

government of the Territory a legislative commission—to the Committee on the Territories.

By Mr. CATCHINGS: Papers relating to the claim of Mary A. E. Harris, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. CRAIN: Petition of Thomas Carson, mayor of Brownsville, Tex., and others, citizens of Cameron County, praying for the re-establishment of the National Board of Health—to the Committee on Commerce.

By Mr. DUNHAM: Petition of Chicago Live Stock Exchange, against House bill 8328 to tax butterine—to the Committee on Agriculture.

By Mr. ELY: Petition of Lucius W. Daniels and 35 others, in favor of legislation to control the manufacture of imitation butter—to the same committee.

By Mr. ERMENTROUT: Memorial of the Live Stock Exchange, of Chicago, Ill., protesting against taxing oleomargarine—to the Committee on Ways and Means.

By Mr. EVERHART: Petition of merchants, manufacturers, and other citizens of the United States, asking for an appropriation to compensate American steamships for carrying the United States mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of West Chester, Pa., praying for appropriation to enable the National Board of Health to take measures for the prevention of epidemics—to the Committee on Commerce.

By Mr. FORNEY: Petition of James Hawkins; of John B. Taylor, heir at law of John E. Taylor; of Andrew Wells; of Isaac Chadwick; of E. T. Davenport, heir at law of Joseph Davenport; of C. C. Davenport, and others, heirs of Orville J. Davenport; of James M. Dillard and of James M. Dillard, Jr., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Affidavit in support of House bill 4396, granting a pension to Harriet Harrington—to the Committee on Invalid Pensions.

Also, petition of A. E. Eldridge and 33 others, citizens of Waitsfield, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HEPBURN: Petition of S. S. Morrow and others, citizens of Thayer, Iowa, asking that William Thurston be granted a pension—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of George T. Powell and 17 others, of Ghent; of Ransom Dodge and 21 others, of Buckman; and of Darius Weed and 58 others, of Copake, N. Y., asking for the passage of the bill to regulate sale of all imitations of butter, &c.—to the Committee on Agriculture.

By Mr. LORE: Petition of Delaware Clark and 41 others, and of John J. Black and 259 others, citizens of Delaware, for the suppression of the manufacture and sale of oleomargarine and other imitations of butter—to the same committee.

By Mr. MORRISON: Petition of the Chicago Live Stock Exchange, against taxing butterine—to the same committee.

By Mr. O'FERRALL: Petition of Mary L. Nulton, executrix of James Bowlen, of Clark County; of J. M. Silver, of Frederick County, and of C. C. Shumaker, executrix of Peter Zettee, deceased, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PAYNE: Petition of William F. Filkins and others, in favor of bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. T. B. REED: Petition of Simon E. Foss and others, for relief of Elizabeth Wild—to the Committee on Invalid Pensions.

Also, petition of John E. Hobbs and others, of North Berwick, and of J. E. Barker and others, of Naples, Me., in favor of the oleomargarine bill—to the Committee on Agriculture.

By Mr. RIGGS: Resolutions of the Chicago Live Stock Exchange, opposing bills to tax oleomargarine—to the same committee.

By Mr. SENY: Memorial of A. G. Jennings & Son, of Brooklyn, N. Y., asking for an increase of duties on lace and lace goods—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of A. G. Jennings & Son, of Brooklyn, N. Y., for an increase of duty on lace goods and lace—to the same committee.

Also, resolution of the New York State Legislature, in favor of Col. J. D. Stevenson—to the Committee on Claims.

Also, petition of Robert P. Getz and others, of Yonkers, N. Y., for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. STORM: Petition of Grange No. 149, Patrons of Husbandry, of Pennsylvania, for the passage of a law to suppress the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

Also, petition of same, against putting wool, hides, jute, tobacco, rice, raw sugars, &c., on the free-list—to the Committee on Ways and Means.

Also, memorial of the Live Stock Exchange of Chicago, Ill., against the passage of any law prohibiting the manufacture or sale of oleomargarine or butterine—to the Committee on Agriculture.

By Mr. TAULBEE: Petition of Jesse P. Nelson, for relief—to the Committee on Invalid Pensions.

By Mr. TUCKER: Petition of Nicholas H. Van Zandt, for a pen-

sion for permanent disability in the naval service—to the Committee on Pensions.

By Mr. VOORHEES: Joint memorial of the Chamber of Commerce and the Board of Trade of Seattle, Wash., protesting against the decrease of duties on coal and lumber imported into the United States—to the Committee on Ways and Means.

By Mr. WAIT: Petition of Charles A. Williams and others, of Salem, Conn., for the enactment of a law requiring that all imitations of butter be sold by their true names—to the Committee on Agriculture.

By Mr. WILSON: Petition of Amos Morrison, of Berkeley County, West Virginia, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

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. J. A. ANDERSON: Of 22 citizens of Delphos; of 27 citizens of Minneapolis; of 30 citizens of Clyde; and of 40 citizens of Minneapolis, Kans.

By Mr. ELY: Of citizens of Northborough, Mass.

By Mr. FULLER: Of citizens of Strawberry Point, of Waukon, of Nashua, of Wadena, and of Rockford, Iowa.

By Mr. FUNSTON: Of William Cunningham and others, of Humboldt, Kans.

By Mr. HALL: Of citizens of Washington, of Madison and Denmark, of Tallyrand, and of Burlington, Iowa.

By Mr. HANBACK: Of citizens of Jewell, of Paris, and of Beloit, Kans.

By Mr. D. B. HENDERSON: Of citizens of Lamont, of Shell Rock, of Manchester, of Independence, of Gowrie, of Volga, of Almoral, of Mechanicsville, of Bristow, of Waverly, of Plainfield, and of Lamont, Iowa.

By Mr. HEPBURN: Of citizens of Pella and of Dana, Iowa.

By Mr. HIRSES: Of Glenwood, of Dickertown, of Hartford, of Medford Grange, of Tom's River, of Beaver River, of Frankfort, and of other towns of New Jersey.

By Mr. HOLMES: Of J. D. K. Smith and 97 others, citizens of Iowa.

By Mr. LYMAN: Of Peter Olsen and 43 others, citizens of Iowa.

By Mr. MURPHY: Of citizens of Spring Brook, of Amber, of Baldwin, of Elwood, and of Sand Springs, Iowa.

By Mr. OSBORNE: Of citizens of Yardley, of Worcester, of Honesack, of Windsor Castle, of Woodcock, of Darling, of Afton, of Flavin, of Columbus, of Union City, of Wayne, of Six Mile Run, of Corry, of Almont, of West Chester, of Corydon, of Solebury, of Limerick, of Obelisk, of Font, of Perth Amboy, and of Bainbridge, Pa.

By Mr. PETERS: Of 22 farmers of Reno County, Kansas.

By Mr. E. F. STONE: Of citizens of Salisbury, of West Newbury, of Peabody, and of Middleton, Mass.

By Mr. STRUBLE: Of J. T. Norton and 70 others, citizens of Iowa.

By Mr. J. B. WEAVER: Of citizens of Clifton, of Marion County, and of Greeley, Iowa.

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

By Mr. R. S. GREEN: Of citizens of Union County, New Jersey.

By Mr. RIGGS: Of citizens of Pike, Scott, Cass, and Adams Counties, Illinois.

By Mr. ROGERS: Of citizens of Pulaski County, Arkansas.

By Mr. SPOONER: Of citizens of Newport County, Rhode Island.

By Mr. J. M. TAYLOR: Of citizens of Carroll County, Tennessee.

SENATE.

THURSDAY, May 13, 1886.

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

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

HOUSE BILL REFERRED.

The bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado was read twice by its title, and referred to the Committee on Private Land Claims.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Supervising Architect of that Department favoring an appropriation of \$100,000 for the continuation of work on the public building at Roch-

ter, N. Y.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting additional information in response to a resolution of March 26, 1886, relative to money due the commissioners appointed to examine and report on the damages against the Government occasioned by the erection of dams on the Fox and Wisconsin Rivers, in the State of Wisconsin; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMISSIONER OF LABOR.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with Senate resolution of April 6, 1886, the first annual report of the Commissioner of Labor; which was read.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Education and Labor.

Mr. COCKRELL. Ought it not to be referred to the Committee on Printing?

The PRESIDENT *pro tempore*. The report is presented in the form of a printed document, and therefore the order to print will not be made except upon the recommendation of the committee to which it is referred.

Mr. COCKRELL. Very well.

AQUEDUCT BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a letter of the 8th instant from the Chief of Engineers, and a copy of a report of the 4th instant from S. T. Abert, civil engineer, United States agent, in response to Senate resolution of the 25th of February last, directing the Secretary of War to cause to be made a careful examination of the Aqueduct Bridge at Georgetown and report its present condition, especially as to its safety for ordinary travel when the aqueduct is filled with water; which was referred to the Committee on the District of Columbia, and ordered to be printed.

VISIT TO MARYLAND BATTLEFIELDS.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read, and ordered to lie on the table:

Forty-ninth Congress,
Committee on Military Affairs,
House of Representatives,
Washington, D. C., May 11, 1886.

Sir: It has been found necessary to postpone the visit of the First Army Corps Association to the battlefields of South Mountain and Antietam from May 14 and 15, instant, to May 17 and 18, instant, and on behalf of the association I have the honor to extend the invitation heretofore given you and the members of the honorable body over which you preside to the last-named days instead of May 14 and 15.

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

EDWARD S. BRAGG,
Chairman Committee.

Hon. JOHN SHERMAN,
President United States Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the American Agricultural and Dairy Association and 786 farmers, praying for the passage of House bill 8328, imposing a tax of 10 cents per pound on, and regulating the manufacture, sale, importation, and exportation of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 12 citizens of Zanesville, Ohio, praying for the enactment of a law for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. MORRILL. I present a petition of citizens of Rutland, Vt., in relation to imitation butter, not asking that its manufacture be prohibited, but demanding that it shall be sold under its true name. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HAWLEY presented the petition of H. D. Tinker and 104 other citizens of Suffield, Conn.; the petition of Curtis H. Case and 32 other citizens of Bloomfield, Conn.; the petition of James B. Olcott and 25 other citizens of Manchester, Conn.; the petition of Roswell Flower and 32 other citizens of Bolton, Conn., and the petition of B. C. Hatch and 32 other citizens of New Milford, Conn., praying for legislation regulating the sale of imitations of butter; which were referred to the Committee on Agriculture and Forestry.

Mr. INGALLS presented petitions of 567 farmers of Kansas, praying for the passage of House bill 8328, defining butter, and also imposing a tax of 10 cents per pound and regulating the manufacture, sale, importation, and exportation of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented petitions of 2,181 farmers of Pennsylvania, praying for the passage of House bill No. 8328, imposing a tax of 10 cents a pound and regulating the manufacture, sale, importation, and exportation of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of farmers of Chester County, Pennsyl-

vania, praying that a tax of 10 cents a pound be imposed on imitations of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I present an additional statement of Clara B. Davidson, widow of General John W. Davidson, deceased, who is an applicant for an increase of pension, for consideration in connection with the bill which has been introduced for her relief. I move the reference of the paper to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL. I present a petition of dairymen and butter-makers of Flag Springs, Mo., praying for the adoption of the bill of the American Agricultural and Dairy Association, introduced by Hon. WARNER MILLER, of New York, in the Senate, and by Hon. W. L. SCOTT, of Pennsylvania, in the House of Representatives, placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue of the United States and imposing a tax of 10 cents per pound. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. COCKRELL. I present a letter addressed to me, intended as a memorial, from the Armour Packing Company of Kansas City, Mo., engaged in the manufacture of oleomargarine, butter, and other such articles, remonstrating against the passage of a law imposing a tax of 10 cents a pound or any internal-revenue tax upon these manufactured articles, and giving reasons why such a law should not be enacted. I ask that it be received and referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The paper will be received and so referred, if there be no objection.

Mr. CALL presented a petition of 71 citizens of Cedar Keys, Fla.; a petition of 43 citizens of Parish, Fla.; a petition of 148 citizens of Gainesville, Fla., and a petition of 35 citizens of Sarasota, Fla., praying for an extension of the time for the completion of the road of the Florida Railway and Navigation Company; which were referred to the Committee on Public Lands.

Mr. MILLER presented a petition of 3,000 farmers residing in different parts of the State of New York, praying the passage of Senate bill 1837 defining butter, and imposing a tax of 10 cents per pound and regulating the manufacture, sale, importation, and exportation of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Farmers' Club of Hanover, N. Y., praying for the passage of the bill taxing all imitations of butter at 10 cents per pound; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLER. I present a petition of the Northern New York Annual Conference of the Methodist Episcopal Church, composed of 228 ministers and representing 25,000 church members. The petition recites some of the outrages which have been perpetrated upon the Chinese in Wyoming Territory and elsewhere in the West, and closes with this prayer:

We therefore petition your honorable body to enact without delay such measures as will enable the officers of the law to suppress all efforts to persecute and drive out the Chinese, and secure to them, wherever they may be in our wide domain, the same protection afforded to all other persons in "life, liberty, and the pursuit of happiness." And for this your petitioners will every pray.

This petition is properly certified to and signed by the secretary of the conference. It is substantially the same that was sent some time ago from the New York conference. I shall not read it further nor ask to have it spread upon the record. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BOWEN. I present memorials of citizens of the United States resident in La Plata and San Juan Counties, in the State of Colorado, protesting against the location of the Southern Ute Indians in the southeastern corner of Utah immediately bordering on the line of Colorado.

I will state in this connection that the Committee on Indian Affairs have already reported the bill to the Senate with an amendment which was proposed by the Indian Office of the Interior Department which seems to meet the views of these citizens. The amendment is one which I have already offered and I think will meet the case, but I thought it best to present the memorials. The bill with the amendment as I understand conforms to the views of the memorialists, and I think they are right about the matter.

The PRESIDENT *pro tempore*. The memorials will lie on the table.

Mr. SEWELL presented fourteen petitions of 479 farmers of New Jersey, praying for the passage of House bill 8328 imposing a tax of 10 cents per pound and regulating the manufacture, sale, importation, and exportation of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of bankers, merchants, and business men of New Jersey, praying for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. MANDERSON presented a petition of 103 farmers of Nebraska, praying for the imposition of a tax of 10 cents per pound upon oleo-

margarine; which was referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented a memorial of E. B. Wolcott Post, No. 1, Department of Wisconsin, Grand Army of the Republic, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa. I present sixty petitions signed by 1,997 farmers of the State of Iowa, praying for the passage of Senate bill 1837, imposing a tax of 10 cents per pound on and regulating the manufacture, sale, importation, and exportation of oleomargarine. I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM. I present numerous petitions from farmers in different sections of the State of Illinois in the following language:

The undersigned dairymen and butter-makers respectfully petition your honorable body for the adoption of the bill of the American Agricultural and Dairy Association, introduced by Hon. WARREN MILLER, of New York, in the Senate, and by Hon. W. L. SCOTT, of Pennsylvania, in the House of Representatives, placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue of the United States, and taxing it 10 cents per pound, &c.

These petitions are signed by numerous farmers of different parts of the State of Illinois. I move their reference to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM presented a resolution adopted by the Chicago (Ill.) Live Stock Exchange, remonstrating against the passage of any law prohibiting or taxing the manufacture and sale of oleomargarine, &c.; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 29 farmers of Gurnee, Ill., and a petition of Lafayette Morton and 39 citizens of Will and Kankakee Counties, Illinois, praying for the imposition of a tax of 10 cents a pound on imitations of butter; which were referred to the Committee on Agriculture and Forestry.

Mr. CONGER presented a petition of Knights of Labor of Columbiaville, Mich., praying for the enactment of a law prohibiting the employment of persons under twenty-one years of age more than eight hours a day; which was referred to the Committee on Education and Labor.

Mr. CONGER. I present a large number of petitions from different parts of the State of Michigan, praying for the passage of a bill in regard to the sale of oleomargarine or butter substitutes. I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PLATT. I present a petition numerously signed by business men and firms of Meriden, Conn., praying for the redemption of the trade-dollar. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. LOGAN presented a petition of wholesale grocers of Chicago, Ill., praying for the abrogation of the Hawaiian treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of veterans of Southwestern Minnesota, praying to be granted arms for their encampment; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HOAR. I ask unanimous consent that the reference of the bill (S. 1967) to refer the claim of Clinton G. Colgate, of the city of New York, to the Court of Claims, being a claim for the use of his patent, be changed from the Committee on Claims to the Committee on Patents. This is not technically the report of the committee, but I take the responsibility as a member of the Committee on Claims of making that request.

The PRESIDENT *pro tempore*. If there be no objection the Committee on Claims will be discharged from the further consideration of the bill and it will be referred to the Committee on Patents. The Chair hears none.

Mr. HOAR. I make a similar request in regard to the bill (S. 1954) for the relief of Eli Ayres, that it may be taken from the Committee on Claims and referred to the Committee on Indian Affairs. It is a claim for an Indian depredation.

The PRESIDENT *pro tempore*. The Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on Indian Affairs if there be no objection.

Mr. VANCE, from the Committee on Finance, to whom was referred the bill (H. R. 7470) for the relief of William Fisher, reported it without amendment, and submitted a report thereon.

Mr. SAULSBURY. I am directed by the Committee on Privileges and Elections, to whom was referred the bill (H. R. 6637) relating to contested elections, to report it with amendments. As the bill relates to matters solely connected with the House of Representatives, I ask that it be put upon its passage.

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

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

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

A bill (H. R. 7365) for the relief of Nancy Franklin;
A bill (H. R. 3043) granting a pension to Lewis W. Scanland;
A bill (H. R. 6670) granting a pension to Susan Malone;
A bill (H. R. 6120) for the relief of Richard Horrigan;
A bill (H. R. 6452) granting a pension to Samantha A. Smith;
A bill (H. R. 6718) granting a pension to William H. Starr;
A bill (H. R. 6135) granting a pension to James W. Stanford;
A bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman;

A bill (H. R. 7073) granting a pension to Mary S. Woodson;
A bill (H. R. 7075) granting a pension to Orson W. Sears;
A bill (H. R. 7222) granting a pension to Callie West, and
A bill (H. R. 4730) for the relief of Mary Murphy.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 1534) for the relief of John P. Bush and James Grigsby, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the bill (S. 2355) granting a pension to Edward R. Shubrick, reported it without amendment, and submitted a report thereon.

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. 5472) to increase the pension of Henry Brooks; and
A bill (H. R. 3054) granting a pension to Sylvester Root.

Mr. WILSON, of Maryland, 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. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers; and
A bill (H. R. 5438) for the relief of Elias Sheads.

Mr. LOGAN. I report from the Committee on Military Affairs the bill (S. 778) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union, by consent of the committee, without recommendation either for or against it, except that I am authorized to present the report that I submit for myself with the bill. I ask that it be printed, and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The report will be printed and the bill placed on the Calendar.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 2416) granting an increase of pension to Joseph Wirth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2417) for the refund of duties exacted in error upon the importations of steel railway blooms; which was read twice by its title, and referred to the Committee on Finance.

Mr. BLAIR introduced a bill (S. 2418) granting a pension to Sarah E. Boulter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2419) granting a pension to Jackson Steward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 2420) granting a pension to Sidney Denton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 2421) granting a pension to Mrs. Maria C. McPherson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 2422) granting a pension to Mrs. Belle Griffith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Maryland, introduced a bill (S. 2423) for the relief of Grafton Munroe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 2424) granting an increase of pension to George W. Kincaid; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VANCE (by request) introduced a bill (S. 2425) for the relief of the heirs of Myra Clark Gaines; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. CALL introduced a bill (S. 2426) to prevent improper selections of the public lands of the United States under the act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GRAY and Mr. SEWELL 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. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

REPRINTING OF BILLS.

Mr. CULLOM. I have received several dispatches requesting a copy of the interstate-commerce bill as it passed the Senate yesterday evening. I ask that an order be made to print the bill (S. 1532) to regulate commerce as it passed the Senate.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. BLAIR. The bill (S. 194) to aid in the establishment and temporary support of common schools has been out of print for some time, and there is great demand for it. If the Senate will make a like order in regard to that bill, I should feel greatly obliged.

The PRESIDENT *pro tempore*. The order will be made if there be no objection. The Chair hears none, and it is ordered.

WITHDRAWAL OF PAPERS.

On motion of Mr. SPOONER, it was

Ordered, That Lewis D. Allen have leave to withdraw the papers in his case from the files of the Senate, for use before a committee of the House of Representatives.

PRE-EMPTION LAND ENTRIES.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was read:

Whereas there is now pending before the Senate bill (S. 2299) providing among other things for the protection of parties who have innocently purchased lands after final proof and entry and before the issuance of patent entered under the pre-emption laws: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, requested to suspend action in the Land Department in all cases where the rights of such innocent purchasers are alleged, until Congress shall have passed upon the legislation proposed by the aforesaid bill.

Mr. MITCHELL, of Oregon. I move that the resolution be referred to the Committee on Public Lands.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendments 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, D. C., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARBOUR, Mr. WILSON, and Mr. ROWELL managers at the conference on the part of the House.

PEARSON C. MONTGOMERY.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the morning business is closed.

Mr. COCKRELL. The Calendar.

The PRESIDENT *pro tempore*. The Calendar is now in order. The first case on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn.

Mr. INGALLS. That stands on a motion to reconsider. Let it be passed over.

STATEN ISLAND BRIDGE.

Mr. FRYE. I gave notice ten days ago that when I had an opportunity I should move that the Senate proceed to the consideration of Senate bill 121, known as the Staten Island bridge bill. I make that motion.

Mr. CONGER. I hope the Senate will go through with the Calendar in its order and consider first the unobjection cases. I gave notice last week that I should while I was able, and by instruction from the committee of which I am chairman, the Committee on Post-Offices and Post-Roads, insist upon taking up the Calendar and going through with the unobjection cases, and then with the other cases, as rapidly as we can, and finish the Calendar. The Calendar has become very large, and there are bills of public and private interest scattered through the whole length of the Calendar which can not be reached.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Michigan that debate or discussion is not in order on a motion to take up a bill. Debate is not in order in the proceedings now on a motion to take up a particular bill.

Mr. CONGER. But the regular order of business is to take up the Calendar.

The PRESIDENT *pro tempore*. That is the regular order.

Mr. CONGER. I call for the regular order.

Mr. SEWELL. I ask unanimous consent to be allowed to make a remark.

The PRESIDENT *pro tempore*. The regular order is the Calendar, but the rule provides also that upon the motion of any Senator the Senate may proceed to the consideration of a particular bill, and that motion must be submitted without debate. The Senator from New Jersey asks the unanimous consent of the Senate for what purpose?

Mr. SEWELL. Just to make a remark on the proposition of the Senator from Maine, which simply is that the bill to which he refers can not possibly be taken up and disposed of in the morning hour. Myself and my colleague are instructed by our State, and will at least consume several hours in its discussion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine that the Senate proceed to the consideration of the bill named by him. The bill will be read by its title.

The CHIEF CLERK. A bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound known as Arthur Kill, and to establish the same as a post-road.

Mr. MAXEY. Is it proposed to take up the bill by a vote of the Senate?

The PRESIDENT *pro tempore*. By a majority of the Senate; but if that is declined then the Calendar will be in order. The question is on agreeing to the motion of the Senator from Maine. [Putting the question.] The noes appear to have it.

Mr. FRYE. I will call for a division. This is a matter of great public importance, and I want to do my duty. I call for a division of the Senate.

Mr. MCPHERSON. I ask unanimous consent to make a single remark to the Senator from Maine upon his proposition.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from New Jersey that the motion is not debatable.

Mr. MCPHERSON. I do not propose to debate it. I simply wish to state to the Senator that a good many documents which will be necessary for my use in the discussion of this measure I have not with me this morning; they are at my house. I shall be very glad to assist the Senator at any other time in getting up the bill; I have no wish to postpone its consideration; but so far as I am concerned I am not ready to go on with the discussion this morning. Therefore I ask the indulgence of the Senator for its postponement, as it is an important bill.

The PRESIDENT *pro tempore*. As many as are in favor of proceeding to the consideration of the bill referred to will rise and stand until counted.

There were on a division—ayes 11, noes 19.

The PRESIDENT *pro tempore*. The motion is lost. It is proper for the Chair to state that the division discloses the want of a quorum, but there is a quorum present by actual count.

Mr. FRYE. I am not going to press the motion. The indication of the Senate was against me, and I make no further request.

HOUSE BILL REFERRED.

The bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PEARSON C. MONTGOMERY.

The PRESIDENT *pro tempore*. The first case on the Calendar will be proceeded with.

The CHIEF CLERK. A bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn.

Mr. INGALLS. That has already been objected to.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over under the rule.

L. MADISON DAY.

The bill (S. 266) for the relief of L. Madison Day was announced as next in order on the Calendar.

Mr. COCKRELL. The Senator from New Hampshire [Mr. PIKE] who reported the bill is absent, and I shall not insist upon action on it now.

The PRESIDENT *pro tempore*. The bill will go over. Shall it go over without losing its place?

Mr. COCKRELL. Let it go over under the other rule. It can be called up at any time.

The PRESIDENT *pro tempore*. The bill goes over, and will take its place on the Calendar under the ninth rule.

WILBUR F. STEELE.

The next bill in order was the bill (S. 1223) for the relief of Wilbur F. Steele.

Mr. COCKRELL. Let that go over to the other Calendar.

Mr. McMILLAN. Is there any objection to that bill?

The PRESIDENT *pro tempore*. The bill goes over, being objected to.

YAKAMA INDIAN RESERVATION.

The bill (S. 1211) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the

Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same, was announced as next in order.

Mr. MITCHELL, of Oregon. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

WALKER RIVER RESERVATION.

The bill (S. 1056) to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation, in Nevada, was announced as next in order, and the Secretary proceeded to read the bill.

Mr. ALLISON. I object. That seems to be a long bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. DAWES. I should like to inquire of the Senator from Oregon what is the objection to the other bill.

Mr. MITCHELL, of Oregon. The objection is simply that it will take the whole morning hour.

DEVIL'S LAKE RESERVATION.

The bill (S. 1057) granting a right of way to the Jamestown and Northern Railroad Company through Devil's Lake Indian reservation, in the Territory of Dakota, was considered as in Committee of the Whole.

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

GEORGE E. W. SHARRETT.

The bill (S. 1069) for the relief of George E. W. Sharretts was announced as next in order.

The bill was read.

Mr. ALLISON. I object.

Mr. HOAR. I ask the consent of the Senator who made the objection to be permitted to make one statement.

Mr. ALLISON. I withdraw the objection so as to hear the statement.

Mr. HOAR. This is the claim of a very worthy, a very aged, and very poor man, as I understand. He rendered a great service to the Government in preparing pay tables. Originally the claim was for \$30,000. The committee sent the case to the Court of Claims, and on their report we reported an amendment which pays the man \$1,200.

Mr. ALLISON. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. It is a case which has given the committee a great deal of trouble. I once on very full and thorough study of the case made a report to the Committee of Claims for a large sum, fifteen or twenty thousand dollars. On further reflection it was sent to the Court of Claims, and a very small allowance reported.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Claims will be stated.

The CHIEF CLERK. The committee report to amend, in line 6, after the words "sum of," to strike out "thirty thousand" and insert "one thousand two hundred;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to George E. W. Sharretts the sum of \$1,200, in full compensation for his time and services in the preparation of his salary tables used by the Government, and in lieu of all royalty or value of said tables, of which he is the inventor and author, as appears by the findings of facts of the Court of Claims, filed February 2, 1885.

The amendment was agreed to.

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

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

JOSEPH F. WILSON.

The bill (S. 922) for the relief of Joseph F. Wilson was announced as next in order.

Mr. McMILLAN. This is a case adversely reported, and I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

ARMY HOSPITAL STEWARDS.

The bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army and to fix their pay and allowance, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in section 2, line 4, before the word "dollars," to strike out "fifty" and insert "forty;" and before the word "dollars," in line 4, to strike out "twenty-five" and insert "thirty;" so as to make the section read:

That the monthly pay of hospital stewards of the first class shall be \$40, and the monthly pay of hospital stewards of the second class shall be \$30; that each class shall receive the increase pay for continuous service now allowed by law; and that the allowances of quarters, fuel, rations, clothing, &c., shall be as now, or may hereafter be, fixed by law or regulation.

The amendments were agreed to.

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

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

TIME FOR MEETING OF CONGRESS.

Mr. HOAR. The next bill on the Calendar (S. 1406) fixing the time for the meeting of Congress relates to the same subject as a constitutional amendment which has also been reported favorably, and I would like to have the two subjects considered at the same time. I therefore object to the bill for the present.

The PRESIDENT *pro tempore*. If there be no objection the two propositions will be considered at the same time. Is there objection?

Mr. CONGER. Let the bill go over without prejudice.

The PRESIDENT *pro tempore*. Senate bill 1406 will be passed over without prejudice.

JUDICIAL CIRCUITS.

The bill (S. 1286) to amend section 604 of the Revised Statutes, and for other purposes, was announced as next in order.

Mr. ALLISON. Let that be read for information in the first place.

The bill was read; and the Senate as in Committee of the Whole proceeded to consider it. It proposes to amend section 604 of the Revised Statutes, so as to make a part of it read:

Eighth. The eighth circuit includes the districts of Nebraska, Kansas, Arkansas, and Colorado.

Ninth. The ninth circuit includes the districts of Minnesota, Iowa, and Missouri.

Tenth. The tenth circuit includes the districts of California, Oregon, and Nevada.

The bill further provides that hereafter the present judge of the ninth judicial circuit, comprising the districts of California, Oregon, and Nevada, shall be the judge of the tenth judicial circuit; and there shall be appointed a circuit judge for the ninth judicial circuit as now designated, comprising the districts of Minnesota, Iowa, and Missouri.

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

Mr. HOAR. The title should be amended.

Mr. CONGER. I ask that the title be amended to correspond with the terms of the bill.

The PRESIDENT *pro tempore*. In what respect?

Mr. CONGER. So as to state the object. I suggest that it should read "A bill to amend section 604 of the Revised Statutes relating to circuit courts, and for other purposes."

Mr. ALLISON. I think that the real purpose is to establish a new judicial circuit, and that ought to be stated in the title. It is really to establish a new circuit and appoint a new circuit judge.

Mr. CONGER. It defines also some other circuits. I desire that the title of the bill should give some indication when we look at it of what the subject-matter is.

The PRESIDENT *pro tempore*. If the Senator will propose an amendment the Chair will submit the question.

Mr. CONGER. I suggest "A bill to amend section 604 of the Revised Statutes in relation to circuit courts, and for other purposes."

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection.

Mr. HOAR. I suggest that the title ought to be "A bill to change the limits of the eighth and ninth and tenth circuits."

Mr. ALLISON. "And appoint another circuit judge," because that is the principal thing here. It is to establish a new circuit and appoint a new circuit judge.

The PRESIDENT *pro tempore*. The Senator from Michigan has submitted an amendment.

Mr. CONGER. I accept the suggestion. All I want is that the title of the bill should give some indication of the contents.

The PRESIDENT *pro tempore*. Will the Senator from Massachusetts repeat his amendment?

Mr. HOAR. I will suggest that the title read in this way: "A bill to change the limits of certain circuits and to establish a new judicial circuit."

Mr. MITCHELL, of Oregon. I think this bill changes the ninth circuit to the tenth circuit. How does it affect the ninth circuit?

Mr. INGALLS. The present eighth circuit includes the States of Nebraska, Kansas, Arkansas, Colorado, Minnesota, Iowa, and Missouri, the places for holding court extending from Saint Paul on the north to Little Rock on the south and from Saint Louis on the east to Denver city on the west—a region of country that is obviously so enormous in extent that it is impossible that the duties can be discharged by a single judge. This bill proposes to divide that circuit, interfering with no other judicial area within the United States, and creates a new eighth circuit which instead of embracing that whole territory shall include the States of Nebraska, Kansas, Arkansas, and Colorado, and makes the ninth circuit consist of the districts of Minnesota, Iowa, and Missouri, and as to the tenth, which is now the ninth, it merely changes the enumeration, that circuit including the districts of California, Oregon, and Nevada.

Mr. MITCHELL, of Oregon. Making what is now the ninth circuit the tenth circuit?

Mr. INGALLS. It merely changes the enumeration as to that circuit.

Mr. MITCHELL, of Oregon. That is the only way that it affects the ninth circuit?

Mr. INGALLS. In no other respect whatever. Of course it provides for the appointment of a new circuit judge. The interests of the public service inevitably require that this should be done. While I hear in various quarters suggestions that this will result in the appointment of a judge in sympathy with the present administration, I do not regard that as a sufficient reason why an act of great public necessity should not be accomplished by this Senate.

The PRESIDENT *pro tempore*. The title is amended as proposed, and the next case on the Calendar will be stated.

Mr. WILSON, of Iowa, subsequently said: I desire to enter a motion to reconsider the vote by which the Senate this morning passed Senate bill No 1286. I merely enter the motion now.

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

EXECUTIVE SESSIONS WITH OPEN DOORS.

The resolution submitted by Mr. PLATT January 29, 1886, declaring that executive nominations shall hereafter be considered in open session, which was reported adversely by Mr. INGALLS from the Committee on Rules February 8, 1886, was announced as next in order.

Mr. PLATT. I should like to say one word about that matter. I should be very glad to take the vote on the resolution at this time, but I understand there are Senators who desire to discuss it and I suppose there is an understanding that it shall be taken up after 2 o'clock when the pension bill reported by the Senator from New Hampshire [Mr. BLAIR] and the Des Moines lands vetoed bill and the bankruptcy bill shall have been disposed of.

Mr. VAN WYCK. There is a bill I have had considered in the morning hour which ought to be taken up with the pension bill and the Des Moines bill.

Mr. PLATT. I understand there has been substantially an agreement as to the order of business relating to certain measures, and I understand the agreement to be as I have stated. At any rate I ask that this resolution may be passed over on the Calendar for the present without prejudice.

The PRESIDENT *pro tempore*. The resolution goes over without losing its place.

Mr. MILLER. As the statement of the Senator from Connecticut goes on record that there is an understanding in the Senate as to the time when this measure is to be taken up, I wish to say that I do not think the Senate has made any such understanding or agreement which is binding on any one.

Mr. PLATT. I do not understand that it is an order or agreement of the Senate, but I think it is an order which is well understood by a majority of the members of the Senate.

Mr. MILLER. I do not so understand.

Mr. HOAR. I suppose I am betraying no secret—if I am I shall consent to be expelled in case it is deemed that I deserve expulsion—when I say that the Republican Senators in this body requested six or seven of their number to look over the order of business and see what would be a convenient order, and that they unanimously, after consulting every Senator they could find, three or four weeks ago agreed on a certain order and then proposed it to the other side, all the Senators they could find over there, and they agreed that it would be a convenient way to do. That was then stated to the Senate, I think, by the present occupant of the chair, if I am not mistaken.

I do not understand that the Senate is bound by any such thing, but there is a general expectation certainly that this order of business will be followed. That settles the time for the discussion of the resolution of the Senator from Connecticut; and other matters embraced have been made special orders by the Senate.

Mr. SEWELL. I do not understand it to be a fact.

The PRESIDENT *pro tempore*. The Chair must remind Senators that this debate is entirely out of order.

Mr. CONGER. I call for the regular order.

Mr. SEWELL. I desire—

The PRESIDENT *pro tempore*. The Chair must enforce the rules. The next bill in order will be stated.

ELON A. MARSH AND MINARD LAFEVER.

The bill (S. 500) for the relief of Elon A. Marsh and Minard LaFever was announced as next in order.

Mr. CONGER. As to that bill there is an attempt to harmonize the parties interested, and I ask that it go over without prejudice.

The PRESIDENT *pro tempore*. If there be no objection that course will be pursued.

STEPHEN N. SMITH.

The bill (S. 708) for the relief of Stephen N. Smith was announced as next in order.

Mr. ALLISON. Let that be read for information.

The bill was read.

Mr. COCKRELL. I object to the consideration of that bill. The PRESIDENT *pro tempore*. The bill, being objected to, goes over. Mr. ALDRICH subsequently said: I ask unanimous consent that Order of Business 165, being the bill (S. 708) for the relief of Stephen N. Smith, be restored to the Calendar under the eighth rule. I have satisfied the Senator from Missouri [Mr. COCKRELL] about the character of the bill.

Mr. COCKRELL. I hope that will be done.

The PRESIDENT *pro tempore*. If there be no objection the bill will be restored to the same position it held on the Calendar under the eighth rule.

WILLIAM C. DODGE.

The bill (S. 301) for the relief of William C. Dodge was considered as in Committee of the Whole.

Mr. LOGAN. Who is this man William C. Dodge? Is he an officer of the Army?

Mr. PLATT. No, sir; he has been a patent attorney, I think, in Washington, and never was connected with the Army at all.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Patents will be read.

The CHIEF CLERK. The amendments reported by the Committee on Patents are, in line 6, before the word "dollars," to fill the blank by inserting "ten thousand," and to fill the blank in line 13, before the word "dollars," by inserting "ten thousand;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Dodge, of Washington, D. C., the sum of \$10,000, for a cartridge-loading machine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1866, and for his improvement in cartridges patented July 4, 1865, and for the infringement of his said patents by the United States; which said sum of \$10,000 shall be in full satisfaction of all claims for such use and infringements, and for the relinquishment of all right to claim any further compensation for the use of the same by the United States.

Mr. LOGAN. I ask that that bill be referred to the Committee on Military Affairs. That is the committee to which matters of that kind have always gone heretofore, so that they could be investigated. There is a rule in reference to patents used by the Government that I do not think would comport with this bill, and I would like to examine it. I move that the bill be referred to the Committee on Military Affairs.

Mr. PLATT. I do not think it ought to be referred to the Committee on Military Affairs. It has been before the Committee on Patents at former sessions of the Senate. It was reported favorably last year for the same amount and passed the Senate last year. I hardly think when a matter has come to the time for consideration it is a fair thing to take it away from a committee that has considered it several sessions and refer it to the Military Committee. I have no objection to the bill being passed over, that the Senator from Illinois, the chairman of the Military Committee, may have all the time he desires to examine it.

Mr. LOGAN. Is there a report?

Mr. PLATT. There is.

The PRESIDENT *pro tempore*. The bill is subject to objection.

Mr. LOGAN. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. PLATT. I understand that the Senator from Illinois, who made the objection to the bill (S. 301) for the relief of William C. Dodge, is perfectly willing that the bill should go over without prejudice, and I wish that to be the understanding.

The PRESIDENT *pro tempore*. That order will be made.

BUSTS FOR THE SENATE CHAMBER.

The next business in order was the resolution reported by Mr. VOORHEES from the Committee on the Library, February 8, 1886, that marble busts of those who have been Vice-Presidents shall be placed in the vacant niches of the Senate Chamber, &c.

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

The Chief Clerk read the resolution, as follows:

Resolved, That marble busts of those who have been Vice-Presidents of the United States shall be placed in the vacant niches of the Senate Chamber; that the Architect of the Capitol is authorized, subject to the advice and approval of the Senate Committee on the Library, to carry into execution the object of this resolution, and the expenses incurred in doing so shall be paid out of the contingent fund of the Senate.

Mr. ALLISON. It seems to me that the cost ought to be paid out of some other fund than the contingent fund of the Senate. I have no objection to the resolution.

Mr. SEWELL. It will not involve much at any one time.

Mr. ALLISON. Then I withdraw the suggestion.

Mr. HOAR. I think it would be well to put in the resolution the words "from time to time" or some other words which will imply that the whole cost is not to come in any one year.

Mr. SEWELL. It is left practically to the Library Committee.

Mr. HOAR. But the Architect might consider it a direction to do it all at once. This ought to be spread over ten years.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts move an amendment?

Mr. INGALLS. After the word "Chamber," in the third line, I move to insert "from time to time."

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

The CHIEF CLERK. In line 3, after the word "Chamber," it is proposed to insert the words "from time to time;" so as to read:

Resolved, That marble busts of those who have been Vice-Presidents of the United States shall be placed in the vacant niches of the Senate Chamber from time to time, &c.

The amendment was agreed to.

The resolution as amended was agreed to.

WILLIAM J. SMITH.

The bill (S. 13) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with amendments, in lines 4, 9, 11, and 13, to strike out the word "collector" where it occurs in each of those lines and insert "surveyor;" so as to make the bill read:

Be it enacted, &c., That in the settlement of the accounts of William J. Smith, formerly surveyor of customs at the port of Memphis, State of Tennessee, the proper accounting officers of the Treasury be, and are hereby, authorized and directed to credit the said William J. Smith with the sum of \$2,004.99 in the settlement of his accounts as late surveyor of customs, on account of the embezzlement and defalcation of N. D. Smith, deputy to the said surveyor, he being no relative, and it clearly appearing that the embezzlement and defalcation were no fault of the surveyor.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill for the relief of William J. Smith, late surveyor of customs for the port of Memphis, State of Tennessee."

MILITARY TELEGRAPH OPERATORS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 845) for the relief of telegraph operators during the war.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion are hereby declared to have been a part of the Army of the United States, and the Secretary of War is hereby directed to prepare a roll of such persons, and to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable discharge, reciting this act and the term and character of his service, as well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay or allowance other than that heretofore received by them.

Mr. HOAR. I should like to inquire of the chairman of the Committee on Military Affairs whether the exception contained in the proviso is intended to include pensions?

Mr. LOGAN. It was intended to include pensions.

Mr. HOAR. Should not the word "pension" be inserted then?

Mr. LOGAN. I have no objection to its being inserted. The intention of the bill is merely to give these persons a recognition and assimilated rank, which means nothing more than to recognize them as of a certain grade without pay or allowances other than those which they have received.

Mr. CONGER. Why not insert "bounty or pension?"

Mr. COCKRELL. I move to amend, which will meet the suggestion, by striking out, after the word "pay," in line 16, the word "or," and after "allowance" inserting "bounty or pension," so that the proviso will read:

Provided, That this law shall not be construed to entitle the persons herein mentioned to any pay, allowance, bounty, or pension other than that heretofore received by them.

Mr. LOGAN. Very well; I have no objection to that.

The amendment to the amendment was agreed to.

Mr. SEWELL. I ask the Senator from Illinois if he intends that a telegraph operator on the military lines or at the different stations of the Government during the war, who received \$125 a month compensation, and who may never have got near the sound of a gun, shall have the assimilated rank of a first or second lieutenant and be placed in the position of claiming the pension of a commissioned officer? If that is the intention, I object to it.

Mr. LOGAN. No, sir, there is no such intention. That is provided against in the bill itself. The bill provides that they shall not receive any pay, and as amended now shall not receive any bounty, allowance, or pension other than already received.

Mr. SEWELL. What is the object of the bill then?

Mr. LOGAN. Merely to recognize them; they have never been recognized, and they did good service.

Mr. SEWELL. I have no objection to their going on the pension-roll if they were wounded in service; but when privates during the war got from ten to thirteen dollars a month and risked life, and the

telegraph operators got \$125 a month, and some of them I know were in the field and acted very gallantly and were wounded, I do not believe the operators ought to be placed in a position for recognition to pension merely because of the services they rendered as operators, for the reason that they were not part of the military establishment in reality.

Mr. LOGAN. The bill provides expressly that they are not to have pensions.

The amendment as amended was agreed to.

Mr. INGALLS. Were these persons so employed "an integral part of the Army of the United States?" The Senator from Illinois can state.

Mr. LOGAN. They were no part of the Army in the strict sense.

Mr. INGALLS. Then would it not be well to omit the preamble and give them the rank to which they would be entitled, omitting this declaration that they were "an integral part of the Army," which I did not know before?

Mr. LOGAN. I will explain to the Senator. When I say that in a certain sense they were no part of the Army, it is in the sense that they were not performing strictly military duty and had no rank or pay as officers. They were not in that sense part of the Army; but in the sense that they were under the control of the military authorities, under their direction, subject to arrest and subject to trial by court-martial, they were an integral part of the Army.

Mr. INGALLS. Their service was entirely voluntary, I suppose; that is to say, they could terminate it whenever they pleased.

Mr. LOGAN. I will not say that they could not, and yet they were employed as telegraph operators and came under the law.

Mr. INGALLS. So long as they remained in service.

Mr. LOGAN. So long as they remained in the service; and the man at the head, who was nominated brigadier-general and died here not long ago, had them organized the same as other military organizations. The orders were delivered to them in the same way, and as I say they were subject to the orders of the military commanders. For instance, they were subject to the orders of any officer having the command of a district or department; they could be arrested and tried by court-martial for any improper conduct, and they were entirely under military control.

Mr. INGALLS. The recitation in the preamble does not appear to be strictly accurate, and I suggest that it be omitted inasmuch as the principal purpose is gained by the enactment of the statute.

Mr. LOGAN. The recital in the preamble is the only thing that notifies the world really what their services were; and it is only that recital which, carried on the bill, gives them the standing they were really entitled to as a part of the military of the country.

Mr. HOAR. The bill speaks of "all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion." Were there not persons engaged in the construction of those lines who were mere laborers and who were constructing them in territories which were not actually the scene of danger or of military operations?

Mr. LOGAN. Not at all. This applies to persons employed as military telegraph operators and constructing and operating such military lines.

Mr. SEWELL. Allow me to ask the Senator the meaning of this language of the amendment:

And to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable discharge, reciting this act and the term and character of his service—

The recital of the preamble makes the telegraph corps "an integral part of the Army." The amendment proceeds— as well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge.

You are by an act at this late day creating these gentlemen officers of the Army who served as telegraph operators.

Mr. LOGAN. Oh, no.

Mr. SEWELL. Practically you are doing that and giving them a discharge as such. I have no objection to recognizing the services of telegraphers; it came under my personal observation that many of them were very gallant men; but as they were paid well for their services, I object to our now twenty years afterward taking that pay and making it the basis for assimilated rank with the officers of the Army who were discharging active duties in the field.

Mr. LOGAN. I did not know that the Senator made this objection to the bill when it was before the committee; but that is immaterial. I tried to draught the bill so that it would not confer a commission on any one, and it certainly does not, and so that it would not give any additional pay, which it certainly does not. The mere fact that it gives to these men an honorary title is a matter of no consequence. There were many persons who served in the Army who had what was called an honorary commission or title from the governors of various States and received discharges as such, and yet they received no pay on that account. It was an honorary commission giving them the rank of major or lieutenant-colonel. They have their commissions and have their discharges, but have never claimed to be entitled to pay and never have

received any. There are many persons who served in such capacities. I know one who was a newspaper correspondent who had a major's commission, but it was a mere honorary commission carrying no pay. It was given to him, I suppose, for the purpose of giving him certain facilities that he might desire. I know nothing about why it was given, but I know that was the fact.

The first clause of the preamble recites that—

Whereas, except commissioned officers, those persons engaged in the military telegraph corps of the United States during the war of the rebellion, although performing strictly military duties, whereby some lost their lives and others were wounded or imprisoned, have received no official recognition for their fidelity, intelligence, bravery, and efficiency.

In answer to the question of the Senator from Massachusetts [Mr. HOAR] I will say that this language clearly defines who are the people that are to be recognized. They are not persons who were engaged in building military telegraph lines in Illinois or in the Senator's State, but it applies to the military telegraph corps which was organized as a corps in the Army and subject, as I said, to the orders of the commanding officer. The chief of this corps received his instructions and orders from the general commanding, the same as a subordinate general did. They were compelled to keep secrecy and to perform very important duties, and some of them behaved very gallantly. The preamble says:

Whereas, except commissioned officers, those persons engaged in the military telegraph corps of the United States during the war of the rebellion, although performing strictly military duties, whereby some lost their lives and others were wounded or imprisoned, have received no official recognition for their fidelity, intelligence, bravery, and efficiency; and

Whereas, as an integral part of the Army, they ought to have been accorded a military status corresponding in rank to the service so meritoriously performed.

If they performed services that corresponded with the services of a private soldier they would have their discharge the same as a private soldier. If their services and pay were similar to those of a second lieutenant they would receive a discharge with the assimilated rank of a second lieutenant, and so on. That is the meaning of it—

The PRESIDENT *pro tempore*. The Chair must remind the Senator that under the rule his five minutes have expired.

Mr. SEWELL. I had no idea when the Senator got the consent of the committee to make the report in this way that the bill had this provision as to assimilated rank in it. I should have objected to it in the committee if my attention had been called to it. If the Senator will allow me, I will move to amend by striking out commencing with the word "receipt" in the tenth line to the word "discharge" in the fourteenth line.

Mr. COCKRELL. I suggest to commence with the word "as" on line 10, covering the words "as well as the relative rank."

Mr. SEWELL. Yes; I move to strike out from the word "as" in line 10 to the word "discharge" in line 14; that is, to strike out the words "as well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge."

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

The CHIEF CLERK. It is proposed to strike out of the proposed amendment, in line 10, after the word "service," all down to and including the word "discharge," in line 14, as follows:

As well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge.

Mr. LOGAN. Then how will the bill read?

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

That all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion are hereby declared to have been a part of the Army of the United States; and the Secretary of War is hereby directed to prepare a roll of such persons, and to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable discharge, reciting this act and the term and character of his service: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay, allowance, bounty, or pension other than that heretofore received by them.

Mr. LOGAN. I do not think that amendment ought to be made to this bill. The proviso certainly covers everything. Under it these operators can receive no pay, no allowance, no bounty, no pension. They have already been discharged from the service, but discharged merely as telegraph operators. Now, if you are going to give them any title or confer any honor at all upon them for the services performed in a meritorious way, you have got to designate them in some mode. They have been already discharged as military telegraph operators.

Mr. SEWELL. They are designated as in the Telegraph Corps. The objection I have to it is that you are creating a commissioned officer twenty years after the service performed.

Mr. LOGAN. It does not create a military officer at all, it does not give a commission. Let us see; the bill says:

That all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion are hereby declared to have been a part of the Army of the United States; and the Secretary of War is hereby directed to prepare a roll of such persons, and to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable discharge.

That is all, "a suitable certificate of honorable discharge," not an Army discharge, but a certificate of the service that he performed and declaring his discharge as a part of the Army. What else?

Reciting this act—

That is reciting this law—

and the term and character of his service as well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army.

The certificate that he receives with this recital in it, reciting just what this preamble does, is for the purpose of identifying him as one of the corps of military telegraph operators. In other words, it is to designate him so as to distinguish him from other telegraph operators during the war who did not serve as military operators. That is all it means; and this certificate of discharge is a discharge with a rank, not a rank in the Army but assimilated rank. There is a very great difference between rank and assimilated rank. Assimilated rank carries with it no pay, carries with it no power, carries with it no authority to command, carries with it nothing except that which the law gives, carries, in other words, nothing whatever except that which the law confers upon the rank.

Assimilated rank means nothing except that the operator is given a certificate that he was employed and that his pay was a similar pay to that of a lieutenant, and therefore as a military operator in the military corps he was entitled to a lieutenant's rank in that corps.

I hope the amendment will not be made, for I certainly do not see anything in the bill that would draw money or give any rank.

Mr. CONGER. If the discussion of this question is to take up the rest of the morning hour I must object to the consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

The bill (S. 78) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States was announced as next in order.

Mr. COCKRELL. That is reported adversely.

The PRESIDENT *pro tempore*. This and the three cases following having been reported adversely will be passed over as under objection and placed under the ninth rule.

Mr. LOGAN. Who objected to the military telegraph operators' bill?

The PRESIDENT *pro tempore*. The Senator from Michigan [Mr. CONGER].

Mr. CONGER. I objected because it was taking up all there is of the morning hour for discussion. The rule limits discussion to five minutes; but that bill was taking all the time.

The PRESIDENT *pro tempore*. The four cases reported adversely will be considered as objected to and passed over.

Mr. LOGAN. My friend from Michigan was kind enough to object to the telegraph operators' bill just about the time we were going to vote upon it. I want to say one word in relation to it.

The PRESIDENT *pro tempore*. Debate can be only by unanimous consent.

Mr. LOGAN. I understand that. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. BLAIR. I wish to ask a question. Under the rule has not the Senator the right, notwithstanding the objection, to move to proceed to consider the bill?

The PRESIDENT *pro tempore*. He did not make that motion.

Mr. LOGAN. Really I did not know it had been objected to. I did not hear the objection when it was made.

What I want to say in justification of myself is that the print shows on its face that the original bill was entirely stricken out, and the amendment was agreed to after discussion in the Committee on Military Affairs. I must say I was a little surprised to find objection to it here; but inasmuch as some of the committee object to it, having forgotten perhaps that they agreed to it in the committee-room, I ask that it may be recommitted to the Committee on Military Affairs, so that gentlemen may fix it there in a way that they will not object to it when it is returned to the Senate.

The PRESIDENT *pro tempore*. If there be no objection, Order of Business 170, being the bill (S. 845) for the relief of telegraph operators during the war, will be recommitted to the Committee on Military Affairs. The Chair hears no objection, and that order is made.

CASES REPORTED ADVERSELY.

Mr. HOAR. I desire respectfully to call the attention of the Chair and the Senate, if I may be pardoned for a moment, to the great inconvenience of the ruling made just now. There are a great many cases reported adversely from the Committee on Claims. Perhaps some Senator who has introduced the bill at the request of a constituent, when the report is made, in order that he may examine it, asks to have it put on the Calendar. If that adverse report is considered as an objection to discussing and disposing of the case under the five-minute rule, these cases do not get disposed of at all, and the result is they come back the next year and the next and the next. Now, in nine cases out of ten when they come up under the five-minute rule, although the report is adverse, nobody would object to their being disposed of and ended. It seems to me, with due respect to the Chair, that although the adverse

report shows that somebody objects to the passage of the bill—indeed that the whole committee object that has made the report—it does not at all follow that any Senator objects to considering it.

The PRESIDENT *pro tempore*. The Chair will recall the ruling in case there is objection; but the Chair considered an adverse report from a committee as equivalent to a single objection.

Mr. HOAR. But that is not an objection to considering such a bill under the five-minute rule, but only an objection to its passage.

The PRESIDENT *pro tempore*. Then the first of the bills adversely reported will be placed before the Senate.

CLAIMS FOR HORSES.

The bill (S. 78) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States was announced as in order.

Mr. COCKRELL. I reported that bill adversely from the Committee on Military Affairs. It was introduced by the Senator from Oregon [Mr. DOLPH]; he is absent, and at his request it was placed upon the Calendar. I should dislike to have it postponed indefinitely now in his absence, and therefore I object to its consideration and let it go on the other Calendar.

The PRESIDENT *pro tempore*. Objection being made, the bill will be passed over.

PROPOSED DAILY RECESS.

The next business on the Calendar was the resolution submitted by Mr. MORGAN, February 3, 1886, providing for a recess of the Senate from 2 o'clock to 2.30 p. m. each day, which was reported adversely from the Committee on Rules by Mr. FRYE, February 9, 1886.

Mr. CONGER. That being reported adversely let it be passed over.

Mr. ALLISON. Why not move its indefinite postponement?

Mr. CONGER. Very well.

Mr. ALLISON. I move the indefinite postponement of the resolution.

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

The Chief Clerk read as follows:

Ordered, That the Senate will take a recess on each day at 2 o'clock and be in session again at 2.30 p. m. This order may be suspended by a vote of a quorum required in case of adjournment, to be had without debate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa [Mr. ALLISON] to postpone the resolution indefinitely.

The motion was agreed to.

SCHOOL LOT IN CHICAGO.

Mr. LOGAN. I ask leave to call up Senate bill 1394, in reference to the sale of public property in Chicago. There was an amendment made to it by the House, and I wish to have the amendment concurred in.

The PRESIDENT *pro tempore*. The Senator from Illinois, pending the consideration of the Calendar, moves that the Senate proceed to the consideration of the amendment of the House of Representatives to the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

Mr. CONGER. That can come up after 2 o'clock.

Mr. LOGAN. I move to take it up now. I desire to have the amendment concurred in. It is a very important matter, and time is very precious in connection with it.

Mr. CONGER. Every minute taken from the morning hour is so much lost.

Mr. LOGAN. I do not doubt that, but it will not take any more time now than on any other occasion.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the House amendments to this bill.

The motion was agreed to; and the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

The first amendment of the House of Representatives was stated to be on page 2, line 5, section 1, to insert, after the word "three," the word "disinterested;" in line 5, after the word "persons," to strike out the words "officers of the United States."

Mr. LOGAN. I move that the amendments be concurred in.

Mr. EDMUND. Let the bill be read as amended.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to name, within ten days after the passage of this act, a commission, to consist of three disinterested persons, whose duty it shall be to ascertain and report to said Secretary, within twenty days after their said appointment, the cash market value of the lot above mentioned in the city of Chicago; and the said Secretary is hereby authorized and empowered to sell and convey the said lot to the said Chicago and Great Western Railroad Company, at such price, not less in any event than the value thereof as appraised and reported by said commission, as he and said railroad company shall agree upon; the said price, when agreed upon, to be paid in cash: *Provided*, however, That if said Secretary and said railroad company shall be unable to agree upon the price to be paid for said property, the same shall be finally fixed by a board of three commissioners

to be appointed as follows: One, upon the application of the railroad company, on notice to the district attorney of the United States for the northern district of Illinois, by the district judge of the United States in and for said district; another to be designated by the Secretary of the Treasury; and the two thus chosen to select a third, who shall be competent and disinterested. The said board thus constituted, or a majority thereof, shall fix the price (not to be less, however, than the first appraisal thereof hereinbefore provided for) at which the same shall be sold to said company, and upon payment to the Secretary of the Treasury of said price the title to said property shall vest in said company, its successors and assigns, upon the following express conditions: That all non-competing railroads not now having right of way into Chicago, desiring to use the tracks, switches, depots, and terminal facilities of said Chicago and Great Western Railroad, shall be, by said company or its assigns, permitted to do so, to the extent of the capacity of said company to furnish railroad terminal facilities, upon fair and equitable terms and regulations; and in the event the companies interested can not agree upon such terms and regulations, then the same shall be fixed and determined by three disinterested persons, one of whom shall be selected by said Chicago and Great Western Railroad Company, one by such other company as may desire to use said tracks, switches, and terminal facilities, and the third by the two persons so selected. If the purchase-price of said land, as agreed upon or finally fixed as hereinbefore provided, is not paid within ten days after the same shall have been so agreed upon or fixed as aforesaid, this act shall be null and void.

SEC. 2. That all costs incurred under the provisions hereof in appraising said property, or ascertaining the price to be paid therefor, shall be added to the said price as agreed upon, or as the same may be finally fixed hereunder, and paid by said railroad company.

SEC. 3. That the Secretary of the Treasury shall invest the purchase-money of the said lot received by him, or so much thereof as may be necessary, in the purchase or acquisition by condemnation of a site, and in the erection thereon of a suitable and commodious warehouse, for the use of the United States local appraiser of customs and other Government uses, in the city of Chicago. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the purchase-money received by the Secretary of the Treasury for the lot mentioned in the first section of this act; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said purchase-money received by the Secretary of the Treasury under this act, for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Illinois shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. And the act entitled "An act for the erection of a public building at Chicago, Ill.," approved March 3, 1885, is hereby repealed.

Mr. EDMUND. What is the first part of that bill? What does the bill describe? What is the property to be sold, and what is it now used for?

Mr. LOGAN. I can state—

Mr. EDMUND. Let the Secretary just read the first section.

The PRESIDENT *pro tempore*. The Senator refers to the preamble.

The Chief Clerk read as follows:

Whereas the Chicago and Great Western Railroad Company, a corporation chartered under the laws of the State of Illinois, is constructing its railroad within the city of Chicago, and possesses, under its charter and under the ordinances of said city, a franchise to construct, maintain, and operate its railroad to Harrison street, in said city, for which purpose it has acquired, and is acquiring, by purchase and otherwise, the real estate lying between Taylor street and said Harrison street, and west of Fifth avenue; and

Whereas the United States owns the south half of block 87, in school section addition to Chicago, which is in the center of the property so acquired and being acquired by said railroad company for terminal facilities, and is vacant, and is indispensable to said company in exercising said franchise and affording to the public the terminal facilities for which said company has so purchased the property as aforesaid: Therefore,

The PRESIDENT *pro tempore*. The rest of the bill has been read.

Mr. EDMUND. The preamble states the case. Now will my friend from Illinois explain the situation?

Mr. LOGAN. The situation is just this: The railroad terminal point is north of this lot several blocks. This lot is a vacant lot belonging to the Government, that was set aside for the purpose of an appraiser's office. The railroad has to pass through it. It is entirely out of the way for an appraiser's office. The object is to let the railroad purchase it, inasmuch as they have to go through it, and take the money and buy a lot for an appraiser's office nearer the custom-house, where it will be more convenient, much better for the Government and for all parties. This is a bill that nobody in Chicago has ever objected to that I have heard of, but all think it is absolutely necessary.

Mr. EDMUND. May I ask the Senator one question about the House amendments? I thought I heard the Secretary read that this sale was to be upon a condition subsequent or a stipulation subsequent, that all non-competing railroads should have facilities in that depot and over that ground. Is that right? If we are to sell this property, why do we not sell it straight out, or if we are to make a provision for common facilities why not make it for all roads?

Mr. LOGAN. I can not tell the Senator why we do not do that. I can only tell him that the bill passed the Senate for an absolute sale without objection and went to the other House, where they put on these amendments, and the parties would rather have the bill with the amendments than to have it thrust back and forth between the House and the Senate and probably get in the end something that nobody would agree to. That is all there is in it.

Mr. EDMUND. It simply makes a distinction between railroads that does not seem to be very valuable.

Mr. LOGAN. That I have nothing to do with. The other House put the amendments on, and I would rather take the bill with the amendments than take the chance of not having the bill at all.

Mr. EDMUND. All right; go ahead.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

OVERVALUATION OF AUSTRIAN FLORIN.

The PRESIDENT *pro tempore*. The Calendar will be resumed.

The bill (S. 599) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878, was announced as next in order.

Mr. CONGER. That being reported adversely, I object.

Mr. ALDRICH. I move that the bill be indefinitely postponed.

Mr. CAMERON. Perhaps some one who is not in the Senate now requested it to be put on the Calendar.

Mr. ALDRICH. I do not know of any one else except the present occupant of the chair who feels an interest in the bill.

The PRESIDENT *pro tempore*. The bill goes over under objection.

EUGENE WELLS.

The bill (S. 504) for the relief of Eugene Wells was announced as next in order.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

EFFICIENCY OF THE INFANTRY.

The bill (S. 137) to increase the efficiency of the infantry branch of the Army was reported by its title.

Mr. MANDERSON. I presume that will have to go over under the ninth rule.

The PRESIDENT *pro tempore*. Objection has been made by another Senator.

OBSERVATION OF ECLIPSE OF THE SUN.

The bill (S. 1298) to authorize the Secretary of the Navy to fit out an expedition to observe the total eclipse of the sun which occurs on the 29th of August, 1886, was announced as next in order.

Mr. ALLISON. In the absence of the Senator from Maine [Mr. HALE], I ask that that bill go over without prejudice.

Mr. EDMUND. You ought not to interfere with the eclipse of the sun.

Mr. ALLISON. I do not object, as the Senator from Vermont wants it considered.

Mr. EDMUND. It would be a great pity to stop the eclipse of the sun.

Mr. ALLISON. I yield to the Senator from Vermont, who thinks it ought to be passed immediately.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. McMILLAN. Is there a report accompanying that bill? If so, let us hear it.

The PRESIDENT *pro tempore*. There is no report.

Mr. EDMUND. Instead of saying "the Navy Department" it should read "under the direction of the Secretary of the Navy." I move to amend by striking out "Navy Department" and inserting "Secretary of the Navy."

The amendment was agreed to.

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

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

MARTIN KENOFSKY.

The bill (S. 1219) for the relief of the heirs of Martin Kenofsky was considered as in Committee of the Whole. It proposes to pay to the heirs or legal representatives of Martin Kenofsky \$8,861 in full of all demands for and on account of the claim of Kenofsky for the proceeds derived from the sale of \$4,992.50 of gold coin belonging to him and used in the service of the United States.

Mr. EDMUND. Let us hear the report.

The Secretary read the following report submitted by Mr. FRYE, from the Committee on Foreign Relations, February 10, 1886:

Your committee, to whom was referred Senate bill 1219, for the relief of the heirs of Martin Kenofsky, find that Martin Kenofsky, a Prussian subject, was a resident of Grenada, in the State of Mississippi, in 1864; that he was a man of Union sentiments; that he converted his possessions into gold, amounting to \$4,992.50; then started for Memphis, at that time occupied by the Union forces, was seized within the lines, his gold taken from him, and he cast into prison, from which he was discharged without trial, and without any restoration of his property. The gold was converted into currency, realizing \$8,861. By authority of military officers in command this money was used for military purposes, contrary to law and the regulations of the Treasury Department. It should have been covered into the Treasury.

The claimant was industrious in pursuing his remedy, commencing at once, in 1865, by application to the Secretary of War, and continuing without cessation until his death in 1880. Then his widow petitioned Congress for relief, but died pending its hearing, in 1881, leaving seven children in destitute circumstances. The authorities of the Widows and Orphans' Home, of New Orleans, and friends of the family then petitioned Congress for relief. No laches can be charged against the claimants.

The United States have had the benefit of this money; it was not justly exposed to confiscation; it should have been in the Treasury to-day, subject to the disposal of Congress; and in the opinion of your committee, justice requires that, notwithstanding it was never covered into the Treasury, having been committed to the use of the Army contrary to law, this money should be paid to the legal heirs of Martin Kenofsky, and they accordingly report back the bill referred, with an amendment striking out the words "eight thousand eight hundred and sixty-one dollars," in the sixth and seventh lines, and inserting instead thereof the words "four thousand nine hundred and ninety-two dollars and fifty cents," with the recommendation that as amended it ought to pass.

The bill was reported from the Committee on Foreign Relations with an amendment, in line 6, after the word "of," to strike out "\$8,861" and in lieu thereof to insert "\$4,992.50."

Mr. LOGAN. It is stated in general terms, but I should like to inquire where this man was attempting to go, whether to pass through the lines with his money, or whether he was intending to invest it—what he intended to do with it. If there is any information on that point I should like to have it.

Mr. FRYE. The statements contained in the evidence on file were that this man had remained down at Grenada as long as he felt it was safe to remain there and that he sold out everything that he had, converted it into gold, and started for the Union lines, to get within them at Memphis, Memphis being then occupied by the Union troops, and that as he was entering he was taken prisoner, and the money taken away from him. General Washburne says in his letter dated Memphis, May 27, 1865, forwarded to the Secretary of War:

I found Kenofsky in prison and in irons when I took command, and soon after released him and sent him out of the lines that he might return to Grenada, Miss. Federal officers who were in Grenada in 1863 assure me that he showed our officers and men great attention, and officers now occupying the post of Grenada assure me that it is known that he was always a friend to our Government.

I think he was roughly handled, probably more so than the facts would justify.

The money was used by General Washburne in part and by his successor in part, for the use of the United States Army, contrary to the rules and regulations then prevailing of the Treasury Department, as it should have been covered into the Treasury. I see no reason why the amount of money which was taken should not be restored. The former report of the Committee on Foreign Relations was in favor of paying the \$8,861, the value of the money in currency.

Mr. VEST. How was it used in the military service? In what way?

Mr. FRYE. General Hurlbut says:

The gold, the amount of which I can not now give, was sent under my direction by Captain Williams to Saint Louis or Chicago, and converted into paper currency at proper premiums.

My headquarters were removed to Cairo; at that place the messenger in charge reported to me the amount of United States notes the produce of the exchange, \$8,861.

This amount was taken up by me and has been lawfully used in the secret-service of the United States, for which I am at all times ready to account and display proper vouchers.

That is General S. A. Hurlbut. This man's money was used.

Mr. VEST. That may be so, but to make the United States Government responsible for the unlawful conduct of one of its officers, civil or military, on such a statement, without showing what the expenditure was for, would seem hardly to be justified on legal principles.

He says it was used for the secret service.

Mr. FRYE. Hurlbut says further:

The annexed account will show the statement of this particular fund up to the 4th May, 1864, when I ceased to command the Sixteenth Army Corps.

The amount of \$5,001, charged to Lieut. Col. W. H. Thurston, assistant inspector-general Sixteenth Army Corps, was left with him for use of my successor in command of the corps. No successor was appointed, and that sum was paid back to me by him and expended in the Department of the Gulf.

Mr. VEST. How?

Mr. FRYE. He does not say.

Mr. ALLISON. Great injustice seems to have been done to this man, who was endeavoring to get within the Union lines. It seems that the military officer there immediately put him in irons. I should think it was rather hard treatment for a Union man who was trying to get into our country to put him in irons and take his money away from him. Then General Washburne, it seems, who had charge of this case, afterward thought it wise under the circumstances to send the man back to Grenada, Miss.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? ["No!" "No!"]

Mr. WILSON, of Iowa. I reported this bill from the Committee on Foreign Relations during the Forty-eighth Congress. I examined the case with care and became satisfied that the amount of money reported in the bill then presented to the Senate should be paid to the heirs of Martin Kenofsky. It was a case of very great hardship. His money had been taken from him and had been used for the benefit of the Government, but in violation of the law and Treasury regulations. I do not think there is any doubt at all but that the heirs of Kenofsky are entitled to that money.

The bill was passed by the Senate in the Forty-eighth Congress and went over to the House, and there by delay failed in its passage.

Mr. FRYE. The man and his wife are both dead, the widow dying last and leaving seven little children. They are now supported, or were when this report was made by the Senator from Iowa [Mr. WILSON],

by an orphan asylum in New Orleans; and there was a largely-signed petition from New Orleans in favor of this repayment. It seems to me that the United States, having used the money, can afford to let these children have it.

Mr. EDMUND. I simply wish to say that as I now remember in the multitude of affairs that we have had, I was not able to concur in this report of the Committee on Foreign Relations. I was under the impression that this man was a man who was operating, as it might be, on both sides of the line at that time; and I was not satisfied of his loyalty or the impropriety of his having been seized and his money confiscated. I do not make any point, if he was loyal and had this money, on the fact that it did not get into the Treasury. It was taken by military power. But I was not myself satisfied that this person at the time was otherwise than an enemy of the United States, coming into our lines for improper purposes, which led to his being put in irons by the general in command; and then, when that general was superseded, his being released and sent back into the confederate lines, instead of having been sent North, if he was then believed to have been a Union man.

Mr. WILSON, of Iowa. At the time of the arrest of Kenofsky and the appropriation of this money he was a subject of the Czar of Russia. The case was brought to the attention of our Government by the Russian minister. It was considered in the War Department, and finally found its way into Congress and into the hands of the Committee on Foreign Relations.

The only proof in the case, as I remember it, tended to show that so far as Kenofsky was concerned his sympathies and his actions were all entirely on the side of the Government, and that is supported by the statements of Union officers. But he was not a citizen of the United States; his money was taken in an unlawful manner and used unlawfully, and it does seem to me that his minor children now ought to have the benefit of it.

Mr. LOGAN. I would not deprive minor children or any other character of children from that to which they are lawfully entitled. I asked what testimony, what facts, demonstrated the truth of this man's assertion that he was coming to our lines for protection.

It is very easy for Senators, who perhaps only get their knowledge from the facts which are presented to them here, to sympathize with these cases; but there are men on this floor on both sides who know that all over that section wherever the Army approached, wherever the flag of the country appeared, there were men who had not taken the oath of allegiance, who floated "free jacks," as the phrase was. That was a common thing. I have seen hundreds and even thousands of them, I might say. Knowing what may come from the establishment of such a precedent as this, I want to be certain as to the facts before I assist in returning the money, for if we are to pay for everything that is now considered to have been unlawfully done this Government will never be able to do it.

I have known many persons who did not speak plain English coming into our lines, who were engaged in other pursuits than in aiding and assisting the Union Army, and many who did speak plain English who were similarly occupied, who were trading between the lines and professing friendship to whichever army happened to be in the closest proximity to them; and so I am always suspicious of claims of this kind. I know that in my travels through that country (and I was down through Mississippi a little) I failed to find loyal men. I heard of a great many of them, and I know many now claim that they were loyal, but I did not form their acquaintance at the time the "unpleasantness" was going on. I know now they are all right enough, and if they had to organize themselves they would have an immense army and there would have been no necessity for our going down there. I find them now, but I did not find them then, either man or woman. I do not pretend to say they are not all right now. I have not said that, but I say at that time the fact was as I have stated. These cases are novel to me.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business of yesterday, being the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Mr. BLAIR. Mr. President—

Mr. McMILLAN. I ask unanimous consent of the Senate to take up and consider Senate bill 503, Order of Business 638 upon the Calendar, which relates to the supreme court of Montana Territory.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield for that purpose?

Mr. McMILLAN. I ask the Senator to yield for the consideration of the bill.

Mr. BLAIR. The Senator from Oregon asked me to yield for a like request and I declined.

Mr. BERRY. Let us have the regular order. I object.

The PRESIDENT *pro tempore*. Objection being made on the right

of the Chair, the request of the Senator from Minnesota can not be entertained.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Mr. BLAIR. Mr. President, the bill has already been before the Senate on two occasions, but has received very little consideration upon either. I desire to discuss its provisions for a short time, and, if there be no objection, before proceeding to do so I will call the attention of the members of the Committee on Pensions and others to a few verbal amendments which ought to be made in the bill itself.

Since the bill was reported I have received many letters from soldiers who were in the first Bull Run fight, and who saw other active service, whose term of enlistment was three months, but who rendered valuable service, who were the earliest of the volunteers, and who feel hurt that they are not included within the terms of the bill as it now stands, which provides that the service must have been for a period of six months. I am satisfied, as I have been on former occasions, that the bill should provide for those who rendered not less than three months' service; and I ask that a substitution be made in the seventh line of the first section, that the word "six" be stricken out and the word "three" inserted.

The PRESIDING OFFICER (Mr. PALMER in the chair). The amendment will be stated.

The SECRETARY. In section 1, line 7, after the word "of," it is proposed to strike out "six" and insert "three;" so as to read:

For the period of three months during the war of the rebellion.

Mr. MORRILL. May I ask the Senator from New Hampshire if that is done by the direction of the committee?

Mr. BLAIR. I have conferred with some members of the committee and I call the attention of other members to it now.

Mr. MORRILL. It was not in the original report?

Mr. BLAIR. It was not in the original report.

Mr. MORRILL. I think, then, the Senator had better wait until a quorum is present before moving such an amendment.

Mr. BLAIR. I move a call of the Senate if the Senate is not in a condition to proceed with business.

The PRESIDING OFFICER. The Senator from New Hampshire moves a call of the Senate. All in favor of the motion will say "ay." [Putting the question.] The noes seem to have it. The noes have it.

Mr. MILLER. If the Senator will call for the yeas and nays we shall secure a quorum in that way.

Mr. BLAIR. I understand. I know how the Senate is engaged just now. This is a mere verbal amendment, and if the members of the committee have no objection and a majority of the committee is present—

Mr. SEWELL. I think there will be no objection to letting the amendment go over for the present.

Mr. MORRILL. It should go over until the Senate is fuller.

Mr. BLAIR. Very well. I make a like request in regard to the insertion of the word "manual" before the word "labor," in line 11 of the first section, which is an amendment suggested by the Senator from Nebraska [Mr. VAN WYCK], a member of the committee.

I shall also make a like request, after the word "support," at the end of line 11, to insert the words "or upon the contributions of others not legally bound thereto," the same phraseology used in the second section, which treats of the dependent parents, and which should have been inserted in the first section.

In the fifteenth line, after the word "disability," I propose to insert the words "and dependence," and in the twentieth line, after the word "dollars," the words "per month" should be inserted.

In the tenth line of the second section, after the word "laws," the words should be inserted "as modified by this section."

I think there should be added at the end of the fourth section the following clause:

And so long as any person shall claim pension under this act he or she shall be held to have waived pension under any other provision of law.

Mr. COCKRELL. I can not hear one solitary word, and I object to all these amendments unless I can hear what is proposed.

Mr. BLAIR. They are not being made at this time. They are amendments which I propose to move.

Mr. COCKRELL. Oh!

Mr. BLAIR. I will ask the attention of members of the committee and of the Senate at this time to an amendment which may be offered, a new section to be inserted, as follows:

The widow of any person who served in the military or naval service and was honorably discharged therefrom as mentioned in the first section, who shall not have remarried and who shall be dependent upon her own manual labor or the contributions of others not legally bound thereto for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authorities, be placed upon the list of pensioners of the United States at the rate of \$12 per month during the continuance of such widowhood and dependence.

THE PRESIDING OFFICER. These amendments intended to be proposed to the bill will be noted.

MR. BLAIR. Mr. President, this bill is taken in all its substantial provisions from what is known as the Mexican pension bill of the last Congress, a bill which primarily made provision by a service pension for the soldiers of the Mexican war. Coming from the House to the Senate and being referred to the Committee on Pensions of the Senate, that committee moved as an amendment to it what was known in the last Congress as the Cullom bill. That Cullom bill had been modified in committee, so that its substantial provision was the same as was discussed previously in the Forty-seventh Congress to a considerable extent, the purpose of it being to make provision for those soldiers of the war of 1861 who, not being provided for under existing pension laws, or who, being embraced within the provisions of existing pension laws, found it impossible or exceedingly difficult by reason of the death of witnesses or the destruction of testimony, documentary or otherwise, or for other causes without fault on their part, causes based upon misfortune, to establish their claim under existing law; so that all soldiers who should have served in that war for a period of three months or more, who may have been disabled from any cause not occurring through their own fault, and who, whether that cause originated in the service or not, being thus disabled and further dependent upon their own manual labor for support, should receive assistance from the Government to an amount in case of total helplessness not exceeding \$24 down to a smaller sum less than \$24, according to the actual disability from which they were suffering.

That amendment which was moved to the Mexican pension bill embraced dependent parents, widows of the soldiers who might be dependent, and some other classes which are not embraced in the present bill.

When this session opened there was introduced by the chairman of the Committee on Pensions the Mexican pension bill as amended with the provisions I have specified in the last Congress, and it was the desire of many members of the committee, and I think of the Senate, that the entire bill with its multifarious provisions, covering as it did nearly all cases of hardship or alleged hardship growing out of the pension laws actually existing, or actual hardship which was not embraced in any law—I say it was the desire of the members of the committee that that bill as a whole should be presented in this Congress and that action should be had thereon. But another plan was adopted, and so we have come to have in the present Congress a great variety of little bits of bills, a little in this, a little in that, and a little in another, and the whole pension legislation which had been thus symmetrically arranged has been chopped up and divided about, and is scattered here and there and yonder in the two Houses of Congress.

The bill now before the Senate contains probably the most important features, not excepting the Mexican bill proper, which are found in any of them. I do not mean to say that it is the most important in the sense that it involves the largest appropriation of money should it become a law. By no means.

The arrears-of-pension bill, which is one of those now pending, by the estimate of General Dudley, the former Commissioner of Pensions, would require at least \$246,000,000 in order to adjust the claims which have been filed since July, 1880, and have been allowed since that time, and also the claims of those filed since that time, which in all probability, judging from what has been evolved from previous action of the office in such cases, will yet be allowed, the \$246,000,000 by his estimate covering, I say, the amount which will be involved in the enactment of that law to settle claims which have been filed since that time which have since been allowed, and those which in all human probability will yet be allowed by the office.

This estimate makes no provision, of course, for the claims yet to be filed, whether the limitation upon the payment of arrears should be repealed or not. What amount would be involved in that case is purely one of conjecture, because the claims not yet having been even filed it is impossible that we should have any reliable data whereon to form a judgment.

The present Commissioner of Pensions, in reply to a call from the committee made recently, has furnished a letter, which has not been read before the committee, for the reason that it was not received until last night—it has, however, come into my possession—in which he quite elaborately, and apparently with great care and good judgment, makes an estimate covering precisely the same cases which I have mentioned as was involved in the calculation of his predecessor, that the cost of the enactment of the arrears-of-pension law would be \$222,000,000; I think that is the amount—less than \$230,000,000. That, of course, as in any other case, does not cover the conjectural ground.

MR. VEST. I should like to ask the Senator from New Hampshire if, under the arrears act, as it is called, of 1879, we have not paid about \$25,000,000 already?

MR. BLAIR. Perhaps the Senator does not understand me.

MR. VEST. I did not catch the Senator's remark distinctly.

MR. BLAIR. We have adjusted all arrears of claims that were filed prior to July 1, 1880, which have been already adjudicated. There is, of course, a certain number—we do not know how many—yet unascertained, which will be allowed, of claims filed prior to July 1, 1880, that have not yet been adjudicated. The letter of the Commissioner I shall insert in the RECORD:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,

Washington, D. C., May 12, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, transmitting a copy of Senate bill No. 35, and asking for a detailed estimate of the amount required to meet the payments necessary in the event that the said bill becomes a law.

The proposition submitted is twofold. The proposed legislation will repeal the limitation as to the commencement of pension now imposed by the second section of the act approved March 3, 1879, and it will, secondly, repeal the provision now found in the act of March 3, 1885, that the presumption of prior soundness in the adjudication of pension claims authorized by said act may be rebutted.

I shall find it necessary therefore to consider each point separately.

Section 2 of the act approved March 3, 1879, provided that all pensions should commence at death, discharge, or termination of prior title, if the application were made prior to July 1, 1880.

Since July 1, 1880, there have been allowed the following number of cases in which, by reason of said limitation, no arrears have been granted: Invalid, 46,867; widows, minors, and others, 29,558; the figures being calculated to June 30, 1885.

Of the invalid allowances there were filed in 1880, 26,027; in 1881, 4,812; in 1882, 6,189; in 1883, 5,678; in 1884, 3,351; in 1885, 810.

If we fix July 1, 1885, as the average date of discharge and \$100 as the average yearly rate, it will appear that to pay the arrears in these cases it will require approximately the following sums:

When filed.	No. of pensioners.	Yearly value.	Amount.
1880.....	26,027	\$1,500	\$39,040,500
1881.....	4,812	1,600	7,699,200
1882.....	6,189	1,700	10,521,300
1883.....	5,678	1,800	10,220,400
1884.....	3,351	1,900	6,366,900
1885.....	810	2,000	1,620,000
Amount required to pay invalids now on rolls.....			75,468,300

The twenty-nine thousand five hundred and fifty-eight allowances to widows, minors, and others include the pensions to minors against whom no limitation has run, as well as to dependents whose title did not accrue in many instances until the death of the soldier and of another person.

In the case of a widow the title will accrue at the death of the soldier. It is difficult, therefore, to fix the dates from which to compute the probable amount to become due.

Assuming nine years as the average period and \$100 as the average yearly rate, the amount required to pay arrears in ten thousand (estimated) cases will be \$9,000,000; add to pay invalids, \$75,468,300; total amount to pensioners on rolls, \$84,468,300.

To state the amount likely to be required to pay arrears in cases still pending in this office will be to indulge largely in conjecture.

It may, however, be stated that on the 30th day of June, 1885, there were pending in this office 171,402 invalid and 61,582 widows' and other applications.

Assuming that 60 per cent. of these will receive favorable consideration, that the average arrears period will be eighteen years and that \$100 will be the average annual rate, the amount required to pay these cases will be as follows:

Sixty per cent. of 171,402 = 102,841 \times \$1,500 = \$158,113,800.

Sixty per cent. of 61,582 = 36,949 \times \$900 = \$33,254,100.

But of the pending invalid cases 73,415 and of the pending widows and others 26,656 were filed prior to July 1, 1880, and, if allowed, arrears will be paid to them without regard to the pending legislation.

To determine the net additional cost to the Government by the passage of the present bill, it is essential therefore that these be deducted from the total number of cases.

Upon the same basis of allowances, the amount due in said cases will be as follows:

Sixty per cent. of 73,415 = 44,049 \times \$1,500 equals..... \$66,073,500

Sixty per cent. of 26,656 = 15,994 \times \$900 equals..... 14,394,600

Total 80,468,100

From the total cost..... 218,367,900

Deduct this amount..... 80,468,300

137,899,800

Add amount to pay pensioners on rolls..... 84,468,300

Additional total amount to pay pensioners and in claims already filed 222,368,100

The foregoing estimates are substantially those submitted to the Committee on Appropriations of the House of Representatives by letters from this office dated January 25 and February 5, 1886, addressed to Hon. SAMUEL J. RANDALL, chairman of said committee, in response to a similar inquiry. I know of no reason for departing from the estimates submitted to said committee.

Your inquiry will, however, include in its scope not only the cases already allowed and those now pending in this office, but also those which have been already rejected, as well as those which may hereafter be filed.

Up to June 30, 1885, there had been rejected 85,589 invalid claims and 45,837 widows' and other claims, all of which had been filed since July 1, 1880.

How many of these cases, will upon re-examination receive favorable consideration it is impracticable to state with any degree of accuracy.

The repeal of the limitation will greatly stimulate the filing of cases, it is conceded, but how many will be filed and how many of them when filed will receive favorable consideration are entirely conjectural.

The second proposition is the probable cost to the Government resulting from the repeal of the proviso contained in the act of March 3, 1885, that the presumption of prior soundness in pension cases may be rebutted.

I should not be able to intelligently reply to this question without requiring an examination to be made in each of the 85,589 invalid cases and 45,837 widows' cases now upon the rejected files of this office, all of which, have been filed since July 1, 1880, and also 48,780 invalid and 33,217 widows' cases also upon the rejected files, all of which were filed prior to July 1, 1880, to determine the causes of rejection.

The magnitude of this work, as well as its impracticability, you will at once appreciate.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

HON. HENRY W. BLAIR,
Acting Chairman Committee on Pensions,
United States Senate.

MR. CAMDEN. Can the Senator state how much was paid under the act for the payment of arrearages up to the time it went out by limitation?

MR. BLAIR. I do not know the amount. It is stated in some of the reports. It can be ascertained by a reference to the reports of the Commissioner of Pensions. I have not examined the matter for a year or two; but it will not be difficult to find it. I do not care, however, to go into that matter at any length at the present time. I merely wish to indicate in round numbers something of the relative importance of these various propositions, considered from the pecuniary point of view.

MR. HARRIS. Has the Senator any estimate made by the Commissioner of Pensions or by the Committee on Pensions as to the probable amount of the drafts upon the Treasury resulting from the bill that his committee has reported?

MR. BLAIR. The present bill?

MR. HARRIS. Yes, the pending bill.

MR. BLAIR. I will speak of that in a few moments.

But however the matter may be, the argument in favor of the payment of arrears of pensions based upon justice and equity is one that I have never yet seen replied to. The arrears-of-pensions act applies only to those soldiers who rendered service, contracted disability therein, and who had they applied for pension at any time since their discharge, and upon making due proof would have been entitled to receive it. If this measure (the arrears-of-pension bill) becomes a law soldiers will make application after the lapse of this great length of time, a lapse of time which, as we all know, results in very greatly increased difficulty in the establishment of their claims by the necessary proof. The witnesses are dead, the documents are destroyed, and by reason of the lapse of time in the public mind and in the mind of the adjudicator there grows up an impression that the claim being stale may not be just. So that suffering under all these presumptions, lapse of time and otherwise, the soldier nevertheless finally makes out his case against an adverse adjudicator, against the Government which is to pay the money, and the judgment is rendered by the Government or its officers against itself. Finally, under all these increased difficulties the claim is allowed, and in the allowance of the claim what has been established? The primary fact established under all these increased difficulties is that the man contracted the disability while in the service and line of duty, that he has had all this time the right to a pension, not that he has failed to assert the right because he did not possess it, and by reason of the lapse of time he hopes to impose upon the authorities of the Government, and to obtain an adjudication by perjury and fraud. It is not that, but in spite of all these adverse conditions he has finally obtained a verdict by the Government against itself.

Why, under these circumstances, should the Government come in and say that because this man who the Government admits had a right all the while to pension has not claimed it, so that the Government has had during all these years the use of his money—why, I say, should the Government be heard to say that this man shall be deprived of the principal as well as the interest which he has already given to the Government?

Such, sir, is the argument as it strikes my mind, and the whole question is with me remitted to this: It is one of choice, of discrimination among many worthy claimants or different classes of claimants, and the question of the enactment of such a law is to be decided not with reference to the obligation of the Government but rather to its ability at the time to pay. If there is to be any discrimination, if there is to be any question as to whether the soldier who has a just or equitable claim upon the Government for compensation is to be paid or not, if there is any question of that kind then it us for us to say who should be paid first, and where would be the greatest hardship if we fail to adjudicate favorably upon all the claims which may rightfully exist.

It is only in that light that any collision can possibly, in my mind at least, arise between those who claim under the proposed arrears act against the Government and those who claim under such an act as the committee has submitted to the Senate here and various other classes that I will not stop now to enumerate, because they relate to classes less numerous, and perhaps being partially provided for it is less important just now to discuss them.

Nearly all, in fact all, cases of necessity are provided for to some extent under existing law except those soldiers who, having rendered service and having contracted disability subsequent to their service without their own fault, are now poor and dependent and obliged to be assisted by somebody. The law does not reach their case, and yet as Senators will see those men having passed through their terms of service without wounds, without sickness, without disabilities which interfered with the discharge of their duty as soldiers, are the very men to whom the Government is under the greatest obligation for service actually received. The great mass of the men who will be benefited by the bill now under consideration are men who rendered one, two, three, four,

and in some cases nearly five years of service, all the while on duty. They are the men who really put down the rebellion, rather than the men who died on the field or who were disabled. So that the actual service in the subjugation of the rebellion was not rendered even by the dead in battle, as it was rendered by the class who are embraced in the bill.

I do not wish to be too prolix upon this matter, and so I will approach the point suggested by the Senator from Tennessee [Mr. HARRIS] as to the amount of money that would be involved in the bill if it should become a law. But before I come to that I wish to mention another point that had escaped my mind. All through the country, especially in the northern part of the country, and it is to some extent so in the South, are to be found men who put down the rebellion, who served throughout their terms, but who did not contract disability or in whose case the disability did not appear during the term of service and who are now in want. They are suffering for lack of proper relief at the present time. They are becoming disabled; they are dependent upon their labor. Somebody has to assist them. It is a crying want to-day. Those who can establish their claims under the existing law are receiving pensions. The men to whom the arrears-of-pension act would apply are prosecuting their claims under existing law, or have already received them; they are either receiving or expecting soon to receive relief from the Government. Whether the Government owes them in equity or in law the arrears or not, they are for the time being provided for either in fact or in law, so they are not starving for help. They are not charges upon the charity of their friends or of the Grand Army or upon the ordinary pauper system of the various States. They are provided for against the exigency of hunger three times a day, of cold, and nakedness; but the men to whom this bill applies are not thus provided for.

If now it is claimed that the condition of the national finances is such that we can not spend the \$250,000,000 which are necessary to meet the requirements of the proposed arrears act, and that we can not increase the pensions of the various classes which are now being paid under existing law, but who do not consider that their pensions are as much as their necessities require—if such be the condition of the public finances and the capacity of the nation to endure taxation, what can any man say if we enact this bill into law and by its provisions give to every man who is in need the support which he must necessarily receive from some source if we should deny it?

Many soldiers of the late war come to us with claims for a service pension. Senators may remember that in the last Congress, if I recollect aright, between eleven and twelve hundred posts of the Grand Army besought the Government to enact a service-pension law with reference to the soldiers of the war of 1861, the same as was being enacted for the soldiers of the Mexican war, the same that we did enact in 1871 for soldiers and their widows of the war of 1812, and as our fathers did for the soldiers and their widows of the Revolutionary war.

There is a strong tendency and demand on the part of the soldier element of the country for a service pension, a service pension applicable to all the soldiers of the late war irrespective of want and of necessity, which every one must see presents an astounding aspect so far as public taxation is concerned. When this demand is made upon the American people by any class of men who served the Government, who protected our Treasury, who preserved to us the power of taxation and our form of national existence, when they make their demand upon us and we say to them we are not able to pay it, but that we will go further than we have hitherto gone and say that for the man who is in anything like actual need, who is disabled not by reason of his own fault or crime, who requires help from somebody, we will tax ourselves and furnish that aid to the extent of his necessity. When we say that, it seems to me that that will be met by the soldier element of the country with an admission that on the whole our proposition is fair, equitable, and just. When it can be demonstrated that the country is in a condition to pay further, to pay the arrears which, as I have undertaken to show, are a just claim upon the Government, let them be paid. If we can do so now let us do it now, but at all events let us take care of this class of meritorious claimants whose service was of the greatest importance and most valuable character, but who are now in actual want.

The bill undertakes to reach that class of soldiers. It also undertakes to provide for the dependent parents of soldiers who have died in the service. Those are the two leading features of the bill.

As to the cost which will be involved in the bill, that is very largely problematical. There are limits which we can fix, but whether it will be \$20,000,000, \$25,000,000, or \$15,000,000 it is impossible for anybody to say. It may be more than \$25,000,000, but there is some data and it is as available to one gentleman as to another. It is as available to us as it is to the Commissioner of Pensions.

From this data I think we can form a rational judgment. The late Commissioner of Pensions, in a communication to Congress made upon this subject, estimated the number of soldiers surviving at between 900,000 and 1,000,000. I think it is fair to assume that the number is not over 1,000,000. When we endeavor to ascertain how many would be embraced in the language of the bill, those who are disabled and who are dependent upon their manual labor for support, we are of course involved in great difficulty. I have satisfied my own mind

that when we have eliminated those who are in good circumstance, when we have eliminated those who are already upon the pension-list, who are a quarter of a million, and when we eliminate those who are claiming pensions under existing law, and those not dependent, not in any want, under the provisions of this bill probably about one-fourth of the million would be able to establish their claims against the Government. I do not think it could at any one time possibly exceed that number, for it is to be considered that before a claim is allowed to be paid at all applications must be made, clerical force must be provided, facts must be proven, adjudications must take place, and the right be established. I think at no one time under the operations of the provisions of the bill would there be more than a quarter of a million of soldiers and others placed upon the pension-rolls. Possibly there might be more, but I think the probability is rather less than more. We are to consider that the pension-roll would be constantly diminishing, and there might be from time to time additions made to it, but with the uniform decrease in the future of the soldiers and their relatives I think there would never be more than a maximum of a quarter of a million.

If we can assume that to be substantially true, and I do so in my own reasonings upon the matter, I shall proceed to consider some other points in the case which bear upon the general question of the probable cost of this bill if it should become a law.

Mr. BROWN. Will the Senator in charge of the bill be kind enough to state before he proceeds to his next point whether he has made a calculation in accordance with his estimate of adding a quarter of a million to the pension-list, as to how much annually would be the appropriation needed hereafter to meet it?

Mr. BLAIR. That is what I am now approaching.

Mr. BROWN. We have lately increased the pensions by an act passed at this session.

Mr. BLAIR. I am not dealing with the increase to widows or to the soldiers of the Mexican war.

Mr. BROWN. I want to get at the entire amount of pension-money that we should have to appropriate, say next year, if we passed this bill, including those now on the roll and those who would be put on the roll under the bill.

Mr. BLAIR. I will give the Senator the data on that point as I go on.

The report of the Commissioner of Pensions contains a table which shows the rates per month at which invalid pensions are now being paid for disability to the various pensioners. There are of invalid soldiers now upon the roll 244,201 names. This statement is made up to June 30, 1885, the period covered by the Commissioner's report. There are 244,201 names in all. The table is as follows:

Statement shewing number of pensioners at different monthly rates, on the pension-roll June 30, 1885.

Rates.	Number.	Rates.	Number.
At \$1.....	1,260	At \$18.....	1,598
At \$1 to \$2.....	1	At \$18 to \$20.....	153
At \$2.....	26,134	At \$20.....	1,323
At \$2 to \$4.....	3,976	At \$20 to \$24.....	116
At \$4.....	60,268	At \$24.....	15,020
At \$4 to \$6.....	2,629	At \$24 to \$30.....	342
At \$6.....	34,639	At \$30.....	7,927
At \$6 to \$8.....	1,729	At \$30 to 75.....	3
At \$8.....	44,775	At \$31 to 25.....	135
At \$8 to \$10.....	1,806	At \$31.25 to \$36.....	2
At \$10.....	9,297	At \$36.....	36
At \$10 to \$12.....	612	At \$37.50.....	64
At \$12.....	15,480	At \$37.50 to \$40.....	2
At \$12 to \$14.....	1,184	At \$40.....	14
At \$14.....	3,413	At \$40 to \$50.....	11
At \$14 to \$15.....	38	At \$50.....	834
At \$15.....	1,849	At \$72.....	930
At \$15 to \$16.....	15	At \$75.....	1
At \$16.....	4,488	At \$100.....	1
At \$16 to \$17.....	44		
At \$17.....	2,019	Total.....	244,201
At \$17 to \$18.....	28		

I was myself surprised, as I doubt not Senators will be on perusing this table, to find how comparatively few are being paid at the higher rates. I had an impression, and I doubt not others have had it, that a very large proportion of the list was being paid at the higher rates of pension.

Mr. BROWN. Will the Senator pardon me for asking one more question? Is that statement made up so as to include the additions made by the act passed at this session, for instance, increasing the widows' pension from \$8 to \$12 per month?

Mr. BLAIR. I stated that this was taken from the Commissioner's report and came down to June 30, 1885.

There is another point to which I will call the attention of the Senate. I am now leading on to a calculation and giving my reasons for what I believe will be the cost of this bill. The bill relates to soldiers who are to be pensioned in proportion to their disability. The table I read comprises the invalid soldiers, not the widows and dependent parents now upon the roll but those who are being paid according to disability; and the point of the table is to show even with these high

rates possible, which may be up to \$72, that a very large proportion of them are \$24 and less and a very large proportion of them are even less than \$8.

Mr. BROWN. The Senator will pardon me. What I wanted to get at is an estimate as to the probable amount of pensions to be paid next year in the event this bill should become a law.

Mr. BLAIR. I will give it to the Senator before I get through. I am, in my slow, methodical but I think logical way, giving my reasons as I go along. I shall try to show the Senator, as near as I can, the additional amount which I think will be required should the bill become a law; and I will also give the Senator, from the reports, the other data for which he asks, if he will pardon me for doing it a little later.

Mr. BROWN. Certainly. I simply want to get at those facts.

Mr. BLAIR. I have the data here, and will furnish all the evidence I can in that direction.

Of the 244,000 invalid soldiers whose names are now on the roll all of them, with the exception of 10,302, are at the present time drawing a pension at the rate of \$24 or less. The first section of the bill which relates to soldiers provides that under its terms no more than \$24 shall be allowed for a case of total helplessness, which is a case that under the existing law will entitle the soldier to receive a pension at the rate of \$72 per month; and I ask Senators to note this almost fundamental feature of the bill, which so very largely limits the possibilities of the expenditure under its terms.

Mr. PLATT. The Senator says that under the present law a person receives \$72 for total helplessness. I wish to inquire of him if he is sufficiently accurate in that respect? As I understand it, those who were pensioned for such total helplessness as required the attendance of another person prior to June 16, 1880, get it, while those who have been pensioned from the same cause since only get \$50 a month.

Mr. BLAIR. The Senator is correct in regard to that. A bill is pending to remedy that defect; but my point is still the same. The highest pension which can be paid under the existing law is \$72 per month, and the great mass of soldiers pensioned receive \$24 or less. That is the highest sum which this bill proposes to pay in any case whatever, for the reason that the disability may not have been contracted in the service. The chief object of the bill is like that of the Revolutionary pension act of 1818, to provide for those who must be provided for by somebody, and who should be chargeable upon the nation at large, which has received their service, if upon any one.

Deducting, then, that 10,302 it leaves about 234,000 invalid soldiers, whose rating is \$24 or less. There are 15,020 at the rate of \$24, and at various sums exceeding \$8 and up to \$24 there are 43,468. There are between \$12 and \$24, 16,293. There are between \$8 and \$12, 11,715, and there are at exactly \$12 15,480. Then at \$8 there are almost 45,000; at \$6, almost 35,000; at \$4 there are 60,000; at \$2 there are 26,000, and at \$1 there are 1,260. These ratings are all made upon the examination of a medical board of the country, and even upon existing ratings for disability the great mass are at \$8 and below that. There are 60,000 at the rate of \$4, and 26,000 at the rate of \$2.

This bill provides for cases of total helplessness—which is of course a condition requiring the attendance of one or more persons, an absolute incapacity not only to perform manual labor, but a condition requiring medical attendance and other attendance, one of continual and great expense—only the sum of \$24. The rate is by the terms of the bill to be fixed according to the proportion of disability, from total helplessness down; so that it will be seen that under the operations of the bill if it becomes a law the great mass of allowances to the soldiers would be \$8 a month or less. If we may assume that there are one-fourth of a million of soldiers who would be provided for under the terms of the bill, and also assume this to be a calculation quite in the direction of a too heavy expenditure under the bill, not one calculated to impose upon the public by a false estimate of the smallness of the expenditure—if we should, I say, make the calculation in the way I now indicate, I think it would be at least just to the Treasury.

If we should say of the two hundred and fifty thousand that one hundred and twenty-five thousand be rated at \$4 per month, the yearly expenditure would be \$6,000,000; if fifty thousand at \$8 a month, there would be an addition of \$4,800,000; if fifty thousand at \$10 a month, there would be \$6,000,000; averaging all between \$10 a month and \$24—if experience of the Department can be any guide to us, there will be at \$12 per month, \$3,600,000, which would make the total actual yearly expenditure under this clause of the bill \$20,400,000, which I believe would cover it all.

Mr. LOGAN. Will the Senator allow me to ask upon what data he estimates for a quarter of a million of persons under the bill?

Mr. BLAIR. That is my judgment about it.

Mr. LOGAN. The bill would only bring pensions to those who are unable to get pensions, although disabled?

Mr. BLAIR. Yes.

Mr. LOGAN. We have not over a quarter of a million of disabled men who were wounded, sick, and discharged from hospital and everything else as pensioners, and I do not think there is any reason to believe that there would be any more than half the number stated by the Senator from New Hampshire.

Mr. BLAIR. A great many think as the Senator does.

Mr. LOGAN. The men whose applications for pensions have been rejected because they could not prove that they became incapacitated on account of disease contracted in the service would come under the bill; and men who have become disabled since the war would come under the bill. Those are the only two classes.

Mr. BLAIR. That is all very true, and I remember an estimate made by the former Commissioner of Pensions, to which I shall refer.

Mr. LOGAN. I do not think it would be half the number mentioned. That is only my judgment, of course, but I do not believe there would be.

Mr. BLAIR. I remember an estimate, I am not sure that it reached the Senate in an official form, but an estimate which was attributed to the late Commissioner of Pensions, to the effect that this provision as found in the former bill would not require an expenditure of over \$12,000,000.

Mr. LOGAN. That is what I understood.

Mr. BLAIR. So far as the observations of the Senator from Illinois are concerned, his knowledge of the condition of the soldiery of the country is better than mine. I would be especially anxious that no misrepresentation should be made to the Senate or to the country as to the probable expenditure under the bill, and I have endeavored to make these calculations as I think in excess of what would be actually called for should it become a law.

But this is to be considered, that the disability which I think is fairly covered by the bill is not merely one resulting from accident or from actual disease. It would cover a disability which grows out of or results from increasing age, or from hardship and exposure, by reason of which a man hitherto able to do his full day's work is able only to perform a lesser amount. Being dependent upon his manual labor for support, if he can now perform only three-fourths of a day's work, although there may be no positive disease about him and although there may be no loss of limb or severe physical injury, he ought under a fair construction of the bill, if it should become a law, to be allowed by the examining board for that diminution of his capacity to do the work whereby he gets his living.

If he may do but three-fourths of a day's work his wages are diminished one-fourth, and he ought to be allowed one-fourth of the pension, I should say, which would be \$6 a month. Perhaps that would not be a proper estimate, but it should be such an adjudication in reference to the degree of total helplessness, which is \$24 a month, as may be just and fair under the law. I believe that the amount which I estimate, \$20,000,000, is all the expenditure which the country will be subjected to under the provisions of the bill.

The Senator from Oregon [Mr. MITCHELL] suggests that there will be a large percentage falling off every year. That is true, but at the same time others will be growing older and more enfeebled, and for some years to come at least these will be placed upon the roll. There is not a very large number, I suppose, that is, large in proportion to the million of the surviving soldiers of the war of 1861 who are absolutely and wholly dependent upon their manual labor for support, but still there is a large number when you speak absolutely, and I should not be surprised if all the beneficiaries under this measure came to the number I have mentioned.

The law will reach another class that perhaps the Senator from Illinois did not in his own calculation embrace. It will give to all the men who have really a disability contracted in the service but who have been unable to establish their claims, whose cases are now lingering and have lingered some of them for ten or fifteen years, the option of abandoning their existing application and making a new one under the bill. Of course the remedy under this measure is slight to what many of them would receive if they were able to establish their claims by obtaining the proof under existing law, but no doubt many men discouraged and heart-broken and in absolute want will abandon the apparently hopeless chase of their rights through the existing forms of procedure and embrace the provisions of this act, for under the provisions of this act it will only be necessary to establish the service, the honorable discharge and the actual disability existing at the present time, without fault on the part of the applicant, together with dependence upon his manual labor or the charitable contributions of others for assistance.

The other provision of the bill which relates to dependent parents will give to all parents a pension who lost their sons in the service and who are now dependent upon the contributions of others who are not legally bound for their support, whether they were thus dependent at the time when the child sacrificed his life in the service of the country or not. It will be remembered by the Senate that such is the law at the present time that the dependence upon the son must have existed at the time of his death. Otherwise, the parent is not entitled to receive the aid of the Government. It seems to me that this is a most inequitable condition of the law.

There are a great many cases all through the country of parents who sacrificed every son they had, those who were their only prospective means of support, but yet just at that particular time were not dependent upon them. They may have had property, or physical capacity to labor; they were able to take care of themselves, but who since have lost

that physical capacity, and who by the misfortunes of life have also been deprived of their estates as well and are now in abject want, with old age fast upon them. Many of them are very old, and dependent upon the pauper systems of their States for the means of life. The bill proposes not to reach the case of any parent who can establish the claim under a former law, but to reach the case of a parent who is in actual need, who sacrificed her boy and has no means of present support. The amount which would be called for under that class is problematical, as in the other case, but the number of dependent parents in the country as shown by the existing pension-roll is comparatively very small. It is very much less than that of the widows of the soldiers of the country, and I do not look upon that feature of the bill as one very likely to burden the Treasury.

The Senator from Georgia [Mr. BROWN] made some inquiries as to the existing condition of pension expenditures as the roll now stands. I read from the report of the Commissioner of Pensions coming down to June 30, 1885:

There were at the close of the year 345,125 pensioners, classified as follows: 241,456 Army invalids; 78,841 Army widows, minor children, and dependent relatives; 2,745 Navy invalids; 1,926 Navy widows, minor children, and dependent relatives; 2,945 survivors of the war of 1812, and 17,212 widows of those who served in that war.

There were added to the roll during the year the names of 33,767 new pensioners, and the names of 1,835 whose pensions had been previously dropped were restored to the roll, making an aggregate of 37,602 pensioners added during the year. During the same period the names of 15,233 pensioners were dropped from the roll for various causes, leaving a net increase to the roll of 22,369.

The average annual value of each pension at the close of the year is shown to be \$10.36, and the aggregate annual value of all pensions is \$38,090,985.28; an increase over like value for the previous year of \$3,634,384.93.

The amount paid for pensions during the year is \$64,933,288.12; an increase in amount over the previous year of \$8,024,690.52. It will be observed that the amount actually paid exceeds that of the annual value of pensions several millions of dollars, and this excess—

And this it is important to know—

and this excess represents the first payments of pension known as accrued in new pensions.

The first payment, of course, covers all the preceding time embraced in the application, and where the application was made prior to July 1, 1880, it reaches back to the date of the disability, which under existing law must have been contracted in the service, and covers all the time back to the war, unless it may be the case of a widow, whose pension commences at the termination of the primitive pension from which hers is derived—that is to say, her husband's—and in that case she draws back to the death of her husband. That is the reason why what the Commissioner calls the actual value of the pension-list is increasing. It is based upon the amount that is drawn from year to year by the law as it stands, and excludes this excess drawn in the form of arrears from the date of application or date of disability contracted in the service down to the issue of the certificate and first payment. The Commissioner of Pensions further states:

The amount paid to 37,839 new pensioners during the year upon first payment was \$27,115,912.21, and there remained in the hands of the several pension agents 3,677 of this class unpaid, in which there was due \$2,243,567.54.

The Senator from Georgia will observe that the Commissioner says the entire payment the last year, that is to say the amount due and appropriation required to be made, which was the Senator's question, was \$64,933,288. If the calculation which I have made, which as the Senator has seen I think I have endeavored to make honestly as large as it ought to be, is worth anything it would in its leading feature add to that \$64,000,000 \$20,000,000.

I do not think that the clause relating to dependent parents can amount to more than \$2,000,000 or \$3,000,000 at most, that is parents who may be added by reason of the enactment of this bill into a law should it be passed. Probably it would be less than \$3,000,000, probably less than half that amount; but still, as I said before, no man can tell just how this will be any more than he can know how many people will die next year in this country. We can form some good estimate, a rational guess, so to speak, and we can fix outside limits beyond which it is quite apparent the amount will not go; but it is as impossible for the Commissioner of Pensions to calculate with anything like mathematical accuracy as it is for any one of us.

In the last Congress when we called on the Commissioner of Pensions to make the calculation and give us the benefit of his judgment, he said he could not do it in a way to be held responsible, but he thought, as he made known in some way, I remember, that the amount would not exceed \$12,000,000. During the discussion upon the Mexican pension bill in the last Congress in speaking of the probable or the maximum expenditure as it was in my mind under the proposed amendments which covered the disabled soldiers, the dependent parents, the widows, minor children, and some other classes, I said I thought the amount might be \$50,000,000. I very likely estimated the sum too large. I had not then given the subject as much careful thought as I have done at the present Congress, and my estimate is very considerably diminished. I imagine that under this bill if it becomes a law the increased expenses of the country in the way of pensions would be probably \$25,000,000 a year, giving it in round numbers. I will detain the Senate but a little while longer, during which I wish to make a few general observations upon this subject.

The true object of the art of war is the defense of nations and of society; that is to say, the true end of war is peace. Those who engage in it assume its dangers and hardships, not from any special interest which they have in the result, more than others of their countrymen, nor are they under greater obligations to risk their lives for the common good. One citizen is just as much interested as another in the preservation of law and order; that is to say, of life, liberty, and property, and to contribute of these last to secure the establishment of the former and the integrity and independence of the nation to which he belongs. Therefore, when for the common good, including of course his own, he renders a service, he becomes entitled to compensation from the whole body politic, of which he is a part, according to the degree of the service rendered or the nature of the injury suffered. Hence the laws of the land provide payment in wages and salaries for his time and labor, in camp and field, and pensions for wounds and disabilities contracted in the line of duty.

Recognizing that every man is the special defense and support of his parents, his wife, and his children, the state, for whose defense he is called upon to risk the sacrifice of them all, assumes by law and necessity the discharge of these natural obligations of the individual, in so far as he shall be rendered unable to fulfill them. Thus it is seen that pensions themselves are but the payment or discharge of an original obligation which the soldier, as a member of society, was bound to perform to himself or those who were dependent upon him, but which society assumes in order that he may render a still higher service by the devotion of his life even for the defense of all.

True, it may be said, and is said, that pensions are a gift, and that they may be conferred, revoked, or wholly refused, even after service rendered and disability contracted, while the law expressly provided for them; but no one can seriously claim this, save upon the ground that if the nation becomes too poor to carry the burden of taxation, then the obligation may be repudiated; just as in like case the individual is discharged in bankruptcy so the state may refuse from necessity to pay its debts. The pensions for which the nation provides, and which are so many of them still withheld through inadequacy of required proof, or imperfection in the laws or in their administration, are the natural and legal right of the disabled soldier, when surviving, or of his dependent relatives when for the common defense he has died. Any other doctrine, by whatsoever authority advanced, is a repudiation of the fundamental principles of natural justice, and is subversive of the true interests of society.

The claimant of such pensions is not a beggar; he is a creditor, and should be a preferred creditor of the nation. He holds the bond of his country written in his own blood. He demands a right, and to him is due the performance of a sacred obligation, and not a gratuity. And as it is the duty of the debtor to find and to pay his creditor, and not to put the creditor to endless and ruinous loss to establish his claim by interminable suits at law, so it is the duty of the state itself, at its own expense, to ascertain and to meet at once all just claims for pensions, or at least to provide every facility for their adjustment, and to pay the costs when the claim is delayed in the process of adjudication.

It is the duty of the Government to ascertain and to pay the pension to the soldier just as much as it is to ascertain and to pay his wages while in the field. It is a practical denial of his right to throw obstacles in his way by interposing trivial or technical objections, or by depriving him of the right to employ competent counsel and assistance, in refusing fair remuneration for services necessarily performed in order to establish his claim.

The denial of the right to pay a reasonable compensation to counsel is a denial of the right to employ counsel, and the greatest evils and grievances under which the applicants for pensions have suffered and continue to suffer, the worst horrors of the "pension tragedy," as the Senator from Massachusetts [Mr. HOAR] once so strikingly said, have grown out of the denial by the Government (denied to no other litigant, but rather protected by the most sacred provisions of the laws) to employ and pay a reasonable price for competent and honest counsel and assistance in the establishment of his claim. Hence the business has passed beyond the scrutiny of the community where public opinion can be brought to bear upon the merits of each particular case and upon the action of those who may be engaged in its prosecution.

Too often dishonest or incompetent men defraud both Government and claimant, or life is worn out in heart-crushing, deadly delays. The upright and competent home counselor is the soldier's best friend, and of the Government also; but such has been the law, enacted from the best of motives, that unless his services were nearly gratuitous, which as a rule he was unable to make them, the home counselor could not be employed at all.

The dishonest and incompetent claim agent has been the consequence of the law. The chief evils of the system—the concentration of the business in great centers and the innumerable delays and frauds and failures, of which the applicant has reason to complain, and which constitute the most terrible and pathetic chapter in real life of which I have any knowledge—are in my deliberate judgment principally chargeable upon two things: The denial of the right to employ counsel by the denial of the right to pay for skillful service, and the failure to provide a proper tribunal to try the facts where the party lives in as

close analogy as possible to the provisions of the common law in all those cases where, after a fair inquiry at its own expense, the Government sees fit to litigate the case as one of substantial doubt. In both these directions great and radical changes should be made in our system of pension administration.

The Government, as the result of much effort and as a partial concession to urgent demands for legislation which should place upon the nation the burden of ascertaining its debt at its own expense, has instituted the order of special agents, who accomplish great good in pending and long delayed cases by investigations on the spot where the evidence and the party are to be found; but the system is very imperfect and inadequate, and there is as yet no provision made by which a poor and honest claimant can obtain an informal investigation into the validity of his claim, such as would in most cases be sufficient at once for its decision, without compelling him to resort to the elaborate chancery of the system now in force.

Under a proper system of informal preliminary investigation by a competent person, instituted upon application made by the soldier or his dependent relative, or, better still, in advance of any application by the Government itself, I believe that a great majority of the worthy cases throughout the country could be disposed of within a year. Such facilities exist for obtaining reliable information by inquiry of reputable citizens of the vicinity, of the Grand Army, and in all such ways as enable business men to obtain the evidence upon which they act in their important affairs, that the Government would be in no serious danger of imposition or mistake; and even if there should be an occasional wrong it is better that the whole people should lose a little until discovery furnishes a remedy by suspension, rather than this national crime of non-payment of just pension claims should be prolonged until they are settled by death.

In our form of government it is sometimes difficult properly to apportion the burdens of taxation among the people who are at the same time citizens of the nation and of the States, but there can be no doubt of the general proposition that the expenses and disabilities resulting from a war for the preservation of the nation should be borne by the nation. This principle has been fully recognized by the Government hitherto in the payment of wages, pensions, bounties, and the like, and the assumption of many of the expenses of the States in the raising, equipment, and transportation of troops to and from the seat of war. The nation has gone still further by the appropriation of the public money in special recognition of glorious actions on land and sea, and for all services even for very brief periods of time in great emergencies of national life. Millions are even now yearly paid to the surviving soldiers and their widows of the war of 1812, which ended seventy years ago, and this regardless of any disability contracted in the service and of any necessity of pecuniary assistance to the recipient.

Whatever rewards distinguished and dangerous public service tends to promote patriotism and just pride in the preservation and greatness of the country. It is wise to teach the coming generations that this Republic is not ungrateful and that our glorious institutions are worth struggling and dying for. Ancient as well as modern nations have found it both necessary and noble to build monuments and expend the public treasure in the commemoration of valor and virtue that the memory and manifestation thereof might not fail from the earth.

But it is evident, on the other hand, that every man owes something himself to the institutions and laws which he finds already provided for him at his entrance upon life, and upon the preservation of which he is dependent, the soldier as well as others, for all that separates him from destruction or the savage state. Therefore it is that the nation as a whole must not be held as matter of right to pay for mere glory, for service pensions or monuments, any further than it may deem to be consistent with the condition of the public revenues and the ability of the people to endure taxation for other necessities of the public service.

A service-pension bill, when providing only for the survivors of war, regardless of disability or necessity, has been opposed by men who, like myself, believe that the nation can not afford to pay money where there is no want of money and no disability contracted in the service; but we have always sought to amend it so as to give pensions to all, and only to those who really required help in order to relieve them from the hardships of labor, and to give them in honor the comforts of life. For a Mexican pension bill like this I have always striven, and no man can, I think, after due consideration, say that the laboring masses of this country, who bear chiefly its public burdens, can be justly called upon to pay pensions to those who are not in need and would only add them to an already overflowing bank account.

Besides the principle, if admitted at all, must of necessity be applied at once, or very soon, to the men of wealth and fortune who served in the war for the Union, and to those connected with them. Under such a law, I believe that at least a million of names would sooner or later, most of them at once, become entitled to be placed upon the pension-roll. Such a law would increase the public burdens not less than \$100,000,000 a year, and would be liable to break down greatly the whole system of pensions, those for disabilities with the rest. In my judgment no wise friend of the soldiers and of their dependent relatives can labor to promote the passage of such a law.

In addition to pensions for disabilities contracted in the service, pay

to every soldier, who, after any considerable period of actual service or liability to service, was honorably discharged, or deserved to have been honorably discharged, and to his dependent parent, widow, and child, whether he was disabled in the service or not, an honorable pension according to disability and need, not the result of his own folly or wrong, and to none else. Less than this justice will not withhold; more than this she can not give. Public duty and national honor demand only this; nothing less nor more. Of the ability of the nation to pay what by this rule justice requires there is no dispute, nor of the further fact that national taxation falling so largely upon luxuries is much more easily borne than that imposed by the States or voluntary contributions from sources which now supply the wants of soldiers and their dependent friends.

The question whether assistance shall be given in the form of pensions to those soldiers and their dependent relations who are in need of relief is only the question who shall bear the pecuniary burden. Shall the soldier suffer for the want of relief? Can his friends and relatives, generally as poor as himself, provide for it? Shall the uncertain charity of the community be depended upon to supply this constant and ever-increasing demand? Will you turn over the soldier to the tender care of the pauper systems of the States? Shall the Grand Army, composed so largely of the very men who by reason of advancing age and decreasing productive powers require the aid, continue to tax themselves to support each other? The Grand Army can not much longer march under its increasing load. I believe that as many soldiers with their dependent relatives are to-day receiving aid from these various sources or suffering for the want of the common comforts of life as are now assisted by pensions from the nation.

The burden exists; the want is a great fact, and is manifested in the form of deprivation and suffering, or it is met by the sacrifice and charity of individuals and communities—by the pauper system of the State or by the Grand Army of the Republic which has so largely hitherto performed the great work, and which, in the nature of things, it becomes, with every passing year, less and less able to carry on.

The question proposed to the country by this bill, in behalf of the soldiers of the war for the Union, is this: Shall the nation, which, as a nation, received the benefit of their services and sacrifice, and which by reason thereof, with all her unbounded resources, exists to-day—shall the nation, as a nation, perform this great duty which is not now performed, and which must be performed by somebody in some way, or untold suffering is to follow, because it is left undone—shall this rich nation take care of the preservers of its own life? That is the question. It must be answered. Inaction is the worst answer, for it paralyzes all other sources of help. It grows more pressing every day.

Once the American Senate has answered "yes."

What shall be its reply to-day?

I wish, Mr. President, to add one or two things more. I have here quite a list of letters, which I selected from a great mass, and which, if there is no objection, I will ask leave to have printed in the RECORD that Senators may examine them. They are not numerous. They are rather specimens of a mass of others received, and they tell the story, the need from the standpoint of the soldier himself. I think, as evidence coming here from the people themselves whose rights and interests are concerned in this bill; the Senate will find it worth while to examine them as they will find them in the RECORD:

PEEKSKILL, N. Y., April 27, 1886.

SIR: I trust you will pardon the liberty I take in asking if the bill presented in Congress this session, granting pensions to the dependent parents of the soldiers of the rebellion, has been passed?

I am a dependent mother—widowed and dependent. My only son, on whom I depended for help and support in my declining years, was on the President's first call, April, 1861, and went with the Hawkins Zouaves; first lieutenant, Company A, Ninth Regiment; promoted after to be captain Company G, Ninth Regiment New York Volunteers; was wounded at battle of Antietam; served his time, and was honorably discharged, and returned with health broken down; died 1868.

I am now nearly sixty-nine years of age, and unable longer to work for my own maintenance, and am therefore entirely dependent.

Will you please let me know if there is a law granting me a pension, and oblige,

Yours, respectfully,

MRS. S. WILLITS.

Senator BLAIR, Senate, at Washington, D. C.

LAWRENCE, KANS., January 5, 1886.

DEAR SIR: Would like to call your attention to the fact that there are thousands of soldiers of the late war who have become disabled since their discharge by diseases contracted through exposure while in the service who have no proof of such disabilities being contracted in service. All have alike placed their life and health in jeopardy, and it seems to me that this Government is under as many obligations to provide for the necessities of life for him who has become disabled since the expiration of his term of service as though such disability had been received while in actual service.

I would, therefore, respectfully ask of you to give this a careful thought, and if, in your opinion, it is an act of justice that you introduce a bill to pension all disabled soldiers no matter when such disabilities were received, pension to date from date of such disabilities, and that you endeavor that it become a law at the earliest convenience.

Respectfully, your obedient servant,

A. EBERHARD.

Hon. J. J. INGALLS.

RINSE BANK, CONN., April 17, 1886.

SIR: Why do they not pass a pension bill so that all soldiers can get some-

thing? You take nine out of ten that get a pension, they are able to work, and there is thousands that can't work or have not been able to work since the war that can not get a pension no way they can fix it. I know of several men that are entirely disabled, and have been ever since the war, and because they are poor they keep them out of it. One fellow in particular, and he served all through the war and he has spent quite a lot of money to go and be examined and everything. No favorable, and he waited three years and heard nothing from it until some friend took hold of it and they found the papers had never been sent on to Washington. I served three years and ten months. If they would pass a law so that each soldier could get a little it would be the right way to do business. Give them \$5 from the close of the war, if nothing more. I would be satisfied with 75 cents this morning; that would feed me for one day. Please answer this in some way, if you do not send more than a blank piece of paper.

Yours, with respect,

WM. W. WILBER,
Stamford, Conn.

Mr. BLAIR.

SWINTON, OHIO, March 26, 1886.

DEAR SIR: Please have the pension bill that you reported passed as soon as possible. Please call it in morning hour of the Senate Monday morning next, without fail. This is the kind of a bill that ought to have been passed a long time ago. It is a shame and disgrace that twenty-three years after the war has closed thousands of soldiers have to go to the poor-house just because they can not comply with the red tape of the Pension Office requirements under the existing laws. Do not fail to press this bill at once, and please make this move on Monday morning without fail, as this is the most important bill before the Senate, I think, and should be passed at once, as no time is to be wasted if you want this bill to become a law.

Very respectfully, a friend of the soldiers,

JAMES M. CURTIS.

Hon. Senator BLAIR.

ELROY, WIS., March 26, 1886.

DEAR SENATOR: Your endeavor to recognize the services of men who during the civil war were there and who afterward through accident became crippled is indeed a meritorious one.

I have been a cripple since three years after the war, and am hobbling through the world with all the disadvantages that would have obtained had I met with the loss (a leg) during my three years of service.

I only see one thing in the bill that I feel is wrong. I think pension should date from disability instead of application because other pensions do, and if this act is just now it would have been just at the end of the war.

There is but a handful of us that the act will benefit, and no one could object to dating from disability because of cost to Government.

Your obedient servant,

T. P. WENTWORTH,

Lt. Company H, Twenty-first Wisconsin Volunteers.

Hon. H. W. BLAIR.

I served about four years in the late war, and although my clothing was cut and skin burned many times by the rebel bullets, yet I received no wound that would entitle me to a pension; and I had also served one and a half years in the Mexican war with like results; and when discharged from the late war my health was completely broken down. I am now sixty years of age and not able to work at anything. For the last fifteen years I have held the post-office at this place, to which I emigrated soon after the war. The office, together with a few goods to sell, has made me a living; but now in my old age to come under the Democratic ban of offensive partisanship and have to step out, and not able to work, I very naturally look to you, &c.

J. M. WADDELL,
Ex-Postmaster, Deerfield, Mo.

EXPOSITION BOULEVARD, NEW ORLEANS, LA., April 22, 1886.

MY DEAR SIR: I have been watching with interest your efforts in behalf of invalid soldiers. I belong to that class who made "no hospital record." Although sometimes sick and racked with pain I was too stubborn to report on sick-list or to be taken to the hospital. I have suffered from rheumatism since 1863. Served in the Fourteenth and One hundredth Ohio Infantry from April, 1861, to July, 1865. Have been practically helpless since 1876, and unable to walk a step in thirty months; legs and arms are bent badly; hands and feet crippled. Applied for pension No. 506631. Now stand rejected.

I have no means of support, and rather die than have to ask for private aid, when my Government should care for all such as I. Have written to Senators Collum and Conger, also several members of the House.

Curtis & Burdett, Washington, D. C., are my attorneys. Thanking you kindly for your aid, I am, dear sir, fraternally yours,

JOHN EASTWOOD.

Hon. HENRY W. BLAIR,
Washington, D. C.

Senator BLAIR:

DEAR SIR: In the pension bills before Congress is there any provision for the aged and widowed mothers of soldiers and sailors of the late war who left orphan children?

I have no doubt there were many parents left entirely destitute by the death of their son, because there was a widow or children to come before them.

I think such were entitled to some consideration. There was no help for such but the almshouse or the charity of friends that took compassion on their condition. I know of one case where the only son and only support of his aged and widowed mother was killed. She was left entirely destitute at seventy years of age. There has been nothing provided for her because there were two orphan children to draw the pension allowed by the Government, which expired in 1869. That aged mother has been cared for and supported by an unmarried daughter, who has had to labor for a support for both her mother and herself. The mother is now over ninety years of age; her daughter far advanced in life and in broken health. I do not believe this a singular case; there are many such, and I think our Government that has been so liberal to those who lost by the war should not forget such cases as I have stated. If the laws do not provide for such mothers, could a pension be allowed by special application to Congress? If it can, please reply, and direct what course to pursue.

Very respectfully,

MISS FRASER.

MARION, WAYNE COUNTY, NEW YORK, April 22, 1886.

PORTLAND, OREG., February 2, 1886.

SIR: Soldiers of our late civil war, who served three years and were then honorably discharged, and veteran volunteers who were honorably discharged at the close of the war, now have great difficulty in obtaining a pension, though according to law entitled to one, especially if their regimental surgeons are dead, and many of them now are. These soldiers have not the advantage of their

disabilities being recorded on the rolls and returns of their respective companies, as those that were discharged for disability.

Congress should grant them some relief, even if all who served three years or more in the Army and Navy during the civil war should receive a pension. Are they not as deserving as any whom it is now proposed that Congress should help?

Veteran volunteers who were promoted from the ranks lost all of their bounty not then due, and if one of them now receives a pension for a wound received prior to his promotion, it is as an enlisted man; thus, where a part of his bounty could be withheld he was an officer, and when his pension can be diminished he is an enlisted man. Is that right?

Respectfully,

WILLIAM S. MCCREADY,
Veteran Eleventh Wisconsin Infantry.

Hon. HENRY W. BLAIR,
Washington, D. C., United States Senate.

SWANZEY, N. H., April 16, A. D. 1886.

DEAR SIR: Five years have now elapsed since I applied for a pension for disabilities contracted while in the war of 1860-'65. I have proven all that I have been requested to. I enlisted by the name of William Baxter, my right name is David S. Aldrich. I have not seen a member of my regiment or company since our discharge on July 11, 1865, but have procured evidence of two of my comrades, enlisted men, and also the first sergeant of said company.

P. S.—My proof what I have furnished has been strong indeed. I have requested the Commissioner to favor me with a reply in regard to a letter I sent some four weeks ago for more evidence, if required to furnish more, in order to facilitate an early settlement, for I am poor and not able to do a day's work.

P. S.—DEAR SIR: My last evidence sent to the Pension Office and called for in regard to identity from the first sergeant of my company.

P. S.—I can not find a commissioned officer or addresses of them. I have been advised by friends [to] apply to you, dear sir, as being a soldier's friend, and would assist them. I am sorely in need of the pension of which I am justly entitled. And now, dear sir, I should esteem it with feelings of everlasting gratitude and kindness to favor me in this.

Yours, very truly,

DAVID S. ALDBICH, alias WILLIAM BAXTER,
Swanze, N. H., P. O. box 78.

To the honorable Senator H. W. BLAIR,
Washington, D. C.

[Extract from a newspaper.]

And now yet another pension bill has been reported favorably by the House Committee on Invalid Pensions, namely, to increase the pensions of all those who lost a limb below the elbow or knee to \$30 per month; above the elbow or knee, \$36; and at the shoulder or hip joints, \$45 per month.

First came the "widdies," bless their hearts, for an increase from \$8 to \$12, and now come the armless and legless legion for their increase.

And just here a thought strikes me. Is a soldier who perhaps has lost an arm or a leg really much worse in regard to helplessness than one who lost his former robust health while wearing the blue and has been lingering in suffering and misery for the past twenty years with perhaps the chronic diarrhea, dysentery, piles, the various forms of rheumatism, &c.?

To the man minus an arm or leg many avenues of employment are open, provided his general health is good, and many a one now receiving a good round pension has besides been earning large salaries as book-keeper, clerk, salesman, &c.

But who wants the utterly broken-down old soldier, who, with tottering steps and trembling tongue, asks for employment? Who wants him? No one.

There are hundreds—yes, thousands—to-day leading a cheerless and rayless life by reason of suffering through one of the many diseases contracted while in the service, who are mere wrecks of their former selves, and who are drawing but from \$1 to \$6 per month.

These men are not able to do a good day's work on account of their disabilities, and I have thought it would surely be in order not to overlook them, and if this increasing business still continues, why give them the benefit of it too.

The widows of the men who "fought, bled, and died" for our common country are a deserving class, but give the living husbands of some of the future widows "a show for their white alley."

If the soldier who now receives but \$2, \$4, or \$6 per month dies from the effect of his disabilities, his widow will draw \$12 per month. Consequently, why not now give the same to the old soldier while he is yet alive and kicking? He who did the fighting is surely entitled to as much from the Government while living as his widow would be entitled to at his death.

There is too much discrimination made in this granting of pensions. There is no equalization in the manner it is granted. While one man receives enough to keep him in comfort and above want, another, whose disability perhaps is much greater, gets barely enough to pay for a little medicine now and then.

I hope some of our Congressmen who are championing the soldiers' cause will think of this, and act upon it, and endeavor to procure for all soldiers entitled to it a more uniform pension.

Yours,

E. G. B.

Mr. BROWN. Before the Senator proceeds further—

Mr. BLAIR. I am nearly done.

Mr. BROWN. The Senator will excuse me for asking him one more question. The Senator is remarkably well informed on the whole matter of pensions, I see. Has he data at hand which will enable him to state to the Senate how the pensions we already pay to the soldiers of the late war and the pensions proposed by the bill now in charge of the Senator compare with the pensions paid by the leading powers of Europe, say, for instance, Great Britain, France, Germany, and Russia?

Mr. BLAIR. I am not able to state the pensions which they pay. Great Britain provides a home for every soldier of her army. He is never permitted to want. As to the amount of money that may be given, I do not know. I have not data on that point; but in ancient and in modern times all great nations have cared for the soldiers upon whom their defense depended.

Mr. BROWN. I desire to state that I am willing to vote as liberally and to go as far in pensioning our soldiers as any other enlightened power on earth goes, and—

Mr. BLAIR. I trust the Senator would be even disposed to do more, because we value our institutions more highly than those of any foreign power.

Mr. BROWN. The Senator took the words out of my mouth. I was going to add that I was willing to go further than any other power

had gone, but I think there ought to be some limit, that the burden on the tax-payer should be considered, and I want to get at the fact whether the limit should be here or where it should be.

Mr. BLAIR. This bill proposes no new idea. It stops this side of the Mexican pension bill, of which the Senator is a very earnest advocate.

Mr. BROWN. I am.

Mr. BLAIR. So am I. The Mexican pension bill enacted into law, as it is presented and agreed upon Congress after Congress, would have placed on the roll several millionaires, several men who were members of Congress, men who were in no more need of a pension than the railroad magnates of the country. In 1818, as long ago as that, our fathers, in their poverty-stricken and crippled condition, soon after the war of 1812, before prosperity had revived, and when they were hardly able to support their own families, enacted a law which gave a service pension to every officer and soldier of the Revolutionary war who was in need of help from his country.

Mr. HOAR. Thirty-five years after the war ended, was it not?

Mr. BLAIR. Thirty-four years—perhaps thirty-five; from 1783 to 1818 is a calculation easily made. In 1832, only fourteen years later, they gave a service pension like that proposed in the Mexican bill to all officers and soldiers of the Revolutionary war, irrespective of necessity, and their widows as well. That was a step beyond the provision of this bill, and this bill, the Senator will observe, stops a long way this side of the Mexican pension bill. It only undertakes to provide for those who must be provided for by somebody. It adds nothing to the public burden or to the burden of maintaining the soldier. Either his relatives or his friends, the local community, the pauper system of the State, or the great organization known as the Grand Army, which undertakes to care for every soldier having an honorable discharge who belongs to its membership—and others also as well—some of these agencies or private charity must afford this relief. This bill only steps in to furnish relief to him who is disabled to some extent to earn by manual labor his daily bread; it only proposes to give to him when he is dependent on that labor enough to make up the deficiency occasioned by his disability; that is all.

Here is no increase of expenditure. Just as much money comes out of the American people as a whole in one case as in the other, and the theory of the bill is that this man having rendered service, according to the way which I have endeavored to describe in the earlier part of what I had to say, shall be helped by the nation to which he has rendered this great service rather than fall back upon the unreliable resources which I have named.

Mr. BROWN. I call attention to the fact that the case as between the Mexican soldiers and the soldiers of the war for the Union is not exactly similar.

Mr. BLAIR. Certainly not.

Mr. BROWN. The Mexican war had terminated twelve or fourteen years before the late war commenced, and the Mexican war soldiers, therefore, as a class, are a great deal older; and a great deal larger proportion of them are dead than of the Union soldiers.

Mr. BLAIR. Certainly.

Mr. BROWN. If it was as long a time since 1865 as since the Mexican war terminated there might be good reason for saying we ought to pension everybody who served in the Union Army.

Mr. BLAIR. That is not what this bill undertakes to say, and the Mexican pension bill does undertake to say just that, that everybody who served at all, irrespective of necessity, shall receive a pension. This bill only undertakes to discharge a burden from the national coffers that must be borne by somebody, and although the period of time is not quite as great as that which elapsed between the Revolutionary war and the legislation of 1818, nevertheless, when we take into consideration the relative ability of the nation in 1818 to make that contribution and the ability of the nation to-day, with overflowing coffers, to take care of these men, I think the Senate will admit that we are rather tardy in recognizing the obligation as compared with the action of our forefathers. I have no doubt the time will come—and I alluded to the danger that there may be pressure which will be difficult to resist, and it may come very soon—to place all the soldiers of the war for the Union on the same footing as it is proposed to place these of the Mexican war; that is, to give a service pension which will carry at least a million names onto the pension-list, whereas this bill proposes to place there only one-quarter of that number.

I think it is a conservative bill. I think it is a bill which might be favorably considered by our friends on the other side of the Chamber who will not at this late day claim that they received any less benefit from the efforts of the soldiers in the war for the Union than did we of the North. I think they will admit that the unity and integrity of the country which these men preserved to us all has been to them as great a benefit as it has been to that section of the country where these men mainly live and whose army they constituted. I think this obligation is one that all Senators from all sections of the Union will be likely, upon reflection, to recognize, and I trust they will consider the bill as a conservative bill, for I assure Senators that it is not a difficult thing to surmise that in the kaleidoscopic condition of our politics the time is not remote when every department of this Government will

be again in the control of the men who were dominant from 1861 to 1885. Should that be the case and taxation continue, as it must be imposed upon all parts of the country alike, they may find in the South as in the North that there is an increase of expenditure growing out of the fact that there is a general service-pension law providing for the expenditure of five or six hundred millions to commence with, and a permanent increase of one hundred and fifty or two hundred millions to the pension-roll with which the financiers of the country will be obliged to grapple from year to year.

But when you enact a law of this kind, to this demand you can say "we have by our legislation provided for every soldier who needs anything," and what has the soldier to say? Shall we tax the common people of the country, as poor many of them as the soldiers themselves, to give money to those who do not need it, whether they who bear such taxation were soldiers or not? That is the reply which might well be made. Many of them will be benefited under the Mexican bill to which I propose to make no more factious opposition; indeed I have never made factious opposition, but opposition based upon sound principles, of opposition to payment by taxation to any man not disabled in the service and who needs no help, but it has been pressed so much and so long that I am willing it shall go through as soon as it can be reached, according to the original terms, and then you have a service pension for Mexican-war soldiers. It is not worth fighting about any longer. Let them have it, though I think it is an abandonment of a great principle, and I am not yet willing to see that principle applied even to the soldiers who preserved the country in its integrity at present, because I do not believe that the national finances as yet could bear the strain.

I am willing to see the nation, as soon as it properly can, and immediately if it is able, undertake the payment of the arrears of pension, because that is a debt absolutely due, and by delaying it the country has benefited already very largely. But, as I said before, I do not believe that we can safely incur the danger of a service-pension law which would add a million names to the pension-list, not now at least, but the time will come after many of these men have passed away, when the gratitude of the country will do as it proposes now to do with the soldiers of the Mexican war, as it has already done with the soldiers of the war of 1812 and their widows, and as it did with our forefathers who took part in the grand Revolutionary struggle—give these men and their widows and dependent relatives, if there be any surviving, a service pension, but the time ought not to be yet, and this bill providing for an immediate necessity is in the interest of deferring that period to a more convenient season when the nation can better discharge the obligation.

In regard to the special acts in reference to which the Senate and Congress has been very greatly criticised, roughly, improperly, ignorantly, I wish to say one word. This bill, if it goes into operation, will take from the room of your Committee on Pensions and of the other House at least three-fourths of the cases that now absorb their attention. The controversies over those cases which come to our committee, very many of them originate in the Pension Office on account of failure of proof. They come to us because we are supposed to have a legislative equitable jurisdiction; and if the applicant produces on the whole the belief that his claim is just, although he may not be able to marshal the testimony which is required under the rules of law, we are expected to allow the claim, and we do it. But I assure any one who imagines to the contrary that every case is designed to be very thoroughly, carefully, patiently, impartially, and justly adjudicated, giving, as every humane man ought, to the soldier the benefit of the doubt where there is no evidence of fraud.

And considering the great mass of business that is pressed in upon us, I think those cases which come from your committee, and so far as I can judge from the statements of facts and general situation the environment of cases that come from the other House, they are as carefully adjudicated and decided as the ordinary verdicts of juries in our courts of law. And when after a careful inspection of a thousand of these cases it may be found that here and there is a mistake of an initial letter or a misspelling of a given name, or some other trivial accident may be discovered, I do not believe that is any general impeachment of the care and the justice with which these claims are decided. However that may be, a general law of this kind will remove the difficulty very largely.

I ought perhaps to apologize to the Senate for occupying so much more time than I had myself designed to, but this bill is an exceedingly important one. It is important not only with reference to the interests of those who are concerned in its provisions, but to the nation, and it is not wholly a matter of indifference with reference to the probable lessening of the future expenditures of the nation in this same direction. I say, as I have said several times before, it is a conservative bill, it is a bill which it would be well for Congress to enact. If they would save money let them do justice to the extent that the provisions of this bill require; better do it early, far better do it now.

MR. BERRY. Mr. President, the bill now before the Senate proposes to place upon the pension-rolls the names of all soldiers who served in the Union Army during the late war for the period of six months or longer, and who have from any cause become or may hereafter become

disabled, and who are dependent upon their own labor for support. There is no report from the committee accompanying the bill. There is no estimate, so far as I am advised, of the number of soldiers now living and not drawing a pension from the Government. There is no estimate of the number that this bill, if it becomes a law, will add to the list.

There is no estimate of the additional cost per annum for which it will be necessary to provide. We are asked by the committee to vote with our eyes closed as it were for a bill that confessedly involves a vast outlay of money; but whether the sum required will be twenty-five or fifty millions of dollars annually, we do not know. Whether or not our present receipts will be sufficient to pay the ordinary expenses of the Government, the interest on the public debt, and meet the additional cost of this bill, or whether it will be necessary to levy additional taxes, we are not informed.

It is true that the Senator from New Hampshire has given us an estimate that in his judgment it will not cost exceeding \$25,000,000 per annum, but he admits himself that that estimate is vague, indefinite, and not satisfactory to his own mind. He admits also that that does not include pensions for the widows and minor children of soldiers who have died from causes other than wounds or disease that they contracted during the war.

But, judging from the number who are drawing pensions on account of being disabled during the war, and by the time that has elapsed since the war closed, and considering the exposure to which they were subjected, I think it safe to say that within two years from the passage of this bill fully 95 per cent. of the surviving soldiers of the war will be able to prove that they are disabled and dependent upon their own labor for support, and will be claiming a pension from the Government. I heard this morning one prominent Republican member of this body estimate that within one year 99 per cent. would be able to make this proof if this bill became a law.

From a petition to Congress by the Citizens and Soldiers' League I copy the following paragraph, which shows that the petitioners think all are disabled. The petition says:

And that as it is a self-evident truth that all the Union soldiers are more or less disabled, either in the service or in consequence thereof, never recovering the full vigor which they once possessed, but will carry the effects of exposure and privation and malaria to their graves, we respectfully petition your honorable body to grant a pension of \$8 a month to all honorably discharged United States soldiers and sailors of all wars who are not drawing a pension, commencing on the national anniversary, July 4, 1883.

It will be seen from this that they claim, and no doubt can prove, that all are more or less disabled. If it is the object and purpose of the committee to pension all, I submit that the better way would be to say so directly and specifically, and not make it necessary to incur the expense of a medical examination and subject the soldier to the inconvenience and expense of procuring witnesses to prove his disability when the result will be the same in either case. The question, then, which this bill presents for our consideration is, Are we prepared at this time to say that it is the duty of the Government to undertake the support of the surviving soldiers of the war? Is their claim for such consideration of a nature and character that it imposes upon the Government an obligation to assume its payment without regard to and without considering the means at our command to discharge it?

If this bill becomes a law I have no doubt, and I think the Senator from New Hampshire has no doubt, that it will speedily be followed by another bill giving to the widows and minor children of all deceased soldiers a pension, whether the disease from which they died was contracted in the service or otherwise; and I confess that I can see no argument in favor of this bill that will not apply with equal force to that; and if both are passed it is admitted that instead of lowering the taxes and reducing the amount of revenue collected by the Government, it will be necessary for the Ways and Means Committee of the House to determine what articles will bear an additional tax, or to provide for a loan and the issuance of new bonds.

MR. PRESIDENT, no one denies that the soldiers who gallantly defended the flag in the hour of danger are entitled to the gratitude of the Government. No one, and least of all those who were arrayed against them in the late contest, would wish to deprive them of a single honor won by their valor, or in any way underrate their services to the country or seek to lessen the obligation that the people have always felt was due them. It may be admitted that the citizen who voluntarily enlisted in the Army, who endured the hardships and suffered the privations incident to a soldier's life, who fearlessly exposed his life upon the battlefield, and who quietly and peacefully returned to civil pursuits at the close of the war should be honored above his fellow-citizens; but it does not follow from this that every other obligation should be disregarded, and that we, out of gratitude to the soldier, should be unmindful of the rights and unjust to the claims of the vast number of people of this Republic who were not soldiers.

I submit that the condition of the country at this time is not so prosperous, that the taxes levied are not so low, that the demand for labor or the compensation paid therefor is not so great as to justify us in imposing upon the people in addition to the obligations now resting upon them the additional duty of supporting all soldiers who can bring witnesses to prove that they are disabled and dependent upon their own labor for support. For the soldiers of America I entertain the greatest

respect, their love for their country, their devotion to duty, their readiness to obey orders, to make sacrifices, to submit to privations, their cheerfulness and hopefulness in defeat, and their moderation in the hour of victory, are all worthy of the highest commendation; and it seems somewhat strange that men of their character and self-sacrificing disposition should demand of Congress the passage of a bill that involves an expenditure so great that the committee has declined to estimate the amount.

I do not like to believe that men so brave as those who composed the Union Army would wish to be dependent upon their fellow-citizens; that they would be willing to be relieved from daily labor and daily toil if thereby additional labor and greater toil should be imposed upon laboring men, upon their friends and neighbors, many thousands of whom find it already difficult to meet legitimate demands, and who are often sorely pressed to find support for themselves and the wife and children who look to them for bread. There is at this time a spirit of unrest and dissatisfaction abroad in the land that has no parallel in the past—a feeling in the minds of many that the times are out of joint, that the gap between capital and labor is rapidly widening; a belief that evil times are upon us; a fear that there are dangers and difficulties in the future that will require all the wisdom and patriotism of the American people to successfully meet. And this feeling can not be laid to rest, this belief can not be removed, and this fear can not be dissipated by a reckless and extravagant expenditure of the public moneys. Some other means must be adopted, some other plan devised to allay discontent, to adjust existing difficulties, and to restore confidence. That which would, as I firmly believe, go far toward securing peace and order in the future, that which would bring hope and confidence to the American people, that which would tend to protect and preserve our free institutions, would be an earnest effort upon our part to check extravagance in any department of the Government, and return as far as may be to that economy and simplicity in the conduct of public affairs which was the chief strength and beauty of our system in the earlier days of the Republic.

The nation has already shown gratitude and generosity to the soldier in a degree not equaled by any other nation. The amount paid for pensions to the 30th day of June, 1885, is reported to be the sum of \$765,092,640.18. It is estimated that under the present laws we will have paid by June, 1887, \$900,849,840.18. It is also estimated that the applications pending for pensions which will be allowed, the increase in the widows' pensions, and the private bills passed at the present session will swell the amount paid annually to \$100,000,000.

Steadily and continuously, Congress by Congress and year by year, the amount has been increased. Democrats and Republicans, either from a sentiment of gratitude for services rendered the country by the soldier or from the less worthy motive of obtaining the soldier vote and the soldier influence, have disputed with each other who should be first to increase the number of soldiers drawing a pension from the Government, and first to increase the amount paid to each; and while this feeling has prevailed and legislation has been secured without difficulty for the soldiers of the late war, the claims of the soldiers of the Mexican war, those who so gallantly and successfully bore our flag forty years ago in a foreign land, have been ignored, neglected, or denied.

It seems to me, and I think a large portion of the American people are of the same opinion, that the time has come to call a halt. It seems to me that our duty to the great mass of toiling people requires us to put on the brakes; that we should not assume obligations which will force us to increase taxes or borrow money. If the Democratic party, which won the Presidency by so narrow a majority in 1884, hopes to retain power in this Government it will not be secured by increasing expenditures during the present administration.

When we go before the people we can not appeal to them to give us their support because we have expended many thousands of dollars in building monuments to departed statesmen, however great their fame or patriotic the services they have rendered the country. Nor can we gain their confidence by showing that we have appropriated many thousands more in subsidizing American ships, building ship-railways, or cutting canals. Neither do I believe that we can base a claim for support upon the fact that we have passed three hundred pension bills in one day and have by the passage of this bill added twenty-five or fifty millions to the amount already paid for pensions.

I am afraid also that the people will be unable to fully appreciate the great benefit that has accrued to the country by sending a civil service commission from State to State to propound a number of questions to those who are ambitious of serving their country as clerks in the various Departments, many of these questions having no reference to or connection with the duties that the clerk is expected to perform. Nor is it at all probable that we can arouse the Democratic voters to any very high degree of enthusiasm by showing that a large proportion of the Federal offices are still in the possession of their Republican opponents.

But if we can truthfully state to them that we have made good our promises of 1884, that we have discharged all superfluous and supernumerary officers, that we have reduced all excessive and extravagant salaries, that we have been brave enough to disregard the charge of demagogue that is brought against any man who dares to raise his voice

against extravagance in the expenditure of public moneys, and that we have given the people better government, at less cost to the country, than our Republican predecessors, I have no doubt that they will rally to our support and secure to us a long lease of power. Mr. President, the grave and serious objections to the passage of this bill at this time can not be answered by appealing to our sympathies; they can not be answered by picturing the veteran soldier, who rallied to the flag and saved the nation in her hour of danger, as utterly helpless and destitute, appealing in vain to his countrymen to save him from starvation or the poor-house. This bill means something more than providing for the helpless and destitute.

The words "disabled and dependent" are words of indefinite and expansive meaning when applied to proving or granting a pension claim. I think the Senator from New Hampshire will hardly deny that this bill practically opens the door to all surviving Union soldiers, and that it will be followed by one to pension the widows and minor children of all soldiers, whether the soldier died from disease contracted in the service or from any other cause. Nor do I believe that any large number of those soldiers are utterly helpless and destitute, as has been said. Men who were able to overcome the South and bring the war to a successful close were, as a rule, men of such energy and determination that they are able to take care of themselves, without calling upon the Government for aid. I judge them by my knowledge of their opponents in the contest.

The confederate soldiers of my State returned from the war in 1865 to find grass-grown and uncultivated fields, broken and ruined fences and lone chimneys marking the places that had once been peaceful and happy homes, and although the soldiers were without money and without credit, without stock and without farming implements, without aid from the Government or elsewhere, they bravely went to work to build up the waste places and if possible to regain their lost fortunes, and while I have often seen the soldier with but one arm and the soldier whose lost leg was supplied with one made of rough-hewn wood following the plow from day to day, I have never known a confederate soldier in Arkansas to beg for bread or become dependent upon the public. I know full well, Mr. President, that by many it is regarded as little less than treason for one who was engaged in the rebellion to vote or speak against granting any character of pensions that may be asked for Union soldiers, but if we as representatives of the States or the people either from fear of being assailed, denounced, and abused for our participation in the war, or from fear of arousing prejudices that may injure our political friends in certain States, refuse to oppose measures that we believe will be hurtful to the nation, or refuse to support measures that we believe will promote its prosperity, then we are not free and independent representatives, and are unworthy the confidence and support of the people of the free commonwealth whose commission we bear.

Acting upon this belief I oppose this bill not because of any hostility to the Union soldier, not because those with whom I fought and who suffered all that the Union soldier suffered with the bitterness of defeat in addition can not share in its benefits, not because I am not as loyal to the United States Government to-day, as proud of its past history and as anxious for its future glory and prosperity as the soldiers who followed Grant at Cold Harbor and into the trenches at Petersburg, but I oppose it because I believe the condition of the soldier does not demand it, that the condition of the country is such that its passage is unwise and that it would tend to increase the discontent already prevalent and which all patriotic and law-abiding citizens hope will soon pass away; because I believe that to make so large a body of men dependent upon the Government, instead of depending upon their own labor, their own skill, and their own energies, is demoralizing in its tendencies, discouraging to other citizens less fortunate, dangerous to the stability of the Republic, and contrary to the spirit and genius of a free government.

Mr. VAN WYCK. I desire to indicate two or three amendments which I have already proposed to the bill.

The PRESIDENT *pro tempore*. The amendments proposed have not been definitely offered, though notice has been given. The Senator's amendments will be read. Where are they to come in?

Mr. VAN WYCK. In section 1, at the end of line 10, I move to add the words "to the extent of incapacity to perform labor," leaving out the word "manual," which is in the printed amendment.

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

The SECRETARY. In section 1, at the end of line 10, it is proposed to add:

To the extent of incapacity to perform labor.

Mr. BLAIR. I should like to understand that. Does the Senator propose an amendment to his amendment or to the bill now?

M. VAN WYCK. To the bill.

Mr. BLAIR. I should like to know what it is.

The PRESIDENT *pro tempore*. The amendment will be again read. The SECRETARY. At the end of line 10, section 1, it is proposed to add:

To the extent of incapacity to perform labor.

So as to read:

That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who

served in the military or naval service, as mentioned in said section, for the period of six months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, to the extent of incapacity to perform labor, and shall also be dependent upon his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor.

Mr. VAN WYCK. I will now propose an amendment to the amendment, to insert "to earn his support by labor;" so as to read:

To the extent of incapacity to earn his support by labor.

The PRESIDENT *pro tempore*. The Senator can modify his amendment.

Mr. VAN WYCK. So that no question may arise as to what class of cases this should apply to. If the soldier is not able to earn his complete support by his labor, then he can be placed on the pension-roll, leaving out the question whether he could work a quarter of a day or a third of a day or now and then a day; but if his inability is such that he can not earn his support by his labor, then he is to be placed on the pension-roll.

Mr. BLAIR. The bill seems to me to require no amendment of that kind. The latter part of the section apportions the pension from \$24 down, according to the degree of disability to perform manual labor, when the word "manual" is inserted on the top of the page as the Senator proposed the other day, and the degree of disability is not for us to settle, but it must be settled as in any other case by an examination under the rules of the Department. There are boards of surgeons all over the country to examine soldiers, to ascertain the degree of their disability. Just so the applicants for pension under this bill will receive their examinations, and for absolute helplessness may have as high as \$24 and all the way down on the sliding scale to \$1, according to the degree of disability. The less disability, the less money. I do not think the Senator wants that in there, for it is either meaningless or will have the effect of confusing the administration of the bill very much and do no good. If the Senator will insert his word "manual" between the words "own" and "labor," in line 11, then, with the proviso in the latter part of the section, with the examinations required, the administration of the bill would be perfect.

Mr. VAN WYCK. The force of this amendment will be seen when I come in a moment to another amendment to be passed. The object is to avoid the very thing which the Senator from New Hampshire properly says must follow, that is an examination or adjudication by the Pension Office of every case included within the bill proposed. If that be done then the force of this Pension Office must be doubled because every one of the new cases, whether they be 250,000 or 300,000 or 400,000, must come up before the Pension Office.

Mr. BLAIR. Not at Washington, however.

Mr. VAN WYCK. No matter where. The force of this Pension Office must be doubled.

Mr. BLAIR. Why so?

Mr. VAN WYCK. Because every case must be examined before it goes upon the pension-roll as to the amount of disability.

Mr. BLAIR. It is not the proposition of this bill to get two hundred and fifty thousand men on the pension-roll without an adjudication. In every case there must be an application, and the man must prove his case as in every other instance, and to settle the amount of disability there are boards all over the country. They can examine two men where they do one now without the slightest difficulty.

Mr. VAN WYCK. The amount of disability must be examined. That is the point. My proposition by a subsequent amendment is to make this service pension, as I understand, the same as all other service pensions that are allowed.

Mr. BLAIR. This is not a service pension.

Mr. VAN WYCK. Oh, yes.

Mr. BLAIR. It is a pension depending on disability, and the question is whether disability was contracted in the service or out of the service. This dispenses with the adjudication of that question here, simply finds disability. If the man was a good soldier, honorably discharged, and is disabled now—and that is to be settled by a medical examination—he is to be entitled to pension according to disability; if total helplessness, \$24, and so down to almost nothing, and that must be decided by the boards already provided.

Mr. VAN WYCK. The point of this bill, as I understand, is that every soldier who to-day is dependent upon his daily labor for his daily bread and who is disabled from labor shall be placed upon the pension-roll.

Mr. BLAIR. Certainly, upon establishing those facts.

Mr. VAN WYCK. It only differs from a service pension by requiring the two matters referred to, which form no part and no element of the pension laws as they now exist.

Mr. BLAIR. That is the only difference there is between the existing case under the present law and a service pension, save only this, that the disability which is provided for under existing law (which is not a service-pension law) must be a disability contracted in the serv-

ice and in the line of duty. Now this bill proposes that, there being a disability which must be proven in these cases as well as under existing law, it is immaterial whether it was contracted in the service or out of the service. Then the applicant having alleged his disability, and proved his disability, the Department orders an examination to ascertain the degree thereof. No examination is made until the disability is proven, unless it is made to ascertain whether there is one or not, which is a medical question. Probably the first thing to be done would be to order an examination of the applicant by the local board. They report the man well, not disabled; that ends the case. They report that he is disabled and the degree of his disability for earning his living by manual labor, whether one-half, one-third, one-fourth, or one-sixth, and upon that report the office will make its adjudication. It is just like any other case dependent upon a disability and upon the further fact of dependence and need.

Mr. VAN WYCK. It is a qualified service pension based upon the ground of the dependence of the pensioner principally. If he is not able to earn his daily bread by his daily labor, then we propose to give him a pension. To meet the argument which is urged that not as much time has elapsed since the close of the last war as elapsed from the war of the Revolution or the war of 1812 until those soldiers were placed on the pension-roll, these qualifying conditions about dependence and disability were interposed. It shocked the sentiment of this whole nation that a soldier who had followed his flag on the field should be either grinding an organ or vending peanuts on the street corners or seeking that meager bounty which is given by the charity laws of the State in which he lives, and therefore it was that it was deemed a burning shame and disgrace to the great American nation that its soldiers should be in that position.

Mr. BLAIR. They endured it fourteen years.

Mr. VAN WYCK. Only fourteen years!

Mr. BLAIR. They endured it from 1818 to 1832.

Mr. VAN WYCK. I am speaking of the soldiers of the last war. They endured it. We have boasted of the generosity of this nation and of its Congress, and yet Congress has been in the past very careful to grant no service pension until the great majority of the Army had gone to join the great majority of mankind. That was the position toward the soldiers of the Revolution and the soldiers of the war of 1812, that the great majority of that army had gone down to the grave before the nation recognized and manifested its generosity to them; so in regard to the soldiers of the Mexican war. Even to this day we have refused to perform what the American nation have demanded at the hands of Congress, and place the soldiers of that war upon the pension-roll.

In order to simplify this discussion it was thought best to require the condition of dependence and disability without regard to disability in the service, and thus place a large class of deserving soldiers upon the pension-roll. I speak not now of the extent of the disability, for I say to my friend from New Hampshire that disability incurred in the service was a damage, it was an injury, for which the soldier had a complete claim under the law, and therefore if he had one arm off or a leg off it made a difference as to the extent of the pension to be given him.

I repeat that under this bill we propose to pension by reason of dependence and disability; and if we give a pension on account of dependence it matters not whether the soldier since the war has lost one arm or both arms, or one leg or both legs. The dependence is complete when he is unable to procure his subsistence by his labor, and that is the only point of the bill. If he is unable to procure his support by reason of his disability, no matter whether it be both arms or both legs of which he is deprived, no matter whether the disability be the rheumatism or the consumption or the asthma or whatever it may be, he is to have a pension.

The only point is, is the soldier able to procure his daily bread by his labor no matter what that labor may be? If it is the idea of the Senator from New Hampshire that this must be a matter of examination, the highest grade to be \$24, I do not understand how much disability there must be to obtain the \$24. I did not understand from the Senator. Does the bill say?

Mr. BLAIR. The bill says:

The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be \$24, which is hereby made divisible upon that basis for any less degree of disability.

Mr. VAN WYCK. Precisely; but if the man has both legs and both arms off, or one leg and one arm off, he gets \$24. He can not possibly earn his living. Suppose another man has only his right arm off; is not that total incapacity? Is it not?

Mr. BLAIR. I suppose the Senator is a man of common sense. He need not appeal to me continually.

Mr. VAN WYCK. I was appealing to my friend because he was a man of common sense.

Mr. BLAIR. It is unnecessary to put those questions to me.

Mr. VAN WYCK. I would ask whether it is not total incapacity if a man has one arm off?

Mr. BLAIR. Does the Senator ask the question seriously?

Mr. VAN WYCK. Yes.

Mr. BLAIR. Not necessarily. A man might be able to do some work

with one arm. Some kinds of work he might gain his living by. Many a man with one arm gets his living by labor of various kinds. But the Senator will observe in the bill that there is no disability which, under this bill, no matter how great it may be, can draw beyond the amount of \$24 per month.

Mr. VAN WYCK. Precisely.

Mr. BLAIR. If it were a case, as it might be in some instances, where there was an arm gone and the man might have no occupation he could work at but manual labor, the loss of an arm might disqualify that man absolutely from doing anything in the way of manual labor to get a living. I suppose that man probably would be entitled to the full amount under this bill. If he had lost both legs and his disability was not contracted in the service, he would be entitled under this bill to no more.

Mr. VAN WYCK. Precisely. The point is that total inability for labor comes if the man has one arm off as much as if he has both off, and he can not obtain more than \$24 under this bill. If a man is sufficiently disabled to be totally incapacitated for labor, he is entitled to \$24; and it makes no difference whether the two arms are off or the one arm is off. But suppose the man is disabled from asthma or consumption; that is total disability, as I understand, and he would be entitled to \$24.

Mr. BLAIR. If there was total inability to perform manual labor, certainly.

Mr. VAN WYCK. Certainly. I suppose it was intended that no man should be a recipient under this bill unless he was unable by manual to obtain support. That is the reason I propose this amendment, and I do not care to say a word more, because I understand the Senator from Illinois [Mr. LOGAN] intended to speak on the merits of the bill proper. Therefore, with the consent of the Senator, I will continue some suggestions on the amendment at another time when they will be more properly in order, and he can take the floor on the merits of the bill.

Mr. HOAR. I should like to give notice of an amendment. I do not wish to address the Senate, but merely to give notice of an amendment I purpose to move, when it is in order, to strike out all after the word "own," in the tenth line, to the end of the line, as follows: "gross carelessness, disreputable conduct, or vicious habits," and substitute the word "fault." As it now stands it reads:

And who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits.

If amended as I propose it will read:

And who is or shall become disabled from any cause not the result of his own fault.

Mr. LOGAN. I think that would be a very good amendment.

Mr. HOAR. As the bill goes over, as I presume it will, I should like to have the amendment printed.

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

Mr. LOGAN. Mr. President, I shall not detain the Senate long, but before proceeding I wish to give notice that I shall at the proper time propose an amendment to this bill providing—

That all pensions heretofore granted under any previous act to any soldier shall, where less than \$8 is or has been allowed, be increased to \$8 per month, and no less amount shall be hereafter allowed to any pensioner being a soldier, under this or any previous act.

I only desire now to call the attention of the Senate to one or two remarks made by the Senator from Arkansas [Mr. BERRY]. First, he said that this bill was going far beyond anything that the people had anticipated, and that the soldiers who fought the war with Mexico and gained our victories there had been for forty years neglected, while the Union soldier had called to him support from all quarters of the country to put him on the pension-roll.

That assertion was made without due consideration. There is not on the statute-books to-day a law allowing a pension to a Union soldier whose provisions a Mexican war soldier can not also avail himself of. All soldiers disabled in the Mexican war from wounds or disease contracted in the service and their widows or their orphans are entitled to a pension under the law just as the Union soldier is to-day. More than that, the Mexican war soldier had more given to him than the Union soldier has had. The Mexican war soldier drew from this Government his bounty in land, from 40 to 160 acres, which land was given to every soldier, sailor, and marine who served in the Army or the Navy of the United States against Mexico. Further than that, the officers of the United States received three months' extra pay when they were mustered out of the service after the Mexican war.

So up to the present time it is only because of the numbers that have been benefited in consequence of service in the Union Army that persons can speak of the Government having done more for them. But this is not a question of numbers. If the Army that marched against Mexico had been as large as the Army that marched against the rebellion, the pension-roll after the same lapse of time would have been as large as the pension-roll on the Union side to-day. It is the numbers that were in the two armies that make the difference between the pension-roll of to-day and heretofore.

But the Senator went further than this in alluding to his own service. I have no disposition to allude to that, nor will I except as he

called it out. He said that he would be accused almost of treason. Why, Mr. President, there is no disposition to accuse any man of prejudice because he does not support this bill. It is a matter for each and every representative of his constituents to do that which he deems proper and right without reference to anything that may have occurred in the past.

The Senator said that no confederate soldier to-day was dependent on the charity of the country. I would be pleased to know that there was not a human being beneath the old starry emblem of this Union that to-day was dependent on the charity of the people anywhere. But that is a part of the misfortunes that strike humanity. That is a portion of the misfortunes that men in all countries are liable to. Because a man has been unfortunate, because a man is not capable to-day of gaining his livelihood and securing food and raiment, that is no crime, nor is it any sin against God or man. It is a misfortune that he can not overcome, and for that reason he becomes a subject of charity.

In all governments, no matter what their character may be, where they have called forth armies for the preservation of their integrity, pensions have been given to the wounded and afflicted, those who have become in the course of years unable to make for themselves a livelihood.

Talk about the bounties and the charities of this Government! Why, sir, this Government would be unworthy of the name of Republic if it should deny to give to the unfortunate soldier who suffered either from wounds or disease or disability produced in any way not by his own fault the sustenance which he is entitled to, so that he may at least live under the flag for which he fought.

But the discussion to-day has gone rather on a narrower channel than it seems to me a question of this kind ought to turn. My friend the Senator from Georgia [Mr. BROWN] made an inquiry which was pertinent and proper, of course. It was as to the amount that would be expended provided this bill should pass, not as to the disability of the man, but what will it cost. The Senator from New Hampshire [Mr. BLAIR] occupied much of his time in explaining what this bill would probably cost the Government of the United States. Now, sir, let me ask if some poor old soldier who left his wife and children at home penniless, perhaps, after serving his country faithfully, having the seeds of disease sown in his system by lying upon snow and upon damp ground, and wading through morass and river and stream, should come hobbling up the steps of this Capitol to-day unable to procure food and raiment for himself by his own physical exertions, where is the man who would ask the question how much is it going to cost to help that poor soldier? Is that the question? Is that the kind of argument that is to be used in a great country like this when we are appealed to to sustain the poor man as he goes traveling along, perhaps crutch in hand, down the lane of life? Mr. President, I never can hear this argument—and I have heard it often—without its sending a cold chill through my whole frame. It is not the argument that should be made by patriots in favor of patriotism.

The question that should be asked is this: Are these men in a suffering condition; are they disabled from making a livelihood; and did that disability come upon them on account of their services to their country? That should be the question. If that be answered affirmatively, I shall never ask what my taxes shall be to assist that man, I care not where he lives. You may talk about economy and about expenditure as much as you choose; the grand thought within the breast of the patriot is not that its sympathies shall be closed against the misfortunes of the men who saved this people.

How much is it going to cost, we are asked; how much charity are we to contribute; how much is the Democratic party to be held responsible for—that at least was the argument of one Senator—if we pass a pension bill. Why, sir, the Democratic party or the Republican party have never been chastised politically by the people of this country for giving pensions to the unfortunate soldiers.

Now, let us examine for a moment the provisions of this bill. What are they? That every man who served for six months or more in the Union Army against the rebellion, who is now disabled by reason of wounds, disease, or any disability not his own fault, to the extent that he is not capable of making a livelihood, shall have a pension. Why not? Who is there here to-day who will not on the street put his hand in his pocket and give his dollar or two dollars at any time to a poor, unfortunate man whose condition shows that his misfortune has come upon him without his own fault? There is hardly a Senator but what does this. Why? You do it because that man has been unfortunate. He is to-day incapacitated from making his living by reason of having aided and assisted in preserving this Government. Therefore, when he appeals to you as an old soldier disabled, you always extend the hand of charity to him.

What is this Government except an aggregation of the people in their sovereign capacity? Then let this charity, if you call it charity, be given by the aggregate voice of the men of this country having patriotism enough to believe that those who served their country in time of danger are to be taken care of when misfortune overtakes them so that they can not take care of themselves.

Further on we provide that their widows shall have a pension. The pension, however, is to be reduced down to a certain amount. As I

said, I propose to increase it; that is, not the higher pensions, but the lower grades; and why? We have been so fearful in days past that some poor soldier might obtain a pittance from the Treasury of the United States that we reduced the pensions to what? One dollar, \$2, \$3, \$4, and give a man a pension of \$12 a year for what? Because he is disabled and some surgeon, some gentleman whose intellect is so keen that he can absolutely draw the line by looking at a man between a disability entitled to \$1 and \$2 a month, has said he is to have that low rating. There are men who can do that; that is to say, there are men who do it. I tried to be a physician once, and I found I could not, and I am glad that I am not one of that kind, if I could ever have been one, that would have so keen a knowledge of disease and disability as to tell the difference between the disability entitling to a one-dollar and a two-dollar pension.

Now let me explain. An old soldier came to me yesterday in the Military Committee room with his pension certificate and desired me to introduce a bill in the Senate to increase his pension. "What is your disability?" I asked. He pulled out his hand and showed me a finger off. Said he, "I am an old soldier, and I could not join the Army now because under the regulations that finger being off I could not be taken." Then he went on to tell me that he was wounded in the left arm and received no pension for it, and that it had become so nearly paralyzed that he could not use it, and he had to go around begging. How much pension do you suppose that man was getting? Two dollars a month! That had as much influence on me to offer this amendment to this bill as anything else. I do not believe that a man, if he is on the pension-roll at all, should receive less than \$8 per month. If he is a pensioner at all he has disability so that he can not make for himself a comfortable livelihood; and does anybody think that \$96 a year is too much to give a man who has disability to such an extent that he can not make a support for himself? But we are so economical of the public money and so kind and so generous to the old soldier that we run the pension from \$1 a month up, and if he has both legs off we give him \$72 a month.

Mr. TELLER. I should like to call the Senator's attention to the fact that there are twenty-six thousand one hundred and thirty-four pensioners who are only getting \$2 a month.

Mr. LOGAN. That shows the liberality of our Government! That shows that the Treasury is being robbed! Twenty-six thousand one hundred and thirty-four old soldiers, who preserved this country for you and me, who saved our property and the rights we have as American Senators, who have been disabled in battle or by sleeping on the cold earth, have become diseased and disabled, and we in our magnanimity, opening our great hearts as the American Republic, give them \$2 a month, \$24 per annum! Great God, Mr. President, is not this robbery of the Treasury? Is it not destroying the peace and the happiness of the people of this country?

No wonder that my friend from Arkansas was alarmed for fear the Democratic party would be destroyed if a pension bill should pass! I certainly have no right to make suggestions to the Democratic party, but I may, in a friendly manner, intimate that if they want to keep in power as long as they can they had better support pension bills where they are just and right, and satisfy the loyal people of this country that they are for their country and for the men who preserved that country. That is the way for the Democratic party to satisfy the country that they are not shamming, to agree, now that we are all in the Union, that it is our Union, to take care of the men who saved it, for they saved it for all of us, for you and me alike, although we stood opposed during those dark days.

Now when we stand under the same flag, with the same Constitution, surrounded by the same laws and protected by the same civil power, while we are thus together as one nation, as one family, we should show to the world that we appreciate that which to-day is one of the grandest benefits you gentlemen have ever received. These soldiers preserved this Government for you and for me, and it is the grandest government on the earth. They removed the blot from this mighty nation, and placed us all on an equality as men. Now then let no one here say that he belongs to a party that can only keep its strength by reducing expenditures, by denying rights that belong to men who have done for us what these men have done.

Mr. President, the Senator referred to the Mexican war soldiers. I return to that for a moment. A year or more ago the Senate passed a bill to give every man who served in the Mexican war a pension of \$8 a month. It was passed by the votes of both parties. An amendment was put on it in the Senate giving to the Union soldiers in the late war the same rate that was given to our soldiers in the Mexican war; and the bill did not become a law because of non-action elsewhere. Do not let gentlemen say on this floor that they want justice done to the Mexican war soldiers. I should like to see justice done to them as well as to anybody else. Do not let them say, however, that the same justice meted out to the Mexican war soldier should not be meted out to the Union soldier in the late war. In that bill you provided that every man with a certain disability should receive a pension the same as in this bill. I supported it and will do so again. If that was justice then for the man who went to Mexico, is it not justice now for the man who preserved this country?

The Senator said it was time for us to call a halt. A halt about

what? What does the Senator mean by calling a halt? Does he mean that it is time for us to call a halt in passing bills through the Senate to compensate for property taken by the Army amounting to from \$1,000 up to \$60,000 or \$70,000 in single bills every few days? I see nobody halting in that sort of performance. I have tried once or twice to stop it, but could not. If he meant that, he and I would join hands so far as the greater portion of such claims is concerned, where my ground is that there is no claim.

But does he mean to call a halt in reference to granting pensions? Is that what he means? If he means to call a halt in reference to granting pensions to men who are not entitled to them, then I will agree with him; but if he means to call a halt in reference to granting pensions to men who are entitled to them, then I disagree with him. Under this bill no person is allowed or permitted to have a pension unless he was disabled in service, except he is in such a condition that he is not competent to make a living for himself. If the desire is to call a halt against these poor, unfortunate men that are not able to make a living for themselves, I utterly disagree with him, and I say to him now that if that is his proposition, and if he makes that proposition as one that he expects his party to stand on and succeed on, he makes the grandest mistake he ever made in his life. You can not succeed on that proposition in this country.

My judgment is that it is a grand mistake for any party to make war upon pensions that are given to men who are entitled to them. For years at every session of Congress we heard the same speech repeated over and over again about "pensions," "pensions." You would have thought the Senator who was driving at them was determined to stop all kinds of frauds and reduce expenditures, and doubtless he so intended. Finally he became so enthusiastic that he got a resolution through the Senate to have printed in book form the name of every pensioner, with his residence and post-office address. It cost about \$75,000 to print that book. What did that mean? It meant that there were \$75,000 expended by the Government for the benefits of claim agents, to obtain information which otherwise they themselves would have had to pay for. It was just what they wanted—the post-office address of every pensioner and where he served. So that Senator's enthusiasm carried him right into the meshes of men who wanted exactly what he got for them and made the Government pay for them, and instead of discovering fraud after the names were given, with the post-office address, &c., published at the expense of Congress, it developed no frauds whatever, but did just what I said, put these books in the hands of the agents and saved them the expense of procuring that information. Now, do not allow yourself to get so enthusiastic on this subject that you commit the same kind of errors which have been committed heretofore by other persons in reference to this same question.

Mr. President, there are other things to which I might allude in regard to what this Government has done for the soldier. Now, let me make a statement right here that will seem probably strange. The Government of the United States by law agreed to give \$100 bounty per annum to soldiers who served one year against the rebellion. They were to receive if they served one year \$100, two years \$200, three years \$300, and it was to be paid by the paymaster. A few were paid, but at the conclusion of the war regiment after regiment was mustered out in Washington city within from three to ten days of the expiration of their time as an excuse in order to deprive them of getting that bounty, and the record shows it, and they have never got it to this day. Yet men talk here about the enormous bounties given to soldiers, and the pensions paid to them, and the plundering of the Treasury for the purpose of giving to these poor unfortunate men that to which they are entitled! For twenty years these men have been asking Congress to give them that bounty that they were entitled to under the law—eight and one-third dollars per month. They never have obtained it.

Until this Government shall keep its word, until this Government shall comply with its promise, until this Government shall protect and take care as well as it can of these unfortunate men that it induced to go into the Army, and who by that service have become debilitated and disabled from performing labor to make for themselves a living, until we have performed those duties toward these men let our mouths be closed, and closed in silence. Let us not whisper so that it can be heard even in the galleries that we have done all that we can do and should do for these men.

I say then it is time to call a halt. Let the halt be called when we have performed our duty; let it be called when we have complied with our obligations; let it be called when our honor can not be tarnished in any way by a failure on our part to carry out what we agreed to when we enlisted these men in the service of their country.

Until that is done this Government has not performed its whole duty. Until it has done for the Mexican war soldier what I think it ought to do it has not performed its duty, for the precedent has been set in all governments, among all peoples, that the men who bleed that the country may live shall be recognized, that when men die in defense of their country and leave families the country shall care for those families. Those who lose the power by reason of their services to their country to make for themselves a living, as others are competent to do, should be taken care of to a certain extent by the government.

Mr. President, the government that fails to do this, the government that fails to recognize that duty toward its defenders and to return that gratitude which an individual would return to another who does him a favor and saves him in the dark hour of life, is unworthy of the name. Unless this Government shall recognize that great principle and perform that great duty it will sink in the estimation of mankind.

Mr. President, I beg pardon for having detained the Senate so long, but I do hope that on both sides of this Chamber we shall recognize the fact that these poor, old, unfortunate men shall not ask without receiving at the hands of this great Government of ours.

Mr. VEST. Mr. President—

Mr. MORRILL. There are some reasons why we should consider executive business. If the Senator from Missouri will yield I will make the motion that the Senate proceed to the consideration of executive business.

Mr. VEST. Very well.

Mr. CULLOM. I should like to make a conference report.

Mr. MORRILL. I withdraw the motion for that purpose.

EUNICE E. CLARK.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6429) granting a pension to Eunice E. Clark, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to amend the Senate amendment by striking out the word "twenty" and inserting "twelve;" so that the Senate amendment will read: "At the rate of \$12 per month, subject to the limitations and provisions of the pension laws."

And that the House recede from its disagreement and agree to the Senate amendment as amended.

S. M. CULLOM,
H. W. BLAIR,
A. H. COLQUITT,
Managers on the part of the Senate.
WM. H. NEECE,
JOHN S. PINDAR,
E. H. CONGER,
Managers on the part of the House.

Mr. CULLOM. The only effect of this is to reduce the amount of pension proposed from \$20 to \$12. It was classed at \$20 under a misapprehension on my part at the time, thinking the soldier was a captain. It turns out he was a private soldier.

The report was concurred in.

AMENDMENTS TO BILLS.

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

Mr. SPOONER submitted the following amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD:

Amend by inserting therein, at line 211, page 9 of the printed bill, above the word "postage," the following:

"For investigating diseases of grains, fruits, and fruit trees.

"For investigating the nature of the diseases of fruits and fruit trees, grains, and other useful plants due to parasitic fungi; for ascertaining the actual damage to our cultivated crops occasioned by fungus diseases, and for experiments to determine suitable remedies for the same, \$5,000."

EXECUTIVE SESSION.

Mr. MORRILL. I move 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 fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 14, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 13th day of May, 1886.

CONSUL-GENERAL.

Clarence Ridgley Greathouse, of California, to be consul-general of the United States at Kanagawa. The nomination of Warren Green, heretofore nominated to the Senate for the said office, is this day withdrawn.

COLLECTOR OF INTERNAL REVENUE.

John E. Fitzgerald, of Massachusetts, to be collector of internal revenue for the third district of Massachusetts, *vice* Charles W. Slack, deceased.

COLLECTORS OF CUSTOMS.

Hadlai A. Hull, of Connecticut, to be collector of customs for the district of Stonington, Conn., *vice* Horace N. Trumbull, commission expired.

George W. Jackman, of Massachusetts, to be collector of customs for the district of Newburyport, Mass., *vice* William H. Huse, commission expired.

John Priest, of Oregon, to be collector of customs for the district of Yaquina, Oreg., *vice* Coll Van Cleve, whose term of office will expire May 15, 1886.

SURVEYOR OF CUSTOMS.

Joseph B. Cox, of Indiana, to be surveyor of customs for the port of Evansville, Ind., whose commission will expire May 18, 1886.

POSTMASTERS.

John B. Trasher, to be postmaster at Telluride, San Miguel County, Colorado, *vice* James P. Redick, resigned.

Charles A. Sheldon, to be postmaster at Gainesville, Alachua County, Florida, *vice* George J. Arnow, whose commission expires May 22, 1886.

Charles H. Berner, to be postmaster at Stuart, Guthrie County, Iowa, *vice* William P. Moulton, commission expired. The nomination of H. P. Abert, who was appointed and also nominated to the Senate, is this day withdrawn.

Abraham Rose, to be postmaster at Vinton, Benton County, Iowa, *vice* Stephen A. Marine, suspended. The nomination of Mr. Rose, nominated to the Senate on the 16th of December last, is this day withdrawn.

James F. Elder, to be postmaster at Richmond, Wayne County, Indiana, *vice* Edwin D. Palmer, suspended. The nomination of Mr. Elder, nominated to the Senate on the 5th of January, is this day withdrawn.

Peter Nodler, to be postmaster at Covington, Kenton County, Kentucky, *vice* James C. Michie, commission expired.

Frank Cass, to be postmaster at Holliston, Middlesex County, Massachusetts, *vice* James F. Fiske, commission expired.

Louis P. Trempe, to be postmaster at Sault de Ste. Marie, Chippewa County, Michigan, *vice* Myron W. Scranton, suspended.

William O. Garvin, to be postmaster at Trenton, Grundy County, Missouri, *vice* John S. Boyle, whose commission expires May 25, 1886.

Don A. Gilbert, to be postmaster at Bainbridge, Chenango County, New York, *vice* F. T. Nichols, resigned.

W. Scott Gillespie, to be postmaster at Kingston, Ulster County, New York, whose commission expires May 16, 1886.

Benjamin F. Howell, to be postmaster at Riverhead, Suffolk County, New York, *vice* C. V. Maguire, whose commission expires May 16, 1886.

Robert Humphrey, to be postmaster at West New Brighton, Richmond County, New York, *vice* Minetta Smith, commission expired.

Albert Sweet, to be postmaster at Dansville, Livingston County, New York, *vice* John Heyland, whose commission expires May 16, 1886.

James B. Crossen, to be postmaster at The Dalles, Waco County, Oregon, *vice* Mrs. E. M. Wilson, whose commission expires May 17, 1886.

Frank W. Osburn, to be postmaster at Eugene City, Lane County, Oregon, whose commission expires May 16, 1886.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 5, 1886.

TERRITORIAL SECRETARY.

George W. Lane, of Buffalo, N. Y., to be secretary of the Territory of New Mexico.

UNITED STATES ATTORNEY.

Le Roy F. Youmans, of South Carolina, to be attorney of the United States for the district of South Carolina.

UNITED STATES MARSHAL.

William M. Campbell, of Minnesota, to be marshal of the United States for the district of Minnesota.

INDIAN AGENT.

Peter Ronan, of Saint Ignatius, Mont., to be agent for the Indians of the Flathead agency, in Montana Territory.

SPECIAL EXAMINER OF DRUGS, ETC.

Dennis J. Loughlin, of Pennsylvania, to be special examiner of drugs, medicines, and chemicals, in the district of Philadelphia, in the State of Pennsylvania.

NAVAL OFFICER OF CUSTOMS.

Henry B. Plumer, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania.

APPRASERS OF MERCANDISE.

Lewis McMullen, of New York, to be appraiser of merchandise in the district of New York, in the State of New York.

Nathaniel Newburgh, of Ohio, to be appraiser of merchandise for the port of Cincinnati, in the State of Ohio.

Joseph M. Poe, of Ohio, to be appraiser of merchandise in the district of Cuyahoga, in the State of Ohio.

Joseph B. Baker, of Pennsylvania, to be appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania.

Thomas Beck, of California, to be appraiser of merchandise in the district of San Francisco, in the State of California.

ASSISTANT APPRAISERS OF MERCANDISE.

James E. Tucker, of California, to be assistant appraiser of merchandise in the district of San Francisco, in the State of California.

Daniel Z. Yost, of California, to be assistant appraiser of merchandise in the district of San Francisco, in the State of California.

George H. Hoffman, of Pennsylvania, to be assistant appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania.

George R. Snowden, of Pennsylvania, to be assistant appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania.

SURVEYORS OF CUSTOMS.

Alexander M. Wallace, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia.

Addison D. Cole, of New York, to be surveyor of customs for the port of Albany, in the State of New York.

John M. Campbell, of Pennsylvania, to be surveyor of customs for the port of Philadelphia, in the State of Pennsylvania.

James Burns, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri.

COLLECTORS OF CUSTOMS.

John Cadwalader, of Pennsylvania, to be collector of customs for the district of Philadelphia, in the State of Pennsylvania.

John A. Richardson, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina.

Henry W. Richardson, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina.

Conrad Krez, of Wisconsin, to be collector of customs for the district of Milwaukee, in the State of Wisconsin.

Anthony F. Seeberger, of Illinois, to be collector of customs for the district of Chicago, in the State of Illinois.

Charles H. Robinson, of North Carolina, to be collector of customs for the district of Wilmington, in the State of North Carolina.

B. Huger Ward, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina.

Theodore D. Jersey, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina.

REGISTERS OF LAND OFFICES.

John B. Webb, of La Crosse, Wis., to be register of the land office at La Crosse, Wis.

Edmund G. Shields, of Silver City, N. Mex., to be register of the land office at Las Cruces, N. Mex.

Samuel W. Langhorne, of Bozeman, Mont., to be register of the land office at Helena, Mont.

William C. L. Beard, of Hutchinson, Kans., to be register of the land office at Wa Keeney, Kans.

RECEIVERS OF PUBLIC MONEYS.

Horatio S. Howell, of Virginia City, Mont., to be receiver of public moneys at Helena, Mont.

Lloyd T. Boyd, of Waukesha, Wis., to be receiver of public moneys at Bayfield, Wis.

CONSUL-GENERAL.

John H. Putman, of Chillicothe, Ohio, to be consul-general of the United States at Honolulu.

CONSULS.

William H. Moffett, of New Jersey, to be consul of the United States at Athens.

George W. Savage, of Rahway, N. J., to be consul of the United States at Belfast.

William Slade, of Cleveland, Ohio, to be consul of the United States at Brussels.

James Whelan, of New York, to be consul of the United States at Fort Erie, Canada.

Alexander Bertrand, of Beekmantown, N. Y., to be consul of the United States at St. John's, Quebec.

Charles Förster, of Indiana, to be consul of the United States at Elberfeld.

Thomas R. Jernigan, of North Carolina, to be consul of the United States at Osaka and Hiogo.

Oscar Bischoff, of Topeka, Kans., to be consul of the United States at Sonneberg.

Erhard Bissinger, of New York city, N. Y., to be consul of the United States at Beirut.

J. Harvey Brigham, of Louisiana, to be consul of the United States at Paso del Norte.

William S. Crowell, of Ohio, to be consul of the United States at Amoy.

Ferdinand F. Dufais, of New York city, N. Y., to be consul of the United States at Havre.

Joseph Falkenbach, of Columbus, Ohio, to be consul of the United States at Barmen.

Benjamin J. Franklin, of Kansas City, Mo., to be consul of the United States at Hankow.

E. J. Hale, of Fayetteville, N. C., to be consul of the United States at Manchester.

Joseph D. Hoff, of Keyport, N. J., to be consul of the United States at Vera Cruz.

Joseph B. Hughes, of Hamilton, Ohio, to be consul of the United States at Birmingham.

J. P. Imboden, of Georgia, to be consul of the United States at Yuscaran.

Edward D. Lynn, of Victoria, Tex., to be consul of the United States at Piedras Negras.

Albert Loening, of New York city, N. Y., to be consul of the United States at Bremen.

Beckford Mackey, of South Carolina, formerly consul at Rio Grande do Sul, to be consul of the United States at Nuevo Laredo.

Henry F. Merritt, of Chicago, Ill., to be consul of the United States at Aix la Chapelle.

Joseph W. Merriam, a citizen of the United States, to be consul of the United States at Iquique.

J. L. McCaskill, of Brandon, Miss., to be consul of the United States at Dublin.

James M. Rosse, of Tarrytown, N. Y., to be consul of the United States at Three Rivers, Canada.

John M. Strong, of New York, to be consul of the United States at Belleville, Canada.

Richard Stockton, of New Jersey, to be consul of the United States at Rotterdam.

George C. Tanner, of Spartanburg, S. C., formerly consul at Tegucigalpa, to be consul of the United States at Chemnitz.

Arthur B. Wood, of New York, to be consul of the United States at Dundee.

Louis D. Beylard, of Pennsylvania, to be consul of the United States at Kingston, Jamaica.

Moses H. Sawyer, of Mystic Bridge, Conn., to be consul of the United States at Trinidad.

POSTMASTERS.

John D. Mitchell, to be postmaster at New Albany, in the county of Floyd and State of Indiana.

John P. Norvell, to be postmaster at Danville, in the county of Vermillion and State of Illinois.

John Neff, to be postmaster at Winchester, in the county of Randolph and State of Indiana.

George R. Reynolds, to be postmaster at Plymouth, in the county of Marshall and State of Indiana.

Edward Duffy, to be postmaster at Ann Arbor, in the county of Washtenaw and State of Michigan.

Samuel S. Lacey, to be postmaster at Marshall, in the county of Calhoun and State of Michigan.

William W. Van Antwerp, to be postmaster at Jackson, in the county of Jackson and State of Michigan.

Robert P. Menefee, to be postmaster at Bozeman, in the county of Gallatin and Territory of Montana.

William Clevenger, to be postmaster at Wilmington, in the county of Clinton and State of Ohio.

M. M. Gaunce, to be postmaster at Xenia, in the county of Greene and State of Ohio.

Samuel C. Haag, to be postmaster at Napoleon, in the county of Henry and State of Ohio.

F. S. Reeley, to be postmaster at Elyria, in the county of Lorain and State of Ohio.

Daniel C. Stearns, to be postmaster at Berea, in the county of Cuyahoga and State of Ohio.

J. R. Thorne, to be postmaster at Piqua, in the county of Miami and State of Ohio.

Arthur D. Glover, to be postmaster at Olympia, in the county of Thurston and Territory of Washington.

William N. Carter, to be postmaster at Viroqua, in the county of Vernon and State of Wisconsin.

A. Everhard, to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin.

Charles B. Whitehead, to be postmaster at Bradford, McKean County, Pennsylvania.

Frank Abt, to be postmaster at Lead City, Lawrence County, Dakota.

William K. Thompson, to be postmaster at Portsmouth, in the county of Scioto and State of Ohio.

William E. Baker, to be postmaster at Fairbury, Livingston County, Illinois.

H. C. Briley, to be postmaster at Dell Rapids, Dak.

Charles H. Burroughs, to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin.

Barclay P. Smith, to be postmaster at Deadwood, Lawrence County, Dakota Territory.

Frank Shields, to be postmaster at Wilmington, Will County, Illinois.

Erskine P. Linzee, to be postmaster at Pierce City, Lawrence County, Missouri.

S. R. Davis to be postmaster at Creston, in the county of Union, 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:

The Committee on Post-Offices and Post-Roads, to which was referred the nomination of S. R. Davis, to be postmaster at Creston, Iowa, *vice* Lowell C. Teed, suspended, submits the following report:

When this nomination reached the committee the Postmaster-General was requested to communicate to it all of the papers and documents on file in his Department relative to the case. To this request he responded by forwarding to the committee all of the papers and documents called for, both in respect of the suspended officer and of the person nominated to the Senate, and who had been designated to discharge the duties of the office during the recess of the Senate.

It appears from the papers and documents thus submitted to the committee, and from letters and papers communicated to it by the suspended officer and others, that there is nothing in the case calculated to place discredit on Mr. Feed, either as an officer or a man. The only