case was that of an assistant surgeon.

Mr. ANDERSON, of Ohio. An assistant surgeon ranks as a captain.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH S. DE KRAFFT.

Mr. ZACH. TAYLOR. I ask consent to call up the bill (S. 2223) granting a pension to Elizabeth S. De Krafft and put it upon its passage.

The bill was read, as follows:

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 Elizabeth S. De Krafft, widow of John Charles Philip De Krafft, late commodore and rear-admiral in the United States Navy.

The report (by Mr. STRUBLE) was read, as follows:

As a review of the eminent and faithful service of the petitioner's husband, we quote from a letter recently written by Admiral Porter, and which is sustained by the records:

OFFICE OF THE ADMIRAL, 1710 H STREET, N. W.,
Washington, D. C., April 15, 1886.

The late Rear-Admiral J. C. P. De Krafft had a varied service, having seen as much sea duty as any of the officers of his grade, and a great deal more than some others, his duty, while in the Navy, having (on sea and ashore) been almost continuous.

He bears a record of having been a most excellent officer, always gave satisfaction to his commanding officers, and never had any official difficulties so far as known. The record of his services is as follows:

He entered the Navy from Illinois, October 9, 1841, and was ordered to the frigate Congress, of the Mediterranean squadron, in which he served till 1843. In 1844 he was sent to the frigate Raritan, on the Brazil station, where he remained till 1846, being then ordered to the home squadron. He served throughout the Mexican war, being present at the first attack upon Alvarado. He was sent to the ship-of-the-line Ohio, on the Pacific station, in 1847, and afterward was sent to the Naval School, being promoted to passed midshipman August 10, 1847.

After passing his examination he served on board the frigate Raritan on the Home Station, and in 1851 was ordered to the Coast Survey. He was next ordered to the steamer Vixen, in which he served till 1852, on the home station, returning to the Coast Survey in 1853. He was attached to the United States steamship Michigan on the lakes in 1855, and was promoted to master in that year. On September 14, 1855, he received his commission as a lieutenant, and served in the sloop John Adams, in the Pacific squadron, from 1856 to 1858, returning to the Michigan in 1859. In 1861 he was on board the Niagara, employed in special service. In that year he participated in the attack on Fort McRae, in the harbor of Pensacola. He was constantly employed during the war, especially in the West Gulf blockading squadron. In 1862-'63 he was on duty at the Washington navy-yard, and commanded the steamer Conemaugh from 1864 to 1866, participating in the attack on Fort Powell, Mobile Bay, when he commanded a division of five gunboats on August 5, 1864.

He was made a commander July 25, 1866; was on special duty in Philadelphia in 1867, 1868, and 1869; was fleet captain of the North Atlantic squadron. In 1870 he was again employed on special duty at Philadelphia, from which point he was ordered to duty at the navy-yard at Portsmouth, N. H., where he remained till 1872. He was commissioned as captain November 20, 1872, and was ordered to the command of the Richmond, flag-ship of the Pacific station, and as fleet captain of that station.

From this station he was transferred to similar duties in the Asiatic fleet, where he remained till 1875. His next service was at the Washington navy-yard, as captain of the yard, from 1877 to 1880.

On the 12th of July, 1880, he was ordered to duty as hydrographer of the Navy Department, and on October 1, 1881, was promoted to be a commodore.

On August 22, 1883, he was made president of the naval board of inspection and survey, on which he served under my command till the day of his death, having been in the mean time made a rear-admiral. He performed all his duties in the most intelligent and satisfactory manner.

Very respectfully,

DAVID D. PORTER,
Admiral, U. S. Navy.

The widow, Elizabeth S. De Krafft, was granted a pension of \$30 per month. In view of the long, varied, and distinguished service of petitioner's husband, extending from October 19, 1841, to his death, October 29, 1885, a period of forty-four years, and in view of the needs of the widow, and the precedents heretofore established by Congress, your committee think that petitioner's pension should be increased from \$30 to \$50, as is provided for in this bill.

We therefore recommend that said bill do pass.

Mr. BRECKINRIDGE, of Arkansas. I would like to ask some questions in connection with this bill of the chairman of the Committee on Invalid Pensions.

Mr. MATSON. This bill comes from the Committee on Pensions.

Mr. PRICE. I move that the bill be laid aside to be reported to the House with the recommendation that it do lie on the table.

The CHAIRMAN. Does the gentleman from Arkansas yield the floor for that motion?

Mr. BRECKINRIDGE, of Arkansas. I will continue my questions before I yield. Who speaks for this bill?

Mr. ZACH. TAYLOR. I do.

Mr. BRECKINRIDGE, of Arkansas. This is the widow of an admiral.

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. She is without property, as I understand.

Mr. ZACH. TAYLOR. Yes, sir; she has very little.

Mr. BRECKINRIDGE, of Arkansas. Where does she live?

Mr. ZACH. TAYLOR. Here in Washington.

Mr. BRECKINRIDGE, of Arkansas. She has not married since the war?

Mr. ZACH. TAYLOR. No, sir; and I will say to the gentleman that this is following the line of precedent established by the House for many years.

Mr. BRECKINRIDGE, of Arkansas. We understand that. I would like to ask the gentleman further, is she aged?

Mr. ZACH. TAYLOR. Yes, sir; she is sixty or seventy years old.

Mr. BRECKINRIDGE, of Arkansas. This report speaks of her being in reduced circumstances.

Mr. ZACH. TAYLOR. Yes, sir; she has very little property.

Mr. BRECKINRIDGE, of Arkansas. She is in need of the money, then?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. This gives her \$50 a month?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. STRUBLE. I would like to say to the gentleman from Arkansas—

Mr. BRECKINRIDGE, of Arkansas. I am satisfied; I have no objection to the bill.

Mr. ZACH. TAYLOR. Mr. Chairman, I would like to say as to the motion of the gentleman from Wisconsin that I am satisfied a brief explanation will convince him it ought not to be made. These naval pensions are not like the pensions voted for Army purposes, which come out of the general Treasury. These naval pensions come out of the pension fund, which is raised by the sale of prizes captured by the Navy, and it is not a burden upon the Government like the appropriations for Army pensions.

Mr. BRADY. Fifteen millions of that pension fund I will say to the gentleman from Arkansas are now out at interest.

Mr. BRECKINRIDGE, of Arkansas. I would like to ask another question in reference to this fund. As I understand it, it is a fund created by law for a specific purpose.

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. Does the law also specify certain classes of pensioners who shall draw against it?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. Now, is there any danger when you make additions to that list that you may do an act of injustice to worthy pensioners who have been heretofore placed upon that list?

Mr. ZACH. TAYLOR. There is no danger of that; it is a very large fund.

Mr. BRECKINRIDGE, of Arkansas. Is there a surplus now?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRADY. It has accumulated to a very large extent, and this addition could not possibly deprive anybody. There are already fifteen millions of it at interest. It has been expressly set apart for naval pensions.

Mr. BRECKINRIDGE, of Arkansas. I have no objection whatever to the passage of the bill. I am entirely willing to put additional meritorious pensioners upon it provided it does no injury to other good pensioners now there. In that case I would desire payment from another source.

Mr. STRUBLE. Let me say to the gentleman from Wisconsin that as to the rank of this officer it is the same relative rank as that of the officer whose bill was passed a short time ago in the presence of the gentleman. I hope, therefore, that my friend will not do more than indicate his opposition to it by voting against it, and will not insist upon the presence of a quorum.

Mr. PRICE. Mr. Chairman, I have no desire to detain the committee longer than is absolutely necessary, but it is not the amount of money involved in this or any of these cases that is going to destroy the Government. It has gone abroad all over the country that we are doing this thing night after night and day after day in the way of granting these large pensions; now these people believe all this to be wrong when they see bills of this kind passed. I sympathize in that conviction myself in view of the fact that we have hundreds and thousands of people that have no pension at all. It has been our fault that there has been an absolute failure to grant pensions in many cases that are pending, and cases are sent away from the Pension Office and rejected there on testimony that would convict a good man of murder in any court in the country. Following that they send out special examiners, and if a man can find one out of eighteen witnesses who will swear to any fact in opposition to the claim of the soldier they will take it and delay the whole question of granting the pension.

These people should be attached to this Government because they believe it is a square one; and yet when they read in the papers of these cases of pensions at \$30 being called up and increased to \$50 in both the Army and Navy, they have a right to say we are not doing this justly and fairly.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman to what class does he refer?

Mr. PRICE. I refer to raising the pension of anybody who has a reasonable support, raising it to an extraordinary amount, or a greater amount, whether extraordinary or not, purely on the ground that there is a precedent for it.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is referring to what we are doing just now.

Mr. PRICE. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. To what class does the gentleman refer when he speaks of what we are not doing?

Mr. PRICE. I was referring to thousands and thousands of widows of gallant soldiers who died in the ranks, and to soldiers who are physical wrecks to-day, who have fallen into abject poverty or are eking out a miserable existence in a poor-house, who, because of some infernal law that should never have been passed, are starving for want of support. And at the same time we are taking these distinguished people, because of their rank, and increasing their pensions. You can write up the history of any of these men—it is well written no doubt; you can get it in one of James's novels. And we allow this gush, this sentiment, to make us do this unfair thing. Independent of the amount of money which is involved we create the impression among the people

who should be attached to the Government that we are unjust to them, and go on day after day moved by a sickly sentiment. And when no other argument can be put forward there is the argument that we have a precedent for it. In the name of common sense, is this Congress to be tied down by what some other Congress has done? Let us adopt a course that will be more creditable, more just, and that will commend itself to the judgment of the people.

The CHAIRMAN. Does the gentleman from Wisconsin make a motion to lay the bill aside with the recommendation that it do lie on the table?

Mr. PRICE. Yes, sir; I make that motion.

The motion was disagreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. MATSON. I move that the committee do now rise.

"The question being taken, the Chair stated that the "ayes" seemed to have it.

Mr. BRADY. I call for a division.

The committee divided; and there were—ayes 27, noes 18.

So the motion was agreed to.

The committee accordingly rose; and Mr. McCREARY having resumed the chair as Speaker *pro tempore*, Mr. McMILLIN reported that the Committee of the Whole House, having had under consideration the Private Calendar under the special order, had directed him to report sundry bills with divers recommendations.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will first report the bills of the House which have been reported from the Committee of the Whole without amendment.

Mr. JOHNSTON, of Indiana. Before that is done I ask that the bills which increase the pensions from \$30 to \$50, three in number, be referred to a full House for a vote.

The SPEAKER *pro tempore*. If there be no objection, the Clerk will lay the bills indicated aside for the present and report the bills to which there is no objection.

Mr. BRADY. What is the motion of the gentleman from Indiana?

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. JOHNSTON] objected to three bills being acted on with the others collectively, and desired there should be separate action on those bills.

Mr. BRADY. To-night?

The SPEAKER *pro tempore*. Yes.

The bills indicated, S. 226, S. 973, and S. 223, were laid aside until action should be taken on the other bills reported.

BILLS PASSED.

Bills of the House of the following titles, reported from the Committee of the Whole, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania;

A bill (H. R. 8556) granting a pension to Abraham Poinc;

A bill (H. R. 7721) granting a pension to Ellen J. Welch;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll;

A bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard;

A bill (H. R. 8351) for the relief of Edward Coleman;

A bill (H. R. 2626) granting a pension to Silas K. Haines;

A bill (H. R. 1584) for the relief of Aurelia C. Richardson;

A bill (H. R. 4527) granting a pension to Elizabeth Slenbaker;

A bill (H. R. 6952) granting a pension to Charles Riddle; and

A bill (H. R. 3379) granting a pension to George G. Early.

House bills of the following titles were reported from the Committee of the Whole House with amendments. The amendments were severally adopted, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 3363) granting a pension to Jennette Dow;

A bill (H. R. 2358) granting a pension to Mary Renfro;

A bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb;

A bill (H. R. 921) granting a pension to Clara R. Preuss;

A bill (H. R. 5715) granting a pension to Mary Sprague;

A bill (H. R. 6606) granting a pension to Sallie B. Bent; and

A bill (H. R. 1860) granting a pension to Frederick Robertson.

The bill (S. 1584) for the relief of Cornelia R. Schenck was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS S. HOPKINS.

The bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers, was reported from the Committee of the Whole House with the recommendation that it do pass.

Mr. TAULBEE. I wish to inquire of the gentleman having this bill in charge whether this is the case in which arrears of pensions are carried?

Mr. HAYNES. It is that bill.

Mr. TAULBEE. I ask to have it laid over till the other bills are disposed of.

The SPEAKER *pro tempore*. There are now only remaining this bill and the three Senate bills which were laid aside at the request of the gentleman from Indiana [Mr. JOHNSTON]. The Clerk will report the bill referred to by the gentleman from Kentucky [Mr. TAULBEE].

The bill was read.

The SPEAKER *pro tempore*. The question is, Shall this bill pass?

Mr. TAULBEE. Mr. Speaker, I shall have to object to the passage of this bill. Is it in order to have the bill read again at this time?

The SPEAKER *pro tempore*. It is.

The bill was again read.

Mr. TAULBEE. Now, Mr. Speaker, in my judgment there are two very grave reasons why this bill should not pass. The first is that under this bill the claimant has the benefit of the act increasing the rate of pension to certain persons on the pension-roll at the time of the passage of the act increasing pensions from \$50 to \$72 per month.

This case is singled out, for reasons which I have been unable to discover, from many other cases equally meritorious. Another feature of this bill is that it proposes to give the claimant arrears of pensions, although he failed to file his claim in time to avail himself of the benefit of the act granting arrears. I object to that. In the first place, Mr. Speaker, I am opposed wholly to the theory of arrears of pensions. I do not think it is tenable from any standpoint; I do not think it is good practice.

I have always taken the position that every person who was disabled in the service of the United States should receive a pension from the date of his application, and that the widow, the dependent father, or other relations of such a person recognized by the law should, in case of the death of the soldier in consequence of his service, be entitled to pension from and after the date of the filing of their applications. I believe that is the correct theory of pensions; I believe that is the proper ground on which we can afford to put these cases, and I shall certainly oppose the passage of this bill, because this claimant, who appears from the report to have been a practicing attorney in the city of Washington and doubtless had full knowledge of his rights, failed to file his claim in time for reasons best known to himself, and which, perhaps, the friends of this bill may be able to explain.

Mr. REED, of Maine. Mr. Speaker, I think I shall be able to demonstrate to the House that it is entirely consistent with the principles which the gentleman from Kentucky [Mr. TAULBEE] has announced that this bill should pass. The law relating to arrears of pensions contained a limitation, but from that limitation were excepted all cases of insanity, meaning, as I suppose, such mental disability as disqualified the man from making the necessary application. In other words, the same provision was made in that law that is made in all sensible statutes of limitation, exempting persons who were under such disability, either of coverture or nonage or mental disqualification, as would prevent them from doing the thing which their fellow-citizens not so circumstanced could do.

This man was not technically "insane" in the opinion of the Pension Office, yet he was suffering under a disability which rendered it impossible for him to make the application. Of that there is ample proof. It is true that he had been a practicing lawyer, but at the time in question he was prostrated by nervous exhaustion, which rendered him incapable of making the necessary application. The proof of that is contained in the report, and it comes from Drs. Johnston and Fry of this city. Dr. Fry I do not know. Dr. Johnston I do know. He is a physician of the highest standing and celebrity here in Washington, a man incapable of stating anything but the truth. He says that he was one of the regular medical attendants of Thomas S. Hopkins during his long illness; that his disease "has been the severest case of nervous exhaustion which has ever come under my observation;" that "from March, 1879, to November, 1880, he was absolutely disqualified, both mentally and physically, from attending to the business of applying for a pension, or any other business, by reason of the intensity of his symptoms, and that there were no intervals, however short, during that period when he could have safely undertaken the work;" and that "the effort he made in applying at so early a date as he did apply seriously retarded his recovery."

Now, what does this bill propose to do? It is very simple. It proposes to put this man in the same position as if he had been technically "insane." Is that right or wrong? Under the principle announced by the gentlemen from Kentucky [Mr. TAULBEE] he would not deprive this man, thus circumstanced, of the right which the laws of the country have given to other citizens similarly circumstanced.

Mr. TAULBEE. Will the gentleman allow me a question?

Mr. REED, of Maine. Certainly.

Mr. TAULBEE. At what rate of pension will this man go on the pension-roll in case we pass this bill?

Mr. REED, of Maine. He will receive the same rate of pension that he would have received had he made his application in time.

Mr. TAULBEE. In time for what?

Mr. REED, of Maine. In time to avoid the statute of limitation.

Mr. TAULBEE. As to the pension or as to the arrears?

Mr. REED, of Maine. As to the arrears. He is now on the pension-

roll. Every fact necessary to entitle him to a pension has been proved to the satisfaction of the Commissioner of Pensions. I have listened to this bill carefully, and in my judgment it can do nothing except put him in the same position that he would have been in had his mental condition been such as to permit him to make the application in time. He will receive the pension allowed by law—only that.

Mr. PERKINS. If this bill should pass, the testimony showing the condition of the beneficiary from the time he incurred the disability up to the time when he was put on the pension-roll will be considered by the Commissioner for the purpose of determining what pension he shall draw.

Mr. REED, of Maine. I do not pretend to be an expert in pension law, but cases have come under my observation where a man has been graded for a number of years at \$4 a month, for another series of years at \$8 a month, and for another term of years at even a higher rate. So that under the terms of this bill the man's pension will be graded by the actual disability which existed (and which will have to be shown at the Pension Office) from the time when the disability was incurred up to the time when he received the pension already granted him under the testimony on file in the Pension Office.

Mr. PRICE. Can the gentleman state how long that time was?

Mr. REED, of Maine. I can not.

Mr. TAULBEE. If I understand the reading of this bill, it attempts to accomplish two things—

Mr. REED, of Maine. Only one thing.

Mr. TAULBEE. One is to extend to this claimant the arrears which he would have received had he filed his application at the Pension Office prior to July 1, 1880.

Mr. REED, of Maine. Will the Clerk have the kindness to read the bill again? I desire that the gentleman from Kentucky shall see what its language is.

The Clerk again read the bill.

Mr. REED, of Maine. The gentleman will see that the bill is exactly as I stated. It merely puts this man on the pension-roll at the same rate he would have received had the application been made in time.

Mr. TAULBEE. My understanding of the pension law is that all persons who on the 16th of June, 1880, were on the pension-roll at the rate of \$50 per month were to receive thereafter \$72 per month. The date of June 16, 1880, has nothing whatever to do with the limitation for arrears of pension. That limitation cut off all claims for arrears of pension filed subsequently to June 30, 1880. This rerating of pensions extended up to June 16, 1880, the law providing that persons who were on the pension-roll prior to that time at the rate of \$50 a month for disabilities equivalent to those for which this claimant is now on the pension-roll at that rate should have their pensions increased to \$72 a month. Otherwise, why the propriety of providing in this bill that the claimant shall not only have the benefit of the arrears of pension, but shall be exempted as to rating from the limitation which ran out June 16, 1880?

Mr. REED, of Maine. Do I understand the gentleman from Kentucky to make the suggestion that under this bill this man would receive any more than if he had made application at the proper time?

Mr. TAULBEE. I do not claim that under this bill the claimant will have any more rights than he would have had if he had filed his claim in time to avail himself of the benefit of this increase of rate; but I do say that the clause in the bill to which I have referred can mean nothing else than to increase this rate of pension from \$50 to \$72 a month.

Mr. REED, of Maine. What can be the objection to putting this man in the same position in which he would have been had his mental condition been such that he could have made application in proper time? That is all the bill does.

Mr. TAULBEE. I do not claim that an argument such as the gentleman seems to have understood me to offer can be maintained on any grounds of fairness or right. Granting that this claimant, subsequently to the development of his disease to a pensionable degree, was not in a condition to make his application—grant that his disease was so sudden in its development as to deprive him of all power to make his application—in that state of facts the law, as has been stated by the gentleman from Maine, would have made provision for him. But he refrained from making his application during the progress of the development of the disease from which he claims to have suffered on the 30th of June, 1880, and immediately prior thereto.

But with reference to that point of rerating, I say that if this claimant, with his present disabilities, is entitled to that increase of rate, if this act should be retrospective in regard to him, I can see no reason why there should not be a general law extending these benefits to all persons now laboring under disabilities equivalent to those under which this claimant is laboring. I maintain that this bill, if passed—

Mr. MATSON. Will the gentleman allow me a moment? I think he is laboring under a misapprehension in reference to this case. The point and strength of the case, as I remember, consisted in the fact that this man was stricken with this disease before the enactment of the arrears law at all; that the disease continued to render him utterly helpless until after the expiration of the limitation, which was on the 1st of July, 1880; that he having been stricken with the disease in

1878, there was no moment of time from the enactment of the arrears-act in January and March, 1879 (for there were two acts), until after the expiration of the limitation, or, indeed, until the present time, when he has been able to make application.

Mr. REED, of Maine. That is what the report states.

Mr. MATSON. This claim was regarded as being *sui generis*, there is no other like it, so far as we have ever heard, and hence we consider it one which can not constitute a precedent.

Mr. TAULBEE. If my colleague on the committee [Mr. MATSON] desired to ask me a question I have failed to catch its purport.

Mr. MATSON. I desired to ask the gentleman whether he understood the fact I have stated.

Mr. TAULBEE. I did not; but in order that I may understand the exact state of the case let me ask the gentleman whether or not the disease with which this claimant is now affected developed gradually or whether the attack was so sudden and severe as to render him incapable of making application from the time the disease appeared?

Mr. MATSON. The history of the disease, as I understand it, and of this sudden attack, is substantiated by some of the most eminent physicians of this city and country. I was talking to the gentleman from Pennsylvania [Mr. RANDALL] a while ago, and he told me that Dr. Weir Mitchell, of Philadelphia, one of the most eminent physicians in the country, attended this man, and that the history of the disease is thoroughly shown. There is no doubt he had this disease, and all the physicians agree, including an eminent physician of this city, Dr. W. W. Johnston, that this attack of paralysis, or whatever they may choose to call it, was incurred in the service. This insidious disease caused the sudden attack to which the report refers.

Mr. REED, of Maine. Nervous prostration.

Mr. MATSON. There is no doubt about the disease, whatever it may be called, causing this sudden attack. I yielded a reluctant consent and only after I had thoroughly examined the case. I think we ought not to make any precedent to open the question of arrears in any way by special legislation, but I regarded this case, as I said before, as a case exceptional in its character.

Mr. TAULBEE. If I understand the statement of the gentleman correctly, this bill is not intended to give this man any rating other than that he would have been entitled to if he had made his application in time for arrears. With that view of the case, Mr. Speaker, I will move to strike out all that part of the bill which relates to "June 16, 1880," and insert in lieu of it the words "June 30, 1880."

The SPEAKER *pro tempore*. The motion to strike out is not in order, but will be entertained, if there be no objection.

Mr. REED, of Maine. Wait a moment. Of course I am not familiar with the details of the bill, and I do not know why June 16 was put in. We may be making a mistake about this thing.

Mr. TAULBEE. If the words "June 16" be stricken out and the words "June 30" inserted it will give this claimant the benefit of arrears just as the law in reference to total disability provided it.

Mr. REED, of Maine. Why shall he not have the rerating if he were in the position he would have been under the old law?

Mr. TAULBEE. I am opposed to the present provisions of the bill.

Mr. REED, of Maine. Let me read to the gentleman from Kentucky the language of this report made by the committee. It says that—

Thomas S. Hopkins, late a private in Company C, Sixteenth Regiment Maine Volunteers, seeks relief from the limitations of the arrears of pensions act of March 3, 1879, on the ground that from a time some months prior to the passage of said act down to a period subsequent to the 30th of June, 1880, he was prevented, by reason of the extreme severity of his illness and by mental and physical disabilities, from making an application for arrears in accordance with the provisions of said act.

If he were in that condition why should he not have the benefits of the act of March 3, 1879?

Mr. WEAVER, of Iowa. And when he was unable to make application to be rerated?

Mr. REED, of Maine. Why should he not have that benefit?

Mr. McMILLIN. The condition of the proposition is just this: If you pass this act in its present form you give him a rate of pension you do not give to others with similar disability merely by the action of this committee.

Mr. REED, of Maine. I do not understand that.

Mr. TAULBEE. But that is true.

Mr. McMILLIN. Yes; that is true.

Mr. TAULBEE. The chairman of the committee will corroborate it.

Mr. MATSON. A man who is placed upon the pension-roll now because of total helplessness and in a condition to require the attention of another person gets \$50 a month. Those in that condition on the 30th of June, 1880, within the rule, are allowed \$72 a month.

Mr. McMILLIN. That is the point I was making.

Mr. TAULBEE. By the terms of this bill he will be given a rate as if his claim had been filed and allowed on June 16, 1880; or, in other words, he will get the rate of \$72 a month.

Mr. McMILLIN. Whereas if he were placed on the roll at the time, however meritorious the case might have been, he would be allowed only \$50 a month.

Mr. WEAVER, of Iowa. If he had been mentally sound at the time he would have received the higher rating.

Mr. TAULBEE. His application is the question.

Mr. McMILLIN. It is not a question of the degree of disability.

Mr. MATSON. If the claim were filed and the disability existed on the 16th of June that is the rate to which he would have been entitled under the law.

Mr. REED, of Maine. I want to say, Mr. Speaker, that this particular point of law is as new to me as it is to anybody else in this House, or else I certainly should have stated it, since I always try to state the law of my case as well as I can. But under the peculiar circumstances of this case I shall, I think, still urge the House to allow the bill to stand.

Mr. TAULBEE. Mr. Chairman, my first understanding of the position taken by the gentleman from Maine was that he did not insist on giving this claimant the benefit of the increased rate of pension, and that it was not the purpose of the bill to increase the rate from \$50 to \$72 a month. Since then I understand that the gentleman proposes to insist that it shall be passed in its present condition, which, perhaps, would give him a rating of \$72, instead of \$50, as he now has.

Mr. BAYNE. May I ask the gentleman from Kentucky a question?

Mr. TAULBEE. Yes, sir.

Mr. BAYNE. Suppose this man had had the sense to file his application, or somebody had filed it for him, within the time fixed by the law, would he not, with the disability from which he was suffering, have received \$50 a month?

Mr. TAULBEE. If this claim had been adjudicated prior to the 16th day of June, 1880, with the present disabilities of the claimant, if they entitle him now to \$50 a month it would have given him \$72 a month. The existing law would give such disability as I understand him to be laboring under that rating a month.

Mr. BAYNE. But would he not have got \$50 a month if the case had been filed for him and adjudicated upon the evidence before the committee as to his disabilities?

Mr. TAULBEE. As to that I am not able to say, because it is generally understood that the Committee on Invalid Pensions, and even the House itself, takes more latitude with reference to existing law, giving pensions and the adjudication of claims, than the Pension Office can take, which is held to a strict enforcement of the law. We may go outside of the legal question in the consideration of the case and take an equitable view of it, while the letter of the law does not confer such authority on the office.

Mr. BAYNE. But if this man with his present disabilities had been granted his pension prior to the 16th day of June, 1880, then he would have been entitled to the increase which was subsequently made by the change in the law to \$72 a month?

Mr. TAULBEE. But the evidence before the Committee on Invalid Pensions, and the persistence of the attorney he had prior to June 16, 1880—the persistence manifested by them in reference to his case—certainly would raise the suspicion that this claim would have been filed within the time had it been considered meritorious or sufficiently so to warrant its filing. If the physical and mental condition of the claimant had been such as to enable him even to have given his consent, or make his mark to his declaration for pension, it undoubtedly would have been filed within the time.

Mr. MATSON. The trouble is that he could not do even that.

Mr. TAULBEE. Do I understand the chairman of the Committee on Invalid Pensions to say that from the time of the development of this disease to a pensionable degree he was never thereafter able to sign his declaration for a pension? Do I understand that to be the fact?

Mr. MATSON. I do not say that.

Mr. TAULBEE. For on any other state of the case I shall certainly oppose it.

Mr. MATSON. I can not say that exactly. The disease had been developed prior to the passage of the arrears law and continued until after the expiration of the law. But whether there was absolutely total disability prior to June 16, 1880, or not is another question. There is no doubt of the existence of the disease at the time specified. The man was so helpless that he could not look at an object for a moment without excruciating pain. He was an absolute physical wreck.

Mr. RANDALL. If I understand this case aright this soldier was under disabilities on the 16th day of June of the year mentioned and for some time prior such as would give him \$72 a month. Now by reason of mental disabilities he was not able to make his application, and in consequence, if the law does not now relieve him, he would be entitled to but \$50 per month. What we are asked to do here is to take advantage of a technicality and deprive that soldier of what he would have been entitled to if he had been in the same condition on the said 16th day of June. I do not think the House or the gentleman from Kentucky would wish to do that.

Mr. McMILLIN. Let me make a suggestion to the gentleman from Pennsylvania.

Mr. RANDALL. Certainly.

Mr. McMILLIN. The state of facts would exist that he designates if the application had not only been filed but acted upon; whereas if it had been filed and not acted upon in the Department he would not get \$50.

Mr. REED, of Maine. But this, gentlemen, allow me to state, was a lawyer of standing, a lawyer of good reputation and influence in his profession, and was present here in Washington—

Mr. RANDALL. Besides that, we ought not to take the pension of a soldier away because of any neglect on the part of his lawyer.

Mr. REED, of Maine. I speak of the man himself as being a lawyer. He was present here and knew the law—

Mr. RANDALL. At any rate I do not think that he was a very good lawyer at this time.

Mr. REED, of Maine. But prior to the incurrence of this disability, which happened before the arrears act was passed, it is presumable that he would have taken advantage of the act if his mental condition was such as to enable him to do so. Is it unfair then in undertaking to do justice to him to presume that the claim would have been prosecuted to a successful conclusion by a man who knew the law if his mental capacity had not been impaired? The presumption must be that it would.

Mr. McMILLIN. He could not have known the limits of the law, because the \$72 rate was given by a law that was in a sense retroactive, that is, it was a law passed after a certain number were on the pension-rolls, and it did not apply to any except those on the rolls. It did not apply to applicants at all.

Mr. BRECKINRIDGE, of Arkansas. By the courtesy of the gentleman from Kentucky [Mr. TAULBEE], I would like to ask the gentleman from Tennessee if it is not a fact that there were many meritorious cases awaiting action that were carried over?

Mr. McMILLIN. That is true.

Mr. BRECKINRIDGE, of Arkansas. Exactly the same weight attaches to those cases that attaches to this case.

Mr. RANDALL. Whenever they come up we can act upon them.

Mr. BRECKINRIDGE, of Arkansas. What we are called upon to do is to guarantee the efficiency of the Pension Bureau against the effects of a limitation law. We are to guarantee they shall pass upon every case coming within the law. Now Congress fixed a limit. I do not know why it fixed a limit. It had its own reasons at that time. And I would like to see that matter very clearly opened up before I go beyond that limit.

I think it would be unfair to this applicant to deprive him of anything he would have been, beyond all question, entitled to if he had made his application prior to June 16, 1880. But there was no guarantee that he any more than any of the others that had applied prior to that date and did not get \$72 a month—there is no guarantee that had he been of sound mind he would have got the \$72 a month. We have heard no argument in favor of the proposition that we should take up that entire line of applicants who had their cases in the Pension Bureau and failed to receive the benefit of early and prompt action on the part of the bureau.

Mr. REED, of Maine, addressed the Chair.

Mr. TAULBEE. I believe I have the floor.

Mr. REED, of Maine. I think not. I think the Speaker was mistaken in saying so. I had the floor and yielded to the gentleman from Kentucky.

Mr. TAULBEE. I desire to make a statement when the gentleman from Maine gets through.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Maine.

Mr. MATSON addressed the Chair.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Indiana rise?

Mr. MATSON. I was going to demand the regular order; or I was going to suggest to these gentlemen, as I am satisfied no agreement can be arrived at by this discussion, that this bill go over with the previous question ordered on it until next Friday.

Mr. REED, of Maine. I think we can settle it to-night.

Mr. MATSON. I am afraid not.

Mr. REED, of Maine. I want to say just a word and will then ask the House to vote. I do not think there is any disposition to embarrass the matter or to prevent having a fair vote. I want to treat the question fairly.

The argument on the other side is this, and I address myself to it just as I find it. As I said to the House before, this peculiarity of the pension law was unknown to me when we commenced the discussion, and consequently I have answered incorrectly at least one of the questions of the gentleman from Kentucky; but of course I answered it as I understood it.

The objection made to this is the following: It is said that this bill gives to this man the same right that he would have had had his case been adjudicated in his favor on June 16, 1880, but that it does not follow that if he had made an application and been sane—it does not follow that he would have had his pension case completed by June 16. That is true. But here is a case peculiar in its character. It is a case unlike any other one that has occurred, and I think it is fair to say unlike anything that is likely to occur.

Here is a man, a lawyer by profession, who knew his rights or would have known his rights had he been in proper condition, who would have presented his claim under the arrears act, and who would undoubtedly,

as every member of the committee knows, by his persistence, by the care with which he has attended to this case since he has got partially into a condition to attend to it, although very much disabled, who would doubtless have prosecuted his case with care and alacrity, being here in Washington; and the probabilities are enormous that he would have been on the pension-rolls within thirteen months after the time the application was made. Now this House is asked to put this man in the condition in which he would have been had he been a sound man when the arrears-of-pension act passed.

Those are all the facts in the case. There are no arguments that can ever be made on any such case beyond the fair statement of the facts. Now is it not a fair thing to put this man on the pension-roll as he was on June 16? To me it does seem to be the fair thing.

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

Mr. REED, of Maine. Certainly.

Mr. McMILLIN. Will the gentleman permit me to inquire how long this man was a practicing attorney after he was discharged from the Army before he was stricken with this disability?

Mr. REED, of Maine. Up to 1878.

Mr. McMILLIN. Thirteen years.

Mr. REED, of Maine. Yes. It is as I have said and as has been said by the chairman of the Committee on Pensions a very remarkable case of an injury going along for years and finally culminating after this long lapse of time in this very disastrous result.

In the mean time I suppose that neither Mr. Hopkins nor his people had any suspicion that any such thing was coming upon him. It is a peculiar case of the effect of a wound upon the nervous system, but there have been a good many such cases. I have personal knowledge of a case, a young man, a school-mate of mine, who for years filled certain public offices, yet to-day, if I can judge from his letters, he is in very much the same condition as this man, the effect in his case resulting from the severing of the sciatic nerve by a ball.

These things do happen, and we may as well recognize them and deal with such cases fairly and squarely. Here is a man who was capable of earning \$5,000 a year, and actually earning it; yet thirteen years after receiving this injury he is stricken by a disability which renders his talents, his mind, his body entirely useless, so that he requires the constant care of an attendant; and the question before the House now is upon treating his case fairly. It seems to me that we ought not to hesitate in such a case to be even a little generous. The presumptions ought to be in his favor; they certainly ought not to be against him. After all, that is just what the case is, a question of presumptions, which Congress has a right to pass upon. It seems to me from all the facts of the case that the presumptions are in favor of the applicant, and I ask the House to pass this bill.

Mr. JOHNSTON, of Indiana. Mr. Speaker—

Mr. REED, of Maine. I have the floor, I believe. I was about to ask for the previous question.

Mr. TAULBEE. I trust the gentleman from Maine will not call for the previous question. I wish to make some further observations with reference to this bill, and after so much has been said with regard to the position I have taken, I think it is due to me that I should be permitted to say an additional word.

Mr. REED, of Maine. You shall have an opportunity. I am only desirous of consulting the wishes of the House.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I just want to get at the law of this matter. I understand that if the application was filed before the 16th of June but not acted on until the 30th, the man would draw a pension of \$50 a month; but that if it was acted on prior to the 16th of June he would draw a pension of \$72 a month.

Mr. BAYNE. That is right.

Mr. REED, of Maine. That is the law as it has been developed here.

Mr. JOHNSTON, of Indiana. Now, you propose to grant this man his pension at the rate of \$72 a month because he was not in a condition to make his application in time. I merely want to suggest this proposition: If he ought to have this pension because he was not in condition to file his application in time, would it not be proper for us to go back and raise the pensions of men who did file their applications but never had them acted upon? Would not that be an act of justice to those men?

Mr. REED, of Maine. There might be some cases where that ought to be done, and there might be cases where it ought not to be done. Each case would depend on its own merits. I yield now to the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. Mr. Speaker, before I proceed to answer what has been said by the gentleman from Maine [Mr. REED], I wish to place myself right before the gentleman from Pennsylvania [Mr. RANDALL]. He seems to have understood me to take the position that this applicant would not be entitled to the benefit of the arrears of pension act by reason of insanity. Now, I have made no such statement as that; I have taken no such position; nor have I said anything that could be reasonably construed as meaning that. The truth is that the law itself which provided for the payment of arrears of pension also provided that in any case where mental disability existed, such as to render the claim-

ant incapable of making his application and filing it in the Pension Office prior to June 30, 1880, he should not, in consequence of his mental disability, be deprived of the benefit of that law.

Mr. MATSON. The gentleman states that matter a little inaccurately. The language of the statute is "insane persons." It does not apply to mental incapacity.

Mr. TAULBEE. I accept the gentleman's correction. But the word "insane" is the word used by the gentleman from Pennsylvania.

Mr. Speaker, the purpose of that law—and such, I understand, is the construction placed upon it by the Department—was that where any mental disability existed rendering the party incapable of filing his application, the benefit of arrears should extend to him. This is not a case of that kind. If it were, there would be no necessity of this special bill, because the law as it now stands upon the statute-book would extend the benefit of arrears to this claimant, even though his application had not been filed until to-day. I am contending for no such principle. I am not, upon any such argument, asking that this bill shall not pass. I do not stand upon that ground, and need not stand upon it.

In reference to the rerating proposed in this bill, each member of the Committee on Invalid Pensions who is now present will bear witness—and I know I do not betray any confidence of the committee by this statement—that when the attorney for this claimant appeared before the committee I put to him the question whether or not this bill was intended to rerate this pension, and his statement was that it was not so intended. The bill passed the committee with the understanding in my mind that it was not to increase the rate of this pension from \$50 to \$72 per month. I do not attribute any bad faith to this claimant. I know nothing about him except as I have learned his history in the progress of this case.

Mr. MATSON. My friend from Kentucky will permit me to say that the gentlemen who appeared before the committee in this case were not the "attorneys" of this man.

Mr. TAULBEE. I understand that; I withdraw the remark.

Mr. MATSON. They were ex-confederate soldiers, both of them.

Mr. TAULBEE. They were attorneys and citizens of Washington, friends of this pension bill, and they appeared before our committee to advocate its passage. But that matter does not affect the state of the case.

In the first place, I take the ground that there is nothing in the record of this case—and I accord to the testimony the very highest credit—that should lead a fair mind to conclude that this claimant could not have made his application after the development of his disability to a pensionable degree in time to avail himself of the benefit not only of the arrears but of the increase of rate from \$50 to \$72 per month. And I can see no good reason why this case should be placed on a different footing from many hundreds of cases where claimants were not acquainted with the law—lived in rural parts of the country, away from county towns, did not know their rights—and by reason of this ignorance were deprived of the benefit of the law. Upon this ground I say the bill ought not to pass; and in any event the amendment which I have presented ought to be adopted.

Mr. RANDALL. Mr. Speaker, I do not know whether in my brief statement of what I believed to be the point at issue in this case I misstated the argument of the gentleman from Kentucky or not. I now understand him to say he did not argue in that direction; yet his amendment would have the effect of reducing the amount intended to be given this pensioner from \$72 to \$50 per month.

I care not whether the terms of the law refer to "insane persons" or "persons mentally disabled." The result is the same. I desire by the enactment of this bill to so modify the existing law that this claimant shall not suffer by reason of any failure to make application between the 16th and the 30th of June of the year stated. The effect of the amendment of the gentleman from Kentucky would be to make him suffer; and that I desire to avoid. I had no intention of misstating in the least degree the position of the gentleman from Kentucky. I do not care whether his argument was in that direction or whether he rests upon the language of the existing law.

Mr. BRECKINRIDGE, of Arkansas. Can the gentleman from Pennsylvania state how many cases were on file in the Pension Bureau prior to June 16 which were not acted upon?

Mr. RANDALL. Of course I can not state the number with any accuracy. I might guess at it. But I want every case of this character to stand upon its own merits.

Mr. BRECKINRIDGE, of Arkansas. Exactly.

Mr. RANDALL. As each case comes up let us decide it.

Mr. BRECKINRIDGE, of Arkansas. What are the merits of this case? In this instance we propose to give effect to the assumption that the application, if made in season, would have been favorably acted upon. I believe in putting this applicant exactly where he could have put himself if he had been of sound mind.

Mr. RANDALL. We propose still to leave to the Commissioner the discretion to determine the extent of the disability.

Mr. BRECKINRIDGE, of Arkansas. That is another question. Now, we assume that a man of intelligence here upon the ground would have been able to obtain favorable action at the Pension Bureau. If we as-

sume this for the most favorably situated and the most efficient we should have very poor ground, as a matter of justice, for not assuming it in behalf of those not so able and who were more remote from the point of action than this applicant was. Now, to what extent this opens up legislation we are not told. The gentleman from Tennessee, who is quite conversant with this business, states that he thinks a large number of cases which were on file were not acted on. In that view I think it would be dangerous to give effect to an assumption that this case would have been acted on.

Mr. BAYNE. There could not have been many of those cases.

Mr. REED, of Maine. I call the previous question.

Mr. TAULBEE. I desire to inquire whether my amendment will be voted upon.

Mr. REED, of Maine. I so understand; I have admitted it.

The SPEAKER *pro tempore*. If the previous question be ordered, the first question will be upon the amendment of the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. I wish the amendment to be understood before it is voted on. My motion proposes to strike out that part of the bill relating to reraing, and the date, June 16, 1880. If the Clerk will read the bill I will indicate the amendment.

The Clerk again read the bill.

Mr. TAULBEE. I move to strike out that part of the bill which relates to June 16, 1880, and in lieu thereof to insert "June 30, 1880." The previous question was ordered.

The House divided; and there were—ayes 8, noes 25.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. TAULBEE. I demand a division.

The House divided; and there were ayes 26.

Mr. TAULBEE. No further count is asked for.

So the bill was passed.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET D. MARCHAND.

The next business reported from the Committee of the Whole House was the bill (S. 226) granting a pension to Margaret D. Marchand.

Mr. JOHNSTON, of Indiana. I understand every one of these bills has been passed, with three exceptions.

The SPEAKER *pro tempore*. Only three more bills remain to be acted on.

Mr. JOHNSTON, of Indiana. I merely wish to say this, Mr. Speaker: I made objection here because I believe the principle involved is wrong. I am not going to make a speech, but I believe it to be injustice to the persons who are now needing pensions and not able to get them. I believe it to be an injustice to thousands in this country asking to be pensioned and who can not get pensions, because we are told it is piling up the aggregate of pensions. When these men knock at our door and ask for pensions that aggregate is flung in their faces. That aggregate is brought up, and it is said we have such an aggregate of pensions, amounting to millions of dollars, we can not afford to grant any more. I have been asked to withdraw my objections, and as I do not wish to stand in the way as an obstruction, I am willing to do so. I wish to say, however, this much before doing so, that every man who votes for this class of pensions is doing injustice to the poor men and women who are unable to get their pensions. I withdraw my objection at the request of gentlemen here.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BILLS PASSED.

Bills of the following titles, reported favorably from the Committee of the Whole House on the Private Calendar, were severally taken up and ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa; and

A bill (S. 2223) granting a pension to Elizabeth S. De Krafft.

Mr. MATSON moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHEELER. Gentlemen kindly consented to allow me to submit some remarks this evening, but as the hour is late I am unwilling to detain gentlemen, and therefore ask the same permission be extended to me for next Friday evening.

Mr. MORRILL. After the regular pension business has been disposed of.

Mr. TAULBEE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BENNETT: Petition of colored citizens of Mecklenburgh County, North Carolina, in reference to migration to Africa—to the Committee on Appropriations.

By Mr. BUNNELL: Petition of citizens of Franklin, Bradford County, Pennsylvania, praying for a law to prevent adulteration and counterfeiting of food products, especially butter—to the Committee on Agriculture.

By Mr. J. M. CAMPBELL: Petition of Grange No. 619, of Pennsylvania, asking such legislation as will suppress the manufacture and sale of all imitation dairy products—to the same committee.

By Mr. CANDLER: Petition of Susan Davis, of Lumpkin County; and of Jane A. Head, daughter of Elizabeth Baugh, deceased, of Gwinnett County, Georgia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of Elizabeth Baugh, of Gwinnett County, and of Susan Davis, of Lumpkin County, Georgia—to the same committee.

By Mr. CUTCHEON: Petition of physicians of Saulte Ste. Marie, Mich., asking increased compensation for hospital stewards, United States Army—to the Committee on Military Affairs.

Also, petition of hospital stewards, United States Army, for same—to the same committee.

Also, petition of James J. Ayers, and others, citizens of Austin, Mich., asking for pension legislation recommended by Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. DIBBLE: Papers relating to the claim of Rudolph Labriger—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of the Board of Trade and Transportation of New York, urging the issuance of one and two dollar notes—to the Committee on Banking and Currency.

Also, memorial of the Produce Exchange of Denver, Colo., against taxing oleomargarine—to the Committee on Agriculture.

By Mr. GROUT: Petition of John E. Carr and 18 others, citizens of New Hampshire, and of Newton Bell and 12 others, citizens of Saint Albans, Vt., for a tax on oleomargarine—to the same committee.

By Mr. T. D. JOHNSTON: Petition of colored citizens of Buncombe County, North Carolina, asking to be sent to Liberia—to the Committee on Appropriations.

By Mr. LORE: Petition of E. Y. Richardson and 40 others, citizens of Laurel, Del., for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. LYMAN: Papers and proofs to accompany House bill 9004, for the relief of Caroline P. Bolton—to the Committee on Invalid Pensions.

By Mr. MATSON: Petition of Thomas A. Prewitt and 40 others, citizens of Hendricks County, Indiana, asking that a special act be passed granting a pension to Anna Grave—to the same committee.

By Mr. McMILLIN: Papers relating to the claim of Greenberry Williams, of Sumner County, Tennessee—to the Committee on War Claims.

By Mr. O'FERRALL: Papers relating to the claims of Morgan Layton, of Emanuel M. Hoover, of Curtis Yates, of Joseph Click, of Solomon Beery, of Samuel H. Wampler, and of William K. Abbott, of Rockingham County; of Sarah Ambrose, of Samuel Fetzer, of Harrison Fauber, of Samuel Roller, and of John T. Hottel, of Shenandoah County; of Harriet Walter, of Thomas W. Russell, and of John Sams, of Virginia—to the same committee.

By Mr. CHARLES O'NEILL: Petition of the Board of Trade of Philadelphia favoring the enlargement of the powers of the National Board of Health—to the Committee on Appropriations.

By Mr. PERRY: Petition of James L. Roane, of Richland County, South Carolina, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of James L. Roane, of Richland County, South Carolina—to the same committee.

By Mr. SENEY: Protest of Pittsburgh Grain and Flour Exchange, of Denver Produce Exchange, and of Atchison Board of Trade, against taxing oleomargarine—to the Committee on Agriculture.

Also papers of John H. Beall, for taxing oleomargarine—to the same committee.

Also, paper of J. Twing Brooks, favoring the amendment of section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. STAHLNECKER: Petition of the New England Shoe and Leather Association for the issuance of one and two dollar bills—to the Committee on Banking and Currency.

By Mr. STRAIT: Resolutions of the Chamber of Commerce of Saint Paul, Minn., protesting against the building of low bridges across the Mississippi River below the mouth of the Missouri River—to the Committee on Commerce.

By Mr. WAKEFIELD: Petition of 105 citizens of Martin County, of 17 citizens of Watonwan County, and of 88 citizens of Blue Earth County, Minnesota, asking for action of Congress to determine the true condition of certain lands in that State alleged to have been im-

properly certified by the Interior Department to the Saint Paul and Sioux City and the Southern Minnesota Railroad Companies—to the Committee on the Public Lands.

Also, resolution of the Saint Paul Chamber of Commerce condemning low bridges across the Mississippi River below the mouth of the Missouri River—to the Committee on Commerce.

By Mr. WILLIS: Petition of citizens of Alabama for the passage of the educational bill—to the Committee on Education.

The following petition, 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, was presented, and referred to the Committee on Agriculture:

By Mr. BARBOUR: Petition of certain citizens of Alexandria and Fairfax Counties, Virginia.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 29, 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.

CONSULAR REPORTS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State, accompanying the report of consuls of the United States, on the trade and commerce of foreign countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 28, 1886.

The SPEAKER. Unless ordered by the House the Chair will not direct the reports themselves to be printed at present.

STATUE OF LIBERTY ENLIGHTENING THE WORLD.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with inclosures, an estimate from the Secretary of State of the expense of inaugurating the statue of "Liberty Enlightening the World," which was referred to the Committee on Foreign Affairs, and ordered to be printed.

JOSEPH D. RIDDLE.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Attorney-General inclosing the account of Joseph D. Riddle, with accompanying papers, for legal services for defending persons under appointment by the United States circuit judge of the district of California; which was referred to the Committee on Claims.

LAWS OF DAKOTA TERRITORY.

The SPEAKER also laid before the House the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws; returned from the Senate with amendments.

Mr. SPRINGER. In the absence of the chairman of the Committee on the Territories, I move that the House non-concur in the Senate amendments and agree to the request for a committee of conference.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will appoint the managers on the part of the House during the day.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BROWN, of Pennsylvania, indefinitely, on account of important business.

To Mr. MATSON, for five days, on account of important business.

To Mr. MORRILL, for one week, on account of important business.

To Mr. JAMES, for three days.

INTERSTATE COMMERCE.

Mr. REAGAN. Mr. Speaker, I ask unanimous consent that Senate bill No. 1532, to regulate interstate commerce, now on the Calendar of the Committee of the Whole House on the state of the Union, having been reported back from the Committee on Commerce, be considered also under the special order when the House bill to regulate interstate commerce shall be called up.

Mr. SPRINGER. The request of the gentleman is that the Senate bill be also included in that order?

Mr. REAGAN. Yes, sir.

Mr. DUNHAM. What is that bill?

The SPEAKER. It is the bill (S. 1532) to regulate commerce.

Mr. DUNHAM. But it is not upon the same Calendar.

The SPEAKER. No; because the Senate bill proposes a commission, and is on the Calendar of the Committee of the Whole on the state of the Union; but the fact that they are on different Calendars makes no difference.

Mr. DUNHAM. We have not both of those bills here, as I understand it.

The SPEAKER. They are here.

Mr. DUNHAM. I shall have to object for the present at least.

Some time subsequently,

Mr. REAGAN. Mr. Speaker, the gentleman from Illinois supposed the Senate bill was not on the Calendar. I have explained to him the situation, and that the object was to consider it with the House bill, to which I understand he is willing to withdraw his objection.

Mr. DUNHAM. I shall withdraw the objection.

The SPEAKER. Without further objection the order requested by the gentleman from Texas will be made.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HATCH. I demand the regular order.

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

MAILING OF OBSCENE MATTER.

Mr. MERRIMAN, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. 7544) to amend section 3893 of the Revised Statutes of the United States relative to the transmission of obscene matter through the mails; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (S. 290) for the relief of Davidson Dickson and others; and the same was referred to the Committee on War Claims.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue.

Mr. WELLBORN. Mr. Speaker, to-day was set apart for the consideration of bills reported from the Committee on Indian Affairs, but of course it is impossible to get to-day for that purpose. I ask unanimous consent therefore that so much of the order setting apart to-day for the consideration of such business be continued over and apply to June 15.

Mr. GIBSON, of West Virginia. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GIBSON, of West Virginia. If objection is made to continuing that order until the date fixed, is not the Committee on Indian Affairs entitled to a date hereafter anyhow?

The SPEAKER. The Chair thinks not. This day was specifically set apart, and no other day, for the business reported from that committee.

Mr. BLOUNT. I would like to know what business is to be called up and what restrictions are made as to other orders?

Mr. HOLMAN. The reservation of other business should certainly be made before the order is made.

Mr. WELLBORN. Of course the same order will prevail which excepts appropriation and revenue bills, reports from the Committee on Public Lands, and prior orders.

The SPEAKER. Without objection the order requested by the gentleman from Texas will be made.

There was no objection.

The motion of Mr. HATCH was then agreed to.

OLEOMARGARINE.

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. The committee when it rose yesterday had reached the eighth section. The Clerk will report the pending amendment, offered by the gentleman from Illinois [Mr. TOWNSHEND].

The Clerk read as follows:

In line 3, strike out the word "ten" and insert the word "two;" so that it will read:

"That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 2 cents per pound."

Mr. HATCH. I move to strike out the last word for the purpose of making a statement in reply to the statement made by the gentleman from Pennsylvania [Mr. CURTIN], who I regret is not in his seat, and one or two telegrams, that have been read from the Clerk's desk, from certain Knights of Labor in Chicago and Milwaukee. I ask that the telegram which I send to the desk may be read.

The Clerk read as follows:

CLEVELAND, OHIO, May 28, 1886.

Acting under instructions from the General Assembly of the Knights of Labor,