

By Mr. O'FERRALL; Resolutions of a meeting of citizens, farmers of Dinwiddie County, Virginia, in favor of the passage without amendment of the bill to tax imitation butter—to the Committee on Agriculture.

By Mr. J. J. O'NEILL: Numerous petitions of the employes of the navy-yards at Brooklyn, N. Y., Washington, D. C., Philadelphia, Pa., Norfolk, Va., and Portsmouth, N. H., asking for the passage of Senate bill No. 2268, relating to leave of absence of employes—to the Committee on Labor.

By Mr. PETTIBONE: Petition of William F. Austin and of A. J. Woods, of Hamblen County; and of Logan Hodge and Marion McDaniel, heirs of L. M. McDaniel, of Jefferson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STEELE: Petition of C. B. Saunders and 60 others, of Grand Army of the Republic, of Pennville; of B. F. Albert and 60 others; of Michael Cook and 100 others; and of Hezekiah Miller and 80 others, of Indiana, asking for the passage of the Mexican war pension bill with Senate amendments—to the Committee on Invalid Pensions.

Also, petition of John W. De Puy, of Post No. 6, Grand Army of the Republic, Wabash, Ind., asking an increase of pensions in certain cases; also consideration of Mexican war pension bill with Senate amendments—to the same committee.

By Mr. TAULBEE: Petition of Elijah Patrick, of Magoffin County, Kentucky—to the Committee on War Claims.

By Mr. J. M. TAYLOR: Petition of Benjamin F. Shelby, executor of Levi Shelby, deceased, asking that the same be referred to the Court of Claims—to the same committee.

By Mr. ZACH. TAYLOR: Petition of William H. Foster, administrator, of Lauderdale County, and of W. W. Wilkerson, of Haywood County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

Also, resolutions of the Cotton Exchange, of Memphis, Tenn., asking for an amendment to section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. TUCKER: Petition of Sarah W. Brown, of Alleghany County, Virginia, praying her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Jonathan O. Cooper, administrator of John Cooper; of Lewis F. Martin, executor of Francis C. Martin; and of Bettie F. Perkins, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. A. C. WHITE: Petition of citizens of Utica, N. Y.; of Craigs-ville and New Brighton, Pa., for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. MILO WHITE: Petition of citizens of Le Roy, Minn., for the oleomargarine law—to the Committee on Agriculture.

Also, resolutions of the Saint Paul Chamber of Commerce, against low bridges on the Mississippi River below the mouth of the Missouri—to the Committee on Commerce.

SENATE.

WEDNESDAY, June 2, 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. CAMERON presented a petition of 317 citizens of the thirteenth Congressional district of Pennsylvania, praying for the enactment of such pension legislation as is recommended by the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented a petition of residents of Kittanning, Pa., and a petition of residents of Brookville, Pa., praying that an appropriation be made for the erection of a dam at Herr's Island, Allegheny River, Pennsylvania; which were referred to the Committee on Commerce.

Mr. ALDRICH presented a petition of 59 citizens of the ninth ward of the city of Providence, R. I., praying for the adoption of a joint resolution submitting to the Legislatures of the several States an amendment to the Constitution of the United States inserting the word "nativity" in the fifteenth amendment; which was referred to the Committee on the Judiciary.

He also presented two petitions of citizens of Rhode Island, praying for legislation prohibiting the manufacture and sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DAWES. I present the memorial of Charles S. Welsh, second chief, and quite a number of other Indians of the Miami tribe, remonstrating against the passage of the bill making allotments of land on their reservation. I move the reference of the memorial to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DAWES presented a memorial of certain Cherokee freedmen, re-

monstrating against the Morgan amendment to Senate bill 1800 to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883; which was referred to the Committee on Indian Affairs.

He also presented the petition of Daniel Ballard and other citizens of New Salem, Mass., praying for legislation to protect the dairy interests against imitations of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I also present the petition of Isaac Rich & Co. and a large number of other merchants of the city of Boston engaged in the fishing industry, praying for the passage of a bill providing for a short season catch of mackerel. I move the reference of the petition to the Committee on Fisheries.

The motion was agreed to.

Mr. CULLOM presented a resolution adopted by the Wool Merchants' Association of Chicago, Ill., remonstrating against the passage of a tariff bill proposing to place foreign wool on the free-list; which was referred to the Committee on Finance.

Mr. BLAIR. I present a petition of the New Hampshire Annual Conference of the Methodist Episcopal Church, praying for the enactment of just legislation to indemnify the Chinese for injuries done them in certain Western States and Territories. I move that the petition lie on the table, as the bill on that subject is now pending.

The motion was agreed to.

Mr. BLAIR. I also present a petition of the same body of clergymen, praying for relief against outrages and wrongs done the Indians. I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MAHONE presented a memorial of Pomona Grange, of Frederick County, Virginia, remonstrating against the admission free of duty of agricultural raw materials; which was referred to the Committee on Finance.

He also presented a petition of Pomona Grange, of Frederick County, Virginia, praying for the suppression of the manufacture and sale of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. MORRILL presented a petition of citizens of Norwich, Windsor county, Vermont, praying for legislation providing that oleomargarine shall be sold under its proper name; which was referred to the Committee on Agriculture and Forestry.

Mr. INGALLS. I present the petition of A. H. Cragin and N. G. Ordway, of Washington, D. C., praying for relief from certain alleged unjust assessments and damages resulting from improvements in the eastern part of the city. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WHITTHORNE. I am directed by the Committee on Claims to report favorably without amendment the bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased.

Mr. HARRIS. That bill passed the Senate at the last Congress, and I am satisfied upon an explanation of a minute and a half every Senator will favor its passage. I ask unanimous consent of the Senate to consider it.

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

Mr. INGALLS. Let it be read.

Mr. CONGER. Let the reports of committees be finished first.

Mr. HARRIS. I withdraw the request until the reports of committees are completed.

The PRESIDENT *pro tempore*. The request is withdrawn.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 4836) for the relief of Thomas McBride, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, submitted a report to accompany the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., heretofore reported by that committee.

He also, from the same committee, submitted a report to accompany the bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish, heretofore reported by that committee.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2542) to pay John Pope Hodnett for services rendered as counsel to the Government in the investigation into affairs of the District of Columbia, acting as such counsel by order of a resolution of the House of Representatives; also for acting as counsel for the workingmen of the District of Columbia for fifteen years last past, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

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

A bill (H. R. 1201) for the relief of Mary Howard Farquhar;

A bill (H. R. 4386) granting an increase of pension to William F. Clark; and

A bill (H. R. 7511) granting a pension to Margaret Lucy.

Mr. HALE. I ask leave to take up the bill just reported by the Senator from New Hampshire, the bill (H. R. 1201) for the relief of Mrs. Mary Howard Farquhar. It is a case where the Senate has already passed a bill in precisely the same words and terms, and therefore I ask that it may be passed now.

The PRESIDENT *pro tempore*. Objection has already been made to the consideration of bills until the morning business is closed. Does the Senator from Maine waive his request?

Mr. HALE. Yes, sir.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon, reported it with an amendment, and submitted a report thereon.

Mr. EDMUNDS, from the Committee on Foreign Relations, to whom was referred the bill (S. 1644) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes, reported it with amendments.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 618) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co., reported it with an amendment, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2588) for the relief of Lucinda McGuire; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 694) for the relief of Lucinda McGuire, moved its indefinite postponement; which was agreed to.

COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. CONGER. I am instructed by the Committee on Post-Offices and Post-Roads to ask leave for that committee to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. The Committee on Post-Offices and Post-Roads ask leave to sit during the sessions of the Senate. If there be no objection, that order will be made. The Chair hears none.

BILLS INTRODUCED.

Mr. HALE (by request) introduced a bill (S. 2581) to amend section 5258 of the Revised Statutes, relating to railways; which was read twice by its title, and referred to the Committee on Railroads.

Mr. INGALLS (by request) introduced a bill (S. 2582) to provide for the support of wives, children, and other dependents; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2583) to amend the act of 1871 (amended in 1872) regulating licenses in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS. I introduce a bill to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called "Rock Creek Park." The bill is accompanied by a memorial in favor of the proposition, and I ask that the bill may be twice read, and, with the memorial, referred to the Committee on the District of Columbia.

The bill (S. 2584) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called "Rock Creek Park," was read twice by its title, and, with the accompanying memorial, referred to the Committee on the District of Columbia.

Mr. INGALLS introduced a bill (S. 2585) to provide for the extension of the streets and avenues of the cities of Washington and Georgetown, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLISON introduced a bill (S. 2586) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PAYNE introduced a bill (S. 2587) granting a pension to Elizabeth Ward; which was read twice by its title, and referred to the Committee on Pensions.

INSTITUTION OF MARRIAGE.

Mr. CULLOM. I ask leave to introduce a joint resolution, which I ask to have read and referred to the Committee on the Judiciary.

The joint resolution (S. R. 68) for the amendment of the Constitution of the United States in regard to bigamy and polygamy was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That it is deemed necessary by the two Houses of Congress to propose an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified, as hereby proposed, by the Legislatures of three-fourths of the several States, the amendment hereby proposed to be numbered and to read as follows, to wit:

"ARTICLE XVI.

"SECTION 1. The only institution or contract of marriage within the United States, or any place subject to their jurisdiction, shall be that of the union in

marriage of one man with one woman; and bigamy or polygamy is forever prohibited, any law, custom, form, or ceremony, civil or religious, to the contrary notwithstanding.

"SEC. 2. No State shall pass any law, nor allow any custom, form, or ceremony of marriage, except in obedience to and conformably to the institution of marriage as herein defined and established; but, otherwise, the regulation, within each State, of marriage and divorce, and civil and criminal jurisdiction over those subjects, shall belong to the several States as heretofore.

"SEC. 3. Congress shall have power to enforce this article by appropriate legislation."

Mr. CULLOM. I ask that the joint resolution be referred to the Committee on the Judiciary, and I should like to call the attention of the committee to the subject in the hope that they may act upon it.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. CALL and Mr. CAMERON submitted amendments intended to be proposed by them to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. BLAIR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. MORRILL. I offer an amendment to the resolution in relation to open executive sessions. I merely offer it to have it printed, and shall offer it when that matter comes up.

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

The amendment proposed by Mr. MORRILL is as follows:

Strike out the words "executive nominations" and insert in lieu thereof the words "reciprocity treaties, so called."

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the morning business is closed, and the Chair lays before the Senate a resolution which went over under objection yesterday. It will be read.

The Chief Clerk read the following resolution, submitted yesterday by Mr. GEORGE:

Resolved, That Senate bill No. 714 be recommitted to the Committee on the Judiciary with instructions to report it so amended as to provide for voluntary proceedings in bankruptcy only.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] not being present, if there be no objection the resolution will lie on the table for the present.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. VAN WYCK. I ask to have Order of Business 1396, being Senate bill 546, recommitted to the Committee on the Improvement of the Mississippi River. I do this at the request of the Senator from Louisiana [Mr. EUSTIS] and the Senator from Mississippi [Mr. GEORGE]; and I ask, if in order, that the bill shall not lose its place on the Calendar.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 546) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, La., to Cairo, Ill., and incidentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow without levees.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the bill be recommitted to the Committee on the Improvement of the Mississippi River. Is there objection?

Mr. VEST. The bill comes from the Committee on the Improvement of the Mississippi River, does it not?

The PRESIDENT *pro tempore*. It does. Is there objection to the request?

Mr. COCKRELL. I have no objection if it is proposed to recommit the report and the bill.

Mr. McMILLAN. What is the purpose of the recommitment? Why is the bill to be recommitted?

Mr. GEORGE. I desire to make a personal explanation in reference to the bill.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks the unanimous consent of the Senate to make an explanation upon a matter which is not debatable, which is taken up by unanimous consent. Is there objection? The Chair hears none.

Mr. GEORGE. I desire simply to state in reference to the report and the bill to be recommitted to the Committee on the Improvement of the Mississippi River that it was reported here in the first instance without consultation with me, I being a member of the committee, and that I dissent entirely both from the report and the bill.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill and report will be recommitted.

ORDER OF BUSINESS.

Mr. BROWN and Mr. DOLPH addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. DOLPH] is recognized upon the unfinished business of yesterday.

Mr. DOLPH. If the morning business is closed, I ask that Senate bill No. 2172 be proceeded with.

Mr. BROWN. I had prepared some remarks yesterday which I expected to have submitted upon the bankruptcy bill, when the bill took a turn that was not looked for by the Senate. I ask the indulgence of the Senator from Oregon and the Senate for some half hour until I submit those remarks. I ask that the bill be considered as taken up only for the purpose of submitting the remarks that I desire to make.

Mr. DOLPH. I hope the Senator will allow me to make the motion and get the bill up for consideration, and then I shall yield for the purpose desired.

Mr. BROWN. I did not hear the Senator.

Mr. DOLPH. I shall be glad if the Senator from Georgia will allow me to make the motion that I rose to make and get the bill up. I propose to ask that the bill which has been under consideration for three days during the morning hour shall be taken up for consideration, and then, if the Senator desires to make some remarks upon the bankruptcy bill and to take it up for that purpose, I shall of course extend to him the usual courtesy.

Mr. BROWN. I have no objection to that course.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill named by him.

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.

Mr. DOLPH. The senior Senator from Mississippi [Mr. GEORGE] when the morning hour closed yesterday had the floor upon the bill now under consideration. I simply state that to the Senator from Georgia. So far as I am concerned, as managing the bill, of course I will yield for the purpose indicated by the Senator from Georgia.

Mr. BROWN. Then I ask the Senator from Mississippi to extend to me the courtesy of the floor until I proceed to submit a few remarks on the bankruptcy bill.

Mr. GEORGE. Certainly.

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDENT *pro tempore*. There being no objection, the Northern Pacific Railroad bill will be laid aside informally and the bankruptcy bill will be regarded as before the Senate.

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

Mr. BROWN. Mr. President, there are supposed to be 60,000,000 of people in the United States at the present time. Of that number, I think it is safe to say that not 1,000,000, or not more than one-sixtieth, desire the passage of a bankruptcy law.

The bankers and brokers and large merchants and speculators in large cities, who constitute the principal creditor class of this country, and who always urge bankrupt legislation in the name and as they say for the benefit of the debtor class, and the lawyers, do desire it; because it aids the creditor class in the collection of the debts due them by the debtor class and gives fees to the lawyers. It is also desired by the reckless traders and the dishonest part of the debtor class, because it relieves the part of the debtor class above mentioned from debts contracted by them.

As there is a large honest debtor class in every great city, as well as large numbers of creditors not of the classes above mentioned, we can not count the population of the great cities assid for a bankrupt law. Indeed, we can not count one-half the population, no, not one-fourth of the population of each large city, as favorable to the passage of the bankrupt law. It is principally the large influential creditor class, and the part of the debtor class mentioned, with a small class of honest unfortunates in the cities, that desire such a law. Take the towns and villages and rural districts, and there is great unanimity among the people in opposition to a bankrupt law. There is now and then a dishonest debtor who is anxious for it. There is occasionally an unfortunate honest debtor who would be glad to avail himself of the benefit of it, and who would have the sympathy of the community while doing so, but this class is small. If a debtor is honest and his creditors, as is apt to be the case, are indulgent and kind, he does not want the name of going into bankruptcy.

The bill then, if it becomes a law, will benefit the large creditor class and dishonest debtor class more than it will benefit anybody else. The plain common people, as they are termed, the bone and sinew of this country, do not see any good reason why such a law should be passed to give relief to the classes which have just been mentioned, and to officers of court and lawyers, among whom part of every bankrupt's estate is distributed. While the bankrupt law furnishes to the large wealthy creditor class a short and speedy method of collecting the debts due them, it is in a majority of cases oppressive to the debtor class.

The people of this country have never favored a bankrupt law. There have been three general laws on that subject passed. The first was

passed on the 4th of March, 1800, and the people became so much dissatisfied with it and so clamorous for its repeal that Congress yielded to the demands of their constituents, and repealed it on the 19th of December, 1803. It lasted three years, eight months, and five days. It was almost a half a century before the wealthy merchants and bankers and lawyers of the great cities were able to prevail upon Congress to pass another bankrupt law. However, they finally succeeded, and on the 19th of August, 1841, a bankrupt bill was passed. It met general disfavor with the mass of the people, who in a very short time demanded its repeal, and their representatives yielded to the popular will and it was repealed on the 13th day of March, 1843. It was the law one year, six months, and fourteen days.

This ended all successful legislation for the passage of a bankrupt bill until after the war, when, on account of the ravages of war, and the number of persons who had made failures where they were no way at fault, a bankrupt bill might at that time have been of some service to the honest debtor class; but it was put through Congress mainly by the influence of the creditor class, as the mass of the people in the country towns and villages and rural districts never favored it. However, on the 2d day of March, 1867, a general bankrupt bill was passed, and on account of the peculiar state of things which existed, the people bore it with more patience than they had exercised in the case of either of its predecessors. However, the clamor came up to Congress repeatedly for its repeal, and the pressure became so great that on the 7th June, 1878, the act was repealed. This law lasted eleven years four months and five days, and the whole country breathed freer and felt greatly relieved when it was stricken from the statute-book.

The first session of Congress was held under the Constitution in 1789, ninety-seven years ago. The three bankrupt laws to which I have referred, when taken together, lasted but sixteen years seven months and four days—in round numbers one-sixth of the time since the first Congress met under the Constitution. If the people of the United States had desired a bankrupt law, and it had been believed by them to be wise and proper to have such a law, who can suppose that they would have kept it upon the statute-book for only one-sixth of the period of time since the organization of the Government under the Constitution?

Then we have had three bankrupt laws at different periods of the Government. In each case the law has become very unpopular, and the people have been averse to its operations and have demanded its repeal.

I take it, therefore, judging from the history of the past, that the people of this country are opposed to a bankrupt law; and if we should enact the present bill into a law, as soon as the people realized its workings they would, as on former occasions, within a very short period consign it to the same fate which has attended each of its predecessors.

As already stated, we have had three general bankrupt laws passed and repealed; but I think no one of them contained as many bad provisions as are proposed by the present bill. The class of involuntary bankrupts under the proposed act are designated in the bill as traders. Who are traders? For all traders as defined by the proposed act are subject to the bankrupt law. First, traders as defined by this bill include all merchants, no matter whether large or small, whether they are in the large cities or the country towns or villages, or at the cross-roads in the country. Every man who is a merchant is subject, for the causes to which I will hereafter refer, to be put into bankruptcy. The bill also includes all persons who make it their business, or a part of their business, to buy or sell lands, goods, chattels, bills, bonds, stocks, or shares.

Now note this language, Mr. President; it does not apply to persons whose business it is to buy and sell lands, goods, chattels, bills, bonds, notes, stocks, or shares, but to any one, a part of whose business it is not to buy and sell, but to buy or sell any of the kinds of property already mentioned. A man, therefore, no matter in what pursuit he is engaged, who makes it only a part of his business, and the bill does not say how small a part shall suffice, but if it is any part of his business to buy or sell lands, goods, chattels, &c., he is subject to be put into bankruptcy. There are very few farmers who do not make it part of their business to buy some of the articles mentioned or occasionally to sell lands or chattels, &c. If it is only a part, and even a small part of the farmer's business, and he makes it a part of his business to buy or sell the articles mentioned, he is subject to be put into bankruptcy.

But the act does not stop here. It includes manufacturers, warehousemen, bankers, and brokers. Now, manufacturers are a very large class, Mr. President. There are several millions of our people engaged in the manufacture of different articles. A man whose business is manufacturing, whether he manufacture boots, shoes, or hats, or paper sacks, or paper collars, or cottons or woollens, or any other article or articles that are manufactured in this country, is a manufacturer, and is the subject of bankruptcy. We have a large class of warehousemen, and they, too, are subject to be put into bankruptcy for the causes that I will mention further on.

But I have not yet enumerated all who are made subject by this bill to involuntary bankruptcy. The next class are builders and contractors. Every person engaged as a builder therefore is subject to be put into bankruptcy. Or if he is a contractor in any sort of business where he falls under the general designation of contractor he is the subject

of bankruptcy under this bill; so are shipwrights; so are publishers, and this is a very large class. They are scattered all over the United States. They are in every city, town, and village. Like other classes, they are not able always to be prompt in meeting their engagements, and for a little delay they may be put into bankruptcy. Then it applies to inn-keepers, livery-stable keepers, and all artisans who buy the material for their business on credit.

A sign painter is an artisan, and if he buys on credit the paint and the brush used in painting signs he is the subject of bankruptcy. But the bill very graciously excepts a class of persons who are generally able to take care of themselves. It declares that it shall not apply to persons who buy goods and merchandise for sale only to their tenants and employés and laborers, nor who buy to sell again any goods or chattels from such tenants, employés, and laborers. So that the wealthy man who employs a large number of tenants, employés, and laborers may buy from them to sell again goods they may have to sell, and though he may not pay for them within the time prescribed in the contract, or within thirty days after the debt is due, or may never pay for them, he is not the subject of bankruptcy. This is the case of the man who employs large numbers of men, and is usually a man of wealth. He may buy from his employés and laborers and never pay them, and still not be put into bankruptcy.

The bill graciously exempts one or two other classes. It declares that it shall not apply to mechanics of any kind who habitually labor at their trade. If they are artisans and buy on credit the materials for their business, they would come within the provisions of the act; but if they are simply laborers, as mechanics, they are not subject to be put into bankruptcy. Nor does it apply to farmers having no place of business in any village, town, or city, who buy or sell agricultural products, or buy live stock with a view of fattening them for sale, unless such person so excluded be otherwise a trader within the meaning of this act. A farmer, then, may buy live stock with a view of fattening them for sale without going into bankruptcy even though he should fail for thirty days to pay for one. But if he buys young heifers or a young bull for breeding purposes and does not pay for them within thirty days after the debt is due, the farmer may be put into bankruptcy. In a word, he can not deal in live stock at all without being subject to bankruptcy unless he simply buys with a view of fattening them for sale. If he wants them for milch cows or for breeding stock or for any other uses, but with a view to fattening them for sale, he may be subject to bankruptcy on the contract.

And if the farmer has any place of business in a village, town, or city he is subject to bankruptcy as any of the other classes I have mentioned. In other words, the only privilege that the act gives to the farmer of trading without being subject to bankruptcy is the privilege of buying and selling agricultural products, or of buying live stock with a view of fattening them for sale. In all other matters of trade the farmer would be as subject to bankruptcy as any other trader.

Now, Mr. President, I have pointed out the classes who are subject to bankruptcy under this act, if it should become a law, and they are very numerous, embracing almost everybody.

Now, what are the grounds upon which this large class may be put into bankruptcy? As the bill was reported by the committee, if any trader, which under the bill embraces all the classes mentioned, owing debts exceeding in amount \$1,000, after the passage of this act, depart from the State, district, or Territory of which the person implicated is an inhabitant, with an intent to defraud his creditors, or being absent remains so with like intent, or conceals himself to avoid arrest or the service of legal process, or makes a fraudulent transfer of his property, or conceals or removes the same to avoid process, or with intent to defraud his creditors, or suffers judgment against him, or gives a warrant to confess judgment or judgment-note with like intent, or who being actually insolvent suffers his property to be seized on execution and fails within twenty days thereafter to redeem the same from such seizure, he may be put into bankruptcy.

The act must be done with intent to defraud his creditors, but any three irresponsible, malicious persons, or enemies, who desire to break a man up, may take the necessary steps to put him into bankruptcy by alleging that his acts are done with intent to defraud his creditors every time he goes out of the State, district, or Territory where he lives, without having the remotest intention of defrauding his creditors. The result is that he must come into court, demand a trial, and be able to prove that he did not leave the State or Territory of his residence with any view to defrauding his creditors. In any of the cases above mentioned malicious persons who desire to involve a fellow-citizen in litigation and trouble, and to destroy his credit, by taking steps to put him into bankruptcy, may cause it to go all over the country that the person implicated has become a bankrupt, and if he should be able on trial to show that the allegations of intended fraud, &c., were all false, he has still been involved in heavy expense, his property has been seized and taken from him, and he is almost ruined.

But this is not all. If any one of the numerous classes already mentioned has suspended, and not resumed payment of his commercial paper made, passed, or contracted in the course of his business for a period of thirty days after the same were payable, he is to be put into bankruptcy. Take the case of the hotel-keeper in a small village, and

if he fails to pay a debt due his grocery merchant for a period of thirty days after it is due, this bill, if it becomes a law, provides, no matter how solvent he may be, for putting him into bankruptcy. What would our plain country people say to such an act? Our merchants, our manufacturers, our warehousemen, our builders, our contractors, our shipwrights, our publishers, our inn-keepers, our livery-stable men, and all our artisans who buy their material for their business on credit, what would they say to such an act?

What would they say to a law that breaks them up, takes their property from them, and ruins their credit because they have been unable to pay their debt for as much as thirty days after it is due? Everybody familiar with the general business of the country knows that our country merchants, who are more prompt usually than the other classes above mentioned, very often fall behind more than thirty days in meeting their paper with their wholesale merchants, and nobody thinks in all this large class of persons of breaking down and destroying a man because he has suspended payment and failed to pay a debt for as much as thirty days after it is due. As I have already shown, the bill makes a very large proportion of our people subject to bankruptcy, and then it provides for putting them into bankruptcy for the most trivial grounds, for instance, a farmer buying live stock, with no intent to fatten them for sale, who fails to pay for them only as much as thirty days is subject to have his whole property seized and to be put into bankruptcy and ruined.

Mr. President, the people of this country never did sanction such an iniquity for any considerable length of time, and they never will do it. But this is not all. A person who, being insolvent, gives a preference to a creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preference, shall be deemed to have committed an act of bankruptcy, and may be adjudged bankrupt by any court of bankruptcy in the district in which he may have been resident, &c. Now if he is insolvent and has a debt of honor, of the most sacred character, that every right-thinking man would feel that it was his duty to pay in preference to other indebtedness, and he gives a preference to that creditor, no matter how much in honor bound he may be to do so, he may be dragged into bankruptcy for doing it, or if he makes an assignment for the benefit of existing creditors with or without preferences. In other words, if he finds he is in failing circumstances and does not want to go into the bankrupt court where his little estate will be absorbed in expenses and costs and lawyers' fees, and he prefers to make an assignment to some upright, intelligent citizen for the benefit of his creditors, and does it without giving preference to anybody, he shall be seized and dragged into bankruptcy for doing it. Could anything be more unfair? Those who covet the passage of this bill seem to have but one idea, and that is that everything ought to be wound up in bankruptcy.

A man who is insolvent may not make an assignment of all his effects for the benefit of his creditors, giving no preference to anybody, and if he does he shall be put into bankruptcy for doing it. In other words, it is necessary that the officers in bankruptcy and lawyers shall have fees, and there must be a great many cases made for their benefit; and therefore it will not do to permit insolvent persons to make assignments even without preference, as each assignment would keep one case out of bankruptcy.

But, Mr. President, if the estate is small, in such case the debtor will be ruined and the creditors will not get the benefit. It will go mainly to the officers of the court, to the lawyers, and to the Government. Bear in mind that a man who manufactures paper sacks and gets \$1,000 in debt and fails to pay a debt of \$10 for as much as thirty days after it is due may be put into bankruptcy. Now, what will become of the thousand dollars of estate? In the twenty-sixth section of this bill it is provided that the costs and counsel fees of involuntary proceedings which have proceeded to adjudication may be paid out of the assets to an amount not exceeding \$200 if the court shall so order. Here, then, \$200 of the thousand has gone as costs and counsel fees.

Then, in section 20 it is provided that every trustee shall pay in to the clerk 1 per cent. of the gross amount of money realized from the assets in excess of \$500, and every debtor making a composition shall in like manner pay one-half of 1 per cent. upon the total amount thereof, which is to be paid into the Treasury of the United States. Then, in section 72 it is provided, first, that 1½ per cent. upon the gross assets above \$500, for the use of the United States, as provided in section 20, shall be one of the prior liens; second, the costs and charges of proceedings, including the entry fee of \$60, when not paid by the bankrupt, and all costs duly charged against the assets. Here then, is \$60 more, running the amount up to \$260; and then there is an indefinite provision for all costs duly charged against the assets. No one can tell how much costs will be duly charged against the assets.

Then, in section 75 it is provided that the trustee shall be allowed from the assets in his hands all his necessary disbursements and such reasonable compensation for his services, having regard to the circumstances of the case, as shall be allowed by the committee of direction, or if there be no committee by a majority in value of the creditors; and in default of such allowance by the commissioner, not exceeding the rate of compensation allowed for similar services by probate courts of the State in which the proceedings are pending. And the allowance shall

in all cases be subject to the decision of the district judge and the supervision of the circuit court. Where the commissioner acts as trustee the allowance shall be made by the judge. Here, then, is another indefinite arrangement for fees and costs for the trustee, which is to include all his necessary disbursements and such reasonable compensation for his services, having regard to the circumstances of the case, as shall be allowed by the committee of direction, &c.

By the time all this is through with, I should say at least \$500 of the thousand-dollar estate is absorbed in costs and counsel fees and percentage, to go to the Treasury of the United States and compensation to trustees, &c. The bill is very careful that the manufacturer of paper sacks or any other of the classes above mentioned shall not make an assignment either with or without preference, but if he does he goes into bankruptcy, and when he gets there, nearly or quite one-half of the estate of a thousand dollars will be eaten up in expense, he will be ruined, and his creditors will get but little benefit.

Section 26, as reported by the committee, provides that at any time before or within three months after the adjudication, upon proof being made by affidavit to the satisfaction of the judge that any bankrupt or person against whom proceedings in bankruptcy are pending is about to leave the district, and that his departure will hinder, impair, or delay the proceedings therein, the judge may issue his warrant to the marshal directing him to arrest the said bankrupt, or supposed bankrupt, and him safely keep until he shall give bail or recognizance in a sum to be specified in said warrant for his appearance from time to time as required by the court, and for his obedience to all lawful orders of the court in said proceedings. What is the liberty of the citizen worth in a case of that character?

A proceeding has probably been commenced against the bankrupt without just cause by some enemy or malicious person for the purpose of destroying his reputation, and if he attempts while the proceeding is pending to leave the State for any cause, and his absence would hinder or impair or even delay the proceeding for a single day, he may be arrested, and if he does not give security for his appearance at court, put in jail, and his little estate swallowed up by costs and charges as already mentioned.

There is an old maxim of the law, Mr. President, that "the law protects the vigilant and not the sleepy," and that among creditors those who are vigilant and commence proceedings when they may legally commence them get preference and natural preference over those who are negligent and careless in doing so. This bill proposes to destroy all that entirely.

As reported by the committee it is provided in section 33 that all property of a debtor levied upon or seized on execution within thirty days of filing the petition by or against him by any process of law applied to the satisfaction of sales on execution, or the proceeds thereof, shall be held by the judgment creditor for the general creditors and shall be recovered by the trustee on proper process, except so much as is necessary to reimburse the cost of such execution. Here is a case where suit has been brought say in the State court by a creditor who has obtained judgment levied upon the property of the debtor and had it sold and has received his money, as he had a right to do, and if the defendant, or debtor, at any time within thirty days applies for voluntary bankruptcy, or some creditor proceeds against him as a bankrupt, for causes already mentioned, the judgment creditor who brought suit and obtained judgment and sold the property of the debtor and received his money is bound to hold the money for the general creditors and is subject to suit by the trustee in bankruptcy who has a right to recover the money from the judgment creditor for the benefit of the general creditors.

In such case the creditor in bringing the suit in the State courts, for instance, may have acted in perfect good faith, and after proceeding to judgment and having the property of the defendant sold for the satisfaction of the judgment and having received his money he is cited to hold the money for the benefit of the general creditors. But if after the judgment was rendered and after the property was sold, and after the money was paid to him without any notice to him of any act on the part of the defendant for which he could be put into bankruptcy, some of the creditors of the defendant in the bankrupt court proceed against him, the bill then provides that the trustee in bankruptcy may bring suit against the vigilant creditor who has collected his money by regular legal process and compel him to hold it for the benefit of the general creditors of the defendant now bankrupt. I am satisfied that the people of this country desire no such legislation.

There is no great emergency such as existed at the close of the war to call for a bankrupt law, and scarcely anybody desires it except a few reckless or dishonest debtors, or the class of large merchants or bankers in commercial centers who as a creditor class desire to hold the bankrupt law as a rod over their debtors to compel payment.

It is true, Mr. President, that there is a provision in the bill authorizing persons who are debtors to go into voluntary bankruptcy, and that is held out by the friends of the large creditor class and the advocates of the bankrupt bill as one of its best provisions.

While there would occasionally be an instance where it might be beneficial to a debtor to permit him to go into voluntary bankruptcy where he had made an honest failure and would never be able to pay his debts, where no censure could attach to him, yet, as a general rule, the class

of persons who would take the benefit of voluntary bankruptcy would be those who were either dishonest or who, with knowledge that they could avail themselves of the benefit of the bankrupt law, would take risks and trade carelessly with a view to that character of relief if it should ever become necessary to avail themselves of it. But if that is the chief excellence of the bill, why not permit those opposed to it to have stricken from it all the provisions which relate to involuntary bankruptcy? That motion has been made and the advocates of the bill very vigorously oppose a motion to amend the bill in that particular.

Mr. President, ours is a Government of the people, and while combinations of wealthy citizens, or corporations, or interested parties may occasionally be able to secure legislation that is not for the general good and does not meet the popular approval, and such legislation may sleep for years upon the statute-book without attracting popular attention, still the popular judgment will ultimately control it, as has been the case in reference to the bankrupt acts which have heretofore been enacted.

This is a question of so much importance and so far-reaching in its operations that the attention of the people is necessarily attracted to it when a bankrupt law is put upon the statute-book; and I think I have shown very conclusively that popular sentiment has frowned upon every such act and that the representatives of the people have been compelled to yield and join in its repeal. I take it for granted that there is no great emergency requiring this legislation and no popular clamor demanding its enactment. Indeed, judging by the past, I take it for granted that there is a very overwhelming popular sentiment against it.

Then I object to the bill on account of the unjust and unreasonable provisions which I have already pointed out. It seizes unsuspecting persons who have intended to do no wrong, takes their property from them for short delays of as much as thirty days in meeting their obligations, and denies to them the right to make assignments for the benefit of their creditors, even without preference to any one. Everybody knows that it is not in the power of the large classes of people described in this act to meet promptly all their engagements within thirty days, and this is the case of persons perfectly solvent. Country merchants do not do it, hotel-keepers do not do it, farmers can not do it, and manufacturers can not do it, and so with all the classes mentioned. Then why pass a law that everybody knows can not be executed without immense injury to the honest laboring masses of our people, and a law which everybody knows will not be permitted to stand long upon the statute-book until they will require its repeal?

It seems to me it has been tried often enough; that its advocates ought to begin to learn that the people do not favor their views on this question. For these and other considerations which I might mention I feel it my duty to cast my vote against this bill, and I earnestly protest, in the name of the people I represent, against its passage.

The PRESIDENT *pro tempore*. The bill will be restored to its place on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes; that it asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILSON, Mr. J. J. ADAMS, and Mr. HENDERSON, of Iowa, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to 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; that it agreed to the conference asked by the Senate on the said bill and the amendments thereto, and had appointed Mr. HILL, Mr. BOYLE, and Mr. BAKER managers of the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown.

The message also announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House of Representatives the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee; and it was thereupon signed by the President *pro tempore*.

RECALL OF A BILL.

Mr. JONES, of Arkansas. I ask that the concurrent resolution which

has just come from the House of Representatives for the recall of a bill be laid before the Senate, as it is important that it shall be passed at once.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, June 2, 1886.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the resolution be concurred in and that the request of the House of Representatives be complied with.

The motion was agreed to.

NORTHERN PACIFIC RAILROAD LANDS.

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.

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. GEORGE. Mr. President, yesterday I made a statement of the amount of land donated by Congress to this road, which was correct. I changed the statement in the hearing of the Senate, and I find that the original statement was correct. In order to remove all doubt on that subject, I have learned from the statute the true state of facts on the subject to be this: In the States there were granted twenty sections of land to the mile, and in the Territories there were granted forty sections of land to the mile. I will read now from the third section of the act incorporating the Northern Pacific Railroad Company, so as to verify that statement. That section reads as follows. I read only part of it:

Sec. 3. And be it further enacted, That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway and its branches, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of said railroad line, as said company may adopt, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any State.

Ten sections per mile on each side in a State makes twenty sections per mile. Twenty sections on each side in the Territories makes forty sections per mile.

I do not intend this morning to continue the debate, but I have some memoranda from which I desire to speak during the progress of the debate. I do not desire to go on now. I only desired to make the correction, and during the progress of the debate I shall have something further to say.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK], which will be stated.

The CHIEF CLERK. In section 1, line 10, after the word "main," it is proposed to strike out—

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 contiguous with the branch line across the Cascade Mountains.

And to insert in lieu thereof:

And branch lines where the railroad required by said acts has not been constructed and completely finished on 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 contiguous with that part of its main and branch lines where the railroad required by said acts has not been constructed and completely finished on 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.

The PRESIDENT *pro tempore*. On this amendment the yeas and nays have been ordered.

Mr. CALL. I do not think a question of so great importance ought to be allowed to pass without some further consideration of it. The amendment proposed by the Senator from Nebraska raises the entire question of the expediency of the forfeiture of railroad land grants. When a measure of great public importance is pressed upon the attention of Congress by a large body of public opinion, when it has been presented by the platforms of both the great political parties of the country, when the Democratic party in the last canvass presented distinctly to the country the pledge that all unearned railroad grants should be forfeited, that the policy of granting the lands in homesteads to actual settlers was a necessary one for the well-being of the whole country, that the policy of these large land grants to railroad corporations was a hurtful one in every respect, when the great body of the associated labor of this country has indorsed that view and has spoken in the most em-

phatic terms recently to the country, it can scarcely be justified that we should fail to take action upon it, and it is certainly true that a failure to act when the question is presented and the passage only of a law which relates to a very small portion, an insignificant portion of this vast domain, thus evading the question raised before us by the public opinion of the country, will be regarded as a denial, as hostile legislation, and whatever the motives, it will in effect and in fact be a denial of this proposition and of this demand by the public opinion of the country.

It does not matter that this small proportion of this unearned land grant shall be forfeited and that it is right that it should be. The great question upon which the people of this country demand Congress to take action, and upon which in my judgment the very stability of our republican institutions depends, is left untouched; and it is left untouched in the interest of these vast land grants; it is left untouched in the interest of accumulation without consideration of vast properties in the hands of a few individuals; it is left untouched in the interest of that great amount of taxation upon securities issued without consideration and taxing the productive power of the people of the United States without the authority of law, but which is as practical and as effective in oppressing the industries of the country as if imposed by an act of Congress itself. And for one, therefore, I am not in favor of allowing this question to pass without some expression of opinion on the part of the Senate.

In the report of the Committee on Education and Labor, the intelligent representatives of the associations of labor presented the views and the opinions of that large and influential body of our fellow-citizens upon that subject. Since that time the subject has continued to grow in importance. I will read a few extracts from the testimony taken before the committee on this subject, the testimony of Mr. William Godwin Moody found on the seven hundred and twentieth page of the first volume of that report:

EXTENT OF LAND GRANTS TO RAILROADS ILLUSTRATED.

By the CHAIRMAN:

Q. Have you ever made a calculation of how many States of the size of New York those 215,000,000 acres of public lands granted to the railroads would make?

A. Yes, sir; I have made a calculation, though it is not based on the size of New York. The 250,000,000 acres that I speak of cover an area nearly equal to the eight States of Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri. Those States together have an area of 258,000,000 acres, only 8,000,000 acres more than what has been given to the railroads. The amount of the public domain that has been absolutely granted to the railroads is more than three times greater in area than England, Ireland, and Scotland combined. It is an area equal to the Austro-Hungarian Empire and the Kingdom of Italy, with Switzerland and the Netherlands thrown in.

Q. One empire, two kingdoms, and one republic.

A. Precisely. It is about equal to the Empire of Germany, with the Kingdoms of Italy, Greece, Portugal, and the Swiss Republic as a make-weight, they having in the aggregate an area of only 251,000,000 acres as against 250,000,000 acres that have been granted to our railroad despot.

Q. Assuming that you are correct in the statement that the odd-numbered sections of the public land dominate and control the even-numbered sections, then that calculation would be doubled?

A. Exactly so.

EVIL EFFECTS.

Q. Now, Mr. Moody, what hurt does it do?

A. The hurt is manifold and manifest. It is perfectly apparent. One of the most manifest features of it is that it has driven our American people off the farms. I intended to have said that under the conditions of the grants of the homestead lands the amount of land so granted to each American citizen was limited to two quarter-sections at the most; one acquired by homestead right or purchase and the other by tree culture, making altogether 320 acres. Under the grants to the railroads no limitations have been made, and no conditions have been imposed as to the disposal of the lands. The railroads take them purely as speculators, and they enter upon the disposal of them as upon a gigantic speculation. They are filling our country with these great estates; estates that sink to insignificance the *latifundia* of old Rome, which were the cause of her destruction. They are planting upon our soil a social system that is in utter and direct conflict with all our institutions, and it is growing with a rapidity that is almost beyond belief. That system is driving from the soil those who should there find their homes with full occupation, abundance, and happiness. Hundreds of thousands, ay, millions, of our people are driven off the land into the towns and cities, where they are hived up in hovels and tenements such as the gentlemen of this committee have seen, I believe, to some degree, and the sight of which, I understand, was so exceedingly offensive to their olfactory nerves that they abandoned that method of investigation—at least it has been so reported by the papers. The facts are that while there are hundreds and thousands and millions of acres of our lands, cultivated and uncultivated, in the hands of private owners, without a single fixed inhabitant upon them, we have here in the city of New York a population so dense that it is reckoned at the rate of 500,000 people upon a single square mile. By the medical reports and other statistics it appears that there is a population of 760 persons to the square acre in some places here, which makes 486,000 to the square mile; a mass of people living in a state of wretchedness unendurable to the sight of gentlemen of this committee, and absolutely unendurable to the life of those people themselves—for we find that the mortality in those districts is double what it is in the other sections of New York.

This testimony has been verified in the report of the Commissioner of Labor, in the fact that there are a million of unemployed people now in this country, in the fact that labor is disturbed and there is unrest everywhere, in the fact that there is among our people a disposition for change, for new legislation, or something that will cure the manifest evils that affect the family, that affect the comfort and well-being of the entire community. We are not at a loss to understand why that is when we understand that between three and four thousand millions of securities which have no consideration, but as was said by the Senator from Texas [Mr. COKE] the ink and the paper upon which they are made, but which carry with them a taxing power upon every man, woman, and

child to meet the gross amount of nearly \$900,000,000 a year, that being the total gross earnings of these corporations, and between three and four thousand millions appears to be the most reasonable estimate of this character of securities bearing a proportionate part of this vast amount of tax paid for railroad transportation.

Mr. President, we have here this vast grant of something like thirty or thirty-two million acres which are involved in this question of forfeiture, which were not earned within the time specified in the grant-acts, which were given upon the express condition, so specified in the law, that it should not be a grant unless that condition was complied with; and we find upon an examination of the reports that have been made to the two Houses of Congress and a careful estimate of the facts that between thirty and forty million dollars will be made from this land grant by the few projectors of this enterprise, those who hold and control its stock, over and above the entire cost of the construction of the road. We find that the indirect effect of this action of Congress is to tax the people who shall occupy these public lands not only with the actual cost of the construction of this road and then give it to a few individuals, but with thirty or forty millions above and beyond the cost of the road. Such is the statement which is contained in House report, first session, Forty-seventh Congress, in 1881-'82.

Mr. GEORGE. Do I understand the Senator that the Government paid enough to build and equip the road fully from end to end and \$30,000,000 besides?

Mr. CALL. That is the effect of it.

Mr. GEORGE. So as to make them a present of the road and \$30,000,000 as a bonus for building it? Is that the idea?

Mr. CALL. That is the idea. In this report, signed by J. Proctor Knott, DAVID B. CULBERSON, R. W. TOWNSHEND, Van H. Manning on the 11th of July, 1882, and by L. E. PAYSON on the 21st of July, 1882, is this:

Or, assuming the mean between the estimates of the auditor and the president of the company, and also the mean between the average price of the lands already sold and the auditor's estimate of \$2.50 per acre, the following will be the result:

Proceeds of lands already sold.....	\$11,565,466 65
26,919,947 acres unsold, at \$3.124.....	84,100,146 87
Total.....	95,665,613 52
Cost of 2,409½ miles road, at \$33,407.65.....	80,495,732 75
Surplus.....	15,169,880 77

That is the mean estimate.

Or, adopting the extravagant estimates submitted by the president in his response to the committee, the figures will stand thus:

Value of land sold.....	\$11,565,466 65
The residue, 39,416,047 acres, at \$2.50.....	98,540,117 50
Total.....	110,105,584 15
Cost of 2,409½ miles of road.....	93,526,668 86
Surplus.....	16,578,915 29

Or, taking the mean between the two, the following will result:

Value of lands sold and unsold, estimated as last above.....	\$110,105,584 15
Cost of 2,409½ miles road, at \$33,407.65.....	80,495,732 75
Surplus.....	29,609,851 40

The undersigned suppose that all that could be asked of the Government in the exercise of the most prodigal generosity would be a sufficient amount of lands to enable the company to construct its road without costing it a single dollar of its own money, and as either of the foregoing hypotheses shows a surplus of many millions more than are necessary for that purpose, it has occurred to them that it might be to the interest of the people of the United States generally to look somewhat after that surplus, whatever it may be.

There is a further view to be taken of this subject, however. The undersigned have no means of knowing precisely how much land has been earned by the company, but estimating it at 30,000,000 acres, and appraising the portion unsold at \$2.50 per acre, which the auditor supposes to be reasonable, and we have the following:

3,083,953 acres sold for.....	\$11,565,466 65
26,916,047 acres unsold, at \$2.50.....	67,290,117 50
Total.....	78,855,584 15

The president of the company, in response to the inquiries proposed by the committee, states the cost of constructing 1,203½ miles of completed road and 170 miles of finished grade at \$51,019,402.99, and estimates the cost of constructing 1,206 miles yet to be built at \$42,507,265.87, making \$93,526,668.86 for 2,409½ miles, or \$38,815.79 per mile; while the auditor, in the report above referred to, after having, as he says, "made special inquiry in order to obtain the fullest information," and, as the undersigned understand, from data furnished by the company itself, estimates the entire cost of 2,700 miles at about \$75,000,000, or at the rate of \$28,000 per mile. After some remarks concerning the work which had already been done, he says:

The road yet to be constructed and accepted may be stated as follows, with the estimated cost of the same, namely:

Wisconsin division—Montreal River to Thompson Junction, 122 miles, at \$30,000 per mile.....	\$3,440,000 00
Missouri division—Missouri River to Yellowstone River, 217 miles, at \$12,000 per mile, including an iron bridge over the Missouri River at Bismarck, the cost of which is estimated at nearly \$1,000,000, or about.....	3,500,000 00
Yellowstone, Rocky Mountain, and Clark's Ford divisions—Yellowstone River to Lake Pend d'Oreille, 820 miles, at \$30,000 per mile.....	24,600,000 00
Pend d'Oreille division—Lake Pend d'Oreille to Columbia River, 209 miles, at \$21,500 per mile.....	4,500,000 00

Columbia River division—Junction of Columbia and Snake Rivers to Portland, 238 miles, at \$31,500 per mile.....	7,500,000 00
Cascade Mountain division—Junction of Columbia and Snake Rivers to Puget Sound, 219 miles, at \$30,000 per mile.....	6,570,000 00
Pacific division—Portland to Kalama, 40 miles, at \$25,000 per mile.....	1,000,000 00

Total road to be constructed, 1,865 miles, at an estimated average cost of \$26,868 per mile, amounting to..... 50,110,000 00
The entire road when completed, 2,700 miles, will have cost about \$75,000,000, or at the rate of \$28,000 per mile. (Report Secretary of Interior, Vol. II, p. 575.)

Notwithstanding that due allowance is made by the auditor for the million-dollar bridge over the Mississippi River, as well as for those portions of the road of more difficult construction, it will be observed that the discrepancy between these two estimates is \$10,815 per mile, or \$26,048,732 for the whole line of 2,409½ miles. Which is nearer correct may possibly be ascertained by a little closer analysis.

It appears that under all these estimates there is a fund of from sixteen to thirty million dollars over and above the entire cost of the construction of this railroad, valuing its lands at \$2.50 per acre. I have been informed that there has been offered by an English syndicate an amount nearly equal to \$300,000,000 for the land if the title can be confirmed. I do not know anything in regard to the correctness of this statement, but it comes to me from a gentleman connected with the Government and with the legislation of this body, and standing high in the confidence of the country, not as a matter of knowledge on his part, but as a matter of information which he has derived from persons of character and respectability.

Mr. GEORGE. It appears that the average sales of lands made by the Northern Pacific Railroad Company up to the present time come within a fraction of \$4 per acre instead of \$2.50, as estimated by the Senator.

Mr. CALL. Now, Mr. President, here is a great public question, a question involving the safety of the Republic, for both political parties have asserted, and it is plain to the eye of reason and argument that there can be no republican government if there be several hundred millions of dollars in value of the public land granted without consideration and as a gift to individuals. Upon that proposition there can be no kind of doubt or question that the people of this country will not sustain this Congress, and that it can not be covered up by any delusive and illusory propositions and arguments in regard to the consideration of the construction of a railroad. The necessity of railroads, the advantage to the public, the necessity of them to the civilization of the country is one thing in which all will acquiesce. The construction of them even by donations from the Federal Treasury is another thing, which does not concern that question. If it be expedient that the public policy shall be established of building these great public highways by donations from the public Treasury, none will contend but that it should be limited to the cost of the road. None will deny that in the case of the subsidy to the Northern Pacific Railroad it should be a lien upon the property returnable to the people in some shape or form. No one can justify the imposition by law being the direct effect of a grant of the public lands, of the burden of building a railroad upon the settlers upon the public lands, taking from them and their hard-earned toil the entire cost of a railroad, and then adding to it as much again as the cost paid by them, and then give this enormous sum of from sixteen to forty million dollars and the franchise and the completed railroad built by the labor and toil of these people to a few individuals who manipulate and control and own the stock of the road. That is the question that is presented from which there is no escape and no denial, and the question is how are we going to deal with this condition of things.

We are told by the Senator from Vermont [Mr. EDMUNDS] and others that there are differences of opinion in this body and that we must respect those differences of opinion, that this great public question must not be dealt with, taken hold of when it comes up, and settled and determined. I am in favor of a final settlement of this question. I have no enmity to corporations. I recognize them as an instrument of modern civilization. Associated effort, which can only be effective in the form of corporate authority, is the great instrument of modern civilization; but it is a distinct question whether they should be left without restraint, whether railroads should be built by impositions upon the settlers and the hard earnings of those who toil upon the public lands, and then give them away with two or three times their cost with the power of taxation of those people. That is a different and a distinct question. That has nothing to do with the utility of railroads, nothing to do with the policy of aiding them either by grants of public money or otherwise. It is that question of abuse of the legislative power of government in making donations of public lands and increasing the power of individuals to impose unreasonable burdens on the country which we have to deal with.

It is no answer to this line of argument to say that the public in carrying into operation a transportation system has been greatly benefited, that freights have been reduced, that transportation has been made easy. We have a right to demand that it shall be done with the least cost to the people consistent with a reasonable and liberal profit to those who engage in these enterprises.

How did that distinguished man, whose great capacity none will deny, the lamented President of the United States, deal with this question

when it came before him? I refer to the late President Garfield. What did he say to the American people, with the authority of his great name and reputation, with regard to that question which the Senate proposes to set aside and not deal with as demanded by the people—the question of this vast corporate interest unrestrained by law, the question of the donation of millions upon millions of acres of the public land without reference to the cost of construction? President Garfield, in his address upon "The Future of the Republic," delivered before the literary societies of the Western Reserve College, of Hudson, Ohio, on the 2d of July, 1873, said:

All railroad experience has verified the truth of George Stephenson's aphorism, that, "when combination is possible, competition is impossible."

It is easy to see that we are repeating the experience of Great Britain on a vast scale. We have doubled our miles of railway in the last eight years. In the last two years we have built and put into operation 14,206 miles of road—more than a quarter of all we had in January, 1871.

The cost of constructing the roads we are now operating was \$3,160,000,000; and during the year 1872 there were transported by rail more than 200,000,000 tons of freight. The process of consolidation of our leading lines of roads has been even more rapid than that of construction, and whatever dangers we may expect from the system are rapidly culminating to the point of full development. In antagonism to these and to similar combinations of capitalists are the combinations of laborers in trades unions and labor leagues. The indications are abundant that we shall soon see, set in full array, a conflict between capital and labor—a conflict between forces that ought not to be enemies, for labor is the creator of capital, which is only another name for accumulated labor. It is the duty of statesmanship to study the relation which the Government sustains and ought to sustain to this struggle, and to provide that it shall not be the partisan supporter of either combatant, but the just protector of both. The right to labor has not been sufficiently emphasized as one of the rights of man. The right to enjoy the fruits of labor has been better secured.

In view of the facts now set forth, the question returns, What is likely to be the effect of railway and other similar combinations upon our community and our political institutions? Is it true, as asserted by the British writer quoted above, that the state must soon recapture and control the railroads, or be captured and subjugated by them? Or do the phenomena we are witnessing indicate that general breaking up of the social and political order of modern nations so confidently predicted by a class of philosophers whose opinions have hitherto made but little impression on the public mind?

He then reads the declaration of Fourier sixty-six years ago:

These declarations read something like prophecy, so far as they relate to the effects of combined corporations. New mechanical forces have hastened the development of corporations since Fourier wrote. We need not take alarm at his prophecy of the speedy decay of civilization; but the analogy between the industrial condition of society at the present time and the feudalism of the Middle Ages is both striking and instructive. In the darkness and chaos of that period the feudal system was the first important step toward the organization of modern nations. Powerful chiefs and barons entrenched themselves in castles, and in return for submission and service gave to their vassals rude protection and ruder laws. But as the feudal chiefs grew in power and wealth, they became the oppressors of their people, taxed and robbed them at will, and finally, in their arrogance, defied the kings and emperors of the mediæval states. From their castles, planted on the great thoroughfares, they practiced the most capricious extortions on commerce and travel, and thus gave to modern language the phrase "to levy blackmail." The consolidation of our great industrial and commercial companies, the power they wield, and the relations they sustain to the States, and to the industry of the people, do not fall far short of Fourier's definition of commercial or industrial feudalism. The modern barons, more powerful than their military prototypes, own our greatest highways, and levy tribute at will upon all our vast industries. And, as the old feudalism was finally controlled and subordinated only by the combined efforts of the kings and the people of the free cities and towns, so our modern feudalism can be subordinated to the public good only by the great body of the people acting through their governments by wise and just laws.

States and communities have willingly and thoughtlessly conferred these great powers upon railways, and they must seek to rectify their own errors without injury to the industries they have encouraged.

Now, Mr. President, these words of Mr. Garfield, who unquestionably, whatever may be said of him, was a man of great thought, a man of profound reflection, come to us with great force when we are considering the question of dealing in our discretion with a grant of thirty-odd millions of acres of the public land over which Congress has plenary and absolute power for a railroad constructed outside the terms of the law with notice to every one that the law giving that grant had expired, for I undertake to say that there is not a single ground of argument to the contrary.

It has been said that no lawyer would express an opinion that this grant was not vested up to the point of the present completion of the railroad company. Why, there is not a decision of the Supreme Court and there is nothing but a single decision of the district court in Oregon and one or two others that Congress has abdicated its sovereign power of legislation and created a vested right, in defiance of the power and the duty of Congress, to an empire of public land under an act which in express terms required that if a certain thing was not done, to wit, the completion of the road by a certain time, it should be without force and effect, or as the Supreme Court says, in the decision that I have before me, in words the law is a law as well as a grant and the grant is controlled by the law. Without the law it has no existence, and the law says it shall exist only upon condition, a condition which was never performed, and to this force and effect is every word of every decision, and the single fact that the Supreme Court has said that the words "there shall be and is hereby granted" create a present interest is the only foundation of an argument without reason and without countenance in the authorities which seeks to overturn the fact that the law controls the grant and that it is an act of sovereign legislative power for a great public purpose limited by time, because it is absurd to say that to do that a hundred years hence which to do to-morrow

would be of great public service would be a compliance with the public necessities and the public uses. Therefore time is of the essence of the law, made so expressly by the reason of the act itself, sustained by the reason of the law and by the public policy upon which it was based. Therefore I undertake to say that neither can there be an argument or pretense of an argument or reason for the assertion that the power of Congress is not absolute and discretionary over this subject.

I undertake further to say that it is a demonstrable fact that if we are to aid this railroad corporation, if this franchise to this great corporation of the road built by it does not furnish a compensation for its cost, we had better pay for it out of the public Treasury and pay the reasonable and proper and just cost of the construction of the road than to impose upon the people of this country the burden of paying two or three times its value, or to impose it upon that portion of the people of this country who live in Oregon, who live in Idaho, who live in the States and Territories along the line of the road. The policy of this law was to say before that country was occupied "we will give this land if you will construct this road within the time limited," and in doing that from this enormous empire, greater than has been acquired by conquest almost at any period of the history of the world by the armies of one nation from another—from this great empire of public land, this act of Congress making the grant undertook to say there should be paid out of the labor and toil of the people who settled upon it whatever might be demanded as the cost of the construction of the road, which even at the present value of this land would realize to the grantees probably \$100,000,000 more than the entire cost of construction of the railroad.

Certainly the intentment of the act was that it should be a reasonable cost of construction, but, as Mr. Garfield said, these grants were made unreasonably, recklessly, without the limitations which sound policy would have imposed, and from the report to the two Houses of Congress the report of the president of the company, the report of the auditor, and in estimating as the committee of the House did the mean between the two reports they find that in addition to paying the entire cost of the construction of the road there was a difference of from sixteen to thirty or forty million dollars of profit over and above the estimated cost of the road, even taking the completed portion of it, and that was at the valuation of two dollars and a half an acre for the land.

Mr. GEORGE. The entire cost of the road has been estimated by the Commissioner of Railroads as \$75,000,000; the whole land grant, 42,000,000 acres at \$4 an acre, would be \$168,000,000; deducting from that \$75,000,000, the cost of the road, would leave \$93,000,000.

Mr. CALL. Now, Mr. President, it can not be disguised that what is proposed and what is sought to be done is a gift of an amount estimated from \$16,000,000 to \$93,000,000 to some few persons, and that this is sought to be covered up under the pretense of vested rights—vested rights under a law that gave notice to every one that they should have no existence until the condition upon which the grant was made was performed. Now, what does the Supreme Court of the United States say on that matter? The law as I have said required the completion of this railroad by 1879. It has been said that there is an equity that arises against the United States because it was not enforced, because Congress took no action, that the law, which is mandatory, which by its very nature can not be a law except it is absolute and is notice to every one, was set aside and repealed. That is not the nature of law. It is not permissive, but it is commanding. It is an exercise of sovereign power; it admits of no distinction and of no qualification. The law said there shall be this grant made on condition that this road is completed by a certain time, and not otherwise.

Mr. MITCHELL, of Oregon. May I ask the Senator from Florida a question right there?

Mr. CALL. Certainly.

Mr. MITCHELL, of Oregon. Suppose after the time has expired for the completion of the whole road as designated in the act, as has been stated here—I do not know that it is correct—after the 4th of July, 1879, that then the Congress of the United States instead of declaring a forfeiture as they undoubtedly had the right to do at that time, proceeded to pass an act granting the same company further privileges in connection with the road by giving them the right of way through Indian reservations and all that, what effect, if any, in the judgment of the Senator from Florida would that have on the question now under consideration?

Mr. CALL. It would depend entirely upon the language used, and the purpose as declared for which such extension was made. The mere fact of perfecting its right to go through an Indian territory would have nothing to do with the land grant. It would not touch the question. It could not destroy the effect of the exercise of sovereign, absolute legislative power in the original grant. The mere fact that you extended the road and provided for it, and by legislation effected its extension through an Indian territory, would have no connection with the grant of lands or money or anything else with which it was to be done.

Mr. MITCHELL, of Oregon. I wish to ask one other question, if the Senator will allow me.

Mr. CALL. Certainly.

Mr. MITCHELL, of Oregon. I am not contending to the contrary, for the present at least. I simply wish to have the views of the Sen-

ator upon that question and upon some other questions which have been suggested in reference to this matter. There is one other question I should like to ask the Senator and to have his views upon.

Mr. CALL. Certainly; I am very glad to hear the Senator.

Mr. MITCHELL, of Oregon. It is this: Can there be such a thing as a waiver in law upon the part of the General Government in reference to a land grant by failing to proceed to take advantage of the failure to complete the road within the time and declare a forfeiture?

Mr. CALL. I think not. I think such a thing as that would be a clear denial of the force and effect of the law. Nothing can waive a law or repeal a law except the sovereign legislative power that enacted it, and which by constitutional authority has express power to do it. But that question has been decided in *The United States vs. Clarke* (8 Peters, 436), confirmed and affirmed by repeated decisions subsequently, and especially in the case from which I read, *The United States vs. Thompson* (98 United States Supreme Court Reports), where the court then said:

The United States possess other attributes of sovereignty resting also upon the basis of universal consent and recognition. They can not be sued without their consent. (*United States vs. Clarke*, 8 Pet., 436.) If they sue, and a balance is found in favor of the defendant, no judgment can be rendered against them, either for such balance or in any case for costs. (*United States vs. Boyd*, 5 How., 29; *Reside vs. Walker*, 11 id., 272.) A judgment in their favor can not be enjoined. (*Hill vs. United States*, 9 id., 386.) Laches, however gross, can not be imputed to them. (*United States vs. Kirkpatrick*, 9 Wheat, 720.) There is no presumption of payment against them arising from lapse of time. (*United States vs. Williams*, *supra*.) They can maintain a suit in their own name upon a non-negotiable claim assigned to them. (*United States vs. White*, 2 Hill, N. Y., 59.)

The rule of *nullum tempus occurrit regi* has existed as an element of the English law from a very early period. It is discussed in Bracton, and has come down to the present time. It is not necessary to advert to the qualifications which successive Parliaments have applied to it.

The common law fixed no time as to the bringing of actions. Limitations derive their authority from statutes. The king was held never to be included, unless expressly named. No laches was imputable to him. These exemptions were founded upon considerations of public policy. It was deemed important that, while the sovereign was engrossed by the cares and duties of his office, the public should not suffer by the negligence of his servants. "In a representative government, where the people do not and can not act in a body, where their power is delegated to others and must of necessity be exercised by them, if exercised at all, the reason for applying these principles is equally cogent."

That answers the Senator from Oregon. If no laches can be imputed to the Government, if the negligence of the servants of the Government can not affect the law, but it stands until repealed, where can the waiver be? A law by your Constitution is repealed, is deprived of its force and effect, only by a certain exercise of sovereign legislative power. It can not be modified, it can not be diminished, it can not be altered in its force or operation except constitutionally by the exercise of the sovereign legislative power that enacted it. Therefore, if it can not be altered or affected or qualified or repealed, there can be no waiver of it. Considerations of equity address themselves to the general legislative discretion of Congress.

But what did Mr. Garfield say upon the subject of this question of vested rights which are so often interposed to deny and qualify the exercise of the sovereign legislative power of the Government? The subject is not by any means affected or concerned by this question, because it does not arise here. I quote Mr. Garfield, because these questions are being forced upon the American mind. The very existence of property depends upon its use in such form that it shall not burden the people of the country with such taxes and such impositions as will make life uncomfortable, as will deprive it of ease and comfort. The existence of corporate power and property depends, as he says, upon wise and just and temperate legislation by the Congress of the United States and by the State Legislatures within their respective spheres. He says:

Since the dawn of history the great thoroughfares have belonged to the people—have been known as the king's highways or the public highways, and have been open to the free use of all, on payment of a small, uniform tax or toll to keep them in repair. But now the most perfect and by far the most important roads known to mankind are owned and managed as private property by a comparatively small number of private citizens. In all its uses the railroad is the most public of all our roads; and in all the objects to which its work relates the railway corporation is as public as any organization can be. But, in the start, it was labeled a private corporation; and, so far as its legal status is concerned, it is now grouped with eleemosynary institutions and private charities, and enjoys similar immunities and exemptions. It remains to be seen how long the community will suffer itself to be the victim of an abstract definition.

It will be readily conceded that a corporation is strictly and really private when it is authorized to carry on such a business as a private citizen may carry on. But when the State has delegated to a corporation the sovereign right of eminent domain—the right to take from the private citizen, without his consent, a portion of his real estate to build its structure across farm, garden, and lawn, into and through, over or under the blocks, squares, streets, churches, and dwellings of incorporated cities and towns, across navigable rivers, and over and along public highways—it requires a stretch of the common imagination, and much refinement and subtlety of the law, to maintain the old fiction that such an organization is not a public corporation.

In the famous Dartmouth College case it was decided, in 1819, by the Supreme Court of the United States that the charter of Dartmouth College is a contract between the State and the corporation which the Legislature can not alter without the consent of the corporation; and that any such alteration is void, being in conflict with that clause of the Constitution of the United States which forbids a State to make any law impairing the obligation of contracts. This decision has stood for more than half a century as a monument of judicial learning and the great safeguard of vested rights. But Chief-Justice Marshall pronounced this decision ten years before the steam-railway was born, and it is clear he did not contemplate the class of corporations that have since come into being. But year by year the doctrine of that case has been extended to the whole class of private corporations, including railroad and telegraph companies.

But few of the States, in their early charters to railroads, reserved any effect-

ual control of the operations of the corporations they created. In many instances, like that of the Illinois Central charter, the right to amend was not reserved. In most States each Legislature has narrowed and abridged the powers of its successors, and enlarged the powers of the corporations; and these, by the strong grip of the law and in the name of private property and vested rights, hold fast all they have received. By these means not only corporations but the vast railroad and telegraph systems have virtually passed from the control of the State. It is painfully evident, from the experience of the last few years, that the efforts of the States to regulate their railroads have amounted to but little more than feeble annoyance. In many cases the corporations have treated such efforts as impertinent, intermeddling, and have brushed away the legislative restrictions as easily as Gulliver broke the cords with which the Lilliputians attempted to bind him. In these contests the corporations have become conscious of their strength and have entered upon the work of controlling the States. Already they have captured several of the oldest and strongest of them; and these discredited sovereigns now follow in chains the triumphal chariot of their conquerors. And this does not imply that merely the officers and representatives of States have been subjected to the railways, but that the corporations have grasped the sources and fountains of power, and controlled the choice of both officers and representatives.

The private corporation has another great advantage over the municipal corporation. The jurisdiction of the latter is confined to its own territory; but by the recent constructions and devices of the law, a private corporation, though it has no soul, no conscience, and can commit no crime, is yet a citizen of the State that creates it, and can make and execute contracts with individuals and corporations of other States. Thus the way has been opened to those vast consolidations which have placed the control of the whole system in the hands of a few and have developed the Charlemagnes and Cæsars of our internal commerce.

In addition to these external conquests, the great managers have in many cases grasped the private property of the corporations themselves; and the stocks which represent the investment have become mere counters in the great gambling-houses of Wall street, where the daily ebb and flow of the stock market sweeps and tosses the business and trade of the continent.

This is the answer which has been made by a great leader of the Republican party. This was the answer which the platforms of the Republican and Democratic parties gave to the question of leaving this vast unearned land grant in the possession of a few individuals. No proconsular power in the Roman Empire was ever so great as the dominion of the thirty-odd millions of acres of magnificently fertile land, to be inhabited by millions of the people of this country, in defiance of the public law of the country which dedicates that land to homestead settlement, to actual settlement, which recognizes the principle that the land of the country belongs to the people who toil and work upon it, which the public interest demands shall be in their hands with the least possible cost. This is the answer that is given to the proposition now made, which is involved in the Senate's turning its back now upon the proposition of forfeiture and attempting to appease the public mind by a forfeiture of an insignificant portion of the territory, not desired by the corporation, over which it has built no road, while the great practical question before the country, Shall the unearned grant, unearned within the time specified in the act, be forfeited, is answered by non-action and by indirect efforts to confirm it?

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. PLUMB. Pending the consideration of that bill I ask the Chair to lay before the Senate the message from the House of Representatives in regard to the District of Columbia appropriation bill.

Mr. GEORGE. I ask unanimous consent that the Senator from Florida may proceed with his remarks.

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

Mr. PLUMB. So far as I am concerned, when this conference matter is out of the way I shall have no objection myself to the Senator from Florida proceeding with his remarks within some reasonable limitation.

Mr. HARRIS. A conference report is always in order.

Mr. PLUMB. I ask the Chair to lay before the Senate the action of the House of Representatives.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, non-concurring in certain amendments of the Senate to the bill, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. I move that the Senate insist on its amendments to the bill disagreed to by the House of Representatives, and accede to the request of the House for a conference.

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. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

ORDER OF BUSINESS.

Mr. GEORGE. I ask the consent of the Senator from Oregon [Mr. DOLPH] and the unanimous consent of the Senate that the Senator from Florida [Mr. CALL] be allowed to proceed and finish his remarks.

Mr. DOLPH. I wish to make a statement only. I have given way the third time when I had the floor to conclude my remarks begun some time since. I have no objection to giving way to the Senator from Florida to finish his remarks to-day, provided the Senator from Ne-

braska [Mr. VAN WYCK] who has charge of the pending bill is willing that that should be done. But I do not propose to give away the whole of the afternoon, as I have other arrangements.

Mr. GEORGE. I only ask that the Senator from Florida be allowed to finish his remarks.

Mr. VAN WYCK. The bill has been up a great many times for consideration. It seems to me that it ought to be disposed of. If the Senator from Florida is anxious to finish his remarks to-day, of course I shall not insist on going on with the unfinished business now.

Mr. CALL. I had no idea that I was interfering with anybody's time. I supposed the bill on which I was speaking had come up in regular order for discussion.

Mr. VAN WYCK. It will come up in regular order to-morrow morning, if it would suit the Senator from Florida as well to finish to-morrow.

Mr. DOLPH. I do not wish the Senator from Florida to understand that I am interposing an objection to his proceeding now.

Mr. CALL. Certainly not. I appreciate it entirely. I shall not occupy a great deal more of the time of the Senate.

The PRESIDENT *pro tempore*. Pending the unfinished business the Senator from Florida is understood to have unanimous consent of the Senate to proceed to the conclusion of his remarks.

NORTHERN PACIFIC RAILROAD LANDS.

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.

Mr. CALL. Mr. President, I have said that there was no ground whatever, in my opinion, for any question as to the absolute and unquestioned power of Congress over this subject. In the case of *The Duquesne and Pacific Railroad Company vs. Litchfield* (23 Howard, 88), the Supreme Court, in deciding the case, say:

All grants of this description are strictly construed against the grantees; nothing passes but what is conveyed in clear and explicit language; and as the rights here claimed are derived entirely from the act of Congress, the donation stands on the same footing of a grant by the public to a private company, the terms of which must be plainly expressed in the statute; and if not thus expressed, they can not be implied. (*Charles River Bridge vs. Warren Bridge*, 11 Peters, 420.)

There can be no laches against the Government. There can be no implied power or interest against the public. There can be no implied extension of a grant not warranted by its express terms. That has been the decision not only in this country but in every other country. If you will go back to the days of the civil law you will find in every system of law the same proposition laid down, and laid down as the only security on the part of the commonwealth, of the people, that their constitutional rights, their fundamental rights will not be taken from them by the negligence, the laches, or the failure of their servants to perform the obligations imposed upon them by the law. It would be in effect to maintain that the force and effect of law be given as against the public right by the failure of a public servant to perform his duty. So the Supreme Court, in *Gausson vs. The United States* (in 97 United States Supreme Court Reports, being the eighth volume of Otto), say:

But laches of the officers or agents of the Government is confessedly no bar to the assertion of its rights. This is admitted by the plaintiff in error, and it has not been contended in argument, as it could not have been successfully, that delay or neglect in prosecuting its claims against the co-sureties of the defendant's testator is any bar to this suit.

I think it is scarcely necessary, as this subject has been so fully and thoroughly investigated, to cite any further authority. In 21 Wallace, in the celebrated case of *Schulenberg vs. Harriman*, the Supreme Court, in laying down the doctrine on which this power must be exercised, say:

In what manner the reserved rights of the grantor for breach of the condition must be asserted so as to restore the estate, depends upon the character of the grant. If it be a private grant that right must be asserted by entry or its equivalent. If the grant be a public one it must be asserted by judicial proceedings authorized by law, the equivalent of an inquest of office found at common law, finding the fact of forfeiture, and adjudging the restoration of the estate on that ground, or there must be some legislative assertion of ownership of the property for breach of condition, such as an act declaring the possession and appropriation of the property, or that it be offered for sale or settlement.

In an earlier case, *United States vs. Repentigny* (5 Wallace, 258), the court say:

The mode of ascertaining or assuming the forfeited grant is subject to the legislative authority of the Government. It may be after judicial investigation, or by taking possession directly under the authority of the Government, without these preliminary proceedings. In the present instance we have seen the laws have been extended over this tract, the lands surveyed and put on sale, and confirmed to the occupants or purchasers, and in the mean time an opportunity given to all settlers and claimants to come in before a board of commissioners and exhibit their claims. This is a legislative equivalent for reunion [re-entry?] by office found.

If this doctrine be true, if it be true that the law be as Blackstone declares it to be, an exercise of the power of a sovereign, mandatory and absolute in its nature, if it be true that a law can be repealed only by the sovereign legislative power that enacted it, then there is no ground or reason for holding that there can be a waiver, that there can be a modification of the terms of that law save by the sovereign legislative power. There can be no doubt of the proposition that, however present

may be the interest vested in the grantee, it is only the interest created by the law; it is only the creature of the law that has life; it is not a child born without law and living in defiance of law.

We would scarcely call that reasoning which says that the law can be waived by the neglect of the executive department of the Government or by the neglect of the Congress to act in the mode prescribed by the Constitution. The law must stand, if it be a law, until it is repealed, and there can be no ideas, no reasoning in contravention of this proposition.

Then if it be true that there can be no laches as against the Government, and reasons of grave public policy demand it, if it be true as was asserted by Mr. Garfield, by the Republican party, by the Democratic party, that the interests of this country demand that the public lands shall be given to actual settlers, that vast empires shall not be concentrated in individual hands, if it be true as a matter of economy that when railroads are built and required to be constructed within a definite and given time aided by grants of public land or public money, one hundred years is not a compliance with the grant when ten years is specified, if it be true that within ten or twenty years in this Republic a territory which was a wilderness when a grant was made may become a vast industrial community with thousands and tens of thousands of productive laborers and industries upon it, if it be true that it would be a stultification and an act of folly to say that that might be done in twenty years which the law requires to be done in ten years, when a vast population had in the course of events, from economic causes, been transplanted upon that territory, and that still the letter and the spirit of the law requires that it should be done—even if all this were true, I stand here to-day in my place to say that I should prefer to vote from the public Treasury the money to pay the reasonable and just cost of construction of any railroad rather than to impose the burdens of an unlimited purchase-price and an unlimited taxation in the interest of securities issued far beyond the just and proper cost of construction, or in the interest of giving value to the fraudulent and spurious securities which are proved by the report made and discussed here in this body within ten days upon the interstate-commerce bill, alluded to in the speech of the Senator from Texas, to be between \$3,000,000,000 and \$4,000,000,000 of fictitious value with a power of taxation upon all production and upon all transportation.

I have no hesitation in saying that the neglect or failure to forfeit these unearned land grants will be directly in the interest and for the protection of this vast mass of three or four thousand millions of fraudulent securities, fictitious securities at least, but fraudulent in the sense that they are without real value and carrying with them a living power of taxation of \$400,000,000 annually upon the people of the United States.

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 yesterday approved and signed the following acts:

- An act (S. 670) to increase the pension of the widow of the late Commander T. A. Craven;
- An act (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph lines through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;"
- An act (S. 788) granting a pension to John L. Bruce;
- An act (S. 895) granting a pension to Rachel Fleming Cellar;
- An act (S. 1124) granting a pension to William Bethuren;
- An act (S. 1169) granting a pension to John S. Bridges;
- An act (S. 1235) granting an increase of pension to Joseph W. Rhinehalt;
- An act (S. 1257) granting a pension to Henry Shively;
- An act (S. 1348) granting a pension to Sarah E. Henry;
- An act (S. 1770) granting a pension to J. H. Thornbury;
- An act (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett; and
- An act (S. 1357) granting a pension to Sarah A. Thomas.

TAXATION OF RAILROAD LAND GRANTS.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senate resumes the consideration of unfinished business.

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.

The PRESIDING OFFICER. The Senator from Oregon [Mr. DOLPH] is entitled to the floor.

Mr. DOLPH. Mr. President, the importance of the bill under consideration is my excuse for occupying any more of the time of the Senate upon it. When I had the floor before upon this bill I stated that I had joined in the report of the committee; that I believed some legislation was necessary to make the lands granted to railroad companies taxable

in cases where they had been improved and made productive, and that this bill appeared to be the best measure that the wisdom of the committee could devise, or at least that they could agree upon. I detailed the process by which railroad lands are segregated from the public domain. I referred to the fact that a grant of lands in place does not carry with it all the odd sections within the limits of the grant, but that there were certain exceptions in all the railroad grants, such as mineral lands, lands within Indian reservations and military reservations, lands which had been previously granted, lands which had been occupied under the homestead and pre-emption laws and were therefore separated and withdrawn from the great body of the public lands; that before it could be determined that any section or legal subdivision of public lands was included in the grant to a railroad company it was necessary to have an official segregation; that this was done by a process called "listing," a selection of the lands supposed to be embraced within the grant, in the local land office, from the maps and records of the office; that when these lists were made up they were sent to the Department of the Interior to receive the approval of the Secretary of the Interior, and until that approval was had the lands could not be said to have been officially ascertained to belong to the railroad company.

I referred to a report recently made by the Secretary of the Interior in regard to the number of acres of land which had been surveyed within the limits of the Northern Pacific grant, the number of acres of land which had been selected, and the number of acres which had been approved. It there appears that out of about 21,000,000 acres of land surveyed within the limits of the grant there had been selected by that company something over 11,000,000 acres, of which only a trifle over 700,000 acres had been approved to the company. Evidently the Department of the Interior was not willing to proceed with the certification of these lands while the question of the right of forfeiture and the question of the title of the company was unsettled. I also said that we were proposing in this case in effect to turn over the power, which under the present laws and regulations of the Interior Department is exercised by the Secretary of the Interior, to the local assessors and to permit them to determine for themselves, for the purposes of taxation, what lands are the lands of the railroad company.

Now, while this may be the best measure that can be secured, it will be apparent to every one, I think, that it will not be executed without difficulties; and I desire to call attention to the provisions of this bill, and especially the attention of those Senators who contend that the entire land grant of the Northern Pacific Railroad Company and of other railroad companies which have failed to construct their entire roads within the time limited in the granting acts can be forfeited. Commencing in the twelfth line of this bill is the following proviso:

Provided further, That this act shall apply only to lands situated opposite to and conterminous with completed portions of said roads, and in organized counties.

The effect of that provision is plainly that the lands which are situated opposite to and conterminous with the completed portions of the road may be taxed as the lands of the railroad company; and that proposition, in my judgment, is entirely incompatible with the idea that those lands are forfeitable or will be forfeited by Congress notwithstanding the provision contained in the third section of the bill that this act shall not affect the right of the Government to declare forfeiture of any lands so granted. For my part I do not object to that provision, because I believe, as I stated on a former occasion, that whenever a section of road under these grants has been completed and commissioners have been appointed and have examined it, and they have reported that it has been constructed in accordance with the terms of the granting act and the President has accepted it as such, the grant for that section becomes absolute, is no longer defeasible, and is beyond the power of Congress. Therefore, as I say, I find no fault with this provision, but I call attention to it as proceeding upon a theory entirely incompatible with that advocated by the Senator from Florida [Mr. CALL] when on the floor to-day.

There were before the committee two distinct propositions. One was a proposition to declare by law that these railroad lands should be taxed, or might be taxed by the States, Territories, and other municipalities in which they are situated. Another proposition, and the one which prevailed, was for the United States to provide by law that the lien of the Government for the cost of selecting, surveying, and patenting should not prevent the taxation of these lands for local purposes. There were three ways to accomplish this. It was proposed that the United States should repeal the act or acts which required the railroad companies to pay these costs, they being trifling in amount, and thus remove this obstacle to the taxation of the lands. That the committee were unwilling to do. It was said that that would be, in effect, giving so much money to the railroad companies.

There was another proposition, which was to provide that these costs should no longer be a lien upon the lands, but that the railroad companies if they did not pay them within a given time should be sued by the Government and judgment obtained and the costs collected by legal process. The majority of the committee were not willing to waive the lien of the Government. Consequently the other proposition was adopted, that is, to provide that the United States would step out of

the way so far as its lien was concerned, and remove that obstacle to the taxation of these lands, and also provide that if the costs of surveying and selecting and patenting were not paid within a reasonable time after demand, it should be the duty of the Attorney-General to sue the parties liable for them.

As I said before, the execution of this bill will be accompanied with difficulties. One objection in the opinion of some no doubt will be that it in effect declares that the lands which lie conterminous to the completed road shall be taxable as the lands of the company. Another objection to the bill is that it allows every local assessor, every clerk of a school district whose duty it is to make an assessment for school purposes, every assessor of a city or incorporated municipality, every assessor of a county, in any of the States or Territories where these lands lie, to determine for himself whether they are included in or excepted from the operation of the granting act, whether they are mineral lands, whether they are lands within the limits of reservations, or whether they had been sold previous to the passage of the act, so that the company does not take them under its grant; in a word, to determine whether the lands are or are not the property of the railroad company for the purpose of taxation. Of course mistakes will be made; lands which belong to the Government will be assessed, taxed, and sold, and there will be more or less confusion growing out of the exercise of the taxing power before the railroad lands have been officially segregated and identified.

There is another matter to which I desire to call attention, and I can not better illustrate it than by reference to the grant of the Northern Pacific Railroad Company in Montana. The road of that company in Montana is about 800 miles long. I am told the amount of their grant is about 21,000,000 acres in Montana alone, and that of the 21,000,000 acres there is not exceeding a million and a half acres that is of any value for agricultural purposes. That being the case, there must be a large amount of land in that Territory that the company will probably not pay taxes upon. That land will undoubtedly be assessed as fast as it is surveyed. There is no reason why the surveys should be delayed, because as fast as the surveys are made the company is required to pay the costs of survey, and that vast body of land will within the near future undoubtedly be put up for sale, and the best portions of the lands will be purchased by people who know where the valuable sections and smaller subdivisions lie; and I fear that the result will be that large bodies of these lands will pass into the hands of private owners.

A much better plan, in my judgment, than that proposed by the bill under consideration would have been to have settled this question as to whether the lands which lie adjacent to constructed roads belong to the company or not, and to have authorized the Secretary of the Interior to approve to the companies lists of such lands as belong to them. That would at once make over 11,000,000 acres of the lands of the Northern Pacific Railroad Company taxable without question, because they would be patented at once; and then if the companies entitled to these grants would not proceed to select their lands in the manner provided by the regulations of the Interior Department within a reasonable time, to provide that they should within twelve months or some other reasonable time after the surveys are extended proceed to select their lands under certain penalties for default to be provided.

Those two simple provisions would have met and solved this whole question of taxation and would have permitted these lands to be segregated and officially identified by the Secretary of the Interior.

There was no provision of law requiring the Northern Pacific to pay the costs of selecting, surveying, and patenting its lands until 1870. Whatever may be the hardship to the company, whatever may be the disadvantages to the Government, whatever may be the effect of this bill in enabling persons and corporations to obtain title to large tracts of land covered by railroad grants and on which the company do not choose to pay taxes, the company and the Government will be placed, if this bill becomes a law, in precisely the same attitude toward this question of taxation as they occupied prior to the act of 1870; and it is upon that ground that I joined in the report of the committee upon this bill, although I think in the interest of the Government and in the interest of settlers something better might have been proposed.

Now, I desire to call attention for a moment—as I am about to leave the Senate Chamber to attend a meeting of the Committee on Commerce that has the river and harbor bill under consideration—to the amendment offered by the Senator from New Hampshire [Mr. BLAIR] and adopted by the Senate as in Committee of the Whole. This amendment proposes—

That lands purchased by the Government shall be restored to the public domain and disposed of as now provided by the laws relating thereto.

I suggested the other day, and it seemed to meet with no opposition, that there should be inserted in this amendment the words "and not redeemed," because under the laws of perhaps all the States and Territories there is a certain time given for redemption from tax-sales of land, and if the owner comes forward and redeems the land within the time and before the deed is made to the purchaser the title does not pass, and in such a case we ought not to provide that the land should be restored to the public domain.

I should like to inquire of the Senator what he means by the word "preferred"—"preferred purchaser?" "Lands sold for taxes" are

sold at public sale, and are sold to the highest bidder generally, the least subdivision which will pay all the taxes assessed against the individual owning the land being sold. I think the word "preferred" here would be inoperative.

Mr. BLAIR. I do not think it important that the word remain there. It was only designed in case there were not purchasers that the Government should take the land. I am not particular about the word remaining.

Mr. DOLPH. Now, I will make a further suggestion. If there is any question about the power of the United States to purchase land, it would require an amendment of the Constitution to authorize it. I do not think there is any question.

Mr. BLAIR. We purchased Louisiana.

Mr. DOLPH. We purchased Louisiana; we purchased Florida; we purchased a portion of Mexico; we purchased Alaska.

Mr. BLAIR. And we have purchased sites for public buildings.

Mr. DOLPH. I do not think there is any question about the power; but what I am coming to now is that the Senator's amendment, which I believe to be a good one if it is put into a shape to accomplish the purpose designed, does not accomplish it. It provides that at a sale of land under the provisions of this act the United States may become a preferred purchaser. The United States has power to purchase now, but if we want the United States to purchase we must authorize some one to act for the United States and to use the money of the United States for the purpose of making the purchase. The criticism I would make on the Senator's amendment is that to accomplish his purpose he should authorize the Secretary of the Interior or some other representative of the Government to purchase these lands for the United States, instead of providing that the United States may become a purchaser, which we know they may do if they have the constitutional power. We must authorize some one to act for the United States, to use the money of the United States to make the purchase, in order to make the amendment operative. I submit that for the consideration of the Senator from New Hampshire.

Now, I desire to say something in regard to an amendment that is to be proposed. The amendment I refer to is the amendment of the Senator from Massachusetts [Mr. HOAR], which is:

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.

I called attention a moment ago to the theory of this bill which is not to provide affirmatively that lands in this State or that Territory shall be taxable, or that an equitable interest in lands shall be taxable, or a legal interest only shall be taxable; but the theory of the bill is for the United States to get out of the way, to provide that its lien for the costs of surveying, &c., shall not be an obstacle in the way of the local taxation of these lands. What does the Senator from Massachusetts by his amendment propose to do? He proposes to step in and deal with these lands as if they were still the lands of the Government, as if we were by this bill authorizing States and Territories to tax the Government lands, and he proposes to attach a condition to the fee of these lands, a condition which is to run with the land forever, that at tax-sales which may be held under the laws of the States and Territories, no man shall purchase more than 640 acres, and no man shall thereafter acquire more than 640 acres of the lands so sold.

Why, sir, if we were simply providing in this bill (which we are not) that the lands of the United States shall be taxed, submitting these lands to taxation, treating them as lands of the United States, I do not believe it would be competent for Congress to attach a condition which would restrict their alienation for all time to come. But when we consider the fact that we are not by this bill attempting to provide that the lands of the railroad company shall be taxed, or how they shall be taxed, or how they shall be sold, or in what quantities, the want of authority on the part of Congress to enact such a provision appears to me to be still more apparent. By what warrant of the Constitution would Congress undertake to say that the lands of a railroad company in a State or Territory sold for taxes should only be purchased in quantities of 640 acres? While if Congress had power to make such a provision it would remedy one of the difficulties I have already referred to that may grow out of this bill it is clear to me there is no power on the part of Congress to do it. We must treat these lands as the lands of the railroad companies and say they may be taxed so far as the interests of the Government in them is concerned, or treat them as the lands of the Government and say they shall not be taxed.

Does any Senator suppose that if we provide that all the lands heretofore granted to railroad companies which are continuous with completed roads shall be taxed and may be sold and the purchaser shall pay the costs of surveying and selecting and patenting them Congress is ever going afterward to turn around and say, "Notwithstanding we have said these lands may be taxed as the lands of the railroad companies and may be sold and the purchasers may step in and discharge the obligations of the railroad company and receive the title to the lands instead of the company we are going to turn around and forfeit them or attempt to forfeit them?" Congress would not be guilty of such an incon-

sistency. So I say to those Senators who contend for such a power in Congress that this bill proceeds upon entirely a different theory from that.

That is all I desire to say. The bill is important. Some legislation is necessary. This bill may be the best that can be had. I think not. I think there might have been a better bill; but I am ready to vote for this. I desired, however, that the Senate should understand all the difficulties which, in my judgment, will arise under this bill in its execution. The proper thing to do would be to deal with the question of forfeiture at once, and determine the question of title, and thus settle the question of taxation. The lands of the railroad companies will be taxed when they obtain title. Congress ought to direct the Secretary of the Interior to proceed to certify the lands to the companies which in the judgment of Congress belong to them, and thus make them subject to taxation, and then if necessary to require by stringent legislation the companies that do not select their lands within a reasonable time to make the selections. That was in my opinion what should have been done, but that was not the opinion of a majority of the committee.

Mr. PLUMB. Mr. President, I have no desire to detain the Senate on this bill. I do not think there will be any serious difference of opinion about the propriety of its passage, but it is proper that I should state the facts upon which it is based and the theory of the committee in regard to it.

In reference to the most considerable railroad grants in the United States, those to the Union and Central Pacific Railroads and to the Northern Pacific Railroad, there was a reservation practically of title in the United States until such time as the railroad companies should pay for the cost of surveying and selecting and conveying the lands to the companies. That reservation in the case of the Union and Central Pacific was contained in the twenty-first section of the act of 1864, being the amendatory act under which the railroads were subsequently constructed. In the case of the Northern Pacific road it was not inserted in the grant, but was inserted in a subsequent act of Congress. In the case of the Union Pacific I have no doubt it was designed to cast a burden upon the company by requiring them to do that which but for the legislation would not otherwise be done, and would have resulted in loss to the Treasury; but it practically resulted in their favor, because it enabled them by withholding this small payment of about four or five dollars to the quarter-section to prevent the payment of taxes in the localities in which the lands were situated. Originally it was held otherwise, and in the State of Kansas the lands were taxed; but in the case of the Railroad Company vs. Prescott, treasurer of Lee County, the Supreme Court decided that so long as the surveying fees remained unpaid there was a title in the Government which could not be subjected to taxation, and recently the Supreme Court has rendered a similar decision in the case of the Northern Pacific lands.

It therefore appears that the Government of the United States for the purpose of recovering to itself this surveying fee is preventing the taxation of these lands by the local authorities of the localities in which the lands are situated. This has been going on for a long time, and it is time that the lien of the Government was lifted or that something was done which would permit these lands to be subjected to taxation as other lands are.

The statement has been made by the Senator from Oregon and by others that the Government itself has been to some extent derelict because it has not certified these lands to the railroad companies, and that therefore the companies have no title—I mean in cases where they have tendered the fees—and that there has been no title which could be made the subject of taxation, and that as long as the Government was thus delinquent it was not fair to regard the railroad companies as delinquent. But the fact is that notwithstanding the lack of certification, whether it be due to the failure of the railroad companies or to that of the Government, the railroad companies have sold their lands far in advance of any payment by them of fees or any tender by them of fees, and far in advance also of any certification by the Government. Therefore they have had the use practically of these lands for the purposes of sale.

I am not aware that in any case they have withheld the lands from sale. On the completed portions of their railroad they have mortgaged them all in advance, and therefore had the benefit of the credit which the lands gave them for the purpose of floating the bonds which they put upon the roads.

Then, as I stated, in addition they have been able to find and have found purchasers for these lands far in advance of any certification. So they have been in actual possession for all practical purposes of the lands just as completely as though they had a patent.

In this condition of things the Government of the United States is preventing the localities in which the lands lie from levying upon them the taxes which they ought to bear as their fair proportion of the burdens of the Government which protects them in the exercise of their property. And by reason of this withholding by the maintenance of this Government lien the effect is, as these lands have not been subject to taxation, that the taxes on the lands of private persons in these localities have been correspondingly enhanced.

This bill proposes to take away this Government lien as a barrier to the taxation of the lands which have been granted to the railroad com-

panies. It does not deal with the question directly as to the authority of the localities in which they lie to levy taxes when the Government lien is removed. It simply takes that lien out of the way and says that whatever authority exists independently of that lien may be exercised by these different localities.

Mr. President, there are other questions that will naturally come up in the course of the exercise of jurisdiction by the localities in which these lands are located, which may affect in some way the validity of these grants. They are liable to affect not only the validity of the grants, but the extent of the grants where there is no question about their validity. Naturally the question will come up when you get on to the borders of this land as to whether a particular tract was included within the grant or not. That is a question which the committee did not feel like entering into. It is a question about which Congress can not act unless it is ready to take up and adjust every single question that can arise growing out of these grants of land. Therefore the committee said: "The Government has heretofore stood in the way, and by the exertion of its lien for the cost of surveying and selecting and conveying these lands has prevented their being taxed. It will now take that lien out of the way and will leave Colorado, Nebraska, California, Montana, Oregon, Washington Territory, and all the localities in which these lands lie the right to go ahead, the lien of the Government to the contrary notwithstanding, and to settle for themselves all these other questions that arise just the same as they do in the exercise of all their taxing power when they come to deal with the question of the ownership of real estate or other property which is subject to taxation."

We enter on no doubtful ground. It is simply an exercise of honest, fair dealing under the principles of justice upon the part of the Government with regard to these new communities struggling as all new communities especially have to do with the difficulty of making both ends meet between the raising and the expenditure of revenue.

Mr. BROWN. Do you tax any man's land before a patent is issued?

Mr. PLUMB. We do not provide for taxing these lands at all. We simply say that whatever power exists in these communities to tax shall not be interfered with by reason of the Government lien. We simply take the Government out of the way. We do not confer any power. We leave that to be dealt with under the organic act of the Territories or under the laws of the several States. Whatever power they have independently of this Government lien we provide that they may go on and exercise. The Senate will see that we intrude ourselves in no wise to raise the question of taxation, but leave those localities to settle this question precisely as they do in regard to individual holdings.

I might say a great deal about the burden which this Government lien has inflicted on the communities through which these railroads run. The Union Pacific Railroad in the State of Kansas not only has not paid its taxes, but it has sold land on eleven years' time, one of the considerations of the purchase being that the railroad company should not take out the title, should not pay and discharge this lien, but should carry the non-taxable condition of the land forward for eleven years in the hands of a private purchaser, and, as the Senator from Wisconsin [Mr. SPOONER] suggests, they get a higher price for the land in consequence of their ability to allow it to escape for eleven years the burden of taxation, while all around the hardy settlers who have made that country what it is are paying additional burdens by reason of the fact that the Government has stood in the doorway with this lien to prevent the locality from taxing them. It is not necessary to go especially into that.

Independent of all that, this bill is entirely justified. The Government has no right to substantially part with its title, to put it in the power of any one to sell, to mortgage, to speculate in the lands of the United States, and then prevent the localities in which those lands lie from having the benefit of them as property upon which taxes can be levied. So, independent of the special hardships in this case and which are not alone pertinent to Kansas but apply to Nebraska, Colorado, and other communities through which the Union Pacific Railroad runs, and also to all the communities through which the Northern Pacific runs, because, as I said before, under a recent decision of the Supreme Court the Northern Pacific is in the same category with the Union Pacific. Congress having intended to put on them the burden of paying the cost of surveying these lands, the Supreme Court held that that lien remains with a consequent title on the part of the Government, and the new communities of Dakota and Montana are prevented from taxing those lands though the company has mortgaged them and is selling them, and is exercising all the authority any owner can over any portion of his property. The communities through which the railroad is built are carrying on all the operations of government, building school-houses, furnishing them with teachers, organizing cities and towns, and subjecting themselves to taxation for the purpose of the protection of life and property, and are paying all the taxes, while the railroad company gets its fair share of the benefits from government and pays none of the taxes, except what it pays on its road-bed and rolling-stock.

Mr. PLATT. May I ask a question for information?

Mr. PLUMB. Certainly.

Mr. PLATT. At what period in the history of a land grant to a railroad does the Senator hold that the lands ought to become taxable by the local authorities? I see the third section of the bill provides that nothing in this act shall prevent the right of Congress "to declare

or enforce a forfeiture of any lands so granted." Does the Senator hold that the lands are taxable before they are completely earned, so that no forfeiture can be declared?

Mr. PLUMB. So far as that is concerned, that is a question which is not attempted to be settled by this bill. We simply say that whatever right these communities have with reference to taxing these lands as other property is taxed we will not interfere with. We therefore withdraw the Government lien. The third section, which provides that this shall not be construed as in any wise affecting the right of the Government to declare a forfeiture, is a very proper provision to be inserted, because no one, I take it, desires to confirm by legislation now any land grant to any railroad company, and this only repels a possible inference.

I see what is in the Senator's mind. He is thinking of a case where by the withdrawal of our lien a community might tax these lands, and yet thereafter Congress might declare a forfeiture. That would simply bring into exercise at once the conscience of Congress. Congress in forfeiting a land grant undoubtedly would provide for the payment of whatever money had been invested in the payment of taxes on the land. It has ample authority also over all the agencies of the Territorial government. It may provide that the Territories which had levied these taxes should repay them if it were necessary; but I have no fear that Congress in the exercise of any power of forfeiture hereafter will do any injustice to any individual who may buy these lands by reason of the fact that we have taken our lien off them, so that they may be made subject to taxation.

Mr. CHACE. Will not the Senator permit an amendment to that effect?

Mr. PLUMB. Then we simply project ourselves into a condition of things that may never exist.

Mr. CHACE. But such cases may exist.

Mr. PLUMB. Such cases do not exist. That is a field which the Committee on Public Lands felt that it was not wise to enter into. We felt that the least the Government could do and that it ought promptly to do was to stand out of the way. Why should not the Government even give up entirely and relieve the companies from the necessity of the payment of the cost of surveying in order that these lands may become subject to taxation, and thereby a source of revenue instead of a burden to the new communities in which they lie? So far as I am concerned, if it were necessary to do that, which it is not, I should be willing to remit to the railroad companies, or to the communities in which the railroad lands are situated, this entire lien, this three dollars and a half or four dollars a quarter-section, or whatever it is, so that we might no longer do injustice to these new communities which so much need to have the right to tax these lands. But, as I said, we simply stand out of the way; we provide that our lien shall not be in the way of the taxation of these lands, and we provide that whoever purchases the lands at any tax-sale under the laws of any State or Territory shall, in addition to the payment of the tax, pay the lien of the Government, under regulations to be prescribed by the Secretary of the Interior, in such a way that while the Government stands out of the way it loses no cent of all the money that it is entitled to receive back as the cost of surveying and selecting and conveying these lands. Those fees are to be paid by the purchaser at the tax-sale. But I shall propose an amendment at the proper time to provide for the repayment to the purchaser of any money that may be collected from the railroad companies on this account hereafter under the provisions of the second section.

After having given to this subject a great deal of consideration heretofore, having been the author of a bill which has twice passed the Senate but failed to pass the other House of Congress, on this subject, I do not believe that it is possible to adopt a wiser or better rule than the one we have proposed in this bill. The fundamental idea that the Government shall stand out of the way, shall cease any longer to interpose its lien between the taxing power of the communities and the railroad companies, I think, is the least we can do, and we ought to do that very promptly, I think.

Mr. GEORGE. I wish to ask a question of the Senator from Kansas. Does he understand section 3 to mean that this act does not affect any other lands than those confirmed to the companies?

Mr. PLUMB. No lands whatever that have been made the subject of grant shall be in any wise affected in reference to the right of the Government to forfeit them by the passage of this act. If there is any form of words that will make that any more comprehensive, I am authorized on the part of the committee to accept it. In other words, we did not intend to deal with any question except the one of taking our lien out of the way in such manner that whatever result follows to other people's property would follow to the railroad property.

Mr. EVARTS. I have an amendment to offer. If it be now in order I will offer it. If not, I will have it read for information.

The PRESIDING OFFICER. The amendment of the Senator from New York will be read for information. The Chair is informed by the Secretary that the pending amendment is that offered by the Senator from Massachusetts [Mr. HOAR].

Mr. PLUMB. Will the Secretary please report that amendment? I was not aware of the fact that it was pending.

The PRESIDING OFFICER. The Secretary will report the amend-

ment of the Senator from Massachusetts, and then the amendment suggested by the Senator from New York.

The SECRETARY. It is proposed 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.

The PRESIDING OFFICER. The Secretary will report the amendment intended to be proposed by the Senator from New York.

Mr. EVARTS. The amendment which I ask to have read for information will come in on the eighth line of the first section, after the word "therefor," and is of limited extent and operation.

But this provision shall not apply to lands unsurveyed, nor to lands not ascertained and allocated as within such grant.

An objection has been felt and insisted upon in delays of taxation by the interval occurring between the issue of the patents and the salability or marketable condition of the lands which might be and which were availed of by sales by the corporation. As I have conferred with my learned friend the Senator from Kansas [Mr. PLUMB], I believe there is no objection felt to the first member of this clause, to wit:

But this provision shall not apply to lands unsurveyed.

Mr. PLUMB. The committee did not think that the bill covered unsurveyed lands because unsurveyed lands can not be made the subject of that description which would make a levy of tax upon them possible. Therefore, there is no objection to making that certain.

Mr. EVARTS. My learned friend is therefore willing that it should be certain. The second member of the amendment that I offer is simply to have it appear that the tax shall not be exacted from the railroad companies until it has been made apparent that the lands on which they are to pay the tax are within the grant. That seems to me entirely reasonable, and it should be suitable to all the purposes of the bill, unless it run at all counter to the object of not making taxability depend upon the position of the Government, of readiness to receive taxes and issue patents.

If this amendment be admitted it will, I suppose, satisfy all the reasonable requirements; and perhaps it is not unreasonable that the railroad companies should be called upon to submit to them. It would seem to be on principle not at all variant from the rights of the railroad companies that they should not be called upon to pay taxes upon lands when they were not in position to make sales that would bring the best price, for the want of a good title. Absolute security of that kind can not be evidenced in dealing with railroad grants any more than with private ownership until there is consummated in the possession by the vendor a patent to the very section or quarter-section that is to be disposed of.

It is, I believe, true, as the Supreme Court has held, and rightly held, as we all understand, that the grants are grants *in presenti*, and do not need to be made dependent upon the issue of patents for the validity of the right. These railroad companies have been in the habit of selling in advance of the patent, and the taxability of what would pass out of their ownership into private occupation is what is sought for, and properly sought for, if you please for the argument, in taxing them; but it does not seem to me at all reasonable that taxation should be exacted from a particular lot of land from the railroad companies until some action has been taken by the Government which shows that that very parcel of land is within the grant. My amendment is intended to go no further than that ascertainment.

Mr. SAULSBURY. Suppose there should be some of this land where there has been no legal title vested in the railroad company, to which they claim title and over which they exert some degree of authority, what would be the condition of the case then? If they are exercising authority over it, if they are seeking to sell it, ought there not to be some right to tax the lands that they claim to control?

Mr. EVARTS. The scheme of this taxation is not made to depend upon the fact that the railroad companies have parted with their parcels and that they are in the hands of private owners; it is proceeding upon the scheme that the lots are the subject of taxation although remaining unsold, because they may be made the subject of sale.

In the great railroads that traverse the continent no party is more interested in the proper conservation of the values of the properties of these companies, including the land grants themselves, than the United States as the great second mortgagee that is to look out for the protection of the Treasury. The Government therefore is interested in dealing with all these granted lands upon the principle of dealing with them as an owner should deal with them in getting the best price by a market being sought under the most favorable circumstances of exposure.

It has no interest in encouraging sales of these lands by these companies upon a doubtful or a speculative value, from uncertainty either in regard to forfeiture or in regard to authenticity of allocation. The Government has the same interests, as the great and the second mortgagee on these properties, that the stockholders or those who have to come after the first mortgage have, that the sales should be conducted and the exaction of taxation should fall upon the true principles that govern between owner as venter and purchaser as vendee. Recognizing

the propriety of having no vague and unsettled space of time by the act to be arrived at, as it seems to me, I propose in the interest of all concerned that the best prices shall come and that taxation shall not fall prematurely, by desiring that there shall not be this faculty of State or local taxation from these railroad companies until it is ascertained so as to be in a marketable condition, if not by patent at least by ascertainment, that the parcel itself is the subject of ownership and the subject of sale.

Mr. PLUMB. I do not know that I have any objection to the first branch of the amendment. I will suggest with the consent of the Senator from Massachusetts that his amendment be laid aside informally until certain amendments which I shall offer from the committee are adopted.

Mr. HOAR. I desired to have my amendment pending in order that I may not be compelled to renew it again if I should happen to be absent. It was the order of the Senate that it should be treated as pending. I wish to have that order continue, but I am willing that it shall be laid aside temporarily.

The PRESIDING OFFICER. If there be no objection the amendments suggested by the Senator from Kansas will be acted upon, considering the amendment of the Senator from Massachusetts as pending. The Chair hears no objection.

Mr. PLUMB. In section 2, line 3, after the word "company," I move to insert the words "or for its use and benefit," so as to read that "lands granted to such company or for its use and benefit."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 2, line 3, after the word "company," it is proposed to insert "or for its use and benefit;" so as to read:

That if any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company, or for its use and benefit, by act of Congress, shall for thirty days neglect or refuse to pay any such costs, &c.

The amendment was agreed to.

Mr. PLUMB. I move to add to section 2 the following words:

But when any sum shall be collected of such railway company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section 1 hereof, the Secretary of the Interior shall out of such collection reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting, and conveying.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. In regard to the amendment of the Senator from New York, as I said the committee believed that the bill as limited did not authorize the taxing of unsurveyed lands, because until they are surveyed there is no way whereby they can be described so that they can be placed on the tax-list. If it is deemed advisable to make that any more certain, speaking for the committee I shall have no objection to the first part of the amendment of the Senator from New York, but in regard to the latter part I can not agree that that shall be adopted.

The trouble about this matter heretofore has been that the railroad company would not act, and without the action of the railroad company the Government would not act. If the Senator's amendment is inserted it will leave the condition of things exactly as it is now: the railroad company will not pay the costs of surveying, and selecting, and conveying the lands, and the Government will not therefore issue the patent, which according to the idea of the Senator from New York is the way, and the only way, whereby these lands can be allocated.

There is no act of segregation, of special distinction concerning these lands which is not found in the statute granting the same that can be exercised or done by the Government except the issuance of a patent or a certification which under the law amounts to the same thing as a patent. Therefore the one thing between the railroad company and title to-day is the issue by the Government of a patent, and it is the only thing that can add specification to the particular tracts of land which may be known as railroad land within the terms of any act granting land to a railroad company.

In regard to these lands, there are two classes. They are what are known as lands in place; that is to say, the particular sections named in the statute, as, for instance, the odd sections, which are usually the class of sections granted by the various acts of Congress; and the lands which are known as indemnity lands. The Pacific railroads have got nothing except lands in place. They get no indemnity lands. They were entitled to the odd sections within a certain limit on each side of the line as definitely located, unless those lands had before that time been in some manner segregated from the public domain, or title thereto parted with by the United States. They got no indemnity for the lands they lost by reason of the fact that before that time some of the sections were disposed of and were not subject to the grant.

Therefore it is known absolutely and unqualifiedly what lands each one of these railroad companies got, because they got all the odd sections within the granted limits that were not otherwise disposed of. The owners of the Pacific railroads know to-day precisely where their lands are and they have been surveyed. They know them for all the purposes of mortgaging and for all the purposes of sale, and there is nothing that can be done now by the United States Government to

further pick out and select and designate and make certain those sections except the issuance of a patent; and that does not make it any more certain, because, as I said, the sections are named, and losing the sections they get no others. Really a patent would not make it any more certain except in some very remote contingency; and as it is the fact that the railroad companies have not demanded the patents, and that the Government have not issued the patents that makes this difficulty which we are seeking to avoid, and it would seem to me to be worse than useless to provide for re-enacting the same difficulty in the present bill.

When it comes to the Northern Pacific grant, which is the other conspicuous one to which the bill would apply, that company got the odd sections within certain limits on each side of its constructed line in the States through which it passes and within certain broader limits in the Territories through which it passes; and if any of those sections had been disposed of before by the Government, then they are entitled to go into certain other limits outside and select lands in lieu of the place lands which they thus lost.

The way in which those lands are determined is by the company certifying to the General Land Office a list of the lands that it has lost; that is to say, a list of the odd sections which it would have had except for the fact that they have been otherwise disposed of by the General Government, and then being authorized to go out into the indemnity limits and select other lands in place of the lands so lost, and in selecting they are bound to name the particular section or quarter-section which they take. That makes the grant in all those particulars perfectly certain and without any possibility of mistake arising in regard to it.

Whatever is necessary to make the lands certain within the limits of the Northern Pacific grant is within the power of the railroad company itself; and to say that the lands should not be taxed unless they thus made their grant certain would be to say that they should not be taxed unless they elect to have them taxed. That is the difficulty with which we are confronted now, that they do not elect to have their lands taxed; they do not pay the costs of surveying, selecting, and conveying, and thus the lands escape taxation. Therefore you would be providing in one section that our lien should not stand in the way, and at the very next breath providing that a railroad company might at all times interpose the same objections it has heretofore interposed to prevent taxes from being levied and collected.

I do not suppose that any law ever to be passed will operate with absolute equality everywhere and upon all persons, under all circumstances and conditions; but the simple proposition is, that whereas today we have got a lien amounting to a considerable sum upon this land for the cost of survey, and by reason of that the land can not be taxed and thereby great burdens fall upon the local communities in which the land lies, in consideration of all these things, in view of the exigencies of the case, the justice of it, the fact that these railroads have escaped taxation so long, Congress simply lifts the lien and says that whatever other obstacles there may be in the way of the imposition of the very proper burdens of government upon this land it shall be treated as all other property within the local jurisdiction.

For these reasons I can not consent to the adoption of the last part of the amendment of the Senator from New York. The first part is, as I said, what I believe the bill to be now. The last part, in my judgment, would render the bill largely if not wholly nugatory.

Mr. EVARTS. The only answer that I have heard from the Senator from Kansas on the second branch of my amendment is that all the lands are ascertained and allocated just as distinctly as they can be or need to be. I have only asked that taxation shall not fall until that predicament which he assigns to these parcels of land shall be actually evident and known. He says that all these lots of land that I desire shall not be taxed until they are ascertained and allocated as within the grants are sufficiently ascertained already, because all of these parcels named in the granting laws according to the lines and routes of the railroad are by those laws well ascertained.

Very well; I only ask that in this second branch of my proposition as in the first about unsurveyed lots, there shall be left nothing open for litigation on the part of States and counties, or open for court agitations on the subject except that very thing, that the present license of taxation now given by authority of the United States and thus springing into active force immediately by virtue of this proposed law shall be exactly on those parcels of land and no others, that are definitely ascertained upon the statement of the learned Senator from Kansas. But I do desire now that the legislation takes its inception in the authority accorded by this Government to the States and the counties, that it shall be a taxation only upon those parcels of land that are brought into that condition of ascertainment which the Senator has been ready to designate as properly following the lines of these grants.

Therefore it does not seem to me that there is any better reason for objecting to the second branch of my amendment than there was to the first; that is, that it is not necessary because the ascertainment and allocation has been had. Should it be so declared, then, and only when it has been declared, there shall be this taxation. Indeed, the Senator went so far as to assert that everything had been done in the way of ascertainment except issuing the patent. I do not ask so broad a state-

ment as that, but I do ask that before the parcels of land are thrown open to taxation by the concession of the United States, it shall be only upon lands that are ascertained as under the grant; if by the terms of the grant, all the better, and that is the view of the Senator from Kansas.

Mr. PLUMB. The difference between the Senator from New York and myself is just this: I say that the location of the land has already been ascertained, and ascertained as soon as the land was surveyed, because then we know what the odd sections are; but the Senator wants something to be done hereafter in addition to that, and that is what I object to, because that must rest with the railroad company itself to have it done, and resting with them as heretofore they will not have it done, and therefore the lands will continue to escape taxation.

Mr. EVARTS. That brings it narrower, then. There is not a word in this clause which looks to the future. If it has already been done, so much the better. If it has not been done, then it may need to be done. The language which I propose to insert is:

But this provision shall not apply to lands unsurveyed, nor to lands not ascertained and allocated as within such grant.

Mr. TELLER. If the land is to be ascertained it must be ascertained by some action of the proper department of the Government, and that is the Land Office. So the Senator's amendment is practically a declaration that there shall be no tax until there is an adjustment of all these grants. That is a work which will not be accomplished for many years. It would be utterly impossible for the department to ascertain and adjust all the difficult contesting questions between settlers and the railroad companies for a number of years to come, in regard to a portion of this land, at least.

The person who takes the tax title, who bids at the sale upon the theory that this is the property of the railroad company, is the only person who can suffer, if the ascertainment has not been made. He buys with his eyes open. If it turns out that it is the railroad company's property, the railroad company is not affected. If it turns out that it is the property of the Government of the United States, then of course the Government of the United States is not affected. If it turns out that it is a settler's property, it is not then taxable because the title is still in the United States.

If the second branch of the amendment of the Senator from New York is incorporated in the bill, the bill might as well be dropped. There would be no assessment and no taxes levied for years to come under the bill, because if it means anything it will be when the Land Department has declared officially that all of these lands belong to the railroad companies, and each section or each fraction of a section, as the case may be, it will be necessary that they should certify to somebody or in some way declare that it has been determined by the proper authority that it belongs to the railroad company, and that can not be done while a single quarter-section is in controversy.

The question was asked by the Senator from Connecticut, when should this railroad company pay taxes? When should they do what everybody else in the country does, pay taxes upon their property? I say whenever they have absolute dominion over it, whenever they have earned the land, whenever the Government has surveyed it, then they ought to pay the tax on it, because for all practical purposes it is theirs and is so treated by the railroad company. Why should they not pay taxes on it when they can sell it, when they can give permission to occupy it, when they can realize benefits from the grant? Why should they not pay taxes on it as well as sell it?

I have no objection to the first provision of the amendment of the Senator from New York, because I think that is what the present bill means, and practically that is what would be done. No assessor would go out and tax unsurveyed land. The impossibility of describing it, the impossibility of the purchaser who bought it at the tax sale finding it, would render that thing impossible. Everybody understands that one of the essentials of a tax title is a proper description. It has been held everywhere, and would be held in every community in the world, that property must be definitely pointed out before it can be taxed, and before it can be sold the deed must convey by boundaries. Practically that provision is in the bill now, but I have no objection myself to its being put in the bill specifically.

The Senator from Oregon, speaking of the Northern Pacific, says that that company has only received a small proportion of its land and that the fault has been with the Department. In 1870, in an appropriation act, there was an appropriation made for the payment of the costs of surveys. It was provided that the company should receive no further patents or certificates of land until it should have paid the costs of surveys, &c. Without noticing that, it being in an appropriation act, the Department in 1873 certified some 700,000 or 800,000 acres of land to the company. It discovered later that there was about \$26,000 due to the Government of the United States, which ought to have been paid before the patent issued. The company declined to pay. They declined to pay upon the ground that they had taken their grant without any such provision, and Congress had not the right to insert such a provision in the statutes, and thus affect and change their grant. That controversy continued until 1882, the matter having been at different times the subject of more or less discussion. In May or June, 1882, the railroad company applied to the Department for the certifi-

cation of further lands. The matter was presented to the Commissioner of the General Land Office, and finally referred to the Secretary of the Interior, and on the 5th of June, if I recollect aright, he decided that they were liable to pay for these surveys before they were entitled to their grant, and they were again notified for the second time, as they had been notified in 1874 by the then Commissioner of the General Land Office, that until they did pay the \$26,000 there should be no more certification of lands to the company. Later, in September, 1882, the company paid the \$26,000 and put themselves in such a relation to the Department that they were entitled to have the land certified to them as they paid up. So it was not the fault of the Department, but it was the fault of the company itself that from 1873 to 1882 there was no land certified to them at all.

Under the decisions of the Supreme Court of the United States there is not any necessity that this company should have a patent; they have got an absolute grant and all they need with a patent is to show that they have got it. Their title remains practically the same without the patent as with it, and neither they nor any of these railroad companies, with rare exceptions, have been anxious to have their patents. I think I may state it as a rule that the railroad companies have not demanded patents or certifications of title except when they wanted to sell and when the purchaser demanded of them some evidence of title. They have studiously as a rule refused to pay the cost of the survey and the cost of the selection and have kept just sufficient title in the Government of the United States, a shadowy, doubtful title, but just sufficient so that the Supreme Court would always interpose and say, "There is a possibility that the land may revert to the United States because you have not paid the \$3 or \$4 a quarter-section, and therefore the land is not to be taxed." It is upon that theory that the taxes have not been levied, and the Supreme Court recently declared that in the case of the North Pacific no tax could be levied until this money was paid.

As was said by the chairman of the committee, this is not an authorization to anybody to tax this property. We do not say to any State or to any Territory, "tax this property." We simply say that the title, the possibility of a reversion to the United States, shall not stand in the way of a tax, and that is all. No authority is given, I repeat, and all questions as to whether they are properly taxed will be settled with the railroad company in the courts of the jurisdiction where the taxing is done exactly as the case is settled with the citizen.

I can not conceive of any reason why great anxiety should be expressed that this railroad company should have that which is denied to the settler. The moment that the settler enters his pre-emption claim and gets his certificate, his duplicate, nobody waits for the patent. The taxing authorities go to the land office and discover all who have entered up to a certain date when the time comes for laying the taxes, and then insert them in the list of taxable property, and the settler pays at once a tax upon his land that he has got the title to long before he gets the patent. Why should not the same rule apply here? The settler pays at once when he has an equitable title. These parties have got a legal title, and yet they decline to pay, waiting either for the evidence of it or waiting until they shall have discharged a duty imposed upon them by law, the payment of the costs of survey, selection, &c.

Mr. EVARTS. The Senator from Colorado seems to treat this amendment in a different aspect from that which the Senator from Kansas has imputed to it. The Senator from Kansas, as I understand, held that the grants then ascertained and located the lands that might be taxed.

Mr. TELLER. I did not raise a question of that character. I simply said that it is a direction to the department to do some affirmative thing, and that there is no affirmative thing it can do except to adjust the whole area of the grant.

Mr. EVARTS. Having stated the view of the Senator from Kansas, I was proceeding to state the view of the Senator from Colorado, that instead of being a harmless clause as viewed by the Senator from Kansas, it was a fatal clause as viewed by the Senator from Colorado, because the parcels that might thus be taxed would need to be ascertained by some action of the Government whether they did or did not fall within the grant. That is precisely what I wish to have determined now in the bill. It is to avoid the difference of opinion in courts and in administration by the laws and authorities of the States, as is now evidenced by the great dispute between so competent authorities as the Senator from Colorado and the Senator from Kansas.

There is not any word "hereafter" in my amendment. There is not any proposition of future action in it at all. I wish to guard against this taxation except upon land that is known by law as being within the grants. If shown by the grants themselves, very well, and I think for the great part they are so shown; but my proposition is, that it should be in the bill upon the same ground that unsurveyed lands are not to be subjected to taxation.

I must therefore submit, with great respect to these views of more competent Senators on these topics, that this is not an amendment which attacks the true spirit and meaning of the measure as framed and intended, but is merely to explain and make secure what its meaning is.

Mr. PLUMB. I will ask for a division of the question on the amend-

ment. I think there will be no objection to the first part of the amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from New York [Mr. EVARTS] is not now pending, but the amendment of the Senator from Massachusetts [Mr. HOAR].

Mr. EVARTS. I supposed the amendment of the Senator from Massachusetts had been informally set aside, and therefore my amendment might be now in order.

Mr. PLUMB. That was the understanding, I think. The Senator from Massachusetts had no desire to have his amendment come up until the other amendments were offered.

Mr. EVARTS. That passed while the Senator from Tennessee [Mr. HARRIS] was in the chair, and I supposed that my amendment could be now regularly offered.

The PRESIDENT *pro tempore*. If it is understood by Senators that the amendment of the Senator from Massachusetts is withdrawn, the Chair will receive the amendment of the Senator from New York.

Mr. PLUMB. It is not withdrawn, but simply remains pending until the other amendments are disposed of.

Mr. HARRIS. By unanimous consent the Senate agreed to act upon certain amendments which the Senator from Kansas, from the Committee on Public Lands, proposed to offer, with the understanding that the amendment of the Senator from Massachusetts was pending.

Mr. PLUMB. In that event I will ask that the amendment of the Senator from Massachusetts be interposed at a point succeeding the amendment of the Senator from New Hampshire [Mr. BLAIR], which was adopted at a preceding session of the Senate. I have no objection to it myself. I ask that it be read for information.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Massachusetts will be read as proposed to be inserted at the point designated.

Mr. PLUMB. Let it go in as a proviso to succeed the proviso which was adopted on the motion of the Senator from New Hampshire.

The CHIEF CLERK. It is proposed to add as an additional proviso to section 1:

Provided further, 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. TELLER. I should like to inquire of the Senator from Massachusetts, if he were present, upon what theory he proposes that in the State of Colorado a purchaser at a tax-sale shall only buy a certain amount of property that is subject to taxation in that State?

Mr. DOLPH. And if he does buy more that it shall be forfeited to the United States?

Mr. TELLER. Further than that, if he buys more, although he may buy it of somebody else, or if he holds it in trust for somebody else, it shall be forfeited. I am willing to go as far as anybody in limiting the area of the public land to purchasers; I am willing to do anything that is proper to prevent the monopoly of property in land after it has ceased to be public land; but I deny the right of Congress to say how much land shall be bought in the State of Colorado that is subject to taxation under its laws.

Mr. PLUMB. I do not think there can be any valid objection raised against the power of Congress in this case, so far as the limitation upon the amount to be sold is concerned, because, the title proceeding from the United States and the United States at this time lifting a lien in order that the land may be taxed, I have no doubt that it is entirely within the competency of Congress to put such conditions on the sale as it may see fit. So far as the last clause of the amendment is concerned, that ought not to be adopted, because that would go upon the assumption that the tax-sale absolutely divested the title without any interposition even of a deed, and that, if land shall be purchased at that sale in violation of this provision, it should then revert to the United States, which absolutely cuts out the railroad company, which may have earned, which must have earned the land, and must have had a valid title to it before it could be subject to taxation at all. That is something which can not be done in this way. The railroad company of course has got a right there, the right of redemption under the local law up to the time of the issuance of the deed, and probably, as in most of the States, until a certain specified time thereafter; yet under this amendment the moment one person shall purchase more than 640 acres of land the title must revert to the Government, that is to say, the valid title. That certainly can not be the case. I have no objection at all to the first part of the amendment, but the last part undoubtedly ought to be stricken out. I therefore move to amend the amendment by striking out all after the word "person," in line 4.

The PRESIDENT *pro tempore*. The amendment moved by the Senator from Kansas to the amendment of the Senator from Massachusetts will be stated.

The CHIEF CLERK. In line 4 of the proposed amendment, after the word "person," it is moved to strike out the remainder of the amendment, as follows:

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.

So as to read:

Provided further, 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.

Mr. PLUMB. The suggestion is made to me that, as the Senator from Massachusetts who moved the amendment is probably in the building, it would be well to ask unanimous consent that the amendment lie over until the other amendments have been disposed of. He has been sent for.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that this amendment be laid over until the other amendments are disposed of. That will be considered as agreed to if there be no objection. The next amendment will be stated. The Senator from New York [Mr. EVARTS] has proposed an amendment.

Mr. EVARTS. As the first clause of my amendment, if the Senator from Kansas will give me his attention, may be considered as out of debate and objection, that perhaps may be treated as accepted, as retained.

Mr. PLUMB. So far as I have authority to accept it I will accept it. However, I suppose it will need a formal adoption in order to incorporate it in the bill.

Mr. HARRIS. Let there be a division of the question, and let the first clause of the amendment be agreed to.

Mr. EVARTS. I will therefore divide the question in this way; I offer the amendment to add:

But this provision shall not apply to lands unsurveyed.

Mr. PLUMB. At what point in the bill does the Senator from New York propose to insert those words?

Mr. EVARTS. After the word "therefor," in the eighth line of the first section.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as now proposed by the Senator from New York.

Mr. SAULSBURY. It occurs to me that that clause of the amendment covers the whole question. It says that the provision shall not apply to lands which are unsurveyed. It can not apply to all the sections named in the original grant unless they have been surveyed. It occurs to me that the Senator from Kansas in accepting the amendment has given away the whole question in dispute, if I understand it.

Mr. PLUMB. If the lands are not surveyed there is no way of telling what portion of them the railroad company has got. They can not be made the subject of description on the tax-roll until surveyed, and consequently there can not be that certainty which must necessarily be observed in order to designate the particular object of taxation. These lands must necessarily be described on the tax-roll in the method observed in their survey, as for instance, the northeast quarter of a certain section, or the whole of a certain section, giving also township and range in which the section is found. Then it becomes definite and certain; but in the absence of a survey which establishes the fact where the odd section is which becomes the subject of the grant there can be no such description of it. All the other lands which have been surveyed of course can be put in the tax-roll just as they can in the case of individual ownership.

Mr. SAULSBURY. I understood the Senator to say in his former argument that wherever the section was specially designated in the land grant, though there may have been no survey specifically dividing up that section, yet that was sufficiently identified for the purposes of taxation. If so, then the amendment of the Senator from New York would exclude that entire section from liability to taxation, because there had not been any survey of the different quarter-sections and half-sections under the grant. I may have misunderstood the Senator.

Mr. PLUMB. There is a lack of apprehension in the Senator's mind as to how these surveys are made. The lands are surveyed, first, into townships. Then they are subdivided into sections; and then not actually subdivided into quarter-sections, but there is put at equal intervals between the corners on each side a stone, the result of a survey, which is supposed to furnish the means of subdividing into quarter-sections.

The meaning of the amendment of the Senator from New York is not that the section shall be surveyed, but that the general section of land in which is the particular section that the railroad company is entitled to shall be surveyed in order that the section to which they are entitled by reason of the grant may be positively known.

Mr. TELLER. Located.

Mr. PLUMB. That it may be located. There can be no question about that, and without the survey the land shall not be taxed at all. The committee believed (and it was the subject of specific discussion in the committee) that the bill as it now stands does not provide for the taxation of unsurveyed lands for the simple reason that they can not be located or described.

Mr. INGALLS. Neither could they be patented.

Mr. PLUMB. No; they could not be made the subject of any action.

Mr. INGALLS. So that the amendment next suggested by the Senator from New York has absolutely no meaning in connection with this paragraph. In the first place, the provision is that the exemption shall

not be "for the costs of surveying, selecting, and conveying the same." Of course there can be no cost of surveying unsurveyed lands.

Mr. PLUMB. Certainly not.

Mr. INGALLS. And there can be no patent issued for unsurveyed lands. Therefore, all the lands to which the provisions of this clause can apply are surveyed lands, and it is simply repeating in another phrase the absolute significance and sense of the paragraph by saying that it shall not apply to unsurveyed lands.

Mr. PLUMB. That is entirely true, but the Senator from New York was anxious about it, and submitting it to some members of the committee they said if he desired to have it more certain they would not object, although practically it repeated, as my colleague says, the previous language of the bill.

The question has been asked by the Senator from Massachusetts sitting in front of me [Mr. DAWES], who is responsible for the survey or non-survey of this land? I will say to him that the Government controls that question and not the railroad company. Therefore the question as to how fast the surveys shall continue of lands which have not heretofore been made the subject of surveys is a question to be settled by the Government and not by the railroad companies; so that they will have no option; they are unable to say that any portion of the land which they claim under the grant shall not be surveyed, and therefore be made subject to taxation under the bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

Mr. TELLER. Which amendment is this?

Mr. EVARTS. The first half.

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

The CHIEF CLERK. In section 1, line 8, after the word "therefor," it is proposed to insert:

But this provision shall not apply to lands unsurveyed.

The amendment was agreed to—ayes 24, noes not counted.

Mr. EVARTS. Now I move the second clause, to follow immediately after that which is now adopted:

Nor to lands not ascertained and allocated as within such grant.

Mr. PLUMB. I think we had better have the yeas and nays on that. The yeas and nays were ordered.

Mr. INGALLS. I suggest to the Senator from New York to employ the technical term that has long been used in regard to the public lands, and that is "located" instead of "allocated." "Allocation" means to place one thing after another. The location of the public land and the question of locating the public land has been the subject of legal definition for the greater part of a century without disturbance or question, and I submit that it is rather late to introduce a new phrase into our terminology. And if the Senator does not object I would rather vote on this with the word "located" than "allocated."

Mr. EVARTS. Mr. President, I can not consent to the change upon the reasons given by the Senator from Kansas [Mr. INGALLS]. In the first place "allocated" is much more technical than "located" is.

Mr. INGALLS. Bring me a dictionary, please.

Mr. EVARTS. And in the second place "allocated" does not mean putting one thing after another. "Allocation" means "assigning to." I will, however, for other reasons agree to the change proposed, especially if I can count on having a support of the amendment after that change.

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].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER].

The roll-call was concluded.

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON], and as I do not know how he would vote if present, I withhold my vote.

Mr. ALLISON. The Senator from Indiana [Mr. VOORHEES] asked me to pair with him for the day, and therefore I refrain from voting.

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE] for the day.

Mr. PLUMB. I am paired generally with the Senator from Alabama [Mr. MORGAN], but being assured that he would vote against this amendment I have voted.

Mr. CHACE. I am paired with the Senator from Delaware [Mr. GRAY].

Mr. BERRY. The Senator from Kentucky [Mr. BECK] was compelled to leave town. He is paired with the Senator from Maine [Mr. HALE].

Mr. WALTHALL. I was requested by the Senator from Kentucky [Mr. BLACKBURN] to announce that he is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. BROWN. I desire to announce that my colleague [Mr. COLQUITT] is paired with the Senator from Illinois [Mr. CULLOM]. I do not know how my colleague would vote if present, and the Senator from Illinois may do as he pleases about voting on this proposition.

Mr. RANSOM. I am paired with the Senator from New York [Mr. MILLER].

The result was announced—yeas 9, nays 32; as follows:

YEAS—9.			
Blair,	Evarts,	Hoar,	Morrill,
Conger,	Hearst,	Mitchell of Oreg.,	Stanford.
Edmunds,			
NAYS—32.			
Berry,	Eustis,	McMillan,	Spooner,
Brown,	Fair,	McPherson,	Teller,
Call,	George,	Mahone,	Van Wyck,
Cameron,	Hampton,	Maxey,	Vest,
Cockrell,	Harris,	Payne,	Walshall,
Coke,	Hawley,	Plumb,	Whitthorne,
Cullom,	Ingalls,	Pugh,	Wilson of Iowa,
Dawes,	Jones of Nevada,	Sherman,	Wilson of Md.
ABSENT—35.			
Aldrich,	Dolph,	Kenna,	Ransom,
Allison,	Frye,	Logan,	Riddleberger,
Beck,	Gibson,	Manderson,	Sabin,
Blackburn,	Gorman,	Miller,	Saulsbury,
Bowen,	Gray,	Mitchell of Pa.,	Sawyer,
Butler,	Hale,	Morgan,	Sewell,
Campen,	Harrison,	Palmer,	Vance,
Chace,	Jones of Arkansas,	Pike,	Voorhees.
Colquitt,	Jones of Florida,	Platt,	

So the amendment was rejected.

Mr. HOAR. I suppose my amendment is now pending, to be inserted as an additional section.

Mr. PLUMB. Let it be a proviso.

Mr. HOAR. Very well; I will offer it in the shape of a proviso.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts will be stated.

Mr. HOAR. Let it be added as a proviso to the first section.

The PRESIDENT *pro tempore*. To which the Senator from Kansas [Mr. PLUMB] has offered an amendment to strike out the last clause. The question is on the amendment to the amendment.

Mr. EVARTS. Let the whole amendment be reported.

The PRESIDENT *pro tempore*. The amendment and the amendment to the amendment will be reported.

The CHIEF CLERK. It is proposed to add to the proviso at the end of section 1 the following additional proviso:

Provided further, 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.

The amendment to the amendment is to strike out the last clause, as follows:

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. CALL. I shall be very glad to hear from the Senator from Massachusetts how it is competent for Congress to make a law of this kind operating in the States. I can see how it might attach a condition running with the land, but I do not see how it can be a perpetuity to last for three lives or more; nor do I understand how as to lands within the States any act of Congress can be operative to limit the tenure of lands or the amount of lands held by individuals contrary to the laws of the State.

Mr. HOAR. Mr. President, it does not seem to me that there is any difficulty in that regard. As I understand, the authority for the sale of this land comes from the United States. It is land which has not yet passed under State jurisdiction for any of the purposes of alienation. It is land the property in which is held by the United States, or is held by a railroad company, not subject to be divested by a tax-sale. Now we confer that authority, and we may confer it with such conditions as we may choose to require. If we may confer the authority to tax and to dispose at tax-sale of these lands, we may limit that authority by saying that they shall only be sold on condition that they shall be owned only in quantities not exceeding 640 acres.

The purpose of this amendment, I suppose, will commend itself to almost all the Senators who have watched the dangers in modern times that attend the accumulation of lands in vast quantities in the hands of individuals or corporations. I suppose the Senator from Florida [Mr. CALL], like other Senators, has seen some of the alarming statements which have been made that great masses of land are held in the hands of aliens, of corporations, whose stock is or may be hereafter in the hands of foreigners.

A bill which has passed the Senate prohibits the acquisition of real estate in our Territories by aliens who have not initiated steps to become citizens. If I recollect aright, however, that bill has not provided for the case of corporations whose stock may be held by aliens.

Mr. PLUMB. Oh, yes, it does.

Mr. HOAR. I was not present when that bill passed. I have no objection to conceding the amendment proposed by the Senator from Kansas—that is, that the prohibition shall be expressed without requiring the title to revert to the United States. I call for the yeas and nays on the amendment.

Mr. DOLPH. I sympathize with the purpose that the Senator from Massachusetts has in view, but I see the same difficulty that the Senator from Florida has expressed.

The Senator from Massachusetts, it appears to me, has a wrong idea about what we are here proposing to do. I do not understand that we are proposing to submit the lands of the United States to taxation. I do not understand with him that we are proposing to say that a part of the public domain shall be taxable. We are proposing to tax the lands of the railroad companies upon which the United States has a lien for a very small amount, supposed to be equivalent to about 3 cents per acre. Now we are proposing to do that by saying that these lands shall be taxable.

Mr. HOAR. Are you not also proposing to make land taxable which the railroads are entitled to patents for but which patents they have failed to take.

Mr. DOLPH. I will explain that. The United States has a lien on these lands for the cost of surveying, selecting, and patenting, amounting to about 3 cents an acre, a very small interest; but small as it is the courts have said that it is such an interest in the lands that they can not be taxed until the lien is removed from the lands. Now, we are not proposing to say permanently that these lands shall be taxed. We do not understand that we have any more power to say that the lands shall be taxed in Dakota or Montana than we have to say that the Senator's sheep or horses or merchandise, if he has any, in Massachusetts, shall be taxed.

Mr. HOAR. The Senator desired to have me reply to his suggestion.

Mr. DOLPH. Allow me to get through.

Mr. HOAR. And therefore he will permit me to have an understanding as he goes along.

Mr. DOLPH. I was only explaining what I supposed to be the theory of the bill.

Mr. HOAR. Does not the Senator understand that a large portion of the land upon which this bill is to operate is land the title to which has not yet passed from the United States to the railroad and is not to pass until the railroad performs a certain condition hereafter?

Mr. DOLPH. No, I do not understand that. I understand that the title goes with the act, and when the conditions are performed the title relates back and vests, commencing from the date of the grant. I understand simply that the United States has a lien upon the land and holds that lien until the cost of surveying is paid; and when the patent is issued it is only the evidence of a previous title.

Now, what are we proposing in this bill? We are proposing to say that this lien of the United States shall no longer be an obstacle in the way of the taxation of these lands; that they may be sold for taxes notwithstanding the lien of the United States, and the purchaser at the tax-sale may come in and pay off the lien and have the land discharged from the effect of the lien, and then he acquires title and takes the patent instead of the railroad company. We are proposing simply to step out of the way. That being the case, I should like to know under what constitutional provision we are going to say that there is to be attached to the title of the land of the railroad company a condition which shall run with the land for all time to come and which shall prevent the free alienation of it. I should like to understand further by what provision of the Constitution Congress is proposing to step in and say to the State of Colorado, "You may make your laws for the sale of lands, but in regard to this particular land in which the United States steps out of the way and permits to be taxable there shall be a condition attached that one man shall buy only 640 acres and that for all time to come one man shall own but 640 acres."

It seems to me, with all due deference to the legal attainments of the Senator from Massachusetts, that he has not considered properly what we are proposing to do by this bill and the title with which we are dealing. I do not believe it is competent for Congress to attach this condition. If it is competent I should be glad to vote for the amendment. I should be glad to meet the difficulty which the Senator sees in the way, and which I called attention to at some length this afternoon, of the purchase of large bodies of this land by single individuals, but I think we are traveling out of the power of Congress, we are getting out of the legitimate scope of this bill when we undertake it.

Mr. EVARTS. I think, Mr. President, we should all understand what the scope and force and reach of this amendment will be.

Great amounts of land have been granted by this Government to various railroad companies. This bill relates in a certain sense to all those grants. In the original grant there is not any requirement that in subsequent sales there shall be no holder of more than 640 acres of the lands granted. So, in the first place, this amendment seeks to put upon the land grants already conferred, under the operation of this amendment to this extent, that whenever any of them shall be sold for taxes in the States there shall be a perpetual exaction that no more than 640 acres of them shall be held by any person. That, of course, is a burden upon the sales that these railroad companies make in the ordinary course of their management of the property, that whoever buys the lands, if there be a sale under the tax laws in any State, can make no acquisition of more than 640 acres. It is a burden, a perpetual agreement on the part of the purchasers at these tax-sales, that more than that amount or land can not be held together.

But aside from that, we come to another very difficult proposition, as it seems to me. I will treat this clause of the amendment with the

provision for forfeiture to the United States, and then consider what will happen after that is cut off. The provision is:

That not more than 640 acres of the land sold under the provisions of this act shall be purchased by any one person.

That is a definite and ascertained transaction, that a person buying any of these lands thus put up for sale can not purchase more than 640 acres. But thereafter follows this:

Or shall thereafter be acquired or owned or held in trust for any one person.

That is, no portion bought under the provisions of this act, though not originally purchased in 640 acres, can afterward be aggregated and held in more than 640 acres. So you have a land act as one of the laws of the Territory or State thereafter so far as these lands are concerned that there can not be a holding of more than 640 acres.

If I am not right in that construction, this aggregation is not well made; but I can see no other construction of it.

Mr. HOAR. That is the purpose of it.

Mr. EVARTS. Very well. That is to say, if one person buys 600 acres and another person buys 600 acres, nobody can put them together and own the 1200 acres.

Mr. HOAR. That is it exactly.

Mr. EVARTS. Nobody can have 1,200 acres at any time in the future. In other words, it is a perpetual land law applied to all these sections forever and forever. That is to say, while the general land laws of the State have no such restriction and persons can buy and add together as purchasers whatever amount of acreage the State laws do not prohibit, there shall be another line of land running on forever in those States that can not be aggregated because the title was limited under a tax sale. That is the proposition. The wisdom of any such arrangement does not approve itself to me.

Mr. DAWES. On any subsequent taxation after the lien is lifted, any subsequent assessment of tax is affected.

Mr. EVARTS. It is a condition of the land, and it can not be aggregated upon anywhere by anybody under any circumstances, although the general law of the State or Territory may permit any aggregation.

Mr. HOAR. Will the Senator pardon me?

Mr. EVARTS. Certainly.

Mr. HOAR. I desire to say to the Senator from New York that the purpose of the amendment is exactly what he describes; and if there is any doubt about it, it results from my failure to effect my purpose by language.

I desire, so far as the constitutional authority of the United States can go, to prevent in the future a repetition of the experience of Great Britain of the holding of a vast mass of land in one ownership, and to make it when this land goes out of the United States a perpetual condition that that shall not be accomplished, and as far as possible to secure the future American against that danger in the new Territories, and so far as this law applies in the new States.

Mr. EVARTS. Well, is 1,200 acres a vast amount of ownership of land? Is that a proper limit to assign to farms—1,200 acres? Is it the rule, is it the idea, is it the notion anywhere in any of the States of this country that a farmer can not have more than 640 acres, and that forever and forever land shall be followed in these subdivisions? If it is a good rule and a good law governing the transmission of estates and their acquisition, why should you pounce upon these tax-sales and say they shall be held under a law that is not applicable to any other land?

Now I come to the question, as I have not been wrong in construing the true meaning of this amendment of the forfeiture:

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.

That is to say, the United States is kept the lord paramount under the English law system that can insist upon forfeiture under all circumstances and at all future dates if the condition imposed by law happens to be violated. That ties up and takes out of commerce all these lands. There is not a piece of land in the city of New York that is salable which is hampered by a condition of a lord paramount, so that at any time hereafter for forfeiture there shall be an entry. The common law has guarded forfeiture by every degree of astuteness, every degree of severity against such a tenure as that. And now it is proposed that the United States shall take the position of being lord paramount and hanging up the freedom of land which is the freedom of any land.

But how does it stand if this forfeiture to the United States is stricken out? What happens then? Who is lord paramount? Who then can enforce the forfeiture? Is it then a *brutum fulmen*? Or is there latent somewhere a power of forfeiture that can be claimed in the name of some one? Is it by the State, is it by the county that has sold the land? Where is the forfeiture? Strike out the forfeiture, and you have it left at large; and who can define the position at common law of the estate being forfeited by a breach of condition is to be enforced?

But, Mr. President, whatever might be said about the propriety of declaring that these immediate and primary sales should not exceed 640 acres, it seems to me abhorrent to the whole system of free ownership of land that any line of land whatever should be perpetually held and hampered by a condition at common law.

I do not speak of this as having the least reference to the interest of railroad companies except so far as it will affect anybody else; and that is the deprivation of the *jus disponendi* so as to burden and reduce the value of land in the market—land now, land hereafter, land under all circumstances.

I venture to say that whatever repugnance the United States and its people may have to large aggregations of land in private owners, this Government will never impress upon the public domain that it shall part with in the distribution among its citizens of public lands this forfeiture to be retained to the United States. If this Government will never adopt that rule as a rule of real property in any of the arrangements of the public lands, why should it insist upon it as to these particular parcels where the title is to be acquired by this particular tax-sale?

It seems to me, therefore, while it may be reasonable to provide that a sale shall not be made under these tax-sales of more than 640 acres in a parcel, that to impress on that land the necessary permanent condition of forfeiture is abhorrent to the whole system of freedom in the tenure of land.

Mr. HOAR. Mr. President, when I was taking my seat before, the Senator from Oregon [Mr. DOLPH] rose and asked me if I would answer a question and make an explanation of a difficulty which was in his mind. Under the ruling of the Chair the very elaborate speech of the Senator from New York [Mr. EVARTS] has intervened between the question and the answer.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts as having yielded the floor.

Mr. HOAR. I supposed the Chair so understood, or the thing would not have happened. But I owe this apology to the Senator from Oregon for not having sooner answered his question.

The Senator from Oregon asks if I understand that there is a title to these lands in the United States, or only a lien. I certainly do understand that the lands upon which this bill is to operate are largely still held in fee by the United States as owner. They are lands not even made certain or allocated, to use the phraseology of the Senator from New York. They are lands to which these roads have not yet received their patents, and are not to receive them until they have paid certain costs of survey. Now, I do not understand that that transaction passes a title to the railroads. Unquestionably it passes an assignable interest to the railroads except so far as restrained by the legislation which created them. But it is quite immaterial. It is clear that these lands can neither be taxed nor sold for taxes without the assent of the United States, whether that necessity is caused in regard to any portion of them by our having a lien inconsistent with the power of taxation, or whether it is caused by our having a fee which we are not to part with until a certain condition takes place.

Mr. DOLPH. Will the Senator allow me to make a suggestion? The act providing for the payment of costs was passed several years after the grant. It was not a part of the condition of the original grant.

Mr. HOAR. Patents have not issued and the land is not determined. How can it be said that a title is vested in these railroads when nobody knows but that it is to depend on something in the future even what land they are to get?

Mr. DOLPH. I will not take up time to explain that; but that was the very thing I talked about a long time to-day.

Mr. HOAR. That is immaterial to my purpose, because the right of the United States to put a condition upon a transaction that can not occur without its assent either way is perfectly clear.

My honorable friend from New York thinks that this proposition is objectionable, because it is creating a certain lord paramount, as he expresses it. He knows it is to enforce this condition.

Mr. President, the nation from which we have come has suffered, her working people have suffered, from the fact that her lands, small as they are compared with ours, have been engrossed by great landed proprietors and great noblemen. It is a fundamental maxim with all persons who understand the history of constitutional liberty or of the American or English system of government that where the title in the land is, there is the sovereignty, in the long run, of the state. De Tocqueville speaks of the effect of a suitable land system. Speaking of the abolition of primogeniture in New England under the operation of our body of liberties adopting the Kentish custom instead of the law of primogeniture in 1641, De Tocqueville says that when that system was adopted in the New England States, the American Revolution and the American Constitution followed as a natural sequence; and Mr. Webster in his great oration in 1820 at Plymouth said that you had but to ascertain the land laws of a people and you could predict without erring their history. I quote the substance, of course, and not the language of these great authorities.

Here are in Great Britain these great landed estates through which two or three thousand men have directly or indirectly wielded the political affairs of that empire for more than a thousand years. The workman, the small farmer, the tenant are turned out to make the preserves or the hunting grounds for the pleasure of the rich landed aristocracy. Our most thoughtful observers, especially those who have studied the labor question that is upon us, see already the signs of that danger in

our own sky. There are cases already where in our Territories in the Northwest men of other countries are acquiring and corporations are acquiring vast landed estates; and it is now, as this opportunity comes, the purpose of this amendment to dedicate forever so much of the public lands as is within our power and as we are now dealing with to the ownership of the small homesteader, instead of to the ownership of the great alien corporations and of the great alien proprietors.

What is there of danger, what is there of the lord paramount in this? The United States, of course, so far as it legislates is the lord paramount, but it is a lordship paramount exercised for the entire people and in the interest of the entire people.

The Senator from New York asks if no farm should be permitted to exist of more than 640 acres. I answer that 640 acres is enough, as a general rule. Certainly when you consider the fact that there is much land that we can not reach by our legislation, 640 acres is enough to preserve the title of the small homesteader to whose interest we are looking.

The Senator asks me why we fix this rule for these particular parcels. The answer is, because we have let other particular parcels go, to the injury of the people, out of our power without having fixed it.

Mr. SAULSBURY. Allow me to ask a question for my own information. I understand the bill applies to lands already granted by act of Congress to certain railroad companies. Would not this be adding a condition subsequent to the grant of those lands? And can we do that?

Mr. HOAR. It is only adding a condition when we are providing for the authority for a particular method of sale. We say that if these lands are to be taken for taxes by a power not now authorized to tax them it shall only be done on the condition that the title acquired under that tax-sale shall be forever held in amounts not exceeding 640 acres. That is all. I do not understand that anybody questions the constitutionality of the condition, so far as it relates to the sales made under the authority of this act.

Mr. HAWLEY. I suppose the Senator from Massachusetts hardly anticipates anything like an exact repetition of the evils of large holdings of land in Great Britain; but we are in danger of reaching those evils by a different course altogether. I am unwilling, however, to encumber this bill as reported by the committee with any attempt to cover the whole general subject. This has a wise and just purpose. It is a bill based upon one I had the honor to present myself and which received the approval of some of the ablest lawyers in Dakota, and others presented by other gentlemen and referred to the Committee on Public Lands. The committee in its wisdom reported the present bill.

There is a great deal more that I desire to do, but I do not propose to reach it through amendments, I may say hastily prepared for the pending bill. Let us have another bill.

I was not here when the bill was passed concerning alien holding (though I had previously stated my approval of it) to avoid the great evils of extensive absentee landlordism. In general, as I recollect the bill, I approve it.

There is a pending bill to repeal and end forever the pre-emption law, and to repeal the timber-culture law also, so that there may be but one way hereafter of getting possession of the public lands; that is to say, under the homestead act, with the exception of the provisions for holding larger extents of grazing and desert lands. But there is more yet needed.

Sir, the history of the State of New York from 1840 to 1850 is more instructive than the history of any other States in this matter, owing to the very fierce excitement that arose there known as the anti-rent agitation. There were felt the evils of large and permanent holdings of lands, and the people endeavored to strike at the root of the evil. I picked up the other day their constitution of 1846, which revived my memory of the history of those days. Allow me to quote a paragraph or two.

SEC. 11. The people of this State, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail, from a defect of heirs, shall revert or escheat to the people.

I may say in passing that I think provisions such as it is attempted to add to the pending bill will be found to be very burdensome ultimately when this land passes under the control of States. I do not think it is wise that these lands should have attached to them for centuries to come conditions imposed now by the National Government, while we are simply the guardian of infant States. The next section of the New York constitution says:

SEC. 12. All feudal tenures of every description, with all their incidents, are declared to be abolished, saving, however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

SEC. 13. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

Here follows a very significant section that I commend to our Public Lands Committee in connection with their legislation for the Territories:

SEC. 14. No lease or grant of agricultural land for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

That I desire to see held over these Territories until they shall have passed through our guardianship and have become States controlling their own destinies in local affairs.

SEC. 15. All fines, quarter-sales, or other like restraints upon alienation reserved in any grant of land hereafter to be made, shall be void.

I desire that these lands, when they shall pass into the possession of the States, shall be covered by constitutional provisions like these. There is also a statute, passed after the adoption of this constitution, which indicates what I believe to be the right policy for the Territories and for the States in general concerning the tenure of real estate. It is in the laws of 1867, I believe:

SECTION 1. It shall be lawful for any joint stock company or association to purchase, hold, and convey real estate for the following purposes:

1. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business; or—

That is to say, of a bank or insurance company—

2. Such as shall be mortgaged to it in good faith, by way of security for loans made by, or moneys due to, such joint stock company or association; or,
3. Such as it shall purchase at sales under judgments, decrees, or mortgages held by such joint stock company or association.

The statute proceeds to say:

The said joint stock company or association shall not purchase, hold, or convey real estate in any other case or for any other purpose.

Another statute, that I have not but that I remember well, prevents speculation in real estate in the case of any bank, insurance, or similar corporation, and provides that if such a corporation shall acquire possession of lands by foreclosure it shall be required within five years to dispose thereof. So jealous was New York of accumulations of land that, lest these accumulations should be made under the guise of forfeitures and foreclosures, corporations were permitted to hold only for the immediate purpose of their incorporation, and were required to dispose of lands acquired in course of legitimate business within a limited number of years.

In one sense it makes very little difference that we have dispensed with the laws of primogeniture and entailment; for there is another possibility of evil quite aside from those, another form of reaching the same evil. We are all familiar with the fundamental laws and characteristics of corporations in general. They have an eternal life. Land acquired to-day may be held forever. Land acquired by an individual under the chances of society is not likely to be held long in one family. But we are permitting Territorial Legislatures to create certain corporations, possibly we are creating them ourselves, which may acquire land in absolutely unlimited quantities, and have a greater likelihood of holding for centuries than was probable under the ancient laws of England. Who shall say what will be the complaints and the evils that will arise ten, fifteen, or twenty, or a hundred years hence when these Territories shall have passed out of our control, out of our guardianship, and shall have become States? The States will find immense tracts of land in single ownerships, with a perfect title obtained from the United States in the days of their infancy, and we may be providing, without knowing it to-day, for an agitation similar to that and far greater than that which prevailed in New York forty years ago.

I would not permit any corporation whatever to acquire large bodies of land for the purpose of speculation or trade. I would permit none to hold any more than was absolutely necessary for its own straightforward and legitimate business. I would require it to part within a certain short period with all lands that it might acquire in the collection of debts. I would restrict within the narrowest limits the holding of lands by corporations. Moreover, I would restrict the quantity that might be held by individuals while this land is under our jurisdiction and guardianship.

This bill has a perfectly legitimate and honest purpose. I hope the bill will be confined to that. If there be any attempt made, as there ought to be, to reach these other general purposes, it should be in a distinct general bill to be reported by the committee.

Mr. HOAR. Will my friend from Connecticut allow me to ask how he proposes to let this land get out of our power and then affect it by another bill?

Mr. HAWLEY. I do not understand the question.

Mr. HOAR. I ask how he expects, if we let this land get out of our power by this bill without this condition, that it will be possible to make any general law that will affect this land hereafter?

Mr. HAWLEY. I do not know that I comprehend all the legal relations of this bill; but the purpose of it is to cure an evil that has arisen in the Territories by which great railroad companies—not one but several—have kept the virtual title of these lands, have practically sold them to settlers, and when a settler was called upon to pay his taxes he went back through the title of the railroad company to show that the title was still in the United States for the lack of the payment of 2 or 3 cents an acre for surveying. Wherefore the fee being still in the National Government, the Supreme Court has decided that the lands are exempt from taxation, and great embarrassment has arisen.

I hope we shall not think it wise to encumber lands now absolutely under our control in the Territories with conditions to remain upon them a century hence. When they shall have passed to the control of States, let those States take and hold them under such title as New

York gives to its people and claims for itself; but in the mean time, while the Territories are our pupils, our wards, let us legislate with the very broadest and most generous views of the future so as to avoid all the evils of absentee landlords and immense estates held under perpetual titles.

Mr. CONGER. Mr. President, I sympathize with the desire of the Senator from Massachusetts to prevent now, or at any time when there is an opportunity, by law the great accumulations of landed estates in corporations or in individuals. I think that is the coming danger and the coming curse of the West and of the South and of the Northwest; and for the passage of any proper law to restrict and restrain and direct in that regard I believe I shall always be ready to vote. But the object of this bill, if we may understand it has an object at all, the sole object of this bill is to bring under the law of taxation the vast quantities of land which have been given mostly to States to aid them in building railroads, or directly to the railroad companies themselves, and relieve the settlers through the sparsely settled regions of the country where these lands lie from the whole burden of taxation—to impose it alike upon land held by railroads and upon land held by settlers. That is the object of this bill.

Now, so far as that can be attained by the bill I approve of the measure and shall support it; but to my mind there comes in in this proviso a plan and process which will necessarily and absolutely defeat all the objects of the bill. To accomplish another purpose, to prevent a larger holding by corporations or by individuals through a tax-title than 640 acres, an obstruction is necessarily imposed upon the tax-sales of the larger portion of all the lands to which this bill might subject them.

Those familiar with our new country under the operation of the general land laws of the United States know very well from their own observations and experience that in all new States and in new regions there can be no non-resident lands returned for sale under the tax-laws secured by the purchase of individuals in small quantities. There is no such sale, and never has been, and never will be, in sparsely settled countries. There will never be a sale or a purchase at a tax-sale by individuals here and there. The lands are bought and the taxes are paid, and whatever title runs with the sale for taxes in all such regions the purchase is made by individuals in large quantities, 10 acres of this 40, 20 acres of that 80, the whole of another section bought off for the taxes, and it is bought in subject to the laws of the different States allowing redemption within a reasonable time and at a reasonable percentage added to the tax.

Mr. President, there are some members of the Senate who will not endure to be interrupted by my feeble voice when they are talking because it prevents the current of their thoughts and prevents the continuity of thought if there happens to be any. I would suggest to those gentlemen to listen a moment to what I have to say without interruption, which confuses me, a new man to this kind of business.

I have stated the history and the experience in all new States and in all new countries. Now, I call the attention of Senators to the fact that this applies mainly, I might almost say only, in regard to railroad lands to the vast region hundreds and thousands of miles in extent through which the transcontinental roads extend. Scattered all along these lines, although there may be an organized county, the settlements are very much scattered and sparse. Throughout all Dakota, throughout all Montana, throughout Northern Idaho, throughout Washington Territory, along the line of the Northern Pacific Railroad there are organized counties and a few settlements here and there, and a few residents away from the railroad. Now, suppose under the provisions of this bill all the lands for 2,000 miles may be taxed and may be taxed in counties where the settlers are homesteaders, where they are poor, where every dollar that they can wring from the soil or may have brought with them is necessary to the current expenses and to the livelihood of the year, who can buy these lands? Who can come to the sale and pay the taxes and bid in the lands and accomplish the object of this bill? For hundreds of miles along the Northern Pacific—and I speak of that because I have been along it—there would not be ten men in a county who would have the means to go to a tax-sale in the county and buy up these lands.

In one Territory there are millions of acres of railroad lands stretched along in counties. Who would buy hundreds of thousands of acres of this land if offered for sale? The railroad company finding its lands offered for sale could buy but 640 acres under the provisions of this amendment. The bankers and the capitalists are not the men who have gone along in this new country ready to invest their money in tax-sale lands. Who will buy? No one can buy these thousands and hundreds of thousands and millions of acres under this amendment if it succeeds when they are thrown into the market at tax-sales. The railroad can buy but this 640 acres.

Mr. HOAR. It can pay the taxes.

Mr. CONGER. The railroad can pay the taxes, it is said; but the railroad may not have paid the taxes. I am speaking merely of the impossibility of finding a purchaser. So benevolent societies can go and pay their taxes; benevolent men can go and pay taxes, if they want to do so, for railroad companies. There are possibilities within the range of the imagination of the Senator from Massachusetts which do not have force with me.

Mr. HOAR. Pardon me; the Senator does not understand my point. I understand that the bill proposes a sale on the failure by the railroad company to pay taxes on the lands of the railroad. The Senator's argument is that the railroad can not buy in the land at the sale, but if the railroad pays the tax the title becomes vested in it without any sale or purchase.

Mr. CONGER. Of course. I suppose any Senator of ordinary perception would arrive at that conclusion without the interruption. My argument is that there is nobody to buy the lands at the tax sale. They are there for sale. My argument is that, under the condition the Senator from Massachusetts would impose on this bill, the law itself becomes a dead failure in fact and of necessity; and the chairman of this committee, acquainted with the mode of selling tax lands in the great West and in new countries, and every man who is living where the general land laws of the United States are in force, will see at once that, whether intentionally or not—I have the charity to believe that it was not intentional—the effect is the same as if an enemy had come towards the close of the discussion of this bill, when it might be about to pass, and fastened upon the bill a provision which would render it utterly futile and useless as a law. I can not conceive it possible that that was the object of this amendment, but no man is so dull but that he must see that the necessary result of the amendment would be to prevent the carrying out of the law.

If I have illustrated that, I have made it plain that under the provisions of this amendment if the taxes assessed are not paid, whether assessed by Territories or by counties or by towns or in whatever manner, and the lands are offered for sale to secure the taxes so levied, there can not, in the very nature of the situation of things in that far-off region, be purchasers. No man could buy more than 640 acres. For each mile of this railroad, unless the lands had been sold or disposed of, there are lands granted miles in width. Running along with each mile of the railroad there are ten, twelve, fifteen, possibly twenty sections of railroad land, and for every mile of the length of the railroad 2,000 miles long there must be twenty different purchasers if the lands are taxed and offered for sale. They are not in that country. Every man, woman, and child might attempt to buy at these sales, and there would not be enough to buy in the lands thus taxed and thus desired to be sold.

But suppose the poor settlers could buy along in one place and another, Mr. President, do you or does any Senator here desire to inaugurate a system by which an unsuspecting and confiding people, ignorant of law, ignorant of the subtleties and quirks of the law, shall be induced under any consideration to make a home for themselves by buying tax-title lands, lands to which the Government has some title, to which the railroad company has some title, to which the bondholder has some title, to which the stockholder of the company has some rights, all which is spread out as broad as the limitless prairies through which these roads run, spread out open to future litigation and future contest.

Sir, I have seen too much of the evil effects, the disastrous effects upon those who have ventured to make their homes and own their homes through tax titles, even in the older portions of the country, to ever wish to see such scenes encouraged and renewed. If I had no other objection to this amendment, if the former objections were not of full and sufficient force to me, I would withhold my vote from it. I would vote against it always and continuously and lift my voice against it if it succeeds in encouraging in the slightest degree the poor, innocent, inoffensive, unprotected settler to trust his future for himself and family upon land for his home obtained through a tax title under this law.

Those are partially my objections to this provision being inserted in the bill. There is a place, there must be a place somewhere in the legislation of this country where we can begin now, although late, to limit the vast holdings of real estate, to prevent its being gathered together in the hands of one man or in the hands of one corporation, and shutting out millions and millions of our fellow-citizens now and in the future from the possibility of obtaining a homestead.

Much nearer to the home of the Senator from Massachusetts than to my home this danger of accumulation of land in one hand exists to-day. You may pass through the New England States, ay, you need not travel, you may stay at home and take the census of the New England States, and you will find that year by year, and almost day by day, the thrifty, successful farmer all through the valleys and along the rocky hills of New England has gathered in the 20 acres and the 40 acres and the 80 acres of his less fortunate neighbor; and you may travel along those roads that once had settlers within half a mile or a quarter of a mile or a mile of each other—you may travel along the roads in the rural parts of New England to-day and you will see the one homestead extending over miles of territory.

That is not so in Rhode Island. Thank God, Rhode Island is so small that there is no possibility of an accumulation of great landed estates within its borders. It is the safety of Rhode Island. I say that in answer to the nodding of my friend the Senator from that State [Mr. CHACE]. But in many parts of New England the actual, positive danger and wrong to-day is that the lands, whatever they be, good or bad, valley or mountain, alluvial or rocky, are gradually being accumulated into the hands of a few, and the young men and the middle-aged men

are giving up their little parcels of land and going out to the great West to get more land and more sunshine and more air and more freedom. Now if there is any way which we can devise to restrict and restrain this fatal accumulation of small holdings into large holdings in New England, I should like to assist in furthering that object.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. CONGER. Yes, sir.

Mr. PLATT. I do not know how it may be in the rest of New England, but there is nothing of that sort going on in the State of Connecticut. On the other hand, the holdings are becoming smaller there year by year, the farms being divided up and held in less quantities than they have been formerly.

Mr. CONGER. The census reports do not show that. Unfortunately those who took our census were laboring under a mistake. The reports of the census show that there is a less number of farm-holdings in New England with each succeeding decade. Does the gentleman attack the census?

Mr. PLATT. I do not know anything about the census. The Senator has the advantage of me in that respect. I do know from my observation what I think is true.

Mr. CONGER. A reference which can be readily made by almost any Senator would settle the question beyond dispute.

Why, sir, it is even so in the older Western States, in your own State, Mr. President, that land holdings by the natural course of purchase and sale in the rural districts, in the very county in which you reside, become less in number except—and that is for the present the only redeeming thing about it—except that when those who have large holdings of land in Richland and in Huron and in Wayne and in those large counties die, the love of the farm and the love of the place and the desire to retain part of the old homestead leads continually to a division among the children and the grandchildren. That is so in Richland County within your knowledge and within mine. That for the time being equalizes to some extent the purchasing in of small holdings by the larger farmers.

Sir, that is the case in the southern tiers of counties of my own State. The two southern tiers of counties have a less number of farms to-day than they had ten years ago and a less number ten years ago than they had twenty years ago. It is the natural, inevitable result of prosperity and thrift on the one hand and the desire to sell out and go where more land can be obtained on the other, and it is spreading all through the Middle and the New England States and some of the newer Western States at this day.

Now, sir, while I deprecate the continual gathering together by foreign corporations or by foreign persons, aliens, or by citizens of these vast amounts of our rich alluvial soil in the South and in the West, I do not think the amendment offered here will have any tendency whatever to restrain it. We have sat still quietly, I from my natural diffidence and indisposition to push ahead, and the Senator from Massachusetts from having other and greater cares upon his mind; and he has remained in the House and in the Senate through a quarter of a century almost, and has seen and known that foreigners were accumulating in the United States lands by the 40,000, 50,000, and 100,000 acres, and though there was a little titillation, fear, and anxiety in regard to it, it did not occur to the Senator from Massachusetts that there was great danger in this accumulation till it comes to some paltry tax-sale and the encouragement which should be given to our citizens to buy in lands for homesteads by virtue of that vanishing, fluctuating, visionary, uncertain title to lands, a tax-title here and there and everywhere where tax-titles exist in the land.

Mr. EVARTS. Mr. President, the question of the free tenure of land is vital to American institutions. The division of estates as distinguishable from primogeniture—

Mr. PLUMB. It is evident the debate is to be somewhat extended, judging by the indications, and I ask the Senator if he will yield the floor for a motion to go into executive session?

Mr. EVARTS. I have no desire to continue the debate to-morrow at all. What I have to say to-night I shall probably end within ten minutes. But if the Senators do not wish to listen to me for ten minutes— [“Go on!” “Go on!”]

Mr. PLUMB. I only thought that as the debate was to go on somewhat indefinitely, this being a new subject, we had better proceed to the consideration of executive business.

Mr. EVARTS. I shall take but a little while.

Primogeniture on the one hand and an equal distribution of land upon the demise of the owner on the other, are very important institutions in a country where the one prevails and in our country where the other prevails. I do not understand that this minor clause in this tax-bill interferes with primogeniture or distribution. But, so far as it bears at all, and the Senator from Massachusetts avows the principle which he desires as expressed in this amendment to be extended over this land, it breaks down the freedom of the tenure of land. We hold our land here, all of us, in free and common socage, and not an acre of it is held under any feudal tie. Every acre of land that is to be put up and sold under this clause of this amendment is to be subject perpetually so that no longer can it be held in free and common socage, but is subject to a forfeiture to the United States.

Now, Mr. President, let us look at the very narrow topic that this is to meet. It is to govern tax-sales. If I had provided as a clause in these terms that no greater parcel than 640 acres should be sold under any tax-sale arising under the operation of the bill, and that shall be sold only by a base fee, I could have avoided and defeated the whole measure of this bill. If you pass a general law that all of our free holding of land shall be restored to a feudal obedience to the United States of America or the several States of the Union, that I can understand; but if you want to hamper a tax-sale of lands to which by any possibility these clauses can apply, when all around them there are holders in free and common socage with no baseness in their fee and no defect in its being a fee-simple absolute, you defeat the tax-sale; you change the tenure of the American people. No man with his eyes open buys a base fee, and that is the plain, distinct rule of the common law for that unfortunate condition into which land may be brought as being subject to forfeiture on a condition at common law.

Now, Mr. President, as to the aggregation of land, pass laws if you please having such efficacy and having such purpose, but do not embrace so vast a subject and so high an object upon grasping in your hands only the trivial tax-sales that may occur, distinguishing them forever from all the other surrounding lands. It is not that land is in great or small amounts; the fact that we are owners of our land is the distinction of free property in land. It is our estate free of tenures that fell back and impeded its transfer and burdened it by forfeitures and entries in the name of mesne or paramount lord.

Mr. President, it is to you and to me and to all the other farmers in this land that we hold our frugal acres as owners for ourselves and our posterity, unhampered by a lord paramount who is to forfeit the estate.

Mr. PLATT. Mr. President, since my ideas with regard to the holdings of land in the State of Connecticut were called in question by the Senator from Michigan I have sent for the Compendium of the Census, and I find that in 1850 in Connecticut there were 22,445 farms; in 1860, 25,180; in 1870, the war intervening during that decade, there was only a small increase, 25,508; and in 1880, 30,598.

Mr. HOAR. Will you read Massachusetts?

Mr. PLATT. Massachusetts in 1850, 34,069; in 1860, 35,061. Then they ran down during the next decade, during which the war occurred, to 26,500, as it is here. I doubt whether that is correct. I think it is a misprint for 36,500; and in 1880, 38,406. So that there was an increase during every decade unless it was from 1860 to 1870.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment of the Senator from Massachusetts.

Mr. CONGER. Whether I was mistaken in regard to the number of holdings or not as appears here I do not know. I can not tell whether that alludes to such little farms as are around the cities. If it does, I was mistaken. It may have been that; but the fact that the farmers through the rural districts have accumulated to themselves the lands of others around them and that the large holdings take the place of several small ones I venture to say nobody will deny. That is the point I made.

Now, I want to say that all around the manufacturing cities the lands have been divided up. I do not call those the rural districts proper. They have been divided up into little farms, truck farms, things of that kind, 5, 10, 15, perhaps 20 acres, growing up around manufacturing establishments and in the neighborhood of cities. But when any Senator from New England will tell me that away from the cities in the farming lands proper there is not an accumulation of larger farms, the small farmers have sold out to the larger ones, then I will yield the point I have made.

Mr. PLATT. I do not pretend to contend with the Senator from Michigan as to what the condition of things is in the State of Michigan, but I think I know with regard to the State of Connecticut. The number of acres in farms is not being increased in the State of Connecticut and has not been. On the contrary, just the other thing is going on. The old families that had three, four, and five hundred acres, as the old farmers die off, divide their farms, and they are largely being taken up now by enterprising Germans and Irishmen in smaller holdings; and the agricultural towns, which for a time became to a certain extent depopulated, that is, the population decreased in them, are now being increased again just from that fact, that the farms are being divided and that either native farmers or foreigners, largely Germans and Irishmen, are taking up the lands in smaller quantities and working them more thoroughly than they were worked under the old régime.

Mr. INGALLS. Mr. President—

Mr. HOAR. If the Senator will allow me a sentence—

Mr. INGALLS. My purpose was to move that the Senate proceed to the consideration of executive business, but for the purpose of enabling the Senator to say a sentence, I will allow that motion to be pending.

Mr. HOAR. I do not wish to go on with a speech to-night, but I would like to state a word in regard to what my honorable friend from Michigan has said.

There are three manufacturing counties in Massachusetts in which the proportion of income in comparison to the value of the capital,

treating the farm and the stock, the tools and appliances, as capital, make nearly the very best showing of any community in the United States. There are two counties which I selected last year for the benefit of some addresses to my constituents in reference to the operation of the tariff policy on agriculture. While there are a few counties like Genesee County, New York, and Lancaster County, Pennsylvania, and some few others that excel these, still in spite of our sterile soil, agriculture makes a very handsome showing in comparison with other places. There is, however, what the Senator speaks of somewhat contemptuously—I do not think he meant it contemptuously, however—as the little truck farms. We have twenty-three large manufacturing cities in Massachusetts. In addition to that we have a vast number of towns of ten, twelve, eight, six, or five thousand inhabitants, and small manufacturing villages on the streams, making a market; and the farmers who go into the business of raising berries and fruits and fresh vegetables for those markets get rich. I know a little country town, the town in which my father was born, where quite a number of the private farmers have made handsome fortunes by this business. They are about 12 or 14 miles out of Boston.

It is true that in the more bleak rural communities in Massachusetts and in very small towns, and so of New Hampshire, and perhaps not so much in Vermont, but at any rate in New Hampshire and Massachusetts, what the Senator alluded to has taken place. Homesteads which were occupied a generation ago by the men who were the very bone and sinew of America are not there now. They were farmers, living on those bleak farms, but they made the best jurors, the best legislators, the best governors of towns, the best citizens, if I may be permitted to say so, that ever existed on the face of this earth; and in my ancestral line there are some instances of it. They are the men who planted Ohio and Michigan; they are the men who planted the standard in Nebraska, who settled California; and they are the men whose spirit, living again, has crossed with hungry eyes to Washington and Oregon. It is true that when these villages grew up the younger farmers, when they come home from school like to go to the city, where they can have the advantages of churches, and lyceums, and good schools, physicians, and all the pleasures of society; and these farms were sold.

But as my friend from Connecticut has said in regard to his own State, that is changing now. The Irishman and the Swede, and the German to some extent, are filling up those places. They are not getting these large holdings; my friend from Michigan is mistaken in that. The lands are sold to the poor Irishman accustomed to live in hardship and with economy, to whom the possession and ownership of land, however rocky or sterile, is a great step in fulfilling his ambition. The future of the farming districts of Massachusetts and New England I think we have no occasion to be anxious for. At any rate the evil at which my amendment strikes of having the vast aggregations of land in foreign ownership, or of allowing individuals, the millionaire, the railroad magnate, or the merchant to gather together the title to hundreds and thousands of acres for selfish pride and pleasure, there is no danger will ever exist in New England.

Mr. INGALLS. After the sentence uttered by the Senator from Massachusetts, I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Kansas moves 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 eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 3, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 2d day of June, 1886.

ASSISTANT SECRETARY OF THE INTERIOR.

David L. Hawkins, of Missouri, to be Assistant Secretary of the Interior, *vice* George A. Jenks, resigned.

ALASKA COMMISSIONER.

Joseph B. Johnson, of Virginia, to be a commissioner in and for the District of Alaska, to reside at Unalaska, *vice* Charles Seeber, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25, 1886.

INDIAN INSPECTOR.

Frank C. Armstrong, of New Orleans, La., to be an Indian inspector.

INDIAN AGENT.

John B. Scott, of Nevada, to be agent for the Indians of the Western Shoshone agency, in Nevada.

POSTMASTERS.

R. R. Hunley, to be postmaster at Talladega, in the county of Talladega and State of Alabama.

William J. Fleming, to be postmaster at Fort Smith, in the county of Sebastian and State of Arkansas.

John Shearman, to be postmaster at Monroe City, in the county of Monroe and State of Missouri.

Richard J. Wickersham, to be postmaster at Lebanon, in the county of Laclede and State of Missouri.

James W. Locke, to be postmaster at Greensborough, in the county of Hale and State of Alabama.

Benjamin L. Long, to be postmaster at Greenville, in the county of Butler and State of Alabama.

William B. Alexander, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas.

Samuel Berry, to be postmaster at Winchester, in the county of Scott and State of Illinois.

John W. Marshall, to be postmaster at McLeansborough, in the county of Hamilton and State of Illinois.

Joseph R. Ratekin, to be postmaster at Shenandoah, in the county of Page and State of Iowa.

Joseph B. Fugate, to be postmaster at Newton, in the county of Harvey and State of Kansas.

Ebenezer M. Lockwood, to be postmaster at Burlington, in the county of Coffey and State of Kansas.

Frank E. Martin, to be postmaster at Larned, in the county of Pawnee and State of Kansas.

F. M. Reamer, to be postmaster at Dodge City, in the county of Ford and State of Kansas.

Richard Holmes, to be postmaster at Natchez, in the county of Adams and State of Mississippi.

George Blakeney, to be postmaster at Carthage, in the county of Jasper and State of Missouri.

James E. Watson, to be postmaster at Fulton, in the county of Calhoun and State of Missouri.

William F. Harrity, to be postmaster at Philadelphia, in the county of Philadelphia and State of Pennsylvania.

Joseph H. Wilder, to be postmaster at Shelburne Falls, Franklin County, Massachusetts.

Rollin C. Ward, to be postmaster at Northfield, Franklin County, Massachusetts.

Gilbert W. Farrington, to be postmaster at Monson, Mass.

J. H. Beidler, to be postmaster at Mount Pulaski, Logan County, Illinois.

John H. Hamilton, to be postmaster at Eureka Springs, Carroll County, Arkansas.

Charles A. Sheldon, to be postmaster at Gainesville, Alachua County, Florida.

William N. Hensley, to be postmaster at Columbus, in the county of Platte and State of 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:

The Committee on Post-Offices and Post-Roads submits the following report: "On the 10th day of December, 1885, the President nominated to the Senate William N. Hensley to be postmaster at Columbus, Nebr., *vice* Henry J. Hudson, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee therefore report the nomination of the said William N. Hensley to the Senate with a recommendation that it be confirmed."

J. M. Gilliland to be postmaster at Nashua, in the county of Chickasaw 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:

On the 16th day of December, 1885, the President nominated to the Senate J. M. Gilliland to be postmaster at Nashua, Iowa, *vice* Joseph F. Grawe, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee, therefore, report the nomination of the said J. M. Gilliland to the Senate with a recommendation that it be confirmed.

Franklin A. Thompson, to be postmaster at McCook, Red Cloud 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 11th day of February, 1886, the President nominated to the Senate Franklin A. Thompson to be postmaster at McCook, Nebr., *vice* Alonzo P. Sharp, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee therefore report the nomination of the said Franklin A. Thompson to the Senate with a recommendation that it be confirmed.

Adam Ferguson, to be postmaster at North Platte, in the county of Lincoln and State of 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 16th day of December, 1885, the President nominated to the Senate Adam Ferguson to be postmaster at North Platte, Nebr., vice John E. Evans, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee therefore report the nomination of the said Adam Ferguson to the Senate with a recommendation that it be confirmed.

C. E. Forbes, to be postmaster at Saint Paul, in the county of Howard and State of 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 10th day of December, 1885, the President nominated to the Senate C. E. Forbes to be postmaster at Saint Paul, Nebr., vice Adelbert A. Kendall, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee therefore report the nomination of the said C. E. Forbes to the Senate with a recommendation that it be confirmed.

REJECTION.

Executive nomination rejected May 25, 1886.

Andrew Shanahan, nominated to be postmaster at Rockland, Plymouth County, Massachusetts.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 2, 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.

TAXATION ON PETROLEUM, HOLLAND.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Ways and Means, and ordered to be printed:

To the House of Representatives:

In response to a resolution of the House of Representatives of the 17th of March last, requesting the Secretary of State "to communicate to the House of Representatives, if not incompatible with the public interests, copies of recent correspondence and dispatches between the Secretary of State and the minister of the United States at the Hague, touching the subject of taxation on petroleum in Holland and in the Dutch colonies, and that of the export therefrom of leaf-tobacco to the United States," with reference to my message to the House of Representatives of the 14th ultimo, I now transmit a further report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 1, 1886.

CLAIMS CERTIFIED BY COURT OF CLAIMS.

The SPEAKER also laid before the House communications from the assistant clerk of the Court of Claims, transmitting copies of order of findings of fact by that court in the several cases of Newit Harris, John A. Oursler, and Indiana E. Hughes against the United States; which were severally referred to the Committee on War Claims.

SENATE BILL REFERRED.

The SPEAKER also laid before the House a bill of the Senate of the following title; which was read a first and second time, and referred to the Committee on Labor, namely:

A bill (S. 2076) to extend to letter-carriers the privileges secured to other employes of the United States by section 3738 of the Revised Statutes relating to hours of labor.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:
To Mr. CUTCHEON, for two weeks, on account of important business.
To Mr. GREEN, of New Jersey, for three days, on account of important business.

To Mr. HALL, for two weeks, on account of important business.
To Mr. ANDERSON, of Ohio, for five days.

WITHDRAWAL OF PAPERS.

On motion of Mr. BUTTERWORTH, by unanimous consent leave was granted to withdraw from the files of the House the petition of Eliza Rodde, in reference to an application for pension filed on the 24th day of May.

LAWS OF DAKOTA.

The SPEAKER announced as managers on the part of the House at a conference between the Senate and House on the disagreeing votes of the two Houses on the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota, &c., Mr. HILL, Mr. BOYLE, and Mr. BAKER.

ORDER OF BUSINESS.

Mr. OATES. Mr. Speaker, I ask leave to introduce a bill for reference.

Mr. BEACH. I shall be obliged to object. I suppose that will keep until next Monday.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. WILSON, from the Committee on Appropriations, submitted the following report:

The Committee on Appropriations, to whom was referred the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 3, 7, 10, 16, 25, 28, 29, 30, 31, 35, 53, 54, 72, 77, 81, 82, 92, and 114.

They recommend non-concurrence in the amendments of the Senate numbered 1, 2, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 78, 79, 80, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, and 130.

The SPEAKER. Is the reading of the amendments demanded?

Mr. REAGAN. I should like to have the gentleman from West Virginia state what the principal amendments are.

Mr. WILSON. The Senate added about one hundred and thirty amendments to the bill as it passed the House. Some are mere verbal amendments, and many increases are made of appropriations. The report of the committee recommends concurrence in no case where the amount appropriated by the House has been increased.

Mr. BLOUNT. What is the aggregate of the increase?

Mr. WILSON. The aggregate is two hundred and eleven thousand and some hundred dollars.

The SPEAKER. If there be no objection the question will be taken upon agreeing to all of the amendments of the Senate in which the committee recommend concurrence.

The said amendments were agreed to.

The SPEAKER. No separate vote being demanded, the motion will be taken to non-concur in all the rest of the amendments.

The motion to non-concur was agreed to.

Mr. WILSON moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILSON. I ask now that a conference be requested with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. If there be no objection, the House will request a conference with the Senate on the disagreeing votes of the two Houses; and the Chair will appoint the managers at the conference on the part of the House.

There was no objection, and it was so ordered.

Mr. WILSON, Mr. ADAMS of New York, and Mr. HENDERSON of Iowa were appointed as managers on the part of the House at said conference.

AQUEDUCT BRIDGE.

Mr. BARBOUR. I submit the report of the committee of conference on the bill (S. 200) known as the Aqueduct Bridge bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to Senate bill No. 200 recommend as follows:

That the House agree to the amendment of the Senate, as follows: Page 1, line 4, after the word "bridge," insert the words "including the piers thereof."

That the Senate agree to the amendment of the House, as follows: Page 1, line 12, strike out after the word "same" all down to and including the word "bridge," in line 15.

That the Senate agree to the amendment of the House, as follows: Page 1, line 20, strike out the word "one-fourth" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 1, lines 22 and 23, strike out the word "three-fourths" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 2, line 25, strike out all after the word "survey" down to and including the word "bridge," in line 26.

That the Senate agree to the amendment of the House, as follows: Page 2, line 27, strike out the word "one-fourth" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 2, line 29, strike out the word "three-fourths" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 3, lines 3 and 4, strike out the words "and the length of draw."

That the Senate agree to the amendment of the House, as follows: Page 3, line 8, strike out the word "and" after the word "Illinois."

That the Senate agree to the amendment of the House, as follows: Page 3, line 8, after the word "Virginia" insert the words "Saint Louis, Missouri."

At the end of the bill add the following sections:

"SEC. 3. That if in the purchase of the Aqueduct Bridge under the first section, at any time, it shall be deemed necessary to obtain from the Chesapeake and Ohio Canal Company, or its grantees, any release or conveyance of any portion of the ground upon which the northern abutment of the Aqueduct Bridge rests, or right to cross the Chesapeake and Ohio Canal from the abutment to Bridge street, or if a good title can not be procured by contract to any property required in the construction of a bridge under the second section, the same shall be acquired by the Secretary of War by condemnation in the manner provided by the act approved May 8, 1872, entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes.' Provided That the condemnation proceedings, if any such proceedings are necessary, shall not prevent the taking possession, on payment of the purchase-money, of the Aqueduct Bridge by the United States, and opening the same to the public as a free bridge, if the same shall be acquired under the first section: Provided further, That the sum of \$10,000 of the sum

hereby appropriated shall be available to meet the payments under condemnation proceedings, if any shall be had.

Sec. 4. The act approved February 23, 1881, entitled "An act to authorize the construction of a bridge across the Potomac River, at or near Georgetown in the District of Columbia, and for other purposes," is hereby repealed."

JOHN S. BARBOUR,
J. H. ROWELL,
WM. L. WILSON,
Conferees on the part of the House.
H. H. RIDDLEBERGER,
Z. B. VANCE,
JOHN C. SPOONER,
Conferees on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The conferees on the part of the House upon the bill of the Senate 200 respectfully make the following statement to accompany and explain the report of the conference:

The Senate has agreed to all the amendments to said bill made by the House, and both parties have agreed that the words "including the piers thereof" should be inserted after the word "bridge," in line 4, so as to avoid any uncertainty in the interpretation of the aforesaid word "bridge."

JOHN S. BARBOUR,
WM. L. WILSON,
J. H. ROWELL,
Conferees on part of House.

The report was adopted.

Mr. BARBOUR moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HATCH. I call for the regular order.

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

NATIONAL TRADES UNIONS.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back with a favorable recommendation the bill (H. R. 7621) to legalize the incorporation of national trades unions; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. O'NEILL, of Missouri, from the Committee on Labor, also reported back the bill (H. R. 6084) to legalize the incorporation of national trades unions; which was laid on the table.

CONSIDERATION OF EDUCATION BILL.

Mr. DANIEL (by Mr. O'NEILL, of Missouri), from the Committee on Labor, reported back with amendments the following resolution; which was read, and referred to the House Calendar:

Resolved, That Thursday, the 10th day of June, 1886, be set apart for the consideration of the bill H. R. 7266, entitled a bill to aid in the establishment and temporary support of common schools.

MRS. SARAH L. LATIMER.

Mr. LANHAM, from the Committee on Claims, reported, as a substitute for H. R. 6051, a bill (H. R. 9124) to compensate Mrs. Sarah L. Latimer for loss of property taken by Sioux Indians; 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.

House bill No. 6051 was laid on the table.

Mr. BUCHANAN obtained leave to file the views of the minority; which were ordered to be printed with the report of the majority of the committee.

J. W. BEAMAN AND B. F. SCRIBNER.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2990) for the relief of John W. Beaman and B. F. Scribner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. COMSTOCK, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 6649) for the relief of George F. Brott; which was laid on the table, and the accompanying report ordered to be printed.

BRIDGE ACROSS EASTERN BRANCH.

Mr. ROWELL, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

SCHOOL BOARD FOR THE DISTRICT.

Mr. BARBOUR, from the Committee on the District of Columbia, reported, as a substitute for the bill H. R. 5235, a bill (H. R. 9125) to create a school board for the District of Columbia and to prescribe its powers and duties; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed. The bill H. R. 5235 was laid on the table.

NATIONAL SAFE DEPOSIT COMPANY.

Mr. BARBOUR, from the Committee on the District of Columbia, also reported back with a favorable recommendation the bill (H. R. 2589) to amend an act entitled "An act to incorporate the National Safe Deposit Company, of Washington, in the District of Columbia," approved January 22, 1867; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PARK LANDS AT MARQUETTE, MICH.

Mr. ANDERSON, of Kansas, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 6094) granting to the city of Marquette, Mich., certain lands for park purposes, with amendments; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

OLEOMARGARINE.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue. Pending that motion, I ask unanimous consent that at 4 o'clock this afternoon the committee shall rise and report the pending bill and amendments to the House.

Mr. REAGAN. Might not an earlier hour be fixed?

Mr. HATCH. Some gentlemen informed me there are substantial amendments which they desire to discuss. I have therefore proposed that the committee shall rise at 4 o'clock.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at 4 o'clock this afternoon the Committee of the Whole shall rise and report back to the House the bill under consideration with amendments. Is there objection?

Mr. BRECKINRIDGE, of Kentucky. I desire to make a parliamentary inquiry. If this order should be made would it not have the same effect in the Committee of the Whole as ordering the previous question in the House?

The SPEAKER. It is proposed to direct the committee to report the bill back to the House at 4 o'clock, and then if the previous question is ordered it will have to be ordered by the House.

Mr. BRECKINRIDGE, of Kentucky. This has the effect of peremptorily requiring the committee to rise at that hour, no matter what point in the bill they may have reached for consideration?

The SPEAKER. That would be the effect of the order.

Mr. BRECKINRIDGE, of Kentucky. For instance, if we had not yet reached the nineteenth section, which gives the informer a moiety, we should be cut off from the discussion of that section.

Mr. HATCH. I will say to the gentleman that that is one of the sections that we desire to discuss, and there can be no doubt whatever that we shall reach it during the day.

Mr. McMILLIN. Can we have a yea-and-nay vote on that in the House? I think it is very important that we should have a vote on that section.

Mr. HATCH. I have no objection to that.

Mr. HAMMOND. I have no doubt that we can reach the nineteenth section during the day, but to make this order now would enable parties to waste all the intervening time and prevent our reaching that or other sections.

Mr. HATCH. I assure the gentleman that there is no disposition on the part of those who are in favor of this bill to waste any time on any section.

Mr. HAMMOND. Well, I do not know the disposition of those who are opposed to it. I object. I am perfectly willing that a vote shall be had earlier, but I can not consent to the arrangement proposed.

Mr. DUNHAM. I hope the gentleman from Georgia [Mr. HAMMOND] will withdraw his objection.

Mr. HAMMOND. I will not. I would like to have a vote on the bill in an hour, but I do not wish to place myself in a box.

Mr. DUNHAM. As I understand the position of the gentleman—

The SPEAKER. The proposition has been made and stated by the Chair, and it has been objected to by the gentleman from Georgia, who insists upon his objection.

Mr. DUNHAM. I want to see if I understand it correctly. There can be no harm in that.

The SPEAKER. But the gentleman from Georgia objects.

Mr. HAMMOND. It is immaterial whether the gentleman from Illinois [Mr. DUNHAM] understands it correctly or not. I object. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. HATCH], that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

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

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further 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 Clerk will report the pending amendment.

The Clerk read as follows:

In line 3, section 11, strike out "fifty" and insert "ten;" making it read: "That every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of \$50 for each such offense."

The question was taken on the amendment, and there were—ayes 4, noes 78.

So the amendment was rejected.

The CHAIRMAN. If there be no further amendments to this section of the bill the Clerk will report the next section.

The Clerk read as follows:

SEC. 12. 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 and to a forfeiture of all articles so purchased or received, or of the full value thereof.

Mr. WELLBORN. Mr. Chairman, I move to strike out the last word of the section, and do so for the purpose of submitting some general remarks in opposition to the bill.

To the supporters of the measure I concede that if oleomargarine and its kindred compounds are noxious and deleterious to health, which, however, has not been shown during this debate save by vague general assertion, their manufacture and sale ought to be regulated or suppressed according as the nature and extent of the mischiefs to be remedied require. But for the enactment of such laws, I submit, the police power of the States should be invoked and not the limited authority of the Federal Government. I concede further that oleomargarine and other like articles of food ought to be made to stand on their own merits, and that their fraudulent sales as genuine products ought to be severely condemned by public opinion and effectually guarded against by suitable laws.

It does not rest with Congress, however, to apply correctives, though these evils be ever so aggravated and flagrant. This should be done by the Legislatures of the States. In either event, that is, whether the bill be considered a sanitary regulation or a measure for the prevention of frauds and impositions, I can but regard it an invasion by Federal of State authority. And right here let me repeat, with emphasis, what has been so often said before, that the growing disposition of the Federal Government to unduly extend its powers can but be viewed with anxiety and solicitude, if not alarm, by those who would hold its several departments to their delegated functions. This disposition, unresisted and unchecked, must inevitably sooner or later result in strengthening and broadening Federal jurisdiction to such an extent that State lines will exist only on the map and be without political significance or bearing.

We are told by others that the bill is a revenue measure, and therefore clearly within the constitutional grant to Congress of the power to "lay and collect taxes," &c. But does the Government need larger revenues than are now collected? On the contrary the declaration is heard everywhere, both inside and out of this House, that taxation must be reduced, not increased. Again, what are the provisions which it is claimed give a revenue character to the bill? They are the special taxes of \$600 on the manufacturer, \$480 on the wholesale dealer, \$48 on the retail dealer, and 10 cents per pound on the article itself. The testimony of gentlemen familiar with the subject is to the effect that these taxes will render unprofitable and hence impracticable the continued manufacture of oleomargarine. If this be true no revenue, of course, can be derived from the bill. These two conditions, namely, that no larger revenues are needed and that the proposed taxes would practically discontinue the manufacture of oleomargarine, strip the bill of its revenue garb and disclose as its real object the fostering of dairy interests at the expense of a competing domestic industry. Than this no greater departure from early principles and traditions has ever been attempted.

What, think you, would have been the feelings of the men who constructed the Government a hundred years ago on the principle of equal rights could they have foreseen that one of its sovereign powers, that of taxation, was ultimately to be used as a means of protecting one American industry from the competition of another American industry? Despondency, if not despair, would have staggered their energies. And yet, sir, as is openly avowed by its recognized promoters, such is the substantial purpose of the mischievous bill we are now considering. The fact that it comes to us disguised as a revenue measure but intensifies its viciousness. I have not time to discuss at length the constitutional phase of this question, but will submit a simple inquiry: What is the essential principle of the bill? What is the doctrine on which it necessarily rests? It is that hateful principle which invites and justifies legislation in behalf of special interests. It is the odious doctrine of class legislation whose abominable office it is to destroy one domestic industry in order that a more vigorous and profitable growth may be imparted to another domestic industry, a doctrine which can rightfully have no place or standing in a land of free institutions, but which belongs only to aristocratic and monarchical establishments.

In my opinion, Mr. Chairman, there can not be found in all the history of the Republic a more dangerous precedent than that which the enactment of this bill into a law would establish. Could the voices of

Jefferson and Jackson be lifted to-day from their graves and reach us on this side of the House their utterances would be those of displeasure if not of wrath. In blistering words would they denounce this bill, not only as un-American, but as violative of the high aims and principles of that great party of constitutional law and equal rights which they founded and preserved, not for particular classes and interests, but for the common good of the generations that were to follow them. They would also implore us to resist and oppose all efforts at class legislation, and to hold fast to the elemental tenet of democratic faith, "Unjust privileges to none; equal protection of the laws to all."

The advocacy of this measure by Republicans is no occasion of surprise. It possesses at least the virtue, if virtue it be, of consistency. Such action on their part is in keeping with the dogmas of that school of political philosophy in which they have been taught. The protective policy of which this bill is but an extreme manifestation is the cardinal economic belief of the Republican party; and under the rule of that party this protective policy has been expanded to such an extent over numberless interests and classes that monopoly in its multi-form character has at last grown so great that its huge shadow darkens all the land. No wonder that gentlemen so earnestly, intensely devoted to a particular dogma rush it blindly, madly rush it, to dangerous if not fatal extremes. Of the Republicans, therefore, who support this measure we can but involuntarily exclaim, "Lord, have mercy on them; they know not what they do!" But no such excuse exists for our Democratic friends. They have been brought up in a different school of politics, and the country expects of them better things.

But, sir, in mitigation of the evil of this bill, it is said that it is in the interest of the farmer. We are told also that in meeting the expenses of government heavy, unequal burdens rest upon the agricultural interests of the country. No truth more obvious and at the same time more shameful than the latter statement has ever been promulgated in this House. But how, in what conceivable way, can this bill lift the burdens complained of? Mr. Chairman, the plea that the measure is in the interest of agriculture will not do, nor will it be accepted by the farmers of the country, whose approbation it is designed to secure.

[Here the hammer fell.]

Mr. MILLS obtained the floor and said: I yield my time to my colleague [Mr. WELLBORN].

Mr. WELLBORN. I was about to observe, Mr. Chairman, that American farmers are not readily duped. They are men of intelligence as well as of honesty and patriotism. They realize keenly the grievous wrongs to which they have long been subjected by vicious legislation. They are in arms for relief, and for one I trust that the momentous though bloodless contest will not be ended until their grievances are redressed. But, sir, these grievances spring from poisoned, malignant sources, which this bill does not undertake to touch. Let me enumerate some of them.

First and foremost I place the protective tariff, whose intolerable burdens distress and persecute the fireside of every farmer in the land.

Second. Another fruitful source of injury and harm to the agriculturist is the failure of Congress to regulate interstate commerce. Next to uniform and equal taxation there is nothing which more nearly concerns the farmer than the transportation of his products to the markets of the world on fair and reasonable terms. Corporate privileges—among others the transcendent right of eminent domain—are conferred not for the advantage of individuals but for the public good, and Government should see to it that these privileges are so used as to promote, not defeat, the object of their grant.

In the third place, our contracted, inadequate currency is another evil which afflicts and curses agricultural as well as other laboring interests. A currency insufficient in volume can but enhance the value of money and correspondingly depreciate the prices of agricultural as well as other products of labor.

These are some of the monstrous wrongs to which farmers are subjected. In the face of these wrongs, what is the situation here to-day? What, Mr. Chairman, is the message which this day's proceedings of the House will send to the farmer in answer to his repeated demands for justice? Let me outline it. "Farmers of America, in order to still further increase the colossal fortunes of manufacturers you must continue to bear the intolerable burdens of protection. To the end that railroad magnates and kings may continue to draw large dividends on unreal, watered, fictitious stock you must still submit to those unjust corporate exactions which are inevitable in the absence of laws regulating interstate commerce. In the interests of national banks, of bondholders, and of persons with fixed incomes you must suffer indefinitely the fearful evils of a contracted currency, made more inadequate by the refusal of Congress to restore silver to free and unlimited coinage. But, as an atonement for these multiplied and unutterable wrongs, as compensation for the stupendous burdens you bear and the incalculable losses you sustain in the respects named, know that here under the dome of the nation's Capitol your chosen representatives are now, and have been for days, engaged in a splendid, heroic struggle to crush out that sum of all infamies, oleomargarine, and thus rescue from dangerous competition your surplus butter." [Laughter and applause.]

This may be satisfactory to the large dairy interests of the country;

but, sir, I greatly mistake the intelligent, patriotic manhood of the American farmer if he does not respond to this message indignantly and resentfully.

[Here the hammer fell.]

Mr. NELSON. I move to amend the *pro forma* amendment so as to strike out the last two words. And I will yield my time to the gentleman from Texas [Mr. WELLBORN].

Mr. WELLBORN. Mr. Chairman, I was about to say, that when the farmers come to investigate and reflect deliberately upon this bill so far from indorsing they will condemn it as an extreme development of that odious policy of protection whose robberies have impoverished them to the enrichment of manufacturers. And I say further, that instead of consuming the time of the House in an effort to pull down one interest in order to make another more prosperous, under the delusive plea of benefiting agriculture, better far would it be were we to devote our attention to measures which will bring substantial and permanent relief to this tax-ridden, monopoly-oppressed industry.

The more important of these measures, as I have already indicated, are the abrogation of the protective tariff, the regulation of interstate commerce, and the restoration of silver to free and unlimited coinage. To these I would add another measure or policy of interest not only to farmers but to all classes, namely, the absolute and irrevocable dedication of all that remains of our public domain to homestead uses for those of our people who are homeless and landless. No object of higher, more universal concern than that of placing it within the power of the individual to acquire for himself a home ever had the sanction of American patriotism or challenged the energies of American statesmanship. There are two conditions calculated to attach the citizen to his country and his government:

First. Ownership of the roof, however humble it may be, which shelters his wife and children.

Second. Consciousness of the fact that the law extends over this roof and those beneath it a jealous protection, given to no other species of property, and the fullness of which is aptly represented in those sublime utterances of Chatham:

The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter, but the King of England may not enter. All his force dares not cross the threshold of the ruined tenement.

Give to a man this ownership and this consciousness and he will love the country which holds within its borders, and revere the government which shields from harm and intrusion, what to him is the most sacred of localities. For this country and this government he will fight; for them, if need be, he will die.

Mr. Chairman, while I speak to-day with all the earnestness of my nature, while I speak with all the emphasis that my humble control of language can give, in behalf of an oppressed industry—agriculture, I do not claim to be its special champion to the exclusion of all other interests. And were I to arrogate to myself the exclusive championship of this or any other industry or interest my utterances ought to be despised as the wiles of a conscienceless man degrading the high office of an American Representative into the contemptible rôle of a political trickster.

But I do claim to represent all the interests and all the classes of my constituency, and when one of these is borne down by oppression duty commands me to its attempted relief. And I tell you to-day, sir, the wrongs which I have hurriedly enumerated must be redressed or else the social and political elements of the country will be kept in a state of constant disturbance, not only perilous to public peace and order, but ultimately to the stability of our institutions. Sir, no matter how widely members of this House may differ on other questions, no matter how fierce and bitter party prejudice and passion may at times unfortunately become, there is one question upon which I trust that middle aisle may never divide us—the desirability of perpetuating free constitutional government. To this end we ought sternly to resist all efforts at class legislation, all propositions which look to the building up of one interest at the expense of others. Sir, if we would place the free institutions of our country in fortresses impregnable and lasting we must intrench them in the hearts of the people. To make this possible the people must know and realize that this Government is theirs, and not a government of classes and privileges. Then let our legislation be so framed, let all our public policies be so shaped as to rivet this conviction, this great conviction, in the popular mind, and then the Republic, under a mighty impulse, the love and affection of sixty millions of people of all classes and interests, will move forward to a higher and a more glorious destiny than has hitherto been allotted to any human government. [Great applause.]

The CHAIRMAN. If there be no objection all formal amendments will be considered as withdrawn.

Mr. BEACH. I move, after the word "who," in line 1, to insert "knowingly;" so it will read:

That every person who knowingly purchases or receives for sale any oleomargarine from any manufacturer.

Now, Mr. Chairman, I do not care to consume the time of the committee in debating that amendment. I think the chairman will see the propriety of its adoption.

Mr. HATCH. I sought the floor this morning for the purpose of

offering that amendment. As I said yesterday, I would not object to its being adopted.

The amendment was agreed to.

Mr. O'FERRALL. Mr. Chairman, the discussion of this bill has been protracted to such an extent I am reluctant to detain the House with any further remarks of mine; but after listening a day or two ago to the distinguished gentleman from New York [Mr. FARQUHAR] and this morning to the distinguished gentleman from Texas [Mr. WELLBORN] I find, perhaps, it is necessary for me and other Democrats on this floor who favor this bill to take our political bearings and see where we stand. The distinguished gentleman from New York declared this bill was contrary to the tenets and policy of the Republican party, and he warned his friends on the other side of the House who are supporting it that its passage would tend to reduce tariff taxes. If this be the effect of the passage of this bill, then, sir, the gentleman from New York has offered the very best argument he could offer why Democrats should support it, and he has strengthened me in my support of it at least. I am a tariff reformer in its most comprehensive sense. God gave the people of this land their brains and their hands, and what they make by their brains and their hands by the law of the Almighty belongs to them, except so far as it may be necessary to contribute to the support of the national household in which they all have a common interest.

And when this Government puts its hand in the pockets of the people and takes therefrom more money than is necessary to run the Government upon principles of true economy it is committing a robbery by taking from them the fruits of their brains and hands, their sweat and toil and muscle, and committing a wrong which will not down or be covered up by all the sophistries of the high protective-tariff idea.

But, Mr. Chairman, the gentleman from Texas comes and says that this bill now is in the interest of protection. I recognize his ability, sir, but he loses sight altogether of the bed-rock principle underlying this legislation. He says it is undemocratic; that it builds up one industry at the expense of another industry, and hence is unconstitutional.

Sir, it is not building up an honest industry at the expense of another honest industry. It is building up a pure and honest industry at the expense of a fraudulent and deceptive enterprise that is daily wronging the people of this country. It is legislating in favor of truth against falsehood; it is legislating in favor of one of the purest of products against one that shuns the light of day; that works in darkness and deceit; that wears a false face and steals the livery of honesty to cover it when it is presented in the markets of the country. Unconstitutional, says the gentleman! I love the Constitution and cherish it. I would not willingly do violence to it, no matter how much public sentiment might demand it or public clamor require it. I am a Democrat, pure and simple; proud of my party, its record, traditions, and glories. I am a strict-construction Democrat; but I believe the Constitution, which was the emanation of the minds of men which seemed to be charged with electric thought, and I might almost say, without sacrilege, of divine inspiration from that God whose eye had witnessed the decay and fall of so many republics before the grand inception of this Republic—I believe that Constitution is broad enough to allow Congress to tax fraud and deceit in the shape of oleomargarine and kindred products, and force the miserable fraud to sail under its own black flag of disease and death.

I believe, in addition, sir, that this Congress has power to tax fraud and protect honest industries; and in raising money by taxing this fraud to make it possible to relieve another honest industry by taking the tax from tobacco; and, failing in that, to empower Congress to reduce the tariff tax, that follows the child from infancy to boyhood through all of the stages of manhood down to old age, and only ceases its vicious pursuit at the grave, and retires with the mourners with its head bowed over the loss of a subject. [Applause.]

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

Mr. O'FERRALL. Yes; but not out of my time.

Mr. BRECKINRIDGE, of Arkansas. Of course, since there is no other time in which to ask it, I must desist.

Mr. O'FERRALL. I will remind the gentleman from Arkansas of an old Quaker proverb: "If one toss salt on thee it will do thee no harm unless thou hast sore places." The gentleman can apply the proverb.

[Here the hammer fell.]

Mr. HAMMOND. Mr. Chairman, I am not disposed now to discuss Democratic doctrines. Any man who believes that the taxing power of the Government can be used to prevent the manufacture of good maple sirup out of sorghum-cane (which is now being done in Kansas); any man who believes that the taxing power of the Government can be used to prevent people from selling glucose sugar made of corn as sugar made of sugar-cane, lying every time they make a sale, can vote if he likes for this bill. He was not taught in the same school of politics in which I was educated. I understand these things to be beyond the purpose of this General Government. It is a good thing to stop profane swearing, but this Government can not do that. It is a good thing to stop stealing, but this Government can not do it, except from itself.

But I rose to say I am glad to see the bill improves as it goes along.

The gentleman in charge of it, in order to induce a suspension of the opposition to it, declared that when it came into the House he would himself offer amendments reducing this tax. To-day and yesterday he has put into these eleventh and twelfth sections a word that takes from them all their force. These two sections were literally copied from sections 3366 and 3367 Revised Statutes, to suppress the violation of the internal-revenue laws as to tobacco. It was known when those laws were passed that if you had to prove that the party knew he was violating the law it might be utterly nugatory. The man who made this bill understood that he was asking the House to pass the hard, cold, cruel, internal-revenue system as to tobacco to be used to crush one American industry for another. But the ventilation in this House has made some retract.

And now, not manfully striking out the sections but covertly putting in the word "knowingly," which destroys their force, another fraud is practiced on the House.

The nineteenth section of this bill, framed for the purpose of destroying oleomargarine, offers a reward to all the dirty informers of the land. After Congress had deliberately repealed the laws as to informers as to malt and distilled liquors and tobacco, this bill comes in and renews that system with features worse than before. But the gentleman from Indiana [Mr. HOLMAN] says he will take that out. He says he will relieve the bill of that feature. In other words, so odious is this measure, that its friends have found they have to trim to keep the majority of the members of this House in support of the bill.

Go on, gentlemen, and make it as little a curse to the farmers as you can. But you still leave in it the right of servants to tell that their mistresses bought oleomargarine, knowing it to be such, or that their mistresses emptied a package of oleomargarine sent home and did not destroy the stamp; and you have an internal-revenue officer or his deputy in every pantry in America. Let the man who desires to vote for such a measure vote for it. I would not for my right arm. [Applause.]

ENROLLED BILL SIGNED.

Here the committee informally rose, and the Speaker resumed the chair.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

The SPEAKER. The Chair is desired to request the return from the President of a bill which has passed both Houses. The Clerk will read the concurrent resolution which has been handed to the Chair.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

There being no objection, the resolution was agreed to.

OLEOMARGARINE.

Mr. HATCH. I ask unanimous consent that when the Committee of the Whole House on the state of the Union again resumes consideration of the bill H. R. 8328 all debate on the section under consideration and amendments thereto be limited to one minute.

There was no objection, and it was so ordered.

The Committee of the Whole resumed its session.

Mr. DUNHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 12 by striking out in line 4 "\$100" and inserting "\$10."

The amendment was disagreed to.

Mr. DUNHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 12 by striking out in line 4 "\$100" and inserting "\$20."

The amendment was disagreed to.

Mr. DUNHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 12 by striking out in line 4 "\$100" and inserting "\$25."

Mr. DUNHAM. I ask a division on that amendment.

The committee divided; and there were—ayes 10, noes 98.

So (further count not being called for) the amendment was disagreed to.

The Clerk read section 13, as follows:

Sec. 13. That whenever any stamped package containing oleomargarine is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon; and any person who willfully neglects or refuses so to do shall for each such offense be fined not exceeding \$50, and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing oleomargarine any such stamped package, shall for each such offense be fined not exceeding \$100, and be imprisoned not more than one year. Any revenue officer may destroy any emptied oleomargarine package upon which the tax-paid stamp is found.

Mr. BUCK. I offer a formal amendment for the purpose of making

a suggestion in regard to a point made by the distinguished gentleman from Texas [Mr. WELLBORN], whose eloquence in this matter I admire, as I always do his eloquence, and whose opinions I respect, for they are stated honestly and frankly. That point which the gentleman from Texas made was this: That we were taxing one industry in the interest of another. I do not so regard this measure at all. If I thought so I should vote against it and do all I could to secure its defeat. But, in my judgment, it is simply and only an attempt by legislation to bring about fair play as between one industry and another, to compel an industry which has deceived the people by imitating a genuine article of food to show its hand or suffer the penalties named in the bill. No one wishes to interfere with an honest business honestly conducted. This bill is aimed only at imitation of the real article. If the offensive compound is not made to imitate the genuine product of the dairy and notice is given to all dealers and consumers of its real character, it will not be subjected to any tax at all under the amendment proposed to be offered by the gentleman from Missouri, the chairman of the committee that reported the bill.

Does this bill affect alone the dairymen of this country? By no means. It affects the consumer much more than it does the dairyman or the dealer in the article; and in that view of the case the gentleman's argument is not sound. The object of this bill is not to prefer any one industry above another or to tax one industry out of existence for the benefit of another, but to place each upon an equality with the other. That is the purpose and the effect of the bill, and we very properly use the taxing power given us in the Constitution for the purpose of obtaining jurisdiction of this subject-matter; and after we have obtained jurisdiction of the subject-matter we impose regulations which shall give all the world, both dairymen and consumers, a fair notice and a fair warning of what they buy, what they pay for, and what they eat. And to permit the manufacturers of oleomargarine to foist their product, distasteful as it is, upon the public under false colors is to permit them to have an advantage over another industry which is equally under the protection of our laws or should be.

I can not imagine a more reprehensible way of obtaining profit than the practice of the manufacturers of oleomargarine in the imitation of genuine butter and in selling it to dealers and consumers. It is claimed that many of them stamp their product and in other ways notify dealers what they are buying. This is all very well and as it should be, but how many of them do this? And how many consumers eat this unwholesome stuff supposing it to be a real article?

The committee that reported this bill find:

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 there are the following: Nitric acid, sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capaic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, capaic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turpentine, 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, bromo-chloralum, oil of peanuts, sugar, caustic soda.

From the best and most reliable information obtainable your committee believe that about 200,000,000 pounds of spurious and imitation compounds and mixtures are now being manufactured annually, which not only takes the place of so much butter, but stops the consumption of much more by the demoralization of the trade.

Mr. Chairman, if anybody wants to eat this compound, although it is called butter or butterine, I suppose we can not object, but those who do not wish to indulge in this inviting morsel should have the protections afforded by this bill.

Another suggestion is made, that this measure is in the interest of the American system of protection. I do not so understand the bill. It is not protection in that sense that we ordinarily understand the word when speaking of the American system of protection to our home industries. Not at all. There is no fraud in manufacturing silk or cutlery in Europe and importing it into this country under its own proper name, under its own proper colors. Not at all.

We take that silk or that cutlery and we impose a duty upon it that compels it to go into the markets of our country on an equal footing with our own product of the same kind, thereby placing it upon an equality with our own industries, just as this bill proposes to place one industry upon an equality with another so far as fair dealing is concerned. We compel fair dealing by this bill as between some industries competing with each other. But the tariff duty is placed upon the foreign-made article to protect each one of our industries against foreign competition, and to equalize the unequal conditions connected with producing the same article in our own country and in foreign countries.

The best evidence that this bill is not generally regarded as the gentleman from Texas regards it is found in the fact that members of this House are divided upon the bill neither politically nor with reference to protection or free trade. We see that the gentleman from New York [Mr. HISCOCK], a protectionist, is one of the champions of this measure, and we see the gentleman from Pennsylvania [Mr. KELLEY], a life-long advocate of the protective system, opposing the bill. We see Demo-

crats and Republicans favoring the bill, and Democrats and Republicans opposing it.

The gentleman from Virginia [Mr. DANIEL], whose eloquence is always so agreeable to us, took occasion the other day to lament the loss of some of his political associates, and to say that upon this question they had fled to the Republican camp. Let me say to him that he need have no fears of that kind, for he will find them all back again with him when the great question comes up on the bill of the distinguished gentleman from Illinois [Mr. MORRISON] to reduce tariff duties and place certain articles on the free-list. They will all come back into the fold and do duty against the system of American protection, except perhaps the noble few whom I will call the Parnellites of American protection, led by the Parnell of America in tariff legislation, the distinguished gentleman from Pennsylvania [Mr. RANDALL].

Mr. Chairman, I shall support this bill, because I wish to see uniformity of law on this subject. The gentleman from Georgia [Mr. HAMMOND] made a very excellent point against this bill, if his point were well taken, in regard to the legislation by the States. He said the matter belonged to the States, and that the States ought to take care of it. If the States would do so, and do it uniformly, I would be very glad indeed to see them do it.

Mr. HAMMOND. Does the gentleman mean that when the States will not pass laws to suit him Congress should pass them?

Mr. BUCK. Not at all.

Mr. HISCOCK. I would like to answer that question and say, "Yes, if we have the jurisdiction under the Constitution."

Mr. HAMMOND. I have no doubt you would vote for anything of the kind.

Mr. BUCK. Let me answer the gentleman. The States and the United States in Congress assembled have concurrent jurisdiction over the question which this bill deals with, and the fact is that any State may pass a law regulating this matter, as my own State of Connecticut has done and as several other States have done. Florida, I believe, has passed a law on this subject; so has New York; so has Pennsylvania, and so, I believe, has Massachusetts; but other States have not.

In the mean time the farmers, the dairymen, the consumers, have all come here and asked us to make a common law on this subject, which shall apply all over the country, so as to have fair dealing in legislation and fair dealing in commercial transactions.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, there is one reason in favor of this bill, just one, and that is that a certain measure of public sentiment demands it. Now, sir, whenever we reach a point where we measure and shape our legislation exclusively by the behests of popular sentiment, losing sight of the Constitution, we have ceased to be the American Republic, and have become simply the old Athenian democracy, where the people assembled in the market-places and the popular will was both the constitution and the government. That is the condition to which we are coming; no longer a popular will harnessed by constitutional restrictions of the people's own adoption and expressed by careful and cautious representatives. Sir, nothing has more impressed me with the importance of a conservative body of long tenure of office at the other end of the Capitol than the manner in which gentlemen have ridden down every constitutional barrier, every traditional maxim of government, and have flocked in ill-assorted numbers in support of this bill.

The distinguished gentleman from Ohio [Mr. BUTTERWORTH] has warned his protectionist friends that this will advance the cause of free trade because it is protection run mad, and that people will not tolerate it. I trust the impending evil will produce a reaction among the people and lead to reforms. My friend from Virginia [Mr. O'FERRALL], who spoke a few moments ago, seeks to adopt this extreme measure of protection as a means of attaining revenue reform. I do not believe in doing evil that good may come. I believe that every member who supports this bill will ultimately lose ground in public confidence and estimation. So far as I can see, the supporters of this bill have abandoned all pretense of its being a just and proper measure for taxation. They hardly have the face longer to stand before the country professing, as they have heretofore done, that the one great duty of the hour is a reduction of taxes and at the same time contending for this bill as a measure to increase taxation. The other horn of the dilemma is that it polices the industries of the country, and upon that proposition I send to the Clerk's desk a decision of the Supreme Court which I ask to have read. It is the decision in the case of the United States vs. Dewitt (9 Wallace, page 42). It is the unanimous decision of, for the most part, a Republican court, delivered by Chief-Justice Chase, and in the centralizing, reckless era of 1869. It should be heeded at least by Democrats who now seek to go where it solemnly forbids even Republicans to enter.

The Clerk read as follows:

Section 29 of the act of March 2, 1867, declares—
"That no person shall mix for sale naphtha and illuminating oils, or shall knowingly sell or keep for sale, or offer for sale such mixture, or shall sell or offer for sale oil made from petroleum for illuminating purposes inflammable at less temperature or fire-test than 110 degrees Fahrenheit; and any person so doing shall be held to be guilty of a misdemeanor, and on conviction thereof by indictment or presentment in any court of the United States having competent jurisdiction shall be punished by fine, &c., and imprisonment," &c.
The Chief-Justice delivered the opinion of the court.

The questions certified resolve themselves into this: Has Congress power, under the Constitution, to prohibit trade within the limits of a State?

That Congress has power to regulate commerce with foreign nations and among the several States, and with the Indian tribes, the Constitution expressly declares. But this express grant of power to regulate commerce among the States has always been understood as limited by its terms; and as a virtual denial of any power to interfere with the internal trade and business of the separate States, except, indeed, as a necessary and proper means for carrying into execution some other power expressly granted or vested.

[Here the hammer fell.]

Mr. HATCH. I ask unanimous consent that all debate upon this section and all amendments thereto may be closed—

Mr. BRECKINRIDGE, of Arkansas. I would like to have the Clerk conclude the reading.

Mr. HATCH. Say in five minutes.

Mr. HAMMOND. I desire, before debate is closed, to call attention to the last paragraph of the section.

Mr. BRECKINRIDGE, of Arkansas (to Mr. HATCH). Make the limitation ten minutes.

Mr. HATCH. Very well.

Mr. HAMMOND. If I can have five minutes of the ten I have no objection.

Mr. HATCH. You can, so far as I am concerned.

The CHAIRMAN. The gentleman from Missouri [Mr. HATCH] asks unanimous consent that all debate on this section and amendments thereto be limited to ten minutes. The Chair hears no objection, and it is so ordered.

Mr. BRECKINRIDGE, of Arkansas. I ask the Clerk to finish the reading of that decision.

The Clerk read as follows:

It has been urged in argument that the provision under which this indictment was framed is within this exception; that the prohibition of the sale of the illuminating oil described in the indictment was in aid and support of the internal-revenue tax imposed on other illuminating oils. And we have been referred to provisions, supposed to be analogous, regulating the business of distilling liquors and the mode of packing various manufactured articles, but the analogy appears to fail at the essential point, for the regulations referred to are restricted to the very articles which are the subject of taxation, and are plainly adapted to secure the collection of the tax imposed; while, in the case before us, no tax is imposed on the oils the sale of which is prohibited. If the prohibition, therefore, has any relation to taxation at all, it is merely that of increasing the production and sale of other oils, and consequently the revenue derived from them, by excluding from the market the particular kind prescribed.

This consequence is too remote and too uncertain to warrant us in saying that the prohibition is an appropriate and plainly adapted means for carrying into execution the power of laying and collecting taxes.

There is, indeed, no reason for saying that it was regarded by Congress as such a means, except that it is found in an act imposing internal duties. Standing by itself, it is plainly a regulation of police; and that it was so considered, if not by the Congress which enacted it, certainly by the succeeding Congress, may be inferred from the circumstance that while all special taxes on illuminating oils were repealed by the act of July 20, 1868, which subjected distillers and refiners to the tax on sales as manufacturers, this prohibition was left un repealed.

As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as for example in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions, that we think it unnecessary to enter again upon the discussion.

The first question certified must, therefore, be answered in the negative. The second question must also be answered in the negative, except so far as the section named operates within the United States but without the limits of any State.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, it seems strange that a committee of this House should contend for lawful power where the decisions are so strong and so unanimous against the position they hold. They adopt the form of a tax-bill so as to escape the courts, to professedly do what now professedly we have no direct power to do. This is a shameful abuse and betrayal of a trust. Without a line in any decision to sustain them—literally taken by the heels and thrown out of Congress by every decision of any court that has passed judgment upon the question—they yet come here and by the power of an unreasoning and selfish public sentiment are forcing through this body one of the most astonishing and odious bill ever presented to it. And, sir, we see put forward to sustain this measure all manner of fraudulent statistics. There is absolutely no demand for a bill of this kind except from the sellers of a competing article, who wish us to do police duty for the States, and to stamp a rival industry out of existence by imposing a tax upon it of nearly if not quite 150 per cent.

Mr. Chairman, it is significant that foreign governments that are singularly skillful in detecting all fraudulent and injurious features in connection with food products, foreign governments that have interdicted our pork and our beef, foreign governments that have rival dairy industries and whose people are consuming annually 120,000,000 pounds of this product, have never yet interdicted it or complained about it. Only from the producers here of a competing article do we hear the claim that there is impurity in it. A member of the committee [Mr. GREEN, of North Carolina] tells me that detection by means of the microscope is perfectly easy. The cellular or crystal formations are wholly different. Two hundred million pounds are consumed annually, yet there is not a syllable of protest from a single consumer, and there is not a single certificate from a physician in this or any other country that any man, woman, or child has ever been made sick by eating the article.

I hold in my hand certificates from the most eminent chemists and

physicians in the country and from State boards of health saying that oleomargarine is a wholesome food product. Even if it were injurious it is not our function to remedy the injury, but the States'. The language of the courts is plain. Construction and practice are unbroken. And no special necessity can be pleaded, for the States can inspect every factory, they can detect every ounce of the product anywhere, and they can prevent either the making or the selling. But in the face of all this we are asked not merely to prevent deception, but also to try to stamp out what is to-day politically the weak for the sake of the politically strong. Who will be the next victim to this wretched policy of despotism and wrong and folly? Gentlemen are invoking a power and a form of power that to-morrow they may be the victims of. I belong to a minority section and to a minority industry, cotton-growing, and I view this proscriptive and ruinous legislation with fear for my people and for my whole country. My hope is that our people are too just and wise to long permit such a wrong as this. I protest against all that is being done, and I would disdain to add to the wealth of my people by robbing their brethren, or, if they had them, their enemies. Fair play and fidelity to the Constitution is the path of safety and honor and of true prosperity.

Sir, it seems like belittling the issue to seriously consider the statistical facts about a proposition so monstrously improper and unlawful in doctrine, and when I say unlawful I speak of law in its large and constitutional sense; but, while complaint is made of depression in this rival industry, we find that, compared with periods slightly anterior to the general use of this product, the price of milch cows has risen about \$10 per head. We find that the hay crop of this country—and this too in States supposed to be specially interested in this competitive industry and where if the effect had been injurious the hay crop would have declined—has in point of fact increased.

Here are the facts about the milch cows, down through the last report yet issued from the Agricultural Department:

Years.	Number.	Average value.	Total valuation.
1879.....	11,826,400	\$21 73	\$256,953,928
1880.....	12,027,000	23 27	279,899,420
1881.....	12,368,653	23 95	296,277,060
1882.....	12,611,632	25 89	326,489,310
1883.....	13,125,685	30 21	396,575,405
1884.....	13,501,206	31 37	423,486,649

If the progress of events were depressing upon the dairy business we should find a large decline in the acreage in hay in the States concerned and people taking refuge in cereals. But the facts average the other way. Here they are:

Acre in cereals and hay in the United States.

	Years.	Cereals.	Hay.	Ratio.
United States.....	1874	80,051,289	21,769,772	100 to 27.2
	1879	102,260,950	27,484,991	100 to 26.9
	1883	130,633,556	35,515,948	100 to 27.2
New York.....	1874	2,661,277	4,070,615	100 to 153.0
	1883	3,776,427	4,962,158	100 to 131.4
Ohio.....	1874	5,131,628	1,839,555	100 to 35.8
	1883	6,389,828	2,300,244	100 to 36.0
Vermont.....	1874	206,990	853,947	100 to 412.5
	1883	217,964	964,790	100 to 442.6
Pennsylvania.....	1874	3,591,286	2,087,845	100 to 58.1
	1883	4,849,613	2,738,572	100 to 56.5
New Jersey.....	1874	598,552	385,407	100 to 64.2
	1883	768,607	508,959	100 to 66.2
Illinois.....	1874	12,120,844	1,860,417	100 to 15.3
	1883	13,600,080	2,944,870	100 to 21.4
Wisconsin.....	1874	2,363,402	1,058,636	100 to 37.0
	1883	4,502,975	1,682,025	100 to 37.4
Iowa.....	1874	7,813,671	1,432,131	100 to 18.3
	1883	11,772,454	3,363,730	100 to 28.6
Kansas.....	1874	2,602,599	530,000	100 to 20.4
	1883	7,233,372	3,500,000	100 to 49.8
Missouri.....	1874	4,668,324	478,780	100 to 10.3
	1883	9,359,020	1,120,017	100 to 12.0
Massachusetts.....	1874	95,329	447,607	100 to 470.0
	1883	117,981	623,484	100 to 528.0
New Hampshire.....	1874	81,780	685,000	100 to 837.0
	1883	90,716	603,534	100 to 665.0
Michigan.....	1874	2,064,829	916,600	100 to 44.4
	1883	3,384,676	1,280,899	100 to 37.8
Indiana.....	1874	5,352,844	711,416	100 to 13.3
	1883	4,643,620	1,285,339	100 to 18.2
Minnesota.....	1874	2,257,512	605,778	100 to 26.8
	1883	4,629,777	1,522,139	100 to 32.9
Nebraska.....	1874	762,516	150,417	100 to 19.7
	1883	5,356,459	749,067	100 to 14.0
Tennessee.....	1874	3,443,319	103,909	100 to 3.0
	1883	5,166,690	188,341	100 to 3.6
Kentucky.....	1874	3,152,123	269,574	100 to 8.6
	1883	5,041,818	208,260	100 to 4.2

And, sir, what about the price of butter itself? The result shows how public wants adjust themselves to increased supplies of wholesome

articles, and how unfair are those who come here asking to be subsidized and to be given a "corner" upon their suffering brethren. I have gone to one of the most intelligent grocers of this city, and he has opened his books to me, by which I find that his cost price of butter during last January was as high as in any January for six years past; and the price was 5 cents higher per pound last January than in the corresponding month in 1880.

A MEMBER. What was the average price?

Mr. BRECKINRIDGE, of Arkansas. The average price of the article I speak of was 40 cents a pound in the month of January. This butter was from near Frederick, Md.; and the grocer I speak of is John H. Magruder; and he stated that the lower grade of butter followed the same law. He further informed me that the fluctuations through the seasons were great—low in spring and summer, and high in fall and winter; but that the range of prices was about the same on any grade for any given month. I took this one.

Mr. MORGAN. That does not agree with the testimony I have here.

Mr. BRECKINRIDGE, of Arkansas. Very well; let the gentleman bring in his testimony. I have more testimony to the same effect as that to which I have just referred. I have here figures from a large wholesale butter dealer, one of the most intelligent in the country; and while he does not buy the special brand of butter referred to by the gentleman whom I have just quoted, his figures show that there is not a product in this country the price of which has been so steadily maintained as has been the price of butter. He gives me the prices of "creamery" butter for the month of May—a low-priced month; and he says the other grades run according to the same scale. The prices run as follows: May 16, 1882, 27 cents; May 15, 1883, 26 cents; May 16, 1884, 25 cents; May 16, 1885, 23 cents. Now, for May 15 of this year we have a very low price, 18 cents; but as this competition has been going on for years we must look to some other cause for the present depression. If this competition alone caused it we should have had it during the other years.

The following is from an intelligent writer in a recent issue of the American Grocer, who, speaking of the butter trade, says:

Taken as a whole, the year of 1885 has been a fairly good one. There have been very few heavy losses among our merchants and no important failures. Many butter-men say there is no money in butter, yet they still continue in the business. They should talk more logically and say profits have been small. Are not small profits better than none at all? The past year has not been disastrous, neither has it been good, but it has been fair, and our merchants should not gainsay the fact to obtain sympathy and condolence from their brothers in the grain, cotton, and nearly all other trades, who are even worse off.

Pray, Mr. Chairman, of what industry can so good an account be given? Yet these people want us to subsidize them at the cost of others whose business they frankly say is so unprofitable as to offer no inducements to themselves to enter them. Are the weak not already, then, sufficiently burdened and poor? Are they to be robbed by the law and under the forms of law? Workingmen consume these goods. It is not the fine butter consumed by the rich that you propose to tax. A million workingmen are now out of work and suffering for food. Are you going to make food dearer to them and for the sake of the most prosperous class of food producers?

This proposes to deal a blow, too, to the rights, not the privileges, of many of the people of the South. Cotton-seed oil, a pure product, that I use in my own family in preference to lard for cooking purposes, enters into the production of oleomargarine. I have had many letters and telegrams, and I will give the following from an official of the Southern Association of Oil-mills:

OFFICE OF LITTLE ROCK OIL AND COMPRESS COMPANY,
Little Rock, Ark., May 1, 1886.

DEAR SIR: The dairymen are making efforts, it is stated in the public press of the country, to have Congress pass prohibitory laws against the manufacture of substitutes for butter—oleomargarine, butterine, &c.; articles which are well known to commerce, and welcome in the homes of thousands of families, among the laboring classes especially, as more wholesome than the cheap, low-grade butter from the dairies. These substitutes for butter are manufactured from the fat of beef, pure leaf lard, and cotton-seed oils, all wholesome ingredients; and however attacked by prejudice, stand in the markets of the country, after years of manufacture, as healthful food.

There is no more right and justice in laws being passed inimical to this industry than there would be for a law against any other farm product. Oleomargarine and all similar commodities are farm products, as much so as butter or anything else raised by the agriculturist. A law unfriendly to such manufacture of substitutes for butter will affect the price of every gallon of oil made by the oil-mills of the South, and, incidentally, the value of the cotton seed to the farmer, pure, highly refined cotton-seed oil entering into the composition of most of these substitutes. It is, therefore, to be hoped that the Arkansas delegation will carefully examine all contemplated legislation on this question, and sustain the manufacturers of cotton-seed oils of their State and of the South with their votes and influence in Congress against unfriendly legislation.

Very respectfully,

W. H. WRIGHT, Vice-President.

Hon. C. R. BRECKINRIDGE,
Washington, D. C.

Cotton seed is peculiarly the source of ready money to the poor and to the colored people in my country in the fall of the year. They ask no favors. They have no favors. Are you going to strike a blow at all these people at the behest of the dairymen?

[Here the hammer fell.]

Mr. HAMMOND. Let members of the committee look at the next to the last sentence in this section and say what it means. If any person "fraudulently gives" away a thing, how does he give? How does

he "accept" it "fraudulently?" What does it mean? Here is the Congress of the United States making a grave law which is to affect millions in this country and there is not a gentleman in the House who will say that word "fraudulently" does not produce confusion in the text. And why? I will give you the explanation. In the tobacco laws these words all exist except the word "fraudulently." And why? The only way to prevent men from selling their products as they please, and as Americans ought to be allowed to sell their produce, is to require a stamp and that stamp to be canceled by the man who takes charge of it; and if one gives away a package with the stamp uncanceled or accepts a package with the stamp uncanceled to make it a crime. Because if one can give it away he puts it in circulation with the stamp undestroyed. If you had to stop to prove he "fraudulently gave" it away what does the fraud mean? How will you convict him? What is the evidence necessary?

Now I do not propose to make it any better. I am only giving this as another illustration that when they put in those words they did not dare to go in this instance to the enormity of what is already on the statute-book; yet they have not the manhood to say, we will tell you the truth, and stuck in the word "fraudulently." The bill ought to be so stamped. [Laughter and applause.]

How much time have I remaining?

The CHAIRMAN. One minute.

Mr. HAMMOND. I will yield that time to the gentleman from Indiana.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana on the next section of the bill.

Mr. HAMMOND. Very well; then I will yield it to the gentleman from Kentucky [Mr. BRECKINRIDGE], who wishes to make a brief statement.

Mr. SCOTT. I rise to a parliamentary inquiry. I understand the rule of this House to be under the five-minute debate one member speaks in support of the pending proposition and the other in opposition to it. Now, we have a majority in favor of this bill of about 180 and all the speaking this morning has been made against it.

The CHAIRMAN. The Chair recognized the gentlemen who sought the floor and wished to be heard.

Mr. SCOTT. Here are 180 majority in favor of this bill and yet this morning every speech made has been against it.

The CHAIRMAN. That has not been the fault of the Chair. No friend of the bill having risen, the Chair was compelled to recognize those who did rise.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out the last sentence of section 13, which reads as follows:

Any revenue officer may destroy any emptied oleomargarine package upon which the tax-paid stamp is found.

It occurs to me, Mr. Chairman, that is rather an arbitrary and unconstitutional power to give to a revenue officer—power to seize where he may happen to find any person with such package and without trial to destroy it.

Mr. MORGAN. That is a literal transcript of the language of the whisky law.

The CHAIRMAN. Debate is exhausted on the pending amendments. The Chair will consider the formal amendments withdrawn and the question recurs on the amendment of the gentleman from Kentucky.

The amendment of Mr. BRECKINRIDGE, of Kentucky, was disagreed to.

Mr. DUNHAM. I move the following amendment:

Amend section 13 by striking out in line 5 the word "fifty" and insert "twenty-five."

The committee divided; and there were—ayes 6, noes 91.

So the amendment was disagreed to.

Mr. DUNHAM. I offer the following amendment:

Amend section 12 by striking out in line 4 the words "one hundred dollars" and insert "twenty-five dollars."

The committee divided; and there were—ayes 10, noes 69.

So the amendment was disagreed to.

Mr. WHEELER. I move to add at the end of section 13 the following:

Provided, That no person who was reported by the tenth census as unable to read 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.

The amendment was disagreed to.

The Clerk read section 14, as follows:

SEC. 14. That there shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of \$3,000 per annum; and the Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists and microscopists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose. And such Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this act; and his decision in matters of taxation under this act shall be final. The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decisions in this class of cases may be appealed from to a board hereby constituted for the

purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner of Agriculture; and the decisions of this board shall be final in the premises.

Mr. HOLMAN. I move to strike out "three" and insert "two;" so it will read "and shall receive a salary of \$2,000 per annum."

Mr. Chairman, the salaries proposed to be paid under this section of the bill are larger than those now paid for similar services in the Departments. For instance, the microscopist of the Agricultural Department gets a salary of \$1,800 a year and the chemist \$2,500. It will be seen, therefore, that these are considerably above the salaries paid for corresponding services elsewhere, and of course that ought not to be permitted. I understand the gentleman from Missouri, however, will acquiesce in the amendment which I have submitted.

Mr. BRECKINRIDGE, of Kentucky. Do I understand the gentleman to say that the chemist's salary in the Department of Agriculture is \$2,500?

Mr. HOLMAN. It has been so increased by appropriation.

Now, Mr. Chairman, a word in respect to the merits of this bill. On the propositions laid down by gentlemen who oppose the measure I concede that there are embarrassments in the way. If the manufacture and sale of oleomargarine were a legitimate industry, the manufacture of imitation butter, I concede that there might be some trouble in the way, because it might be truthfully said that this was an attempt to crush out by an act of Congress one industry in the interest of another. But the fact must be borne in mind that it is not a contest between two legitimate industries; the one industry known from the beginning of our Government, that of producing butter in the ordinary way from milk, and the other a process under letters patent in imitation of the genuine article.

As far as the former is concerned it is an industry the importance of which no one calls in question; the other is an industry which has grown up under the patent-right system, and only manufactured and put upon the market through fraud as an imitation of a genuine article of dairy produce. Therefore when gentlemen assume that these are two conflicting industries, and that Congress is interposing to crush the one for the benefit of the other, the proposition, I maintain, is not well founded, for if it was an issue between two legitimate industries I should be compelled to deny the right of Congress to interfere on any pretext whatever.

But I deny that it is a legitimate industry, or that any industry can be a legitimate industry which from the very necessities of the case can only flourish through the perpetuation of fraud upon the public; and it can not be pretended that this industry has flourished or can through any other means.

But it is said this is not a legitimate measure of taxation, and that Congress is, therefore, using the taxing power wrongfully, not in good faith, but simply to crush a particular industry against which, for the moment, demands are made on the part of the people. But gentlemen have no right to assume that the members of this House who favor this bill are not supporting it as a revenue measure, as it purports to be. Their motives can not be called in question in that respect, nor can it be said that the manufacture of imitation butter is not a legitimate subject of taxation. Why? For many reasons, but for one especially, you have always proposed, except in time of war, to impose your taxes upon those articles which can best bear taxation; and ordinarily, as far as practicable, upon luxuries and articles equally liable to bear taxation, especially those not entering into the ordinary and common use of the people. Now here is an article existing through fraud, brought before the public by fraud, sold through fraud, and I submit it is more legitimately a subject of taxation than spirits or any other article that you may call a luxury, whether the tax be imposed under the customs system or under the internal-revenue system. But further, Mr. Chairman, there is a reason for the adoption of this measure away beyond that. I admit that you do not need the revenue; but we are now taxing some articles at the expense of a very high interest in this country. You are taxing under the customs as well as the internal-revenue system salt, lumber, coal, which ought to be free, and heavily many articles of universal use and of prime necessity, and tobacco, the only product of the soil that has ever been taxed by Congress—

Mr. BRECKINRIDGE, of Arkansas. Except cotton—

Mr. HOLMAN. Which system is having a very fatal effect upon some industries. Have gentlemen noticed the unfortunate fact that the small freeholders are being reduced in number; the small freeholders upon whom and through whose happy and independent homes depend the perpetuity of our institutions perhaps more than upon any other class of our people—the great conservative element of our population? Have you considered how this patented monopoly (not legitimate, but patented and based upon letters-patent, in my judgment the only mistake our fathers made in their early legislation, for it does not well express the purpose of the Constitution they framed), how that is driving out of existence the smaller estates by destroying the elements of their prosperity? Have gentlemen considered how far the butter, the product of the wife's and the daughter's industry, enters into the domestic economy of the home; how much it does to support the fireside; how this comparatively little product enters into the support of the family, the education of the children, and the purchase of their clothing? I stand

here, sir, in behalf of that great industry, great by reason of the multitude who participate in it and the great aggregate results, and in behalf of the small freeholders of this country against this imposition upon them by patented monopoly.

[Here the hammer fell.]

Mr. HATCH. I desire to offer an amendment to the amendment offered by the gentleman from Indiana which I hope the friends of this measure will accept. After a conference with gentlemen that I could reach, members of the committee and others, I move to amend the amendment by fixing the salaries of these two officers at \$2,500 each.

Mr. HOLMAN. That is too high.

Mr. HATCH. That will enable the Commissioner of Internal Revenue to select competent and well-qualified men of high standing in their professions for these positions.

I now yield my time to the gentleman from Indiana.

Mr. HOLMAN. There is no denying the fact that the effect of our legislation for years, from the time our heavy taxation began, has been unfriendly to the small interests and industries of this country. There never is a day or an hour that some great interest is not being forced upon Congress. These are the interests that build up great estates against the interests that would foster multitudes of smaller estates in this country. Your small farms disappear under heavy taxation. Your small farms would disappear under any artificial system of legislation, for the great and industrious multitude of small freeholders are never here, but the monopolists are always with us.

Take your patent-right system, under which great monopolies can be built up, and you see how even a prudent measure of government may become a source of danger in the future. By your heavy taxation, I do not care in what form it comes, you are crowding to the wall small freeholders, and are enlarging year by year your great landed estates.

I support this measure because it is a measure in the interest of the small freeholders of this country. I would support any legitimate measure which is directly in the face of the policy which has been governing for so many years, tending to diffuse instead of centralizing our wealth. If our past system of legislation shall continue, if great monopolies are permitted to crowd out small freeholders, and to enlarge your farms, to a large degree you will destroy the foundations upon which the Government so securely rested in former years.

Mr. HAMMOND. I have sent an amendment to the desk which I desire to have read.

The CHAIRMAN. There is now pending the amendment of the gentleman from Indiana [Mr. HOLMAN] and an amendment to the amendment offered by the gentleman from Missouri [Mr. HATCH].

Mr. HAMMOND. Very well; let those be voted on first.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out "\$2,000" and insert "\$2,500;" so it will read: "And shall each receive a salary of \$2,500 per annum."

Mr. HOLMAN. I hope that will not be done. As living amidst a body of small farmers I protest that my friend from Missouri ought not to insist that a bill like this, in the interest in some degree of the laboring men of this country, should carry larger salaries than the average salaries we are paying. In the name of those farmers I trust a moderate salary will be fixed.

The question being taken, there were—ayes 90, noes 31.

So (further count not being called for) the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose and the Speaker resumed the chair.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the resolution of the House of Representatives requesting the return from the President of the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. HAMMOND. I offer the amendment which I send to the desk. The Clerk read as follows:

After the word "that," in section 14, strike out these words:

"There shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of \$2,500 per annum; and."

Mr. HAMMOND. We have already all the officers of the Agricultural Department necessary to run this business. And now let the gentleman who desired to reduce the salary to \$2,000 bring in his argument to save it all. There is no earthly necessity for these extra officers. That is all I desire to say on that subject.

Mr. HOLMAN rose.

Mr. HAMMOND. Not in my time, please. The gentleman from Indiana [Mr. HOLMAN] says, first, that we have ruined a great many small farmers by the odious tobacco internal-revenue law. And now

to preserve the remnant of the small farmers of this country he proposes to re-enact this law and make the system popular and permanent.

Mr. HOLMAN. Oh, no. Let me say—

Mr. HAMMOND. Not in my time.

Mr. HOLMAN. I am in favor of repealing the tobacco tax.

Mr. HAMMOND. But you know you can not do it. I agree with the gentleman that it ought to be repealed. But he knows as well as I that whenever this bill passes an insuperable obstacle to the repeal of those internal-revenue laws is placed, over which the Congress of the United States can not vault in the next twenty years. The gentleman says this is not a fight of one industry against another.

Mr. BRECKINRIDGE, of Arkansas. Of one legitimate industry.

Mr. HAMMOND. Of one legitimate industry against another. I challenge the gentleman's cool, clear consideration of that point. His proposition is this, that if Congress desires it may in behalf of one industry put down another provided it considers that other an illegitimate or fraudulent industry. Can this House levy a tax on paper-soled shoes that are put upon the market as bottomed by leather made of good hides? Can this Government put a tax on maple sugar made of sorghum cane because the man lies and says it came from a maple tree?

Can we tax out of existence glucose sold as sugar every day? The gentleman will repudiate his argument whenever he thinks about it.

He is hardly driven again to say that this bill is against a monopoly patent. He absolutely says that the patent clause of the Constitution is a curse rather than a blessing.

Mr. HOLMAN. No; not that.

Mr. HAMMOND. I can not argue such a proposition in my limited time. But the history and the experience of this Government will show no other clause, except those that protect life, liberty, and property, that has been half as valuable to this country.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas, was recognized, and yielded his time to Mr. HAMMOND.

Mr. HAMMOND. I thank the gentleman, Mr. Chairman. Let me call attention to some facts which illustrate this. We may put our wives down to knitting stockings for themselves and their children, or we may turn to a machine that will knit seven pairs for one mill. What rest to the wife! What comfort to the babes! With patent peg-wood we peg sixty million pair of shoes per annum in the United States at a cost of five pairs to a cent! Millions of feet are shod that but for that invention would be crippled by the hard frosts of winter. Sir, the Patent Office has changed the whole current of modern life. It has given fewer hours of labor and to more men, less consumption of human muscle, and broader sweep of human mind. Consider the poor men copying the gospels in ink at a price per volume which would pay a king's ransom, and then the thousand times as many men acting as private salesmen of the blessed truths of our religion in bound books, at a nickel a volume. The foundation of that change is the constitutional clause on which is based the Patent Office. It has increased wages, it has increased mental strength and physical strength, mental comfort and physical comfort. When gentlemen are driven, in support of this bill, to denounce any part, and especially that part of the Constitution of the United States, they are indeed hardly driven. [Applause.]

Mr. HISCOCK. Mr. Chairman, this bill proposes to tax a fraud, a deception, a pirate upon an honest industry. It has been frequently charged here that we who favor this bill have been compelled to "hedge." I undertake to say that no friend of this measure has ever understood that it went any further than I have stated, to tax a pirate sailing under a false flag and preying upon one of the great industries of the country. I will admit that many men who favor this bill did not clearly appreciate the fact that oleomargarine as known to the trade, as known to chemistry, might not always be such a pirate; and they were glad when they found that the bill pointed out the clear distinction between the two kinds and properly labeled and marked just what it intended to tax, to wit, this deception, this cheat, this fraud.

Mr. DANIEL. Will the gentleman yield for a question?

Mr. HISCOCK. I shall need additional time, and if the gentleman occupies my time with questions I suppose he will yield me time in return.

Mr. DANIEL. I will endeavor to do so, if I can get the floor. I understand the gentleman to say that this bill does not tax anything that sails under its own true colors.

Mr. HISCOCK. It does not. This bill is not intended to tax any product that can not be sold for and does not have the semblance of butter.

Mr. DANIEL. Will the gentleman yield for a further question?

Mr. HISCOCK. I will if I can have the time to answer.

Mr. DANIEL. Suppose it has the semblance of butter, but is marked not butter, but "oleomargarine;" does the bill tax it then?

Mr. HISCOCK. Oh, you may ask very many questions which I have not the time to answer. It intends merely to tax these patented productions that chemistry has enabled to be manufactured under these patents and which are palmed off upon the unsuspecting public as butter. That is just what it intends to tax.

Mr. WARNER, of Missouri. Does the gentleman assert that the large manufacturers of oleomargarine manufacture under any patent?

Mr. HISCOCK. I do not know whether they do or not. In the main I suppose these articles are manufactured by some secret process, or else under a patent. Now, sir, I have heard no one upon this floor allege that this law, in its form or in its phraseology, is unconstitutional, and I desire to call the attention of the House, and of gentlemen who have had longer experience than I, to the fact that we have always regarded this as a republican Government, we standing here to vote the will of our constituents. I undertake to say that no tax law has ever passed this House, no bill carrying any considerable sum of money (except to defray the ordinary expenses of the Government), has ever passed this House but what the majority who voted it into law represented by their votes the needs and the demands of their constituents. I may point to the river and harbor bill as a striking illustration of the correctness of the assertion which I have just made.

Day after day measures come in here and are urged because localities want them, because members realize that they are demanded for the benefit of their immediate constituents. We look to the Constitution, and if there is constitutional power to grant what they ask we grant it.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas, obtained the floor and said: I yield my time to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. What I have just described is the course pursued here with reference to all legislation. Gentlemen may soar in ethereal regions among the ghosts of departed statesmen for reasons in favor of a measure or in opposition to it; but when we come down to practical legislation we can trace back of every man's vote here this motive—that his people want him to cast his vote in that particular way, and his action is guided by a proper desire, as I affirm, to represent his constituency here on this floor.

Since I have been a member of this House it has been upon this policy that we have legislated, and it is upon this line that our constituents and the country expect us to legislate. They expect that we will represent their wishes and their will. If there is any subject of which we can take jurisdiction under the Constitution, and we can grant their petitions in reference to it, we hasten to do it.

I say to gentlemen on the other side, have no fear that the palladium of our liberties is in danger because we do this. We are a body three hundred and twenty-five in number, representing the whole country; and it is only when a majority of the three hundred and twenty-five members, or a majority of those who attend here (not less than a quorum), see their pathway clear in reference to any legislation of this kind that they will tread in it. From this body the measure of legislation goes to the Senate, there to be scrutinized; and then it goes to the Executive to receive his approval.

There is no danger of a war of one industry upon another. There is no danger that this taxing power will ever be invoked to crush out any legitimate industry or to array one legitimate industry against another. These obstacles which I have recited, the full consideration which every important measure is sure to receive, the large constituencies that we represent here with their diverse and varied interests, will always stand in the way of hasty and inconsiderate legislation upon any subject.

I say again, let gentlemen dismiss their fears in this regard. Have no fear that the Constitution of the United States will ever be invoked as authority for a measure of oppression. Those various interests represented here, sometimes coming in conflict perhaps with one another, will always operate as barriers against everything of that kind; and a law of this sort will only be called for and enacted when there is in its favor a clear public sentiment, overriding by its character and power, if you please, the sentiment that there may be in favor of other industries. I perhaps may say it will only be when a fraud like that now under consideration is to be legislated upon is to be stamped out, or the deceptive flag under which it sails is to be struck down, that Congress will ever seek to exercise this power in favor of one industry against another.

[Here the hammer fell.]

Mr. O'HARA. I move to amend by striking out section 14. Mr. Chairman, no member of this House will go further than I am ready to go to protect the people from the adulteration of food. But, sir, this bill, as I understand it, proposes not to prevent the adulteration of food as such. On the contrary, under the guise of protecting the poor man from oleomargarine and spurious butter, it seeks to destroy one industry of the country for the purpose of building up another. More than that, it proposes to create a number of new offices and to revivify and set in motion all the odious features of the internal-revenue system. The fourteenth section of this bill, which I propose to strike out, does not only create additional officers at large salaries, but it gives to the Commissioner of Internal Revenue the power, whenever in his judgment the necessity of the service may require it, to add to this already large army of officers other officers.

The number of these will be limited, say gentlemen on the other side, by the appropriation; but, sir, every member on this floor knows that the appropriation does not limit the number of the public offices

of the Government when the administrative officials see fit to go beyond the authority of existing law. At every session, Mr. Chairman, we are met by demands from the Treasury Department, from the Internal Revenue Bureau, from the Department of Justice, and from almost every other Department asking Congress to pass "urgent deficiency appropriation bills." We murmur; but the executive officers come to us and tell us that the service has been performed, that when we passed our appropriation bills we were mistaken as to what the public exigencies required; and murmur though we may, we always pass such bills when their passage is demanded. Thus, Congress after Congress, we find that these administrative officers go beyond the appropriations. Therefore, Mr. Chairman, the so-called limitation involved in the appropriation of money is no limit at all.

Mr. Chairman, if places are needed for party favorites let gentlemen say so. Let the country so understand it. Let us all understand that such is the scope of the pending measure. Let us make it clear and sure there should be no attempt here to throttle any interest or to strangle any industry of the country. I am, Mr. Chairman, no advocate of oleomargarine; but, sir, it is said that this bill is made in the interest of the poor man, and I ask where are the petitions of poor men crying out against this abuse.

Sir, the poor man is not here clamoring for this proposed legislation, but it is the rich dairymen of the country who by this bill are saying you shall have only what we desire to give you at whatever price we may demand, whether it be butter made from pure milk of fancy and well-kept cows, or from milk of diseased and swill-fed cows. I hold, sir, that the poorer classes need as much, if not more, protection from butter made from the milk of diseased and swill-fed cows as they do from oleomargarine or any of the other manufactures mentioned in the bill.

The crowning piece of infamy of the bill will, however, be found in the nineteenth section. This section proposes to give a premium to every spy and informer in the land who shall become a self-appointed guardian of this law; it offers a reward, holds out an inducement, to the lazy and worthless to spy upon his neighbor's action, that he may satisfy his avarice and cupidity by securing one-half of the penalty imposed by the bill. It has a tendency to create an army of Jean Valjeans to follow with sleuth-hound tenacity every imaginable violator of this law. I do not think that I overdraw the picture when I warn this House that the passage of this bill will add at least one-fourth more officers to the already long list of special United States marshals, assistant prosecuting attorneys, and henchmen to be employed and paid from the hard-wrung taxes of an already overtaxed people.

I have heard from the Democratic party for the past ten years the cry of "Reduction of taxes!" "Relief of the masses from an army of office-holders!" "Help from the merciless red-legged grasshoppers and 'golden-winged butterflies!'" as the revenue officers were once called in my State. But, sir, I suppose all this has changed, and the cry of war taxes has changed to the cry of protection to the people from spurious and death-dealing food, and the slogan of reform. The revenue officer, the spy, the accuser of his neighbors, the United States prosecuting attorney are no longer tyrants but guardian angels to the health and liberty of the poor man.

The hard-wrung taxes to keep up and feed this vast additional army of cormorants becomes a free-will offering of spices and ointment of sweet-smelling savor. I do not believe that the people of my State or of any State in this Union are in favor of this bill; it savors of class legislation, of favoritism to one industry and oppression to another; it is not protection—it is destruction; and as such it must work to the detriment of the poorer classes. Sir, I will willingly go as far as any gentleman upon this floor to protect the people from adulterated food, and I say here and now that whenever the Committee on Agriculture, or any committee of this House, shall bring in a bill to remedy that evil, placing its enforcement with the ordinary courts of the country, without the creation of additional officers and spies and informers, separate and apart from the Internal Revenue Bureau, I am ready to give it my hearty approval.

As between natural butter and the manufactured article I am decidedly in favor of natural butter, and am of the opinion that if the dairymen of the country need protection they ought to have it; but I would ask the friends of the bill, a large number of whom are in favor of State rights, are not the respective State Legislatures competent to deal with this question? Has an effort been made by the dairymen of any particular State or number of States to secure protection against this so-called false representation of butter and refusal by the Legislature made? If not so, why, then, not let them first apply to the States for the necessary legislation?

It can not be urged that for any needs of the Government the revenue derived from this source is necessary, for we have heard, and the world was made to believe, that there was a large surplus of money lying idle in the Treasury of the United States, to the great detriment of the poor laboring man. Is it now proposed to augment this surplus? For what purpose? That a single industry shall be crushed out, or that a rival industry, both to the manner born, shall be protected, or that political favorites, henchmen, and bosses shall have places? If for either of these, Mr. Chairman, I think we have done enough, and it is full time that our faces and footsteps were turned in another direction. By all

means protect the poor from adulterated and deleterious food, but in the name of common fairness let us do it in one general bill. Enact a law that will make no invidious distinction, but one that will bear alike upon all, that will be wise and beneficial, but let not this engine of favoritism and injustice mar the pages of our statutes. [Applause.]

During the delivery of the above remarks, Mr. O'HARA's time having expired, Mr. BRUMM took the floor and proposed to yield his five minutes.

Mr. FREDERICK. It seems to me, Mr. Chairman, it is going too far in violation of the rules of the House to constantly yield the floor to members to speak in favor of an amendment and then let them speak in the time of those who are opposed to it.

Mr. BUCHANAN. I hope the gentleman will withdraw his objection.

Mr. BROWNE, of Indiana. I give notice no other gentleman's time will be continued from this to the end of the session.

Mr. FREDERICK. I have accomplished my purpose in calling attention to the violation of the rule, and will now withdraw my objection.

Mr. O'HARA resumed the floor and completed his speech.

Mr. HATCH. Mr. Chairman, I ask by unanimous consent that debate be closed on the pending section and all amendments thereto in one minute.

Mr. HALE. I object.

Mr. HATCH. I had supposed the gentlemen desiring to move substantial amendments to this section had already done so.

Mr. HAMMOND. I have one amendment pending, and I wish to introduce another before debate is closed.

Mr. WARNER, of Missouri. I have a substantial amendment to present on which I desire to be heard, and so I understand has my colleague.

Mr. HATCH. I ask then by unanimous consent that all debate be limited to ten minutes.

Mr. HOLMAN. I hope the gentleman will say fifteen minutes.

Mr. BRECKINRIDGE, of Kentucky. I wish to offer an amendment, and wish to be heard upon it.

Mr. HALE. I shall object unless I can have five minutes myself.

Mr. HATCH. Then I shall be compelled to move that the committee rise for the purpose of having the House close debate.

Mr. HOLMAN. I hope the gentleman will not do that, as we can come to some understanding in the committee.

Mr. HATCH. It is stated that some gentlemen wish to offer substantial amendments, and I move therefore that all further debate on the section and pending amendments be closed in twenty minutes. Will that be agreeable?

There was no objection, and it was so ordered.

Mr. HOLMAN. I ask that the pending amendment moved by the gentleman from Georgia [Mr. HAMMOND] may be reported.

The Clerk read as follows:

Strike out of section 14 the following words:

"There shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of three thousand dollars per annum; and."

Mr. HOLMAN. Now, Mr. Chairman, I wish to get this amendment before the committee, and I ask the Clerk to read the section as it will stand if the amendment is adopted.

The Clerk read as follows:

That the Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists and microscopists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose.

Mr. HOLMAN. It is manifest, Mr. Chairman, that the amendment of the gentleman from Georgia may be adopted without any impairment of the contemplated service. I trust my friend from Missouri having charge of the bill will consent to the amendment.

A word further. The gentleman from Georgia [Mr. HAMMOND] says that the internal-revenue tax on tobacco can not be abolished. But what right has he to assume that? I concede as matters stand now no member who is opposed to the abolition of our present rate of taxation, internal and customs, could support this bill on the plea of its being a revenue measure, for the revenues of the Government are now enormously beyond the wants of the Government. But the gentleman has no right to assume that members on this floor are not in favor of substituting the source of revenue proposed by this bill for other existing sources of revenue. I think the fraudulent product under consideration a very proper object of taxation. It can claim no right to exemption. The tax on tobacco is an oppressive tax on the producer; it is a discriminating tax; it is an oppressive tax on the great body of laborers to whom it is a necessity, and, if a luxury, it is the only one within their reach; it diminishes to the farmer the value of the products of his land; it hedges in his legitimate industry by oppressive restraints; he can only sell the product of his labor to a licensed dealer, and, in my judgment, it ought to be abolished. No direct and simple product of land should be specially taxed except in a great emergency. I think the sentiment of the House is favorable to the abolition of the internal-revenue tax on tobacco. I do not care how high you tax the imported

article or the manufactured cigar, but I wish to see the American farmer released from a tax on the direct product of his land.

But the gentleman from Georgia has not shown his usual logic in debate. He talks about a connection between our Government Patent Office and the discoveries and inventions in the arts which have revolutionized the world—great discoveries, which have marked the progress of the civilization of the human race, and are the sources of the happiness and prosperity of all civilized people, and attributes all to the Patent Office. What does the gentleman mean? I looked over to the other side of the House at my distinguished friend who presided for a while over the Patent Office with so much ability, the gentleman from Ohio [Mr. BUTTERWORTH], and noticed that he was smiling at the idea that to our Patent Office the world was indebted for the printing press and the other great discoveries which have enlightened the world and elevated the human race, the development of the great forces wrung from nature from time to time for the benefit of mankind, and which for centuries have marked the progress of the civilization of our race. And yet the logic of the gentleman's argument is that to our system of patents, to our patent laws as they have stood upon our statute-books, the world is indebted for this marvelous development wrought by the discoveries of the centuries.

I deny it, sir. The patent laws have nothing to do with it. The progress of the race is not dependent on patent laws. The progress of the human race has not depended upon such agencies, on patent laws or patents. I have always doubted, and doubt still, the policy of the patent system as adopted many years ago by our fathers, and which we have adhered to without inquiry or question all of these years. That the inventor is in many instances a benefactor and entitled to a fair and just consideration, and in some instances to very great honor, I do not doubt. But that he is one of a multitude of men bearing on the accumulated experience of the ages, marching in the same general direction, and ready to reach the same result, no one can deny. The one of the great number who first announces a result is entitled to just consideration, but the interests of the great multitude are not to be forgotten when the patent laws of the country are employed as an artificial agency by which the interests and overgrown estates of a few men may be built up in the impoverishment of multitudes of their fellow-citizens and imperial fortunes realized, and that, too, at the expense of multitudes of people, and at the expense of all substantial public interests of the country, then I do not hesitate to say that the system of laws which permits this is injurious to the general prosperity of the people and to the perpetuity of our form of government, and the laws, while being just to the inventors, should not render such a result possible.

It is only the artificial force of law that can injuriously change the material conditions of our people. Natural forces never create overgrown fortunes for some, hopeless poverty for the many. I still insist, sir, that the system of legislation which builds up great interests, that promotes the creation of great fortunes, that encourages the growth of great estates, is that kind of legislation which this side of the House at all events should not be eager to perpetuate, should not hasten to encourage; for it is that system of all others that breaks down the very foundation upon which, according to the democratic theory of government, the perpetuity of our institutions must depend.

It is for the reason that I would not see crushed out the great multitude of the smaller industries of the country, or see the comforts of the homes of multitudes of our people diminished, for the purpose of building up colossal fortunes by patented monopolies, that I am giving this bill my support. I speak for the small industries against the power of monopoly through which under our artificial legislation great estates are rendered possible.

[Here the hammer fell.]

Mr. MORRISON. Mr. Chairman, it is probably useless to say more of the merits or demerits of this bill. I am not much in the habit of wasting words upon a question which is already determined by the will of the majority. What I wish to say is by way of reply to the remarks of the gentleman from Indiana [Mr. HOLMAN], who, it seems to me, having determined to vote for this bill, finds it necessary to make some apology for voting for it.

In doing this he tells us in the remarks first made to-day he would lay on this tax, not needed for revenue, in the interest of the poor, whom he would not oppress. He would not oppress or vex that too numerous class of our people with unnecessary taxes; yet he says this inferior or poor butter is a very proper subject of taxation. Sir, this article will never be taxed unless it is sold. It will never be sold unless it is used for food, and whoever uses it for food will pay the tax. Who does the gentleman from Indiana believe will buy, use, and pay the taxes on this cheaper and poorer butter or substitute for butter? Who will contribute the promised revenue on or from this article? Will it not fall on those who will buy this for want of means to buy the better and more expensive article? Does he expect the thrifty and well-to-do people to put aside the better and more expensive food and buy this cheaper oleomargarine? Oh, no; he can not expect this.

But I need not answer for the gentleman. He must know, we all know, that if oleomargarine continues to be made when this bill is law it will be used and paid for, including the tax, by those least able to

pay taxes. One other thing the gentleman from Indiana would do to relieve the poor for whom he professedly speaks. He would remove all taxes from tobacco. We will get this year from the tax on tobacco in various forms, including snuff and cigars, \$23,000,000. Remove that, and we can spare no more revenue now. Repeal the tobacco tax means continue the present tax on wood, lumber, sugar, salt, shoes, and shirts, shelter, food, and clothing. All these must continue to bear the heavy burden now resting upon them. And are these not necessary, more necessary to the wants, the health, and comfort of the great mass of men for whom the gentleman from Indiana assures us he speaks when he speaks for untaxed tobacco?

Mr. WADSWORTH. Will the gentleman permit a question?

Mr. MORRISON. I have but five minutes; however, I will hear the gentleman.

Mr. WADSWORTH. I wish to know who pays the tobacco tax, the rich or the poor?

Mr. MORRISON. All who use tobacco pay the taxes on it as part of the price.

Mr. HOLMAN. And the very poor, those to whom it is the only luxury which they are able to procure, pay the most of it.

Mr. MORRISON. Yes, and the same is true of all taxes. The poor pay nine-tenths of all taxes paid; in whatever form they are paid they pay nine-tenths, whether on tobacco, shirts, or shoes. Our taxes are all on consumption, and our friends on the opposite side of the Chamber have so retained taxes as to keep those which fall unequally and largely on the poor, and the removal of the tobacco tax is in continuation of that policy. To take that off results in the necessity of retaining others which in their existing form are much more oppressive. In the debate on the pending bill the gentleman from Ohio [Mr. GROSVENOR] said the repeal of the wool tax would cost the people of his State \$3,000,000. His State produces about 8 per cent., or one-twelfth, of all the wool consumed in the country. And if the gentleman from Ohio is not mistaken as to the amount Ohio lost and the people of Ohio and other States would gain, then the repeal of the wool tax would remove from thirty-five to forty millions of taxes on the goods made at home, and yet that wool tax put but \$3,000,000 in the Treasury.

This article (cigars) yields us \$11,000,000 revenue.

A MEMBER. What is it?

Mr. MORRISON. It is a small-sized cigar. It yields \$11,000,000, and the cigar industry is not crushed out either; for the number used has more than doubled in the last ten years. The growth of the cigar industry has increased five times as fast as our people. Every dollar paid in taxes on cigars goes into the Treasury. Take off that \$11,000,000, and to what idle man will you give employment? What new wheel will you turn? What industry will you encourage? Take off the three millions on wool; and you let loose the spindles; you give work to the idle. Take off three millions of revenue on wool, and by the estimate of the gentleman from Ohio you take off more than ten times as many millions dollars taxes. Remove those taxes and with them the increased cost of making woolen goods, and you will have something you can sell in the foreign markets, which but a few days ago you were buying, or attempting to buy, your way into at a cost of \$800,000 a year. You will add to the productive wealth of the country and the comforts of its people, Mr. Chairman, when eleven millions of taxes, which yield eleven millions of revenue from tobacco are to be taken off; that three millions of revenue from wool must be obtained by a tax, which, based on the estimate of the gentleman from Ohio, costs those who wear hats of wool or woolen clothing more than ten times as many millions. Then, Mr. Chairman, some other reason must be assigned than the interests of the poor. [Applause.]

Mr. HALE. While I am friendly to the general purposes and objects of this bill and design to support it on its final passage, yet I desire to call the special attention of the friends of the measure and the House generally to what I consider the extraordinary provisions of the last clause of this section. I had an amendment pending to strike out all after the word "final," in the fourteenth line. As I understand the meaning of that part of the section, it vests in the Commissioner of Internal Revenue, subject to the supervision of certain officers therein named, the power to determine what articles used in the manufacture of oleomargarine are injurious and deleterious to the public health.

Now I do not understand that the friends of this bill have ever placed it on the ground that the General Government had the right to interfere with the sanitary regulations inside of State lines. Under the provisions of this section the Commissioner has the right to determine what is healthy food and what is not healthy food, and under the provisions of a subsequent section the power is vested in that department to seize and destroy, in other words to confiscate, these supposed unhealthy articles of food.

If we have the power to do this, if we have the power to enact laws of that character, where is this thing to stop? If the Commissioner of Internal Revenue can be authorized to say what kind of butter or oleomargarine is healthy and what is not and to confiscate what is not in his judgment, can not he say what sort of canned goods are healthy and what are unhealthy? Have we not in that case the right to go inside the State lines and supervise all the domestic relations of the people of the States in such matters? I understand the States have a municipal

power of that sort. There is no doubt about the right of States to enact laws for the inspection of articles of food as sanitary measures. There is no doubt about the power of the General Government to enact sanitary regulations to prevent the introduction and spread of disease from foreign ports. It may go so far as to regulate these matters between the States. But I never heard it claimed that the Federal Government had any power under the Constitution to enact laws by which the revenue department could enter into our domestic life within State lines and determine what should be used as food and what not.

Where is the warrant and authority for this immense power? There is nothing in any law which amounts to the exercise of this power; there is no precedent for it in the history of the country. Whence is such a power derived? A State or a city may enact laws and ordinances by which food may be inspected, by which manufacturing establishments may be supervised, and the public health protected. But that the Federal Government should enact laws to authorize its officers to go inside of State lines and supervise our food and say what is healthy and what is not healthy, and to confiscate what they say is not healthy, is an extraordinary power never heretofore asserted by this Government, and it has not, as I understand, been claimed by the friends of this bill.

This portion of the fourteenth section is not necessary to carry out the general objects and purposes of this measure. As I understand, this bill can only be defended on the ground that this tax is levied for the purpose of raising revenue. It never has been claimed by its friends that we had the power to make sanitary regulations within State lines. Why not then strike out this provision and place the bill before the country as a revenue measure? Why not lift the burdens from other objects of taxation? Why not lower our tariff? But do not establish the doctrine and principle that the Federal Government has the right to go within our family, interfere with our domestic affairs, and determine what is healthy and what is unhealthy. It is a most dangerous power. As I have said, I favor the general object of this bill. I think there is no doubt about the right of this Government to levy taxes of this sort for revenue purposes; and when levying such taxes they can discriminate against articles and in favor of articles just as they do in levying a tariff. We have the right to discriminate. We may tax this article 5 per cent. and another 10 per cent. and another 20 per cent.; we are not bound to say that all shall be taxed alike. We can put one tax on tobacco, another on whisky, and another on oleomargarine.

Mr. WARNER, of Missouri. Mr. Chairman, I have an amendment to section 14, which I will send up to be offered at the proper time. I had supposed, sir, as we have been assured here, that this bill had undergone the scrutiny of the Law Department of the Government and of the Internal Revenue Department, and that, as it came to us from the hands of the committee, it was a sacred thing which should not be touched. We were also informed that the provisions of this bill were not intended to apply to anything except oleomargarine when compounded of some of the ingredients named in the second section and sold as butter or for butter.

The chairman of the committee in making that assertion it seems to me must have overlooked the provisions of the fourteenth and fifteenth sections of the bill.

I assert without fear of successful contradiction that if any gentleman will read the fourteenth section he will find two classes of oleomargarine provided for therein. The first is that which is subject to a tax under the provisions of this bill, and when a question arises as to whether or not it is so subject to taxation the question is to be submitted to the decision of the Commissioner of Internal Revenue, and the decision of that officer is to be final, from which no appeal is granted. There is no appeal whatever from it, and to strike out that provision is one purpose of my amendment. The second class of oleomargarine provided for in the fourteenth section of the bill is covered by this language:

The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health.

The fourteenth section contains that provision, while, in the discussion on the second section, we were informed by the chairman of the committee, with the advice and consent of the law officers as it was claimed, that it only applied to oleomargarine which was sold for butter or as butter. From the language which I have read it will be seen that this provision in the fourteenth section applies to any substance of this character "intended for human consumption." When a question arises under this provision a commission is to be appointed, consisting of the officers named in the bill, and their decision is to be final.

But, sir, the monstrosity—I use the word advisedly—the monstrosity of this law crops out in the fifteenth section, which provides that "all packages of oleomargarine subject to tax under this act that shall be found without stamps or marks as herein provided"—that is one class—"and all oleomargarine intended for human consumption which contains ingredients adjudged, as hereinbefore provided, to be deleterious to the public health, shall be forfeited to the United States," without regard to whether it is liable to a tax or not. That I say is monstrous. It is a reaching out, under the pressure of constituents, under the clamor of interested parties, to strike down an industry of this country, and by this bill you seize the police powers of the Gov-

ernment. You would have the same power to determine, if you can determine, the quality of every article of food whether it is canned, or packed, or not, and if it is pronounced deleterious to health, you could thus usurp the police powers of the State. It is dangerous ground and, in my opinion, unwarranted.

Your informers come in, they go running around seeking to get one-half of what they seize. Informers! a class of men that no lawyer would believe under oath; their occupation is one that no honorable man would engage in. Informer! a name detested and execrated by every lover of the rights of the citizen in every country where the rights of the citizen are respected. They flourish best where the rights of the individual citizen are least. I am surprised that there should be an attempt at this time by a committee of the American Congress to give occupation to that class called informers—occupation at the expense and to the annoyance of the public.

Mr. Chairman, under what provision of the Constitution do the committee claim the extraordinary jurisdiction of Congress over the health and morals of the States set out in these sections 14 and 15? Would it not be well to leave that duty to the States where the fathers placed it?

[Here the hammer fell.]

The CHAIRMAN. Debate upon this section and all amendments thereto is exhausted. The first amendment is that of the gentleman from Georgia, which the Clerk will read.

Mr. STONE. Mr. Chairman, I wish to send up an amendment to be acted upon.

The CHAIRMAN. The Chair will entertain amendments in their order.

The Clerk read as follows:

In section 14 strike out "that there shall be in the office of internal revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of \$2,500 per annum; and."

The CHAIRMAN. Does the amendment of the gentleman from Massachusetts [Mr. STONE] relate to these lines of the bill?

Mr. STONE. It does not.

The question was taken on the amendment just read; and there were—ayes 33, noes 61.

So the amendment was rejected.

The CHAIRMAN. The Chair will now entertain the amendment of the gentleman from Massachusetts [Mr. STONE].

The Clerk read as follows:

In section 14, lines 13 and 14, strike out the words "and his decision in matters of taxation under this act shall be final."

The amendment was rejected.

The CHAIRMAN. The Clerk will now read the amendment offered by the gentleman from Missouri [Mr. HALE].

The Clerk read as follows:

In section 14, strike out the following:

"The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decisions in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner of Agriculture; and the decisions of this board shall be final in the premises."

The question was taken; and there were—ayes 24, noes 74.

So the amendment was rejected.

Mr. HOLMAN. No quorum has voted. I do not wish to interrupt the progress of the bill, but I suggest to the gentleman from Missouri [Mr. HATCH] that inasmuch as this is a very important bill, he allow us to have a vote upon it in the House.

Mr. HATCH. I desire to state to the gentleman from Indiana [Mr. HOLMAN] and to my colleague that they are under an entire misapprehension about this portion of this section.

Mr. HAMMOND. Regular order, Mr. Chairman.

Mr. HATCH. The gentleman from Georgia does not seem to be willing that anybody shall say anything upon this bill but himself, or that anybody who has any information shall impart it except himself.

Mr. HAMMOND. It was on the motion of the gentleman himself that the limitation was put upon the debate.

Mr. HATCH. I was simply replying to a polite request of the gentleman from Indiana [Mr. HOLMAN].

Mr. HAMMOND. I withdraw my objection.

Mr. HATCH. Mr. Chairman, I will say what I have to say at another time, and the gentleman from Georgia shall hear from me.

Mr. HAMMOND. I will.

Mr. HALE. Mr. Chairman, I shall make the point that no quorum has voted unless we can have an understanding with the gentleman from Missouri [Mr. HATCH] about a vote upon this provision in the House.

Mr. HATCH. I will say to my colleague, with the greatest kindness and frankness, that I do not propose to accept any such proposition, and whenever that gauntlet is thrown down I shall accept it. Let the gentleman make his point that no quorum has voted, and we will see if we can not get a quorum here.

Mr. HALE. I make the point, Mr. Chairman.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints the gentleman from Missouri, Mr. HALE, and the gentleman from Missouri, Mr. HATCH, to act as tellers.

The committee again divided; and the tellers reported—ayes 42, noes 121.

So the amendment was rejected.

Mr. BRECKINRIDGE, of Kentucky. I move to amend by striking out, in lines 10 to 14, the following:

And such Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this act; and his decision in matters of taxation under this act shall be final.

The amendment was rejected.

The CHAIRMAN. The question will next be taken on an amendment of the gentleman from Missouri [Mr. WARNER], which the Clerk will read.

The Clerk read as follows:

In line 18 of section 14, strike out the words "in this class of cases."

The amendment was rejected.

The following amendment, offered by Mr. WARNER, of Missouri, was read:

After the word "board," in the last line of the section, strike out the words "shall be final in the premises" and insert "may be appealed from to the Secretary of the Treasury."

The amendment was rejected.

The following amendment, offered by Mr. DUNHAM, was read:

Amend section 14 by inserting after the word "revenue," in line 2, the words "and in each of the following places, to wit: New York, Philadelphia, Boston, Chicago, Kansas City, and Pittsburgh."

The amendment was rejected, there being—ayes 5, noes 92.

Mr. DUNHAM. I move to amend by inserting after the word "revenue," in the second line, the words "and the town of Newton, in the State of Kansas."

The amendment was rejected.

Mr. DUNHAM. I move to amend by striking out all after the word "purpose," in line 10, down to and including "final," in line 14.

The amendment was rejected.

The CHAIRMAN. The question will now be taken on the motion of the gentleman from North Carolina [Mr. O'HARA] to strike out section 14.

The motion was rejected.

The Clerk read as follows:

Sec. 15. That all packages of oleomargarine subject to tax under this act that shall be found without stamps or marks as herein provided, and all oleomargarine intended for human consumption which contains ingredients adjudged, as hereinbefore provided, to be deleterious to the public health, shall be forfeited to the United States. Any person who shall willfully remove or deface the stamps, marks, or brands on package containing oleomargarine taxed as provided herein shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$100 nor more than \$2,000, and by imprisonment for not less than thirty days nor more than six months.

Mr. MCKENNA. Mr. Chairman, I do not know that I can say anything to vindicate a claim to the attention of the House; but I can at least achieve the laudable and customary ambition of a place in the RECORD, and exhibit to my constituents what a lively interest their Representative takes in their affairs, though it may be an idle or unnecessary one.

Mr. Chairman, when this bill first came up for discussion I concurred in the general and assumed interpretation, and while I favored what I conceived to be its primary purpose, I was tossed upon a sea of doubt by the many strong objections that were urged to its methods. It appeared to have a very peculiar effect. It seemed to "uproar the universal peace" and confound all distinctions between men and measures in this House. Its tax has been variously described as a tax for protection and a tax for oppression; a tax constitutional and a tax unconstitutional; a tax on honesty and a tax on fraud; a tax promotive of the progress of the country and a tax to ruin its industry—one that would shake the very structure of the Capitol, and destroy the last example of freedom on earth and the last hope of the oppressed of mankind.

It appeared, Mr. Chairman, to have a similar effect upon the members of the House. Protectionists have quarreled over its provisions and threatened each other; free-traders have fallen out and scolded and railed at each other; those who favor the internal-revenue system have opposed the bill; those who oppose the internal-revenue system have favored the bill; States-rights Democrats have advocated it, national Republicans condemned it. It appeared, sir, to have the peculiar power of politics to "make strange bed-fellows;" and all sorts of men with all sorts of opinions might be seen, in the language of Burke, to be "piggling together heads and points in the same truckle-beds."

Now, Mr. Chairman, I see no disadvantage in this intermingling; and it may be that in the association and co-operation of old-time enemies each may see the possibilities and limitations of his doctrine, and find accommodation for antagonisms which are now thought impossible to compose.

Mr. Chairman, as philosophers in some situations we can have no prejudice against tallow; as philosophers at the breakfast table I think we would prefer butter. As legislators concerned with the interests of a people and invested with power of taxation and the right to discriminate its objects, I think within its purview we can subserve other purposes than raising revenue. This seems to be right; and if it be

within the competence of Government to expose imposture it is its duty to do so.

The law seeks to protect against illegal encroachment and impositions of all kinds. To obtain money under false pretenses is a well-known crime, and the kind or manner of the artifice, be it to sell oleomargarine as butter or other kind can not destroy the essential difference between right and wrong. It would seem, therefore, our right at least to make it difficult for covert and clever rascality to practice deceit and fraud by mimicking some other man's industry, and our duty to disappoint the cheat of pecuniary advantage by the imposition of the tax provided for in the bill. The amount of the tax is not important, and can not be a burden if it can be avoided by honesty.

I would not care particularly if we went no further than to distinguish the products, and if it were possible in the condition of the business of the House and the inveterate opposition made against this measure to stop and temporize I might be in favor of it. I would strip it of its disguises; I would stop its artful and iniquitous masquerade. I would color it, if you please, sky blue as suggested by the gentleman from Tennessee [Mr. PETTIBONE], or pink as urged by the gentleman from New York [Mr. BEACH].

The CHAIRMAN. The gentleman's time has expired.

Mr. HITT. I will take the floor, Mr. Chairman, and yield my time to the gentleman from California.

Mr. MCKENNA. Thanks. I see vast possibilities of profit in the suggestion for oleomargarine men. Tint it a delicate pink, perfume it with the scent of the rose or the violet, or of "the flowers that bloom in the spring," and bull's grease will be idealized into taurine ointment, and as such can be used to anoint the lip of beauty and soften the cheek of members of Congress. [Laughter.]

Mr. Chairman, there are millions in it. [Great laughter and applause.] Distinguished by color, it may be started out and will take its chances in the dispute of tastes, and if anybody then prefers this article of the slaughter-pen and an apothecary-shop, this product dug from a charnel-house and run through a chemical laboratory, carrion of death and the grave, to pure butter, so be it. Are we not Americans? *De gustibus non est disputandum.* [Great laughter.] That, Mr. Chairman, is Latin [renewed laughter], but it does not mean anything more than the old woman said when she kissed the cow. [Great laughter and applause.]

[Here the hammer fell.]

Mr. HISCOCK. I move, Mr. Chairman, that further debate be limited to ten minutes.

Mr. BEACH. I have an amendment to offer and I hope debate will not be limited just now.

Mr. LAWLER. Mr. Chairman, yesterday a question was raised against the petitions of iron-workers and trades assemblies by the friends of this bill, who questioned the right of the signers to send these telegrams through the duly recognized representatives of these organizations. When these people sent these dispatches to the gentleman from Pittsburgh [Mr. NEGLEY], the gentleman from Pennsylvania [Mr. CURTIN], and myself, I hold they came from the authorized officers of these iron-workers and other toilers of Pennsylvania.

Now, I do not like to pose here before this body as the champion of the toilers of this country, as that would appear to assume too much for one member of this House, but on all questions of this kind I feel proud to stand here in behalf of the honest toilers of the country. I say this legislation attempted here by asking the passage of this bill is vicious legislation.

I want to say further, that gentlemen who make an attack on those interested in the city of Chicago, against Armour & Co., Fowler Brothers, Fairbanks & Co., Swift & Co., and other manufacturers too numerous to mention, representing to-day over \$200,000,000 of capital invested in the cattle business, attack men who during the winter employed not less than ninety thousand of these very toilers in favor of whose interests we hear so much said upon this floor.

Mr. FREDERICK. And is this the poor laboring class whose business is to be destroyed by this bill?

Mr. FELTON. Who does the gentleman from Illinois say are worth \$200,000,000?

Mr. LAWLER. I say that those men and others engaged in the cattle business represent more than \$200,000,000.

Mr. FELTON. Does the gentleman mean to say those men pay taxes on that amount?

Mr. LAWLER. I say they represent that much money invested in this cattle business. We have no tax-dodgers in Chicago interested in this business.

Mr. FELTON. If they have that much money then they have enough.

Mr. LAWLER. I want to say that Armour & Co., Fowler & Bros., and others, are continually investing their capital and thereby giving employment to thousands of toilers.

Mr. MORGAN. You mean the makers of oleomargarine.

Mr. LAWLER. Yes. I mean the makers of oleomargarine, and the pork-packing and cattle interests of my city.

Mr. BROWNE, of Indiana. I hope we will have some order here.

Mr. LAWLER. I want to say, Mr. Chairman, to the gentlemen on

my left and in my rear who have passed the word demagogy and blatherskite—I want to say to these gentlemen right here that if the capitalistic newspapers of the country were on the side of the toilers, so far as Congress is concerned, there are a great many members of this House who would be pleased to be called demagogues and blatherskites. [Applause.]

Mr. MORGAN. Let me ask the gentleman a question?

Mr. LAWLER. I shall not yield, as my time will not allow further interruption. [Laughter.]

Let me say to those who have been asking why there were thirty-five thousand toilers who could not get employment in Chicago that if it had not been for these people who have been so much denounced as the manufacturers of oleomargarine thousands upon thousands of toilers would have suffered all winter long for the want of employment. Thousands upon thousands have been employed by those who are interested in the manufacture of oleomargarine in the large cities.

What is this article of oleomargarine? I have eaten it. [Laughter.] And I make the statement here, whatever may be said by the friends of the dairy interests, that oleomargarine properly manufactured and put on the market will compare favorably with the present dairy butter which is manufactured and placed upon the market.

I wish to say further to the members here this afternoon that, looking to the condition of affairs in the country, instead of putting on additional taxation some of the burdens now imposed should be taken off of the people. I said, in the remarks made by me the other day, you could not compel men who work at 90 and 100 cents a day to endure increased taxation.

Mr. MORGAN. I would like to ask the gentleman from Illinois a question. I wish to ask him whether the trades unions, the names of whose officers are signed here, represent anybody but themselves, and whether they pretend to interfere here in law and politics and religion? [Laughter and applause.]

Mr. LAWLER. I would answer that by saying this, they are the officers of these different lodges and assemblages—

Mr. MORGAN. Do they represent anybody but themselves when they speak?

Mr. LAWLER. Yes; they represent all these assemblages, numbering seventy-eight thousand men, and all other questions affecting their interests, as shown by these dispatches.

Mr. MORGAN. Can they speak as to the law, politics, and religion of the subject, or as to the objects of their organization in connection with it?

Mr. LAWLER. They speak with the authority of the whole body against the passage of this bill.

Mr. MORGAN. Then, unless it is a part of the organization to consider these things, how can they represent anybody but themselves?

Mr. LAWLER. They are the regularly authorized deputies of these different assemblages, and they have met and framed this protest against the passage of the bill.

Mr. MORGAN. Have the seventy-eight thousand of whom you speak held any meeting to consider this matter?

Mr. LAWLER. Certainly, and their resolutions voice the sentiments of the seventy-eight thousand members through their delegates. I think this statement will answer the gentleman's question.

Mr. FARQUHAR. These are the delegates, representing the whole body, who speak in this paper.

Mr. MORGAN. Whom do they represent?

Mr. FARQUHAR. The whole body of men organized in the different assemblages.

Mr. MORGAN. Can they speak with authority, or do they speak simply for themselves?

Mr. FARQUHAR. They speak for all. They are the properly accredited representatives of the whole body to speak for them and in their name.

Mr. MORGAN. As to the law, politics, and religion of the whole subject?

Mr. LAWLER. Yes, sir.

I want to say that what I think Congress should have done in this matter was, if this product is unwholesome for food, there should have been no stricture put upon it in the shape of taxation, but Congress should have passed an act prohibiting its being sold in the country at all—

Mr. FREDERICK. And let it be sold in the cities altogether. [Laughter.]

Mr. LAWLER. To prohibit its sale all over the country; but in place of that you say we want to protect the dairy interests. Now, we have already stated here the protection the people of this country get from this very interest which gentlemen clamor so loudly for, the dairy interest. In this very city a year ago dairy butter sold at 60 cents a pound; an outrageous price, as everybody knows. The result of the introduction of this new product has been that they are now selling their dairy butter for one-half or less, and it is just as good as that for which this enormous price was paid.

I believe that the country's increasing population, running away beyond 60,000,000 to-day, and having this large surplus of unemployed men, over 1,000,000 in this country at the present time, must have

cheap food products. They are entitled to better protection, and they certainly should not be forced to pay the exorbitant price of the dairymen when they can get a good, wholesome butter in the shape of oleomargarine or butterine for less than half price. They can not pay 60 cents a pound nor 50 cents a pound for butter. I believe in encouraging every honest agricultural product at all times, but I do not believe in casting a vote here to advance the interest of the agriculturist as against any other class of our people, and particularly so when that vote would raise the price of necessary products of home consumption to the toiling masses of this country.

For that reason I say, gentlemen, that it has been considered very unpopular for men to get up here and talk against public opinion and stand for the toiling classes of the country. For twenty-one years, and long, hard years at that, which I am proud to speak of, I did nothing but hard labor, and I was not ashamed of it; and when I spoke to those people in my district I told them that if they would elect me to Congress I would, as far as I could by my voice and vote, see that justice was done to them, and I do not propose right here to cast a vote to interfere with them or impose an additional tax on them to protect the interests of the butter-men. These men are consumers largely of oleomargarine and butterine. I say to you gentlemen here of this Congress consider well before you cast your vote. The unfortunate condition of affairs in this country to-day is on account of so much class legislation of this kind. I say to men, go on and pass this bill to-day; and I made a remark in my speech the other day which may have been considered as braggadocio, but I now repeat it, that many who so cast their votes will not return and have that opportunity again. [Applause.]

The following telegrams received by me I append as part of my remarks:

PITTSBURGH, PA., May 31, 1886.

Congressman LAWLER, M. C.:

Below find resolutions passed by trades assemblies and lodges comprising the same. (Official copies by mail sent to NEGLEY and CURTIN.)

Whereas certain measures are now pending in Congress for the regulation of the manufacture and sale of butterine and oleomargarine, and the imposition of taxes thereon and amounting to a prohibition; and

Whereas the manufacture and sale of this article is a legitimate and legal business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price, and that the effect of this legislation will be to increase the price of a cheap and a wholesome food product and destroy the labor its manufacture employs; and

Whereas the only reason given for the legislation is that it comes into competition with butter; and

It is resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes and as opposed to the principles of sound public policy,

It is further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preamble and resolutions were adopted at a session of the Trades Assembly of Western Pennsylvania for the purpose of taking prompt action in regard to a bill now pending before Congress, entitled "A bill to regulate the manufacture and sale of butterine or oleomargarine."

RICHARD ENNISS,

President of Trades Assembly of Western Pennsylvania.

THOS. J. DICUS,

Secretary Trades Assembly of Western Pennsylvania.

The Trades Assembly of Western Pennsylvania consists of the following labor associations:

Superior Lodge, No. 3, Amalgamated Association of Iron and Steel Workers; Sheet and Metal Workers' Assembly, Knights of Labor; American Lodge, No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly, No. 21, Knights of Labor; Good Intent Lodge, No. 4, Amalgamated Association of Iron and Steel Workers; Labor Assembly, No. 242, Builders, Carpenters, and Joiners' Union; International Cigar Makers' Union, Knights of Labor; German Journeymen Tailors' Union, Knights of Labor; International Furniture Makers' Union, No. 20, Knights of Labor; Bridge Workers' Assembly, No. 632, Knights of Labor; Labor Assembly, No. 6269, Knights of Labor; Caulkers' Assembly, No. 862, Knights of Labor; Locomotive Workers' Association; Salesmen's Assembly, No. 4907, Knights of Labor; Street Car Drivers' Assembly, No. 603, Knights of Labor; Iron Workers' Assembly, No. 1747, Knights of Labor; Bankville Miners' Association; Typographical Association, No. 1632, Knights of Labor; Lodge No. 35, Amalgamated Association of Iron and Steel Workers; Tubal Cain Lodge, Amalgamated Association of Iron and Steel Workers; Royal Lodge, Amalgamated Association of Iron and Steel Workers, No. 34; Mechanics' Lodge, Amalgamated Association of Iron and Steel Workers, No. 28; Allegheny Lodge, Amalgamated Association of Iron and Steel Workers, No. 14; District Assembly, No. 80, Knights of Labor; Pressmen's Union, No. 13; Labor Assembly, No. 791, Knights of Labor; Labor Assembly, No. 631, Knights of Labor; Labor Assembly, No. 1862, Knights of Labor; Lodge No. 70, Amalgamated Association of Iron and Steel Workers; Lodge No. 23, American Flint-glass Workers' Union; Saw Mill Run Coal Miners' Association; Window-glass Workers' Association, No. 300, Knights of Labor; Iron-molders' Union No. 14; Iron-molders' Assembly, No. 1038, Knights of Labor; Bottle-blowers' Union of North America; Horse-shoers' Union; Typographical Union No. 7; Printers' Association, No. 1392, Knights of Labor; Independent Lodge of Millvale, Amalgamated Association of Iron and Steel Workers; Friendship Lodge, Amalgamated Association of Iron and Steel Workers; Stone-cutters' Assembly, Knights of Labor; Soho Lodge, No. 70, Amalgamated Association of Iron and Steel Workers; Sligo Iron Works, No. 8, Amalgamated Association of Iron and Steel Workers; American Glass-workers' Association, No. 6; Labor Assembly No. 1719, Knights of Labor; Labor Assembly No. 300, Knights of Labor; International Union, No. 171; Iron-molders' Union of North America, No. 243; Knights of Labor Assembly No. 5478, Knights of Labor; Lodge No. 86, Amalgamated Association of Iron and Steel Workers; Bricklayers' Union No. 2; District Assembly No. 3, Knights of Labor, forty thousand members; Lodge No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly 2126, Knights of Labor—representing about seventy-eight thousand members.

Mr. BAYNE. Mr. Chairman, certain statements have been made here respecting the telegraphic dispatches from the workmen of Pittsburgh which have been introduced and read during the course of this debate. I do not know who prepared those dispatches, nor do I

know by what trades unions they may have been indorsed, nor do I know how many members of the trades assemblies attended the meeting at which such protests were adopted, not having seen them; but I feel that I can say for the workmen of Pittsburgh, and for the workmen of Pennsylvania generally, that they will not object to putting a tax upon a commodity which is placed on the market in imitation of a genuine article, when that commodity can be put upon the market in its true colors without paying any tax. Coloring oleomargarine so as to make it resemble butter will not make it any better.

If anybody wants to buy oleomargarine, and if anybody like the gentleman from Chicago who has just spoken wants to eat oleomargarine, there is nothing in this bill to prevent him from buying and eating as much oleomargarine as he pleases.

Mr. BROWN, of Pennsylvania. Provided he pays a tax.

Mr. BAYNE. But he need not pay one cent of tax on all the oleomargarine he chooses to buy and chooses to eat if he will go to the manufacturer of oleomargarine who puts it on the market in its true colors. That is all there is in this bill. It is simply to put a tax on the article which is colored to imitate butter and which is palmed off on the public as butter when it is not butter.

I want to say another thing. We have here a Representative from Georgia [Mr. HAMMOND], a Representative from North Carolina [Mr. O'HARA], a Representative from the State of Arkansas [Mr. BRECKINRIDGE], and a Representative from South Carolina [Mr. TILLMAN], all opposing this bill with intense earnestness and zeal, and they are all able men. I find upon an examination of the census of 1880 that Georgia produced in that year 7,424,485 pounds of butter; North Carolina 7,212,507; Arkansas 7,790,013; and South Carolina 3,196,851 pounds, making an aggregate of 25,623,856 pounds of butter produced by those four States. That same census discloses the fact that the little State of Vermont manufactured over 25,000,000 pounds of butter; about as much as the four States I have named. The industry of manufacturing butter in those States, like all manufacturing industries within their borders, is away behind the time—behind the age. It is therefore to be expected that the sympathy of the Representatives from those States is not with the manufacture of butter by the dairymen or with any other class of manufacturers. But while I find the total quantity of butter manufactured in those four States in a year amounts to but about 25,000,000 pounds, I find the cotton seed produced by them amounts to 2,627,000,000 pounds; and this cotton seed is not only utilized now for the purpose of making oleomargarine, but it used also for table purposes.

As I have spoken of oleomargarine, so I speak of cotton-seed oil. It may be and doubtless is a very wholesome product; but it will be seen that when you resolve these constitutional scruples we have heard so much about in this debate down into their original element, it is a contest of selfishness, it is a contest of the industry of these States which is the production of cotton and cotton seed as against the industries of the other States of the Union, which produce in large quantities milk and butter and other varieties of necessary and useful things.

I had reduced the cotton-seed product of South Carolina, Arkansas, Georgia, and North Carolina from tons to pounds on the ratio of 2,000 pounds to the ton, thus getting the aggregate of 2,627,178,000 pounds. It may be that I should have calculated on 2,240 pounds to the ton.

The production of cotton seed as shown by the last census for the four States in tons is as follows:

	Tons.
South Carolina	248,210
Arkansas	288,922
Georgia	386,859
North Carolina	389,598

[Here the hammer fell.]

Mr. SCOTT. I move to strike out the last word. I want to enter my protest in behalf of the dairy farmers of Pennsylvania against the telegram which has been alluded to by the gentleman from Chicago [Mr. LAWLER], purporting to be from the organized labor associations of Pennsylvania, representing seventy-eight thousand workers in the mills and factories, and claiming to express the sentiments of this particular class of wage-workers in that State. If there be any class of men who have earned their living by hard work, but who have at the same time received the fostering care and protection of the National Government, the wage-workers of Pennsylvania most assuredly belong to that class. The farmers of Pennsylvania for the past twenty-five years have quietly stood by and seen these men protected at their expense without one word of complaint or protest.

The wage-workers of Pennsylvania have been taken care of and protected as no class has been taken care of and protected by any nation under the sun. And now, when the one million dairy producers of Pennsylvania and the seven million of farmers of the United States appeal to this House to afford them some relief, if it be in its power to do so, from the difficulties with which they are struggling, it would be in very poor taste indeed for the wage-workers of the State to enter their protest against such action, and I can not believe that they would do so. It is my judgment, sir, that this telegram misrepresents them, that it does not speak their true sentiments. But if it does, sir, then I assert it is full time that the farmers of Pennsylvania organized, as well as those of the United States, for the protection of their own interests and for the purpose of ascertaining whether the fostering care of this

Government is to be simply extended in favor of one class of the community and not to another who have at least equal, and in this case it seems to me superior, claims upon it.

Mr. WHEELER. Mr. Chairman, there is no desire nearer to my heart than to secure the enactment of laws designed to promote the interests of the farming people of the country. But this anxiety to promote the welfare of a large and important interest will not justify us in accepting blindly and unquestionably every measure introduced here apparently for that purpose. It is incumbent upon us to examine all such measures with scrupulous care, to satisfy ourselves that they will really accomplish the purpose intended—to convince ourselves that their practical effect will not be antagonistic to the interests which we seek to benefit.

I can not, therefore, allow the consideration of this bill to proceed to a final vote without calling the attention of the House to some of its features which I regard as undemocratic and as involving dangerous and pernicious legislation.

The party with which I am proud to be identified has always opposed taxation of this character, and for a Democratic House of Representatives to enact this law would present the astounding picture of the Democratic party coming forward in 1886 to indorse and ratify revenue methods which for twenty years they have denounced.

THE NATIONAL DEMOCRATIC PLATFORM.

The platform of principles upon which Mr. Cleveland carried our banner to victory declared:

The system of direct taxation known as the "internal revenue," is a war tax.

It also declared:

We denounce the Republican party for having failed to relieve the people from crushing war taxes.

In the same declaration of principles, the Democratic theory of taxation was explained in these words:

From the foundation of this Government, taxes collected at the custom-house have been the chief source of Federal revenue. Such they must continue to be.

Sufficient revenue to pay all the expenses of the Federal Government, economically administered, including pensions, interest, and principal of the public debt, can be got from our present system of taxation from custom-house taxes on fewer imported articles, bearing heaviest on articles of luxury, and bearing lightest on articles of necessity.

With these distinct, definite, and positive declarations of principles staring them in the face, with the consciousness that they were elected to the seats they now occupy upon the faith that these principles were to be the groundwork, the guide of their official action, I am unable to see how Democrats can bring themselves to support a measure so directly at war with all the professions of their party.

The declaration of principles from which I have read is the latest authoritative announcement of the fundamental articles of faith in the Democratic political creed, and every Democratic vote for this bill is a clear, emphatic, and unequivocal denial of the party faith as promulgated by the only body empowered to speak for the party.

Not only does this bill antagonize the last platform of principles promulgated by the national Democratic party, not only does it make war upon the positive pledges to which that party is committed in failing to do away with or to diminish the "internal-revenue war taxes" which the Republican party was denounced for perpetuating, but it sanctions and indorses the practice of levying such taxes, it widens the field of their imposition, and extends them to "fresh fields and pastures new."

THE HARDSHIPS OF THE BILL.

The second section of the bill declares that, for the purposes of this act, any mixture of butter with tallow, beef fat, suet, lard, lard oil, vegetable oil, &c., shall be known and designated as "oleomargarine." It also includes in this definition any mixture or compound of these and many other ingredients.

The sixth section provides that any person who offers for sale or who packs such a substance in any manner contrary to the provisions of this act may be fined \$1,000 and imprisoned not more than two years.

Section 11 provides that any person who purchases such a substance which has not been branded or stamped shall be fined \$50 for each offense.

Section 12 provides that any person who purchases such a substance from a manufacturer who has not paid the special tax of \$600 shall be liable to a penalty of \$100 for each offense.

Section 13 provides that any person who willfully neglects or refuses to destroy the stamps on a package which contained such substance, after it is emptied, shall be fined not exceeding \$50 and imprisoned not less than ten days nor more than six months for each offense.

Several of the advocates of this bill have endeavored to convince the House that its only effect will be to levy a tax upon articles which are sold as butter when, in fact, they are not butter. The gentleman from Pennsylvania [Mr. BAYNE] who has just taken his seat conveyed this idea in these words:

It is simply to put a tax on the article which is colored to imitate butter, and which is palmed off on the public as butter, when it is not butter.

These gentlemen certainly could not have given the bill a careful reading, for, as I have endeavored to show, the bill defines "oleomar-

garine" to be any mixture of butter with any one of a great number of ingredients. It does not matter how small the quantity of these ingredients may be—if only an ounce, or even the tenth of an ounce in a pound of butter—it would still be, for the purpose of this act, "oleomargarine," and subject to the tax and all the penalties imposed by this bill.

Again, are the advocates of this bill the ones who are to decide what is and what is not a violation of this law? Most certainly they will admit that they can not be.

TEN MILLION BRIBE.

The advocates of the measure estimate that \$20,000,000 are to be collected by its operation, and one-half of that amount, \$10,000,000, is offered as a bribe to spies and informers who would thus be induced to invade any household in this land to find some one who had been guilty of some technical violation of the intricate and vaguely defined provisions of this bill, or without the slightest intention of wrongdoing had failed to comply with some one of its many unreasonable requirements. I wish it to be distinctly understood that I do not in any way pretend to invoke the idea that ignorance of law can be pleaded in justification of its violation, but I do insist that in a government like ours we should be extremely cautious about enacting laws filled with intricate rules and regulations the violation of which would subject our best citizens to the same punishment which is inflicted upon the worst of criminals.

Is it not a crime for the American Congress to place laws on the statute-book the violation of which is not *malum in se*, but will enable irresponsible officials to arrest our best citizens and throw them in prison by the side of thieves and murderers?

This morning I offered the amendment which I will again read:

Provided, That no person who was reported by the Tenth Census as being unable to read 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.

The census shows us that in 1880 there were 4,923,451 persons in the United States over the age of ten years who could not read. Although the friends of that vast body of the American people whose unremitting labor and scanty earnings do not permit them to supply their children with proper educational advantages have used every effort in their power to mitigate this evil, they have encountered the unyielding opposition of certain members of Congress, including many of the most determined advocates of the bill now under consideration.

A CONSTITUTIONAL QUESTION.

The opponents of the educational bill on this side of the House justify their action upon two grounds: First, they say there is no authority in the Constitution to appropriate the money of the people for the purpose of aiding in the support of common schools; second, that it enlarges to a dangerous extent the powers of the General Government for it to contribute a meager sum to the support of common schools, even though the proposed educational bill distinctly and positively provides that in all respects these schools shall be under the exclusive control of the State officials.

And yet these gentlemen support a measure the effect of which will be to empower the Government to appoint a horde of officers, to send them into every corner of the land armed with authority to arrest and imprison every purchaser of a pound of butter containing an ounce or even a trace of lard or of any other of the numerous ingredients mentioned in the second section of the bill, the manufacturer of which has not paid the special tax of \$600.

Is there any constitutional warrant for such an outrage upon the liberties of the American people? Is there any Democratic creed which tolerates such an undemocratic measure? Have I not shown that the platform of the party which carried its banners to victory in the last Presidential election denounced laws of this character, and did not the same platform of principles advocate the aid to education which is opposed by some of the Democratic advocates of the bill now being considered?

Fearing some of my party friends may have forgotten the position of the national Democracy upon this question, I will read a paragraph from the Democratic platform adopted at Chicago in 1884:

We favor * * * the diffusion of free education by common schools, so that every child in the land may be taught the rights and duties of citizenship.

ARREST FOR TRIVIAL OFFENSES.

Let us for a moment, Mr. Chairman, consider the trivial character of the offenses for which citizens may be arrested under the operation of this bill. If any honest farmer, or any one else, is suspected of having mixed a mere trace of any one of some fifty substances with a pound of butter, not only is he liable to arrest, but any one that purchases the product is also liable to arrest, and every arrest of this character will give a handsome fee to a United States commissioner, a deputy marshal, and the numerous other officials around the Federal courts, all of whom, and others besides them, will be stimulated into unwonted and malevolent activity by the \$10,000,000 which the bill offers as a bribe to spies and informers.

I have seen enough of the iniquitous operation of these inquisitorial laws which seek to collect the "war tax" called and known as "in-

ternal revenue." I have known of instances in which honorable and upright men have been dragged from their homes and families and thrown into jail for alleged violation of some trivial regulation of which they had never heard. I have seen scores of honest farmers and workmen sleeping on the ground while awaiting trial before a Federal court or United States commissioner upon a charge which was not infrequently shown to have been trumped up by the envy or malice of a personal enemy who had found in this iniquitous system an easy means of wreaking his spite.

These are some of the evils wrought in my own district, and within my own knowledge, by the internal-revenue tax system which this bill is designed to extend and indefinitely prolong. And, sir, even if it accomplish all that its champions claim that it will accomplish, it will not benefit either my district or my State one particle. According to the last census my district produced only 1,488,676 pounds of butter, and the entire State of Alabama produced only 7,997,719 pounds.

WILL NOT BENEFIT ALABAMA.

The population of my district according to the same census was 168,502, and of the State was 1,262,505. The butter produced in my district is, therefore, only sufficient to supply an annual consumption per capita of 8 pounds and 13 ounces, and in the entire State of Alabama the product is equal to an annual consumption per capita of only 6 pounds 5 ounces. It is evident, therefore, that neither my district nor my State can be benefited by this bill if it should crush out the manufacture of oleomargarine; and the effect of the crushing-out process should be to enhance the value of each pound of butter where the manufactured product comes into competition with the dairy product.

This competition can effect only those States which produce more butter than they can consume—those States which find a market for their surplus beyond their own borders. I have prepared a table showing the population and quantity of butter produced in several of the States, which will indicate at a glance which States are most likely to be benefited by this bill if it should succeed in increasing the market value of one product by destroying another:

States.	Population.	Butter produced.
		<i>Pounds.</i>
Illinois.....	3,077,871	53,657,943
Indiana.....	1,978,301	37,377,797
Iowa.....	1,624,615	55,481,958
Kansas.....	996,096	21,671,762
Michigan.....	1,636,937	38,821,890
Minnesota.....	780,778	19,161,385
Missouri.....	2,188,380	28,572,124
New York.....	5,082,871	111,922,423
Ohio.....	3,198,062	67,634,263
Pennsylvania.....	4,282,891	79,336,012
Vermont.....	332,286	25,240,826
Wisconsin.....	1,315,497	33,353,045

At the first blush, Mr. Chairman, it would appear that the dairy interest must unavoidably be greatly benefited by the passage of this measure. Nominally to raise additional revenue—which, by the way, no one has pretended we need—it is in reality a scheme to tax out of existence a manufacture alleged to be a fraudulent competitor of the genuine butter produced in our dairies. It would appear, therefore, that the producer of genuine butter must be benefited by the destruction of the cheaper product and the consequent augmentation in the value of the Simon Pure dairy product.

EFFECT OF DIRECT TAX ON PRICES.

Have the friends of this bill given the House any reasons for believing that this will actually be accomplished? What assurance have we as to the ultimate result of the bill upon the price of butter? Will there be an increase in the price of all kinds of butter, genuine and imitation, or will it only increase the profit on genuine butter? What reason have we to expect that our experiences with other products which have been submitted to an internal-revenue tax will not be repeated?

Did the tax on whisky, tobacco, matches, or proprietary medicines diminish the production?

Do we not know that the only practical effect of such taxation was, in large measure, to crush out of existence the small producers, and to confer upon the large and wealthy establishments a practical monopoly of the article so taxed?

And it is not impossible that this will be the effect of this measure. The small and unimportant manufacturer of oleomargarine, with but little capital invested and producing but a trifling quantity, will be forced out of the business, which will be concentrated in the hands of a few wealthy firms who will make as much of the stuff as ever, and exact the taxes levied by this bill from the consumer. I say that it is not impossible that this may be the final effect of this bill should it become a law. I will go even further and say that in my opinion it is highly probable, and I think our past experience warrants the opinion.

What then, sir, will we have achieved? If the market price of dairy butter be increased, and the price of oleomargarine shall be simul-

taneously advanced, will not the competition between these two products be as sharp as ever? Will not their relative value in market be the same as before this tax was imposed? Will not the only result of this bill be that we have added so much to the cost of living of every consumer of butter, without having conferred any benefit whatever upon any one, except the dairymen in those places where the production is greater than the local consumption? In my country the amount of butter produced is and always has been less than the local demand, and yet oleomargarine is entirely unknown among us.

It will therefore be seen that this bill can not in any way benefit the dairymen of Alabama. I would like very much to advocate any proper bill which would benefit the dairymen of Vermont and other butter-making States; but as it is not certain that this bill will materially benefit even those States, and as it has much in it that is evil, should we not hesitate before we consent to its passage? The argument on this bill has developed the fact that it seeks to benefit this one industry at the expense of many others.

SOUTHERN INDUSTRIES INJURED.

It has been developed that lard and cotton-seed oil are very important ingredients of oleomargarine. I read from the Chicago Times of November 15, 1885:

It is likely that oleomargarine, refined lard and cotton-seed oil are articles of food "that have come to stay." Cotton-seed oil is new, but there is every reason for believing that it is as wholesome as olive oil or any animal fat. The real objection of dairymen to the manufacture and sale of any of these articles is that they believe they have a tendency to diminish the price of butter.

If this measure should increase the profits of the dairymen of the North and the Northwest, just in the same proportion will it decrease the profits of the producers of cotton and the stock-raisers of the South? The court of appeals of New York, in discussing the constitutionality of a somewhat similar law, said:

THE LAW UNCONSTITUTIONAL.

Among these (namely, constitutional safeguards) no proposition is more fully settled than that it is one of the fundamental rights and principles of every American citizen to adopt and follow such lawful and industrial pursuit not injurious to the community, as he may see fit.

Who will have the temerity to say that these constitutional privileges are not violated by an enactment which absolutely prohibits an important branch of industry, for the sole reason that it competes with another, and may reduce the price of an article of food for the human race.

Measures of this kind are dangerous even to their promoters. If the argument of the respondents 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 council, 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 these.

Illustrations might be indefinitely multiplied of the evils which would result from legislation which would exclude one class of citizens from industries, lawful in other respects, in order to protect another class against competition. We can not doubt that such legislation is violative of the letter as well as the spirit of the constitutional provisions before referred to, nor that such is the character of the enactment under which the appellant was convicted.—*Opinion filed June 16, 1885.*

It can not be contended that the sole purpose of this bill is to collect taxes. The Democrats who advocate this bill have insisted that we do not need any more revenue, as our Treasury is even now overflowing. This bill proposes to tax a manufactured article 150 per cent. They then insist that it is necessary as a police measure. If they are correct in this, then I reply that the Supreme Court of the United States has distinctly declared such laws to be clearly in violation of the Constitution. The act of March 2, 1867, declares—

That no person shall mix for sale naphtha and illuminating oils, or shall knowingly sell or keep for sale, or offer for sale such mixture, or shall sell or offer for sale oil made from petroleum for illuminating purposes, inflammable at less temperature or fire-test than 110° Fahrenheit; and any person so doing shall be held to be guilty of a misdemeanor and on conviction thereof by indictment or presentment in any court of the United States having competent jurisdiction shall be punished by fine, &c., and imprisonment, &c.

The Chief-Justice of the Supreme Court of the United States delivered an opinion declaring this law to be unconstitutional. It was the case of *The United States vs. Dewitt* (9 Wallace Reports, page 42). In this connection the court said:

Standing by itself, it is plainly a regulation of police; and that it was so considered, if not by the Congress which enacted it, certainly by the succeeding Congress, may be inferred from the circumstance that while all special taxes on illuminating oils were repealed by the act of July 20, 1868, which subjected distillers and refiners to the tax on sales as manufacturers, this prohibition was left unrepealed.

As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as for example in the District of Columbia. Within State limits, it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions that we think it unnecessary to enter again upon the discussion.

But even if this law is constitutional will the proof show it to be necessary?

EXPERT TESTIMONY.

In a recent trial in the State of New York the testimony of experts

was given regarding the wholesomeness of this substance. Professor Henry Morton testified:

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 was first devised or invented, I think, in 1872 or 1873. It was during the Franco-German war. It was invented by Mège, who was a man of scientific attainments. He had already made a reputation in reference to bread which he made for the French Government. It is reported that he was employed by the French Government to devise a substitute for butter. Oleomargarine is a more durable article than butter. It keeps better.

In my opinion it is precisely as wholesome as dairy butter. I can not imagine a reason why there should be a difference, and, moreover, the fact that the manufacture of oleomargarine is carried on by machinery on a large scale makes it easier to be kept clean. My personal belief is that it is a cleaner product than the average butter.

For the reasons I have given, to which many others might be added, Mr. Chairman, I shall oppose the passage of this bill.

It is in direct opposition to the declarations and pledges of the Democratic party.

It adds to instead of decreasing the burden of taxation under which the people now groan.

It widens the field for and extends and prolongs the system of taxation which only extreme necessity has ever been held to justify.

It creates a horde of additional officers of the General Government, and thereby increases our expenditures.

It appeals to all that is base and detestable in the minds of those who are naturally base, by offering them heavy bribes to become spies upon and informers against their neighbors.

It exposes the honest and unsuspecting but uninformed to the machinations and oppressions of the crafty, the cruel, and the avaricious.

It will be of practical benefit to those who need it least, and punishes those who deserve to be most carefully protected.

In operation it will be inquisitorial, iniquitous, unjust, and oppressive, and utterly repugnant to every principle to which the Democratic party stands pledged.

Mr. HENLEY. Mr. Chairman, I have been highly amused at the dolorous apprehensions expressed by the political Cassandras at this floor, of whom the gentleman from Georgia [Mr. HAMMOND] seems to be the chiefest, that this bogus-butter bill was going to be the means of the overthrow of the Constitution of this country and general demolition of civil institutions.

Those whom I must characterize as the intellectual aristocracy of this Hall, among whom is my distinguished friend, have almost affrighted us out of our senses by intimating that some gentleman's pantry was likely to be invaded by a United States marshal under the operation of this bill should it become a law. To lull the disquietude of my friend I could assure him that an amendment to protect his pantry would be cheerfully accepted by the friends of the bill.

Now, sir, seriously, apropos of this constitutional question, I confess to some slight impatience at the "damnable iteration" with which the supporters of this measure have been charged by its antagonists with the willful intent of violating the fundamental law of our land. The measure is characterized as being the offspring of passion, &c.

I hereby declare in my opinion that it is within the constitutional power of Congress to seize upon any industry, that in its discretion it sees fit, for the purpose of making such industry tributary to the support of this Government.

It may shock the weak nerves of some of my friends if I declare that it is within the power of Congress to tax the raising of beans in Georgia or peanuts in the State of North Carolina and place them under the internal-revenue system if we want to do so for this purpose. I ask the gentleman in all candor upon what ground is the tax upon whisky and tobacco justified? It is for two reasons, as every one knows: First, for the purpose of raising revenue; second, because those articles are deemed luxuries, are deemed meretricious industries, and therefore proper subjects for revenue.

The theory upon which they are taxed is that being articles which can not be classified as necessities of life, and it being possible for the people to get along without them, the law steps in and says to the consumers of those articles, "If you desire to minister to your vicious appetite you must pay for it;" and hence those businesses are made the subject of very oppressive tax. So the philosophy upon which this measure is predicated is a mixture of those two considerations.

We say to the manufacturers of bogus butter, it is an impure and obnoxious compound, unwholesome, detrimental, and unfit for human consumption. Some of it may be pure and healthful, but it is a business which affords so many opportunities and temptations to intermix unwholesome and poisonous substances that we deem it expedient to place it under the authority of the internal revenue in order that it may contribute to the support of the Government and be kept subjected to such regulations as may be necessary.

My very distinguished and eloquent friend, the gentleman from Virginia [Mr. DANIEL], made a speech here on last Saturday in which he

rang the changes upon the alleged unconstitutionality of the pending measure. The speech abundantly illustrates that gentleman's rare gifts, and showed how much persuasive force could be expressed in an address of only about ten minutes' duration. Eliminating from that effort its rhetoric and its denunciation the residue is not worthy of serious concern. There was grace of delivery; there was mellifluous vocalism; there was foaming declamation, and that was about all; and this I say with great deference to the high powers of my distinguished friend, because it was the kind of speech he intended to make, and indeed the most effective one that could have been made on his side of the question.

Sir, the opposition to this bill thus far has been based upon denunciation, invective, ridicule, and the like. Should they invade the domain of logic, should they invoke a little common sense, they apparently fear that it would be destructive to their cause.

The gentleman said, among other things, that one resolution of our national platform, upon which we won our late victory, pledged our party to the repeal of war taxes; and giving his own interpretation to that platform, he said it meant that the internal-revenue system should be abolished, and proceeded to arraign the Democracy of this House, as I thought, for infidelity to that pledge.

Why, sir, the gentleman need not resort to a telescopic range of vision to find violators of that pledge, and I admonish him in the future to be a little more discriminative in his charges. I tell him that those with whom he so fondly and lovingly co-operates in contesting this bill are the chiefest transgressors in that respect. The gentleman's address was in certain particulars a strange affair. Only a moment before he took the floor the gentleman from Kentucky [Mr. BRECKINRIDGE] had boldly announced his purpose in substance to violate the very pledge the sanctity of whose obligation my friend in such piercing eloquence sought to uphold; and when my friend took the floor I supposed it was for the purpose of visiting condign consequences upon the head of the intrepid Representative of the blue-grass region of Kentucky.

I say I expected it; everybody expected it, not even excepting my Kentucky friend himself, who I could see (or at least I so fancied) had braced himself to receive the blow. But, oh, most lame and impotent conclusion! Not at the real foe; not at the confessed violators of this pledge, who stood before him expectant and, I thought, defiant, did the gentleman hurl his denunciation. And why not? There were these inquisitors confronting him, eye to eye and foot to foot, confessing by their official action their contemptuous disregard of this same pledge. There were the gentlemen twain from Kentucky and Arkansas, Messrs. BRECKINRIDGE, of historic name; also the chiefest of all of them, him from Illinois [Mr. MORRISON]; there were all of the Democratic members of the Ways and Means Committee, whose duty it was, according to the view of the gentleman from Virginia, to bring in a bill redeeming this pledge and abolishing this hateful system; and there was their record—a record of bold and avowed denial of even the existence of any such a pledge, a record which ignores the very existence of war taxes, of which Virginia complains so loudly and so unceasingly.

And yet, sir, with this state of facts staring him in the face, my able and distinguished friend passes these arch-offenders by without a hint or word of reprobation, and, with this grand theme inviting his unmatched abilities, turns aside and lashes himself into an oratorical fury over a harmless attempt to prevent the imposition of impure grease upon the public under the "counterfeit presentment" of butter.

Sir, if my friend lives a century he will never have a grander opportunity to serve the cause which he loves, and I am quite certain he will never again so deplorably neglect it. Why did he stay his hand? Did he want a cause? Never was a loftier. It was a cause, arguing from his standpoint, of a party betrayed in the house of its friends; a party being lured by a mistaken or treacherous leadership to a course of infidelity which would destroy us in the confidence of the people.

It was a cause of a people—especially those of Virginia and the South—harried to madness by swarms of spies, bedeviled by domiciliary intrusion, and vexed almost to death by inquisitorial surveillance; a people who for years have felt the damned barb and thorn of a tribulation which can know no abatement until this mediæval, un-American, and infernal scheme of internal-revenue taxation is pruned of its offensive features; and these people had selected the gentleman from Virginia from all their hosts as their staunchest defender, as the one invincible champion to sound the war-cry and lead the onset against the harnessed cohorts of those who upheld this system and against maladministration; and with this great emergency upon him he takes the floor and talks about the sanctity of the Constitution and bogus butter!

Mr. Chairman, it was an anti-climax which I do not care to dwell upon. It was as if one finding himself amid the awe-inspiring grandeur and the transcendent glories of St. Peter, should chant, not the *Te Deum laudamus* but *opera bouffe*.

Now, sir, the gentleman has offered an amendment in vindication of the pledges spoken of abolishing the internal-revenue tax. Why did he not go before the Ways and Means Committee and prevail by his marvelous persuasive powers on the Democrats composing it to bring in a bill effectuating this purpose.

He may have made the effort for all I know; but if not I will state the reason myself. It was because he must have known that those

gentlemen composing the Democrats on that committee are so bent and determined to "reform," as they call it, our revenue after their own peculiar fashion that he had as well "forbid the mountain pines to wag their high tops and make no noise when fretted by the gusts of heaven" as address any such invocation to them. They do not intend to reduce or abolish the internal-revenue tax, because, that being done, it leaves them without adequate excuse to precipitate that malign element of dissension, the tariff, into discussion on the floor of this House.

Mr. Chairman, with no affectation of humility I most sincerely declare that I bow in admiration to the superior powers of my friend, not only upon questions of expediency and leadership, but in all other respects. In the future I shall love to follow his nodding plume to victory. But, sir, to my humble capacity it does seem that, should the present volume of revenue be increased by the amount that will probably be raised by this bill, the necessity for the existence of the internal revenue in its most oppressive features becomes to that extent diminished, and one great obstruction to its abolition is thereby removed.

So when this bill, which I know to be in the interest of honesty and which seeks only to compel fair dealing in trade, which is asked for in thunderous tones by millions of farmers everywhere on this broad continent, and of which we simply invoke decency and fair play to conserve a wholesome industry—when such a bill is presented I propose, first, last, and all the time, to give it my support. [Applause.]

Mr. McMILLIN. Is the object of this bill to stop the sale? If that is the object where is the warrant in the Constitution?

Mr. HENLEY. I am glad the gentleman has made that suggestion. One of the objects is to seize upon an industry which we consider is undeserving of encouragement, and another is to make that industry assist in contributing to the revenues of this Government.

Mr. McMILLIN. Does the Government need additional revenue?

Many MEMBERS. Yes, yes.

Mr. HENLEY. Yes; it does, and I am glad the gentleman has made this second suggestion. Many times on this floor gentlemen have said we do not need it. Do we not indeed? Well, sir, if we do not need it we might throw it in the Potomac. But it is not for the gentleman from Tennessee to say that we do not need it. We have debts to pay, navies to build; and it strikes me as being folly to say that any government does not need revenue from a source where it can be gained without detriment or without oppression. It has been asserted here almost *ad nauseam* that this bill taxes one industry for the benefit of another. Sir, I invite people to seriously consider the second section of this bill.

SEC. 2. That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.

From that it is quite clear that this assumption is unsupported by anything contained within the measure. Under its provisions it leaves the trafficker in bogus butter as free to pursue his loathsome calling untaxed as he now is; but if the scoundrel undertakes to impose it upon a people for what it is not, then we nail him under this bill; and this the farmer of this country, in this great emergency and by every means by which public opinion can be formulated and expressed, asks of this Congress; from every State of this Union that lies between the two oceans there comes a prayer for the enactment of this measure with an intensity and a universality seldom, if ever, equaled.

Evidences multiply on every side as "thick as leaves in Vallombrosa" showing this. And I hereby dedicate my best energies to respond to that appeal; and replying to whatever of threat or menace that may be thrown out by the other side in respect to the measure, I hereby declare that to the end that we shall have a fair vote upon the bill I intend, if necessary, to remain in this Hall until my right to be here is terminated by constitutional limitation. [Loud applause.]

Mr. Chairman, one other word. The gentleman from Indiana [Mr. HOLMAN] struck the key-note of this business this morning. He declared that the dairying industry is one which is diffused throughout the country, disseminated among the masses, the pursuit of numberless people, and therefore was entitled to greater consideration than any occupation in which a large bulk of capital concentrated in the hands of a few persons is employed.

The gentleman from Illinois [Mr. LAWLER] said a while ago in opposition to this bill that there were three or four persons, whom he named, in Chicago engaged in the bogus-butter business who were worth \$200,000,000. Sir, the statement does not commend this bill to my favorable regard, but I have no doubt it is true. The opposition is in the interest of a few persons worth \$200,000,000. Where are your three or four dairymen worth that sum of money or anything like it?

This measure is in the interest of the farmers of the country. It is in the interest of honesty, and by it we simply say that people shall brand their commodity which they sell honestly, in order that it may show exactly what it purports to be.

The CHAIRMAN. The time of the gentleman from California [Mr. HENLEY] has expired.

Mr. HATCH. I now ask unanimous consent that all debate upon the section under consideration and all amendments thereto may be limited—does the gentleman from Georgia [Mr. HAMMOND] desire to speak?

Mr. HAMMOND. I do.

Mr. HATCH. That all debate be limited to five minutes.

Mr. BEACH. I have a substantial amendment to offer, and I desire to be heard upon it.

Mr. HATCH. Well, I will say ten minutes.

Mr. BEACH. If I can be recognized I do not object.

Mr. HAMMOND. I suggest to the gentleman from Missouri that we shall be through the discussion very soon. There is no disposition to occupy time unduly.

Mr. HATCH. Well, I will say fifteen minutes, ten of which can be occupied by the gentleman from Georgia [Mr. HAMMOND] and five by the gentleman from New York [Mr. BEACH].

Mr. HAMMOND. That will suit me.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate on this section and all amendments thereto be limited to fifteen minutes. Is there objection? The Chair hears none. The Chair first recognizes the gentleman from Georgia [Mr. HAMMOND]. Will he give way for a moment to allow the amendment of the gentleman from New York [Mr. BEACH] to be read?

Mr. HAMMOND. Certainly.

The Clerk read as follows:

Strike out the words beginning with "oleomargarine," in the third line of the fifth section, and ending with the word "States," in the sixth line, and insert "shall be forfeited to the United States; and no oleomargarine shall be colored with annatto or any other coloring matter which will give it the appearance of natural butter."

Mr. HAMMOND. Mr. Chairman, it is impossible this House shall vote intelligently if controlled by telegrams from anybody. We are obliged to think for ourselves, because we do not know whether those who advise us are themselves well advised.

It is impossible for gentlemen to vote as Representatives ought to vote under any such threat as the gentleman from California [Mr. HENLEY] makes. We should vote as we believe to be right; and if it should happen our constituency differ with us and choose to relegate us to private position, we can at least go back home with our honor preserved.

So much for that. Now, one remark in reply to the gentleman from Pennsylvania [Mr. BAYNE]. He out of the abundance of his heart spoke the truth as he understood it when he said this was a contest between the Pennsylvania dairy interest and the New York dairy interest and the interest of the farmer in the South who made cotton seed which was pressed into oil.

I say "as he understood it." He votes from a purely selfish standpoint, to crush out one industry for another. But I thank God there are men in this world whose souls are bigger than to be governed simply by selfishness, either for themselves or for their constituents!

The gentleman from Indiana [Mr. HOLMAN] got away from the issue made between him and myself as to that clause in the Constitution which declares that "to promote the progress of science and useful arts" patents may be granted "for limited times." He undertook to raise a prejudice by speaking against "patent monopolies" and the laws as passed. The law is one thing, the Constitution another. If the law is wrong it ought to be changed. The Constitution was the thing which he attacked, and is the thing which we swear to support.

Mr. Chairman, in the price of every acre of land in this country on the Eastern or Western shore you see the value of the patent rights. What would our Western lands be worth but for improved corn-droppers and corn-shellers, and improved plows, thrashers, and binders? What would they be worth but for the improved machinery which has tunneled our mountains, which has bridged our rivers, which carries our produce to the ocean, and from the Eastern shore to the great world beyond?

The CHAIRMAN. The gentleman's time has expired.

Mr. DUNHAM. I yield my time to the gentleman from Georgia.

Mr. HAMMOND. I thank the gentleman.

Mr. Chairman, let us look at the philosophy of this thing. It is a fact that every dollar of gold which was ever dug cost three; not to the man who dug it out. It is but one who finds it, and he gets rich. But the others who are hunting, the others who are wearing out their hands and eyes in fruitless search are spending their dollars. It was not the man who undertook to find oil in Pittsburgh, but the man who struck it that made a fortune. The world profited by the industry of the searchers for gold, and the world reaps a benefit of the oil from the find of the finder. That they got rich affects not the question.

That grand impulse of selfishness which God has placed in every man for his protection and as a stimulus for his ambition and energy is the mainspring which has led to all the inventions of this world which are worth talking about.

Why is it we outdistance any nation of the earth? It is because we have the best patent laws and patent organization on the face of the earth. Why is it that these very systems denounced as monopolies are utilized by every one of us except that they bring but good? Take

this telephone. How many use it simply to save the expense of servants?

The gentleman from Indiana [Mr. HOLMAN] said when printing was invented there was no patent office. When the Patent Office was established the printing-press then in existence compared as poorly with the Hoe power-press of to-day as a chip on the ocean compares with the most magnificent steam-vessel which floats a flag. [Applause.]

When the gentleman from Pennsylvania was a boy his neighbors, perhaps himself, lived in a cabin with nothing to hang their coats upon but a peg, and nothing to sit upon but a stool. Under the impulse to inventive talent given by the hope of securing for inventors during a limited time the exclusive benefit of the cogitation of their brains, the homes of the poor and the rich have been made comfortable. And the cottage of the workingman to-day outvies in comforts and luxury the dwellings of the kings of a hundred years ago.

Mr. Chairman, look at the item of wages for a moment. Go back fifty years and compare the wages then paid with the present rates. Take the history of New England recently published and compare the wages of a shoemaker of to-day with what they were then. These mechanical improvements have been developed in every department. Yet shoemakers' wages are doubled and in some departments trebled in fifty years. One man to-day can make three hundred pairs of boots each day by a Yankee machine; but more boots are wanted and bought for little money. I do not care where you go or what you see, it is better and cheaper because of inventions. Inventions are made because they are protected by the Constitution. The thousands and thousands of dollars that are wasted in vain endeavor, the sleepless nights, the toilsome days, all at last crystallized in some man's success, bring a glad fruit to the Patent Office and asks it to make the contract according to constitutional promise. The inventor says, "Give me this for a limited time, and at the end it shall belong to the world." And the world makes by the bargain every time. [Applause.]

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, a message from the President of the United States in writing was communicated to the House by Mr. PEUDEN, one of his secretaries.

The message further announced the approval of House bills of the following titles:

- An act (H. R. 5655) granting a pension to Elizabeth B. Bell;
- An act (H. R. 607) granting a pension to James E. B. Smith;
- An act (H. R. 3287) for the relief of Silas Corzatt;
- An act (H. R. 5085) for the relief of Mary Hill; and
- An act (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. BEACH. Mr. Chairman, I think that much of the confusion which has pervaded this debate has been caused by the very defective definition of the word "oleomargarine," as given in the second section of the bill. As we now understand it from the chairman of the Committee on Agriculture this bill is intended not to tax oleomargarine when made and sold as such. It is said to be intended only to tax this substance when made and sold in imitation of butter. Now let us look for a moment at the two articles and compare them, the genuine butter and the counterfeit, with which we are now dealing.

The color of natural butter, when made from the milk of grass-fed cows, is yellow. In the winter season, when cows are fed upon hay and grain, the butter produced from such food is ordinarily of a pale straw-color. In order to give to winter-churned butter its natural color, butter-makers sometimes use a little annatto or the juice of the carrot, by either of which the natural color can be imparted to the butter, and both are very harmless substances. [Applause.]

Now the color of oleomargarine— [Applause and laughter.]

Mr. MILLIKEN. Mr. Chairman, I rise to a question of order.

There are some of us upon the floor who would be glad to hear the gentleman from New York if we could be permitted to do so. But we can not hear him because of the continued noise. [Applause.]

The CHAIRMAN. The Chair must request gentlemen to preserve order upon the floor of the House.

Mr. BEACH. Mr. Chairman, I do not want this interruption to come out of my time; and if I am not permitted to proceed in order I shall have to make a motion to clear the galleries [laughter and applause], for I presume that this continued interruption comes from the galleries, as I do not suppose that gentlemen upon the floor are so lost to the instincts of gentlemen as to refuse me a hearing upon this floor.

The color of oleomargarine is white like that of lard or tallow. In order to sell it it is colored yellow in imitation of butter. When it is thus colored the low-priced article of oleomargarine is sold in the market for the higher-priced article of butter. The whole fraud is made possible simply by the addition of the coloring matter. Now, if you stop the coloring of oleomargarine, if you prohibit the manufacturer from putting yellow into it, or compel him to give it a color of its own, you

necessarily stop the fraud, because an inspection of the product by the eye will at once disclose what it is.

Mr. Chairman, if I vote for this bill, and I have said that I would, it will not be because I want to raise a revenue from the tax on oleomargarine. It will not be because I want to build up one industry by tearing down another. It will not be because I want to prevent the sale of an unwholesome product or article of food. But, sir, it will be simply and solely to stop the circulation of a counterfeit, whereby the people are defrauded. By stopping the deception in the sale we indirectly protect the farmer and the dairyman, but the direct object of our legislation is to protect the interests of the whole people, all who buy or use butter; and where is there a person who does not use it? In the whole course of my life I have never met but two persons who did not eat butter.

I therefore, Mr. Chairman, regard this bill the same as I do our laws against false weights and measures; the same as our laws against adulterating foods and drugs; the same as our laws prohibiting the simulation of trade-marks. It is true this bill carries a tax along with it, but the tax is not imposed for revenue, but for regulation. Revenue is not the object but the incident of this legislation.

Now, sir, the States having tried to regulate this matter but having tried in vain, the people appeal to Congress to put the whole matter under the supervision of the Internal Revenue Bureau, which has the machinery already in existence and in good working order to control it.

But, Mr. Chairman, I do not believe this bill if it is enacted into law will accomplish its purpose. What I want, and what I think the farmers of this country want, is to prevent the deception which is practiced in the sale of this stuff. As soon as that is done no more of it will be manufactured, for the people do not want it and will not buy it.

This bill in its present shape will not stop the deception. Aside from that the bill contains what to me is a very odious feature. It legalizes a fraud. The unwritten law condemns all traffic in spurious goods. This bill throws the panoply of the law around oleomargarine, which is a spurious article, and declares that it may be lawfully sold in the market so long as the tax has been paid.

You may put on a tax of 20 cents a pound if you please, and I do not believe it will stop the fraud. I am free to say I will vote for a tax of 20 cents a pound more cheerfully than I will for 10, because from my standpoint a tax of 20 cents will be more apt to regulate the sale than a tax of 10 will.

But if this bill can be amended so as to prohibit the manufacturer from coloring it yellow in imitation of butter, or, what is still better, compel him to give it a distinctive color of its own, then I am willing to let it go free of all tax whatsoever.

There is no use in talking about branding it. It has been tried and found wanting. No amount of branding will prevent the retailer from swindling his customers, nor stop the keepers of hotels, restaurants, and boarding-houses from palming the vile stuff off on their customers. We have got to make the manufacturers keep the yellow out or put some other color in; and that is the object of my amendment.

The CHAIRMAN. Debate on this section and the amendments thereto is exhausted. The Clerk will report the pending amendment.

The Clerk read the pending amendment, proposed by Mr. BEACH, as follows:

Strike out the words beginning with "oleomargarine," in the third line of the fifteenth section, and ending with the word "States," in the sixth line, and insert as follows:

"Shall be forfeited to the United States, and no oleomargarine shall be colored with annatto or any other coloring matter which will give it the appearance of natural butter."

The amendment was disagreed to.

Mr. WARNER, of Missouri. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1, after the word "oleomargarine," insert the following: "Which contains ingredients deleterious to the public health."

The amendment was disagreed to.

The Clerk read section 16, as follows:

SEC. 16. That oleomargarine may be removed from the place of manufacture for export to a foreign country without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word "oleomargarine," in plain Roman letters not less than one-half inch square.

Mr. STRUBLE addressed the Chair.

The CHAIRMAN. The gentleman from Missouri [Mr. HATCH] has been recognized.

Mr. HATCH. I ask unanimous consent of the committee that all debate upon this and the remaining sections of the bill may be closed at 5 o'clock. I couple this request with the statement that an amendment which will be offered to the nineteenth section, striking out the words "one-half of such fine or penalty, when paid, to go to the informer," shall be voted on in the House by a ye-and-nay vote.

Mr. HISCOCK. I suggest that the gentleman should say at ten minutes before 5 o'clock, so as to allow time for the report to be made to the House.

Mr. HATCH. The effect would be that the committee shall rise and

report the bill and amendment at 5, or ten minutes before 5 o'clock. Whatever the action of the committee may be on the amendment I have indicated, I will offer the amendment myself in the House, and a yea-and-nay vote on it will be had.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman from Missouri whether he is in favor of striking out that portion of the nineteenth section?

Mr. HATCH. I am making no statement as to my own position, but I say I will give to the House the fairest opportunity of expressing its opinion upon this by a yea-and-nay vote, whether the amendment is lost or not in the committee.

Mr. BLANCHARD. Is it proposed to take a yea-and-nay vote this evening?

Mr. HATCH. Not at all. It is proposed to go through with the bill and report it this evening and commence voting in the House tomorrow morning.

Mr. GIBSON, of West Virginia. I have perhaps more objection to the nineteenth section than to any other feature of the bill. If the gentleman from Missouri desires and is willing in good faith to have that stricken out in the House, why not allow it to be stricken out now?

Mr. HATCH. The gentleman from West Virginia must see that I have no right to speak for the three hundred and twenty-five members of this House. I can not say what the vote of a majority will be. It is a question that has only been submitted to one committee, and what I propose is to give to the members of the House the fairest and fullest opportunity of expressing themselves in regard to that section.

Mr. GIBSON, of West Virginia. I did not ask the gentleman to speak for the House; I only asked him to speak for himself. If he will say that when this measure comes up before the House he will in good faith ask the House to strike out that section then there can be no objection to the proposition. But I want to call the attention of the House to this fact, that after a number of years of experience upon this question of informers—

Mr. HATCH. I hope the gentleman will not argue the question until we get to the section. The effect of it would be to get up a discussion. My desire is to have the request I made submitted to the committee.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that this bill may be reported to the House this day at ten minutes before 5 o'clock—

Mr. MORRISON. Does the gentleman propose to report it to the House without a vote in the committee?

Mr. HATCH. We will take a vote in the committee, of course.

Mr. BEACH. I ask the gentleman whether this may not preclude the opportunity of offering substantial amendments or a substitute?

Mr. HATCH. You can offer those at the proper time, of course.

The CHAIRMAN. The Chair will state the request. The gentleman from Missouri asks unanimous consent that the bill and amendments be reported to the House this afternoon at ten minutes before 5 o'clock with the understanding that in the House he will move to strike out the portion of the nineteenth section which he has indicated—

Mr. HATCH. Provided, of course, that the amendment is defeated in the committee. The amendment may be carried by a vote of the committee, and in that event it, of course, comes up in the House for action without any agreement. But I say that if the committee should vote down the amendment to strike out that portion of the nineteenth section, notwithstanding that vote in the committee I shall move the amendment myself in the House.

Mr. GIBSON, of West Virginia. I wish to ask the gentleman whether his motion will allow the discussion of the nineteenth section.

Mr. HATCH. The discussion will continue here in Committee of the Whole between now and ten minutes before 5 o'clock.

Mr. GIBSON, of West Virginia. Unless the gentleman will agree to strike out the nineteenth section I shall object.

Several MEMBERS. "Regular order!"

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. HATCH]?

Mr. GIBSON, of West Virginia. I object.

Mr. STRUBLE. Mr. Chairman, I move to strike out section 16. I do not expect to ask a vote upon this motion, but have made the motion simply for the purpose of obtaining the floor in order to give expression to my views upon the section.

So far I have voted with the Committee on Agriculture, I believe, upon every proposition that has been submitted to vote, and shall continue to vote with that committee upon the remaining sections of the bill and to support the bill when put upon its final passage.

There are some features about it, however, I would prefer to see changed if such changes could have been made without the effect so common in contests as prolonged and earnest as this, of endangering final success of the measure.

The opponents of the bill have fought it long and ably, and they and we who are friendly to it know very well that in such a contest it is dangerous to permit the line of battle to be broken at any point, and that it is better, as a question of parliamentary struggle, to preserve the integrity of the bill as nearly as possible. Therefore I have, with other friends of the measure, stood by the committee, and shall continue loyal to the end; but, in my judgment, section 16 is not a wise one, and if

it can be dispensed with and not leave the bill vulnerable to constitutional objection, it should be stricken out.

It is conceded now by the friends of the bill that in this act there is a distinction to be made between the kind of oleomargarine that may be manufactured to imitate butter and to take the place of butter and the other quality of oleomargarine which may be manufactured under its own name and sold without being taxed.

I confess that, to my mind, section 2 is not as clear upon this point as I think it ought to be, and I do not wonder that many gentlemen have been led to entertain a different opinion with respect to the construction of this section from that entertained by the friends of the bill. But it is now conceded that there are two kinds of oleomargarine—one to be taxed, the other not to be taxed.

Now section 16 proposes that all oleomargarine, whether made in imitation of butter and to be sold as or for butter, or made and sold under its own name, shall, when the purpose is to ship it from the country, be allowed to go out scot-free. I maintain, as I maintained the other day, that that is wrong. This is a radical bill. So much we all will concede, whether we are favorable to it or not. It is a radical bill which I believe to be fully justified by the exigencies at present existing in this country, and I am heartily in favor of it.

But, sir, if we are to tax oleomargarine when it is made and sold to be used as butter, I contend that we ought to tax every pound of it, whether it is to be consumed here or shipped abroad, if there is nothing in the Constitution prohibiting such taxation. For my part, I not only desire the markets of this country for the products of the farm, but I think that upon this question, as upon every other, we should so legislate that we may obtain as fully as possible the privileges of foreign markets. Therefore it seems to me, Mr. Chairman, that in section 16 of this bill there is an advantage given to the manufacturers of oleomargarine which will result in displacing in the foreign markets the American butter that might otherwise go there. I showed the other day in my remarks, by reference to statistics, that whereas in 1875 we shipped less than \$2,000,000 worth of butter, the quantity continued to augment until in 1880 we sold over \$6,000,000 worth, but that in 1885 the value of the butter exportation had decreased to something over \$3,000,000, while the exportation of oleomargarine increased from \$70,000 in 1878 to nearly \$4,500,000 in 1885.

What does this mean? It means that the entire exportation of butter from this country will soon be prevented if oleomargarine, whether as butter or oleomargarine, is allowed to go out of this country free; because, no matter under what name shipped, there can be no doubt that it will eventually be sold as and for butter. I say, therefore, let us tax every pound of it, whether it is made and sold in imitation of butter or not, and whether it remains in this country or goes abroad. Now, Mr. Chairman, I ask unanimous consent to withdraw my motion.

There was no objection.

Mr. HATCH. Mr. Chairman, I now renew the request which I made a while ago. I have had an explanation from the gentleman from West Virginia [Mr. GIBSON], and if the House will hear him for a moment I have no doubt an agreement can be reached.

Mr. GIBSON, of West Virginia. Mr. Chairman, waiving the objections I entertain to previous provisions of this bill, and addressing myself to the nineteenth section, I simply desire to say that perhaps the most objectionable feature in the bill is included in the third line of that section, in these words: "One-half of such fine or penalty when paid to go to the informer." I want to say to the House now that the gentleman from Missouri [Mr. HATCH] has agreed that when we come to a vote in the House we may have a yea-and-nay vote on the question of striking out those words.

Mr. HATCH. That is correct.

Mr. GIBSON, of West Virginia. That being the case, I withdraw my objection to the request of the gentleman from Missouri.

The CHAIRMAN. Is there further objection to the request of the gentleman from Missouri [Mr. HATCH]?

Mr. HAMMOND (to Mr. HATCH). That will not prevent a motion *ad interim* on any amendment?

Mr. HATCH. Not at all.

The CHAIRMAN. Is there further objection to the request?

Mr. LOWRY. In order that the matter may be fully understood—

Mr. HATCH. I have stated it very fully, and I hope the gentleman will not interpose any objection or delay.

Mr. LOWRY. In order that it may be fully understood, I desire to ask the gentleman from Missouri [Mr. HATCH] if it is his purpose to strike out the words in the second section, "calculated or intended to be used as butter?"

Mr. HATCH. If the gentleman will consult the RECORD he will find that, in connection with a proposition offered by the gentleman from Massachusetts [Mr. LONG], I stated that it was my purpose to move to amend that section.

There was no objection, and the request of Mr. HATCH was agreed to.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Missouri [Mr. HATCH]? The Chair hears none; and it is so ordered.

Mr. PLUMB. I move *pro forma* to amend the section by striking out the last word.

Mr. Chairman, in so far as this bill protects the dairy interests of the country against the unjust and unfair competition of a counterfeit article I am heartily in favor of it. A branch of our great agricultural industry which gives employment to so much of capital and labor, owned and managed by a class as worthy and intelligent as is the dairy interests, is entitled to and shall receive my earnest support.

The district I have the honor to represent here is pre-eminently agricultural, and in many of its towns the dairy has come to be of such importance to profitable farming that any injury unjustly inflicted upon it, or any outrage attempted, naturally arouses a feeling of resentment that all will justify.

On this question the dairymen of my district have spoken, and have stated with great clearness what they ask for. This is their language:

Desiring to be relieved from the dishonest competition of oleomargarine and butterine as now sold, we ask you to use your influence and to vote for the bill now in the hands of the Committee on Agriculture, placing the manufacture and sale of all imitations of butter under control of the Internal Revenue Department and compelling the manufacturers and dealers to sell them for what they are.

The dairy interest asks to be relieved from dishonest competition of oleomargarine and butterine as now sold. That, sir, is a reasonable request, and if legislation can grant the relief sought—and I believe it can—it should not be withheld. These petitioners are intelligent, and they not only know what they want, but they know what kind of legislation will be effective, and that is, to place the manufacture and sale of all imitations of butter under the control of the Internal Revenue Department. Is that an improper request? That it is entirely constitutional to place it there is, in my opinion, beyond question.

But for what purpose does the dairyman seek to use the machinery of our internal-revenue system? Let their own language answer. It is "to compel the manufacturers and dealers" of oleomargarine and butterine "to sell them for what they are." This is a just demand, and if there be any good reason for refusing it I fail to see it.

Mr. Chairman, the makers of butter do not seek to destroy the manufacture or sale of oleomargarine or butterine, nor any other imitation of the genuine article. These dairymen are too intelligent to think for one moment that their own interests could possibly be safe if a policy of legislating any legitimate industry out of existence should, under any pretext whatsoever, be inaugurated; and, sir, I do not for one moment suppose that they desire anything more than the language of their request implies. Now, sir, what does this bill propose? Its provisions are such as to fairly meet the demands of the butter-makers of my district. But the bill goes further than they ask; it not only places the manufacture and sale of oleomargarine and all imitations of butter under the control of the Internal Revenue Department, and compels them to be made and sold for what they actually are, to the end that the dairy interests may be relieved from fraudulent and dishonest competition, but the excessive tax proposed by the bill means an absolute crushing out of the manufacture of oleomargarine. Deny it as you will; disguise it as you may, this is the intent and purpose of the tax of 10 cents per pound imposed by this bill on oleomargarine. This the dairymen do not ask, but this the bill seeks to do.

Sir, I have had a long acquaintance with dairymen, and I know them well enough to say that they would scorn to ask Congress to give them any advantage over any legitimate industry. All they ask is that their product, good, sweet butter, may not be subjected to the disadvantage of a pretended butter which they claim is being palmed off upon the consumer in the name of butter, and which, being produced at a less cost than real butter can be, is working a serious injury to them.

They are willing the public shall use for food anything they may prefer, but they protest against fraud.

If it were true, as is charged, that oleomargarine and butterine are poisonous or unwholesome as an article of diet, if their use were destructive to the public health, a good and sufficient reason would thereby be furnished for prohibitive legislation, and there should be no hesitation or delay in adopting this excessive tax or any other required provision to accomplish the end. But if this be a fact, where is the proof of it? Where has one man, woman, or child died or been made ill by using these articles?

For my own part, Mr. Chairman, I am decidedly in favor of having my bread buttered on both sides with the genuine old-fashioned article; no oleomargarine on mine, so far as I now know; but, sir, others may have such taste, or be so situated that they would purchase and eat the imitation article, knowing just what it is; and if there be such, why should we so legislate as to deprive them of the benefit of such an article of food at a price as low as it can be afforded, instead of increasing, as the heavy tax must, the cost thereof 10 cents per pound? This excessive tax is the objectionable, and I must say the destructive, feature of this bill. Let it be reduced to 3 cents per pound, which will be sufficient to pay more than the cost of causing oleomargarine to be sold for what it is, which is all that is openly asked for, and I for one will gladly vote for the bill.

Mr. Chairman, if my limited time would permit I would endeavor to point out the grave objections that present themselves to such legislation as the excessive tax feature of this bill proposes; but, sir, the field is too broad to admit of more than an allusion to some of them in a very general way.

The policy of the Government on all economic questions should be to secure to all people of every section and of every occupation freedom to pursue any and every legitimate industry relieved from legislative restriction as well as from the burden of a tax. The necessities of the war furnished justification for taxing almost everything, but now whisky and tobacco alone remain as bearers of these burdens, and were it not for the conviction, in which public sentiment with great unanimity joins, that the personal use of both these articles might be entirely dispensed with without injury to any one, no internal-revenue tax would be in existence to-day.

As one of the grand results of crushing the rebellion, no greater benefit of a commercial sort has been secured to the people of the United States than this absolute freedom of trade between all sections and the absolute freedom of pursuit by all persons. Protection to all against foreign competition and free trade with untaxed industries among ourselves should be the motto. When we invoke the aid of our existing internal-revenue system to protect one industry against a practical fraud attempted by another we have gone far enough, and we should hesitate before going further. Reduce the tax to 3 cents per pound and pass the bill. That done and the dairyman will get all that he asks for, no legitimate industry will be destroyed, and if a wholesome article of food can be furnished to those who desire to use it, no burdensome tax will be laid on the consumer. [Applause.]

[During the delivery of the foregoing remarks, when five minutes had expired, Mr. HOPKINS obtained the floor, and yielded his time to Mr. PLUMB, who then concluded.]

Mr. BRECKINRIDGE, of Arkansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 16 by striking out the last sentence, which reads as follows: "Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word 'oleomargarine,' in plain Roman letters not less than one-half inch square."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, my object in offering this amendment is to remove as far as possible all restrictions upon exports. Perhaps no proposition brought before the House has been more extreme than the one presented by my esteemed friend from Iowa [Mr. STURBLE] a moment ago, to maintain the tax upon this article regardless of its consumption whether at home or abroad, in order to prevent its competing with genuine butter in the markets of Europe. I would ask my friend to read carefully the fifth clause of section 9 of Article I of the Constitution:

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

Mr. WEAVER, of Iowa. That means exported from any State into another State.

Mr. BRECKINRIDGE, of Arkansas. It does not say only "exported from any State into another State." It says "exported from any State." We all know it refers to exports from any State in this country to another country. I do not mean to say that that is all it means; but that is the point at issue. But I do not wish to enter into an argument now as to the balance of the scope of the clause. I ask the gentleman to consider and construe that provision. The whole Union has construed it one way up to this time. This seems to be the day of strange things, and no man seems to have any fixed guides or convictions.

I wish now to call attention to one or two points that were made by my distinguished friend from Indiana [Mr. HOLMAN], who, I regret to see, is not in his seat. The gentleman, as usual, presented about the best appearance for the case he was defending of which it was susceptible. One thing against which he inveighs is "patented" monopolies. Sir, there are many monopolies, such as subsidized industries and subsidized railroads, and fraudulent aggrandizement of the public lands, and fraudulent and other aggrandizement of the functions of public carriers, &c., all contrary to the spirit of justice and of the Constitution, and much of it, by perversions of trust powers here reposed, contrary to the very letter of the Constitution. Here is another effort, and in an unprecedented and in the most dangerous and abominable manner, to subsidize an industry. To this and to all such things I am firmly opposed.

Pardon me, sir, if I say it; but it seems as if demagogism is in the air. I can not believe that so low an estimate as gentlemen seem to be placing upon the people is a just estimate. Constitutions and systems must be at last an insufficient guarantee of liberty and justice. The people must evidently be of themselves essentially capable of wise self-government. The gentleman from Indiana [Mr. HOLMAN] takes a novel position when he inveighs against "patented" monopolies. The Constitution says that Congress shall have power—

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

No man denies the constitutionality of the patent laws. The gentleman from Indiana [Mr. HOLMAN] is the first one I have ever heard of who says that this incentive to genius and guarantee for "limited times" of the enjoyment of a man's own writings and discoveries has not proved of incalculable benefit to our country or that it is not just

within itself. But, sir, that is not the worst of it. The gentleman favors this bill because it taxes a patented product.

I have before me copies from the Patent Office of not less than 100 of these patents. The number prevents the possibility of a monopoly. The process is so simple that it can be conducted in every kitchen in the country. But suppose there is some special benefit in a lawful patent. Was not the patent issued in good faith? Here is the enormity. This is the first time I ever heard a proposition to grant a patent to a citizen and then turn around and tax his patent out of existence. That mode of treatment is one which can never become popular with a fair-dealing legislative body. If the law is unwise, repeal it. If the idea or invention is indispensable to the people at cheaper prices than those current, appraise it, buy it, and throw it open to the world. But do not let us approve the idea of an insidious and treacherous breach of contract.

Now, the other point made by my distinguished friend is that you should take hold of this matter and treat it as a fraud; in other words, undertake to deal with it by an exercise of the police power. And the gentleman inveighed with considerable force and effect upon the fraudulent character of the commodity now under consideration. Allow me to read from the decision of the Supreme Court, which I cited this morning in full, one short paragraph bearing especially upon this particular point.

This is the unanimous deliverance of the Supreme Court in 1869 in the case of the United States *vs.* Dewitt (9 Wallace), commonly called the Coal-oil Case. The court says:

As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes territorially all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions, that we think it unnecessary to enter again upon the discussion.

Sir, as a young member of the grand army of Democracy I must confess to having been somewhat amazed at seeing such apparent heresy preached by one of the old leaders of the party; and I would have my friend, when he makes a special plea for the price of the butter of the small farmers of his community, remember that the very measure by which he proposes to put up the price of butter will also put down the price of the fat of every stalled ox that is sold by his constituents. In reducing the price of the surplus fat of cattle it reduces the price of every head of cattle. We know that in order to make the more edible portions of beef palatable, so as to bring a high price, the beef must be fattened to a high degree. If the gentleman should seek to strike down an industry that utilizes the surplus fat upon the beef he will find he "can not eat his cake and keep it too."

Sir, what has been the effect of this industry upon beef? Let me cite again the average prices for a series of years past of cows alone: In 1879, \$21.73; in 1880, \$23.27; in 1881, \$23.95; in 1882, \$25.89; in 1883, \$30.21; in 1884, \$31.37.

These figures, which are as late as can be obtained, show that as the result of being able to utilize all parts of beef-cattle in this country the price has been brought some \$10 per head higher. Now cut off the chance to use the surplus fat of your beeves, and what you gain on your butter you lose in the price of your beef-cattle. Yet this will not make the remaining salable part of the beef any lower to the consumer.

Mr. Chairman, I have fought this bill the best I could. The House is determined to pass it, and the end is near at hand. I can only trust that it will meet at the hands of the Senate or of the Executive the fate it well deserves. I yield the balance of my time back to the Chair.

Mr. DUNHAM. Occasionally during this debate, Mr. Chairman, I have heard members discuss the constitutional question, but after listening to the speech of the gentleman from New York [Mr. HISCOCK] on this side of the House in which he proposed to draw us all into the support of the bill and announced his determination to follow the Committee on Agriculture line by line and section by section, from the blind adherence which he offered to give to the Democratic committee of this House, and in connection with the speeches of other members, I feel convinced that the Constitution has had nothing whatever to do with this bill—or the case, as the gentleman near me suggests. [Laughter.]

Constitutional or not constitutional, it is on the programme for this bill to pass the House. It makes no difference to the men who are here. They care nothing about that instrument just at present. Perhaps before the courts of the country that question may be discussed; and they are willing, to accomplish their present purposes, to leave it to be settled by the judiciary. For myself, I am here to say I do not differ with them very much on that subject, but lawyers should be consistent, and not give their support to measures that their legal education teaches them to be outside of lawful authority.

As for the bill itself, I claim it is dishonest in its intentions, dishonest in its wording, and dishonest in its conception. The principle of the bill, as announced here, with a few exceptions, is to raise revenue. I have heard some members admit squarely and honestly that their object was to tax oleomargarine out of existence. Now, I say the members of the House who have taken that position have honestly stated their real motives; and the man who says here the object of this bill is revenue, I doubt very much if he means really what he says. The

tendency of Congress is to reduce the revenue. No one will deny this. I understand there are members who would rather not vote on this bill either way, some on constitutional grounds, some because they look upon such measures as dangerous in their tendency, and others because forcing commercial values by law is contrary to the spirit of the nineteenth century; but, representing farming constituencies, and believing or fearing future elections depend on the votes they give, they propose to vote for this bill, constitutional or not, right or wrong, honest or not. [Laughter.]

Soon after this bill came up for discussion I stated that its real and true object was to enable the farmers to get a higher price for their butter. Now, I am willing they should get a good price. I do not object to it; and if they came in here and presented a bill which said what it meant perhaps I might have supported it then. But when you come here with a fraud on its face, with a deceit from beginning to end, when you come here with an intention to strike down one interest for the purpose of building up another, I say to you, my Republican friends, that is not the true protective doctrine. We believe on this side of the House in protecting the industries of this country against foreign competitors. We believe in protecting American labor against the labor of Europe. That is the true doctrine; that is the theory of the Republican party. A few gentlemen on the other side of the House do not agree with us; still it is the correct theory and the only safe one for Republican members to follow.

It is not wise or just to attempt to strike down one interest in America in order to build up another. You propose to advance the price of butter as a result of legislation. It reminds me that a bunch of Congressmen at one time during the war by a solemn act of Congress prohibited trading in gold, and the next day everybody was buying and selling currency. The people quietly smiled, and the "men of wisdom" concluded their "tinkering" with commercial articles was a failure.

In this butter engineering you may be partially successful for six months. You may go on the political stump and tell the farmers "we have taxed your rival to death, and now you are sure of good prices. You that own one cow buy another and own two; you that now delight in ten cows buy ten more and become the owner of twenty. The oleomargarine factories are closed and good prices are yours."

It might be well for you gentlemen in your remarks to add, "Do not make haste to be rich;" but you will not do that, because it would carry with it a doubt in your own minds as to the success of your legislative action.

The CHAIRMAN. The gentleman's time has expired.

Mr. ADAMS, of Illinois. I will take the floor and yield my time to my colleague.

Mr. DUNHAM. As a natural result of this bill the tendency throughout the country at first will be higher prices for butter, but in a year the price will fall simply from overproduction. The farmers when they get time to consider this matter and see what the result of this thing will be will demand of you an explanation for depression, and you lawyers will fly to commercial men and ask reasons. They will tell you to let the commerce of the nation alone.

Markets can not be regulated by law, and any attempt to do so is sure to bring disaster somewhere. It is often the case that prices of grain, for instance, advance in anticipation of some damage to growing crops; then when the damage really comes the price tumbles. Why? Because everybody is loaded and prepared for it, and who will the holders sell to? Let the farmers think you have acted wisely in their interest, but I greatly fear one year hence will see them suffering under lower prices for their butter than they obtain to-day.

You forget the fact, my friends, that while there are seven millions of farmers, including their wives and children, in this country, there are also many more millions of working people who do not make butter but who buy and consume it. Grant all rights to farmers, and yet others' feelings and pockets are to be consulted. Be honest and square, gentlemen, with all classes.

Now I concede that perhaps not a workingman in this country cares to eat this oleomargarine, or at any rate if he buys it he wants to buy it for what it really is, and as I claim he ought to do; but I do say, and I defy any man to contradict its truth, that the laboring men, the consumers of products in this country, are willing that oleomargarine shall be continued to be manufactured; and why? Simply because it will keep down the price of butter.

Now I propose to be honest about that, Mr. Chairman, and will say that the laboring man naturally desires to keep down the price of his food products, and butter is one of them. It is a proper and natural desire on his part, and I admit that this product, oleomargarine, aids him in his desire; but it should be branded and sold for what it is. I claim that the men who live in my district and manufacture this product are willing to manufacture and brand and mark it in every way to show what it is; that is what they are now doing; and your bill does not affect them in that respect in the least. What then is the objection?

We do object to this tax that you propose to put upon the product. I object to it in the name of the men who manufacture it; I object to it in the name of the 250,000 people who reside in my dis-

trict, not butter-makers but butter-consumers, who desire to buy butter at 25 cents a pound, as now, rather than to be forced to pay 40 or 50 cents a pound, as was the case one, two, three, or five years ago. Remember that 25 cents to-day is equal to 40 cents to the farmer ten years ago. I ask the House then to consider carefully the provisions of the bill. You have commenced, by this, the inauguration of a species of legislation for which the day will come when you will be sorry. There is no telling what industry will come here next and demand the wiping out of another industry which is perhaps injuring its prosperity.

Mr. BAYNE. But you stated that it would make butter cheaper, did you not?

Mr. DUNHAM. I did say so, that such will be the ultimate effect of it, but not the immediate effect. I do say that it is wrong to strike down one industry for the sake of trying to build up another. You can not honestly deny this proposition. You can not possibly have more sympathy and respect for farmers than I have. You believe your course now is for their good. I believe its final end will be a losing one in the finances of farmers.

I say it is wrong for you gentlemen here, representing as you claim the farming community, to do what you can to temporarily benefit them, but really to do that which in the end will result in their injury, and perhaps in the financial ruin of many of them.

Time determines all things. No farmer shall ever suffer by my vote. No laboring man shall lay the charge at my door that the cost of the necessities of life for himself, wife, and children were advanced by legislation by any vote of mine.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. Mr. Chairman, I did not intend to participate in the discussion of this bill, and do not now propose to occupy the attention of the committee but for the few minutes allowed me under the rules.

While I have uniformly voted with the friends of this bill and with the Committee on Agriculture, which reported the same to the House, yet I confess that I have had some doubts as to the propriety of some of the provisions contained in it. I go as far as my colleague [Mr. DUNHAM], who has just taken his seat, in denouncing any system of legislation which discriminates in favor of any one industry of this country as against another. I would not vote for any bill which had for its purpose the building up of one industry at the expense of another, no matter what that industry might be. Nor would I vote for any bill which in my judgment would have that effect. But I say to my colleague from Chicago [Mr. DUNHAM] that while I am, like himself, utterly opposed to fraud, I do not see the fraud in this bill of which he speaks, but think I can see the fraud which the bill proposes to protect the people of this country against.

Mr. Chairman, if there is any one thing more than another in which I would like to see effective legislation in this country by the State and by the General Government, where it can be constitutionally done, it would be legislation against the adulteration of human food. And I would extend it to fraud and deception in the selling of any article of food for domestic consumption for any thing else than what it really is, so that people may know what they are purchasing and what they are eating. If people want to eat oleomargarine they should be permitted to do so, but they should know what they are eating.

Now, my colleague from Chicago [Mr. LAWLER] has acknowledged here that he has eaten oleomargarine. I wish to say that I have never eaten any to my personal knowledge; and yet I am not certain but that I have eaten much of it under the impression that it was very bad butter. [Laughter.] I know that there is good butter and bad butter; but the object of this bill, as I understand it is to prevent the manufacture of an article in imitation or in resemblance of butter and the selling of it to the consumer as butter. I believe honestly that of the 200,000,000 of pounds of oleomargarine which it has been said here are manufactured and sold in this country, a very small percentage of it has been sold as oleomargarine. The great bulk of it has been sold for butter to the consumer. And that is the wrong which one industry inflicts upon another, and which this bill seeks to prevent.

Now, sir, I was going to say that I was not in favor of all the provisions of this bill. I have thought the tax provided for in the bill too high. I, myself, would only favor a sufficient tax to pay the expenses of regulating and inspecting these oleomargarine manufactories; and it seems to me that would be a sufficient tax. But if the construction now put upon the bill be the true one, and I am inclined to think it is, and the object is not to tax all oleomargarine, but only that which is manufactured as an imitation of butter, then I do not care, Mr. Chairman, how high the tax may be, even if it be 20 or 25 cents a pound.

If gentlemen of the committee will examine the second section of this bill, and I have examined it to-day with some care in connection with what I understand to be proposed amendments to the section, they will see that oleomargarine is defined here in this bill to be that which is made in imitation or semblance of butter, and which as such imitation or semblance of butter is to be sold for butter. It is this imitation or semblance of butter, this fraud and deception, which is to be taxed, as it now occurs to me, and this I am heartily in favor of.

While much has been said here about the men who are interested in

oleomargarine factories, I know there is a great deal of interest on both sides of this question, and I do not see much difference in the influences that seem to be brought to bear here, whether they are on the one side or on the other. But, Mr. Chairman, I believe oleomargarine has been immensely profitable to the manufacturers of it in this country; that they have made immense sums of money out of its manufacture, and this has been done by palming it off on the public as an article which it is not. It has been sold for butter when it is inferior to any good quality of butter, and to the injury of an industry in which thousands of people all over the country are interested, and I believe such deception and fraud should, if possible, be prevented.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments non-concurred in by the House of Representatives to the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, agreed to the conference requested by the House, and had appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL as managers of the conference on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6975) to establish additional life-saving stations.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and ordered to lie on the table, and be printed:

To the House of Representatives:

In compliance with the request of the House of Representatives of this date, I return herewith House bill No. 6391, entitled "An act to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

GROVER CLEVELAND.

EXECUTIVE MANSION, June 2, 1886.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. HATCH. I ask unanimous consent that all debate upon the pending section and amendments thereto may be closed, that there may be an opportunity of having the other sections read.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. BRECKINRIDGE], which the Clerk will report.

The Clerk read as follows:

Amend section 16 by striking out the last sentence, namely, these words: "Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word 'oleomargarine,' in plain Roman letters not less than one-half inch square."

The amendment was disagreed to.

The CHAIRMAN. If there be no objection the remaining sections of the bill will be read.

The Clerk resumed the reading of the bill, and read section 19, as follows:

SEC. 19. That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction, one-half of such fine or penalty, when paid, to go to the informer.

Mr. McMILLIN. I desire to offer an amendment.

The CHAIRMAN. Section 19, as the Chair is informed, is one on which a number of gentlemen desire to be heard. The Chair, therefore, requested the Clerk to read these sections in their order until that section was reached. Before doing so the Chair had recognized the gentleman from New York [Mr. BAKER], who is now entitled to the floor.

Mr. BAYNE. I ask unanimous consent that the bill be read through and that we may then recur to the nineteenth section.

Mr. BRUMM. I object.

Mr. HATCH. Several members have asked me a question which I desire to answer in the presence of the committee that there may be no misunderstanding about this, as there are some members who have calls to go somewhere else and want to leave the Hall. The proposition was made that all debate under the five-minute rule should be considered closed at ten minutes before 5 o'clock, and that the bill should then be reported, and the agreement was that the bill and all these amendments would come up as the first business in order to-morrow morning after the morning hour—

Mr. SCOTT. In committee?

Mr. HATCH. In the House. I can not ask the committee to have the previous question considered as ordered, because that would cut off the opportunity to carry out the agreement we made to offer the amendments in the House. Therefore I want it understood the bill and all amendments will be reported and taken up in the House after the morning hour. Will the Chair please submit the question, that there may be no misunderstanding?

The CHAIRMAN. If there be no objection the arrangement will be made as indicated by the gentleman from Missouri.

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. BAKER] is entitled to the floor.

Mr. BAKER. I move to strike out the last clause of the nineteenth section; and I desire, Mr. Chairman, to submit two or three observations on the bill explanatory of my own position, because so many arguments have been brought forward here by gentlemen upon this subject that it seems to me we overlook two or three very important questions in the consideration of this bill.

In the first place this legislation comes here somewhat in consequence of the action of the manufacturers in the several States upon this very important matter. Recurring for a moment to the history of the legislation in the different States, let me say that in my own State year after year legislation has been attempted to regulate the manufacture and sale of oleomargarine. It has been uniformly resisted by the same influences and the same arguments that have been offered here upon this floor. Efforts to investigate the manufacture and sale of this article have been met with the argument that this stuff is pure, that it is healthful, that it is a proper substitute for butter, and may with safety be placed upon the tables of and consumed by the people. After investigation in my own State on two or three occasions acts have been passed to regulate its manufacture and to compel its being marked so that it may be sold as what it is.

Mr. Chairman, the legislation brought forward and passed in my own State, passed, as I have said, against strenuous opposition, has on two occasions been overturned by the action of the court of appeals, and it has utterly failed—all efforts have failed—to regulate the manufacture of this article, in consequence of the inability of the State Legislature to throw around it the safe-guards proposed by this bill. This opposition to the manufacture and sale of oleomargarine has grown up simply because the manufacturers have refused to sell the article for what it is. They have continually practiced deception and fraud upon the consumer, and it is for that reason that my State and every other agricultural State will hail with delight the passage of this bill. I believe such legislation would have been unnecessary if the dealers had been honest with consumers, and my purpose in making these remarks is simply to explain that I vote for this bill in order to enable consumers to know, when they buy butter, that they are getting butter, and to prevent the continuance of the deceit and fraud that have characterized the manufacture and sale of this article during several years past. Incidentally, this law will produce revenue; incidentally it will benefit the dairy interests of the country, and these are objects devoutly to be desired. Therefore, Mr. Chairman, while believing that the tax proposed to be assessed is, perhaps, too high, I trust that, when it shall be fixed at such a figure as will guarantee the sale of oleomargarine not as butter but as oleomargarine, and in that way secure the protection of the consumer, the bill will pass without further opposition.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. McMILLIN].

The Clerk read as follows:

In section 19 strike out the following: "One-half of such fine or penalty, when paid, to go to the informer."

Mr. McMILLIN. Mr. Chairman, it is hardly necessary for me to explain at length the reason why this amendment is offered. The legislation which gave to informers a share of the penalties imposed for violation of the tariff laws has long since been repealed; the penalties of the internal revenue laws that were imposed and distributed in the same way have also been repealed. Yet here, in "these piping times of peace," the Committee on Agriculture in their wisdom have seen fit to inaugurate anew the most obnoxious of all that legislation. I am happy to think that the majority of the people of the United States would scorn to accept such money. But in almost every community there are those so depraved as to be capable of its acceptance. From such I would take the temptation to accept by withholding from the Government officials the power to give.

If we are to have a new swarm of deputy marshals sent around in new paths hunting for new substances, let us not add to their zeal the zeal of the mercenary who is to receive a part of the penalty as an informer. I do not know of any kind of legislation which is more reprehensible than that which sets neighbor spying upon neighbor for these petty offenses. The penalties affixed by this bill are very large. The forfeitures if obtained will be great, and hence the temptation to inform upon his neighbors to every man mean enough to do it will be great. I do not think that this House will do itself justice if, even for the protection of the cow, it turns loose a set of men upon the community urged on by such motives. I do not deny the power of the Government to raise taxes. They are essential to the existence of the state. When the object is taxation for the support of the Government no citizen can interpose his voice and no constitutional question arises. But, sir, I am of those who believe that the strong arm of Government can not be legitimately invoked to crush out any legitimate industry, and when this Government enters upon that experiment it will be upon a wide, a boundless sea of troubles. I hope that at the proper time the amendment will be adopted.

Mr. LA FOLLETTE addressed the committee. [See Appendix.]

Mr. WILSON. Mr. Chairman, I have already, at an early period of this discussion, stated some objections to this measure. These objections were fundamental, and subsequent reflection and the argument which has taken place in the last few days have not lessened but rather have confirmed and intensified them.

No debate I have listened to since I have been a member of this House has been marked by more frequent recurrence to those first principles which are supposed to be sound and safe guides in all legislation. This very fact itself, Mr. Chairman, is a presumption against this bill, because it implies that it opens a new field of legislation, and one which Congress has not heretofore occupied.

But, sir, I have not been able to square this bill or to reconcile its principles with any of those just and safe maxims of legislation to which gentlemen have so frequently alluded in this debate.

Now, I know, Mr. Chairman, that a constitutional argument is too often met and supposed to be overthrown in this House by a sneer. Nevertheless, sir, the Constitution is the supreme law of the land, and it seems to me in a legislative assembly engaged in framing laws no inquiry could be more pertinent, none deserving of more respectful consideration, than that which seeks to bring those laws to the test of the Constitution, the organic law of the land.

A MEMBER. Especially when we are sworn to support it.

Mr. WILSON. Yes, sir, especially when we are sworn to support it. Gentlemen seem to suppose that they have made their case when, as the gentleman from California [Mr. HENLEY] who spoke a few minutes ago, they ask us what provision of the Constitution does this bill violate. Mr. Chairman, I have always supposed, and I have been taught to believe, that in the legislation of Congress the pertinent inquiry is, under what provision of the Constitution is it allowable? From the beginning of this discussion I have not heard any gentleman on this floor attempt to maintain this bill on constitutional grounds except as a measure to raise revenue.

It seems to me, Mr. Chairman, before Congress can attempt to raise revenue there must be a double authority derived from the Constitution. It must not only be a constitutional mode of raising revenue, but there must be a necessity for revenue before you are authorized to put into operation the power of levying taxes. To pretend that this is a bill to raise revenue is to palter with the very highest trust that we as Representatives are clothed with. The trust and authority to impose taxes on the people, to use that power for any oblique or indirect purpose, or otherwise than for the plain and honest purpose of raising necessary revenues, is, I say, to abuse it and to palter with the most sacred trust with which we are invested.

[Here the hammer fell.]

Mr. STRUBLE. Mr. Chairman, a few moments ago the gentleman from Arkansas [Mr. BRECKINRIDGE] called my attention to section 5, Article IX of the Constitution, and suggested that it might be well for me to consider whether my remarks upon the subject of taxing oleomargarine, whether consumed at home or abroad, were not in conflict with the section and article I have just named.

It may be his view is the correct one, but I submit it is not entirely clear upon the reading of the section, which is as follows:

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

There is no time to enter upon any considerable discussion of the section now. It may be conceded that no tax or duty in the shape of export taxes or duties can be laid; but may not the United States primarily tax all oleomargarine, saying nothing about the tax or duty in view of exportation. Then, again, is it clear that this section may not refer to exportations from States, as if made somewhat under their authority—which of course can not be done—instead of, in a sense, from and under the authority of the United States to foreign countries?

I merely suggest these queries to the gentleman from Arkansas for reflection, without in terms contending that he is in error in what I assume might be his opinion of the section upon argument.

Mr. PARKER. Mr. Chairman, during this debate my friend from Pennsylvania [Mr. BAYNE] has said:

Pennsylvania is the second largest butter-producing State in the Union. New York comes first with 111,000,000 pounds annual production; Pennsylvania comes next, with over 79,000,000 pounds; the State of Ohio comes next, with, I believe, about 67,000,000 pounds, and Iowa next, with about 55,000,000 pounds. It will be seen, therefore, that the great State of Pennsylvania has a larger interest in protecting her dairy products than any other State in the Union except alone the State of New York.

It is true that by the last census New York was shown to have an annual product of over 111,000,000 pounds of butter, and it is also true that over 11,000,000 pounds of it was produced in the counties of Saint Lawrence and Jefferson, which constitute the district which I have the honor to represent on this floor. New York had then nearly one and one-half million cows, of which more than one hundred and fifty-five thousand were in the same two counties.

It appears that there are from fifteen to sixteen million cows in the United States. The annual product of butter has been a little over 1,000,000,000 pounds, worth about \$250,000,000.

The annual product of bogus butter has been over 200,000,000 pounds, over 99 per cent. of which has been sold "as and for butter." It has cost less than 8 cents, and has been sold to the consumer for an av-

erage of about 25 cents; hence the profit of 17 cents, or \$34,000,000, has been secured by those who have made and those who have sold it. Not only has the butter interest suffered from this fraudulent competition, but the whole \$565,000,000 of butter, cheese, and milk interest of the United States has been greatly disturbed and harmed by it.

Unless some check is given to the bogus product and its deceptive sale, no power under heaven can prevent the practical destruction of the butter-making industry as it now exists in the United States.

Not one pound in one hundred of the bogus product is ever bought by a consumer who knows its character.

It is shown beyond question that much of this bogus product is not only unhealthy, but to a greater or less degree poisonous.

Never since the world began has any nation submitted so long to such an extensive and shameless fraud, and yet men stand about us and raise their hands as though in holy horror, and invoke the Constitution to prevent any interference with the continuance of the crime.

Seldom have men gathered in so much wealth in so short a period as has been seized and appropriated by these bogus-butter kings whose work is under investigation. Disease and poverty follow in their train, but they carry away their millions upon millions.

Consider it, 200,000,000 pounds of (largely a filthy) product sold to the consumer for \$50,000,000—it cost the producer \$16,000,000—leaving an annual profit of \$34,000,000.

Or make the estimate very low, call the product 20 cents per pound—and if the counterfeiter is prudently managed it will average above that for the year—then we have:

Paid by the consumer	\$40,000,000
Cost to the producer	16,000,000
Leaving	\$24,000,000
Take off for possible incidentals.....	4,000,000
Leaving a net profit of.....	20,000,000

And these humanitarians, these lovers of poor men, carry away to their own safety-deposit vaults \$20,000,000 per year, got from consumers who paid for butter and got nothing but its flavor in a bulk of grease. Is it strange that butter now sells for 16 cents in market? Is it strange that the great American dairy interest languishes and is demoralized? Is it surprising that these bogus-butter fellows, making their \$20,000,000 a year, are going about here weeping for the "poor man's butter," because the poor man wants it so much and these fellows are afraid that the poor man can not get enough of it? Is it strange that men gather in to oppose this bill from Northern Illinois to Southern Georgia? Is it strange that this Congress is held here for days in mere delay over this bill while legislation of the greatest importance presses upon us? Is it strange that men representing tallow butter and lard butter and cotton-seed-oil butter, and men with whole windrows of dead animals of all kinds and conditions behind them, rise up and scream crazily about the Constitution?

All of these men represent the interest that robs the public of from twenty to forty millions a year.

[Mr. VAN EATON addressed the committee. [See Appendix.]

Mr. HATCH. I move by unanimous consent that all debate on the pending section be closed, so that we may vote upon the pending amendment of the gentleman from Tennessee [Mr. McMILLIN].

There was no objection, and it was ordered accordingly.

The question recurred on Mr. McMILLIN's amendment.

The committee divided; and there were—ayes 76, noes 23.

So the amendment was agreed to.

Mr. HATCH. Now let the remaining sections be read.

Mr. WHEELER. I have an amendment to offer.

Mr. HATCH. The gentleman can offer it afterward.

The Clerk read as follows:

SEC. 20. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this act.

SEC. 21. That this act shall go into effect on the ninetieth day after its passage; and all wooden packages containing ten or more pounds of oleomargarine found on the premises of any dealer on or after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under section 8 of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purposes of securing the affixing of the stamps, marks, and brands required by this act, the oleomargarine shall be regarded as having been manufactured and sold, or removed from the manufactory for consumption or use, on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such package to mark and brand the same and to affix thereto the proper tax-paid stamps.

Mr. WHEELER. I now ask for a vote on my amendment.

The amendment was read, as follows:

Strike out in lines 3 and 4 of section 19 the words "one-half of such fine or penalty, when paid, to go to the informer," and insert these words:

"One-half of all money collected under the provisions of this act shall be used in the support of common schools, and such money shall annually be divided among and paid out in the several States and Territories and in the District of Columbia in that proportion which the whole number of persons in each, who, being of the age of ten years and over, can not read bears to the whole number of such persons in the United States; such computation shall be made according to the census of 1880 until the illiteracy returns of the census of 1890 shall be received, and then upon the basis of that census."

Mr. HATCH. Mr. Chairman, I now move that the committee rise and report this bill and amendments to the House under the agreement which has already been made.

Mr. COMPTON. I ask to offer the amendment which I have sent up to the desk.

Mr. HATCH. I have no objection to its being read for information.

The CHAIRMAN. The Clerk will read the amendment for information; but nothing is in order now under the agreement heretofore made except the motion which the gentleman from Missouri has submitted.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"SECTION 1. That every person who purchases or receives for sale within the District of Columbia or any Territory of the United States any oleomargarine which has not been branded or stamped 'oleomargarine' shall be liable to a penalty of \$50 for each offense; and that said penalty shall be recoverable as all other fines or penalties imposed by law in said districts."

The CHAIRMAN. Under the agreement which the committee made this afternoon the Chair is now required to cause the committee to rise and report this bill and amendments to the House.

Mr. DUNHAM. I rise to a point of order. My understanding was that it was agreed that debate should close at ten minutes to 5 o'clock; but nothing was said about amendments. Amendments may be offered and voted upon, and I submit it is against the rules of the House to force a bill to be reported back to the House as long as members desire to offer amendments. [Cries of "Regular order!"]

Mr. HATCH. The agreement was so plain that there can be no mistake upon that point.

The CHAIRMAN. The agreement was that at ten minutes before 5 o'clock this bill should be reported to the House; that agreement was made by unanimous consent; and without unanimous consent now given it can not be changed.

Mr. MORRISON. Reported back without a vote?

The CHAIRMAN. Not without a vote; but the motion of the gentleman from Missouri is in order. [Cries of "Regular order!"]

Mr. DUNHAM. I wish to offer additional amendments.

Mr. HENDERSON, of Iowa. Regular order!

The motion that the committee rise and report the bill to the House was agreed to; there being on a division—ayes 109, noes 33.

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 instructed him to report the same to the House with sundry amendments, and recommend that it be passed as amended.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its Clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 188) to prevent the acquisition of real property by aliens, and for other purposes; and

A bill (S. 1991) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the Post-Office appropriation bill (H. R. 5887) and on its disagreement to the amendment of the House to the Senate amendment, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. MAHONEY, and Mr. BECK.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6975) to establish additional life-saving stations.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House do now adjourn.

Mr. DUNHAM. I rise to a parliamentary inquiry.

Mr. RANDALL. The motion is not debatable.

Mr. DUNHAM. Has this committee a right to report a bill back to the House as long as amendments are offered to the bill by members of the House?

The SPEAKER. That is not a question for the Chair to determine. It is a question which could only have been properly determined by the chairman of the Committee of the Whole on the state of the Union. [Cries of "Regular order!"]

The motion of Mr. HATCH was then agreed to; and accordingly (at 4 o'clock and 55 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. BARBOUR: Petition and claim of Catharine A. Fossett, executrix of James Fossett, deceased—to the Committee on War Claims.

Also, petition of Maria Trunnell, for compensation for damages done to her property in the District of Columbia by street improvements—to the Committee on the District of Columbia.

By Mr. BARKSDALE: Papers relating to the claim of Walter W. Peck and of Martha J. Stewart, of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. BARNES: Papers relating to the claim of John McKinne, of Emanuel County; of Martha Price, of Burke County, and of Larkin Wilcher, of Glascock County, Georgia—to the same committee.

By Mr. BUCHANAN: Memorial of the Board of Trade of Atlantic City, N. J., for a post-office building at that place—to the Committee on the Post-Office and Post-Roads.

By Mr. BUNNELL: Petition of the New England Shoe and Leather Association, requesting that one and two dollar bills be issued to take the place of those defaced and worn out—to the Committee on Banking and Currency.

Also, petition of the Grand Army of the Republic post of Union Dale, Susquehanna County, Pennsylvania, urging the passage of the Senate pension bill 1886—to the Committee on Invalid Pensions.

Also, memorial of the common and select council of Norfolk, Va., calling attention to the eligibility of that city as a site for a Government ship-building plant—to the Committee on American Ship-building and Ship-owning Interests.

By Mr. DUNHAM: Protest of E. T. Palmer & Co. and 665 others, employers and employes in the cloak manufacturing trade in the city of Chicago, against the Morrison tariff bill—to the Committee on Ways and Means.

By Mr. ELY: Petition of Joshua W. Davis, in favor of Senate bills 53 and 54—to the Committee on Indian Affairs.

By Mr. ERMENTROUT: Eight petitions of hospital stewards, asking for the passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. GROUT: Petition of W. H. Collins and 35 others, citizens of Swanton, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HARRIS: Petition of Josiah R. Chambers, administrator of Josiah Chambers, of Carrollton, Ga., asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. HEMPHILL: Papers relating to the claim of Leonidas Lowery, of Chesterfield County, and of John C. Canthen, of Lancaster County, South Carolina—to the same committee.

By Mr. HOUK: Petition of savings-banks of New York State, praying for a repeal of the law which directs the coinage of the 41 $\frac{1}{2}$ grains silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Blount County, Tennessee, praying for the passage of the Blair educational bill—to the Committee on Education.

Also, a bill authorizing the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.—to the Committee on Commerce.

Also, petition of Walter Newburn and of Henry Krueger, hospital steward, United States Army, praying for increase of pay for hospital stewards—to the Committee on Military Affairs.

Also, petition of John F. Rhoton, of Jefferson County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LAFFOON: Petition of W. J. Mitchell and others, in favor of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. LAIRD: Petition of John F. Hilman and 80 others, citizens of Weld and Arapahoe Counties, Colorado, praying for the establishment of a land office in northeastern Colorado—to the Committee on the Public Lands.

By Mr. LIBBEY: Petition of citizens of Warwick County, Virginia, for the improvement of Deep Creek—to the Committee on Rivers and Harbors.

Also, resolutions of the Norfolk and Portsmouth Cotton Exchange, relative to the establishment of a branch hydrographic office at Norfolk, Va.—to the Committee on Appropriations.

Also, papers in the case of J. E. Hozier—to the Committee on Claims.

By Mr. MILLARD: Resolution favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. PLUMB: Petition of A. F. Waldorf, John J. King, and 36 others, citizens of Trumbull County, Ohio, for the passage of bill taxing oleomargarine 10 cents—to the Committee on Agriculture.

By Mr. RANDALL: Petition of Richard Ennis, president, and Thomas J. Dicus, secretary of the trades assembly of Western Pennsylvania, in opposition to proposed oleomargarine and butterine legislation—to the same committee.

By Mr. RYAN: Petition of the board of medical pension examiners, for change of law in regard to fees of such examiners—to the Committee on Invalid Pensions.

By Mr. SKINNER: Petition of Mrs. Holland Harderly, widow of Micajah Harderly; of Joseph R. Franklin, of Rev. Jacob Utley, of J. S. Davis, of D. W. Morton, of Josiah L. Bell, and of Francis J. and Mary F. Morton and Martha J. Oglesby, of Carteret County; of Thomas E. Harris, administrator of Thomas D. Harris, and of Mary E. English, executrix of James C. Ballance, of Hyde County; of William J. Porter, and of W. H. Hyatt, son of James H. Hyatt, deceased, of Perquimans County; of Jarvis M. Williams, of Beaufort County;

of Joseph J. Jordon, of Winton; and of A. O. Dey, administrator of J. S. Dey, Currituck County, North Carolina, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SNYDER: Papers relating to the claim of George W. Spotts, of Garrett W. Bane, and of Phillip Gordon, of Jefferson County, West Virginia—to the same committee.

By Mr. STEPHENSON: Resolutions of Grange No. 92, Patrons of Husbandry, of Waterloo, Wis., on interstate commerce—to the Committee on Commerce.

By Mr. STRAIT: Resolutions of the Board of Trade of Duluth, Minn., protesting against the consolidations of the customs districts of Minnesota—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of Nancomah Valley Grange, of Shelby County, Tennessee, asking the passage of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, papers relating to the claim of Martha L. Yancy, administratrix, of Shelby County, Tennessee, to the Committee on War Claims.

By Mr. TILLMAN: Petition of R. S. Lipsey, of Barnwell County, South Carolina, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. WARD: Petition of Ernest Hodden, of Chicago, Ill., praying that his claim be referred to the Court of Claims—to the same committee.

By Mr. MILO WHITE: Protest of the Board of Trade of Duluth, against the consolidation of the customs districts of Minnesota—to the Committee on Ways and Means.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. LINDSLEY: Of dairymen of Green County, New York.

By Mr. MILLARD: Of citizens of Guilford, N. Y.

SENATE.

THURSDAY, June 3, 1886.

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

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

JOHN S. WILLIAMS—VETO MESSAGE.

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

To the Senate:

Senate bill No. 789, entitled "An act granting a pension to John S. Williams," is herewith returned without approval.

This claimant enlisted in 1861. He alleges that his shoulder was dislocated in 1862 while ferrying troops across a river. The records of the War Department fail to furnish any information as to the alleged injury. He served afterward until 1865 and was discharged. His claim for pension was rejected by the Pension Bureau in 1882, twenty years after the time he fixes as the date of his injury; and after such long delay he states as an excuse for the unsatisfactory nature of his proof that the doctors, surgeons, and officers who knew him are dead.

Considering that the injury complained of is merely a dislocation of the shoulder, and in view of the other facts developed in the case, I think the Pension Bureau arrived at a correct conclusion when this claim was rejected.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 2, 1886.

JAMES E. O'SHEA—VETO MESSAGE.

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

To the Senate:

I return without approval Senate bill No. 327, entitled "An act granting a pension to James E. O'Shea."

From the report of the committee to whom this bill was referred I learn that the claimant enlisted in April, 1861, and was discharged in October, 1864.

He filed a claim in the Pension Bureau alleging that he received a saber wound in the head March 7, 1862, and a gunshot wound in the left leg in the autumn of the same year.

It appears, upon examination of his military record, that there is no mention of either disability, and that he served two years after the time he claims to have received these injuries. So far from being disabled, it is reported as an incident of his army life that in the year 1864 this soldier was found guilty of desertion and sentenced to forfeit all pay and allowances for the time he was absent.

The report of the committee, in apparent explanation of the lack of any official mention of the injuries alleged, declares that "the fact that the records of the War Department are often imperfect works great hardship to men who apply for pensions;" and his conviction of desertion and the lack of proof to sustain his allegations as to his injuries are disposed of as follows in the committee's report:

"The Adjutant-General's report shows that the man was under discipline for some irregularities, but, notwithstanding this and the lack of the required proof that he was wounded in the line of duty, the committee are of the opinion that, situated as he was, he was very liable to, and very probably did, receive the wound from which he has suffered and is still suffering."

I am convinced that there exists serious difficulty on the part of the claimant instead of in the record of the War Department, that the kind of irregularity for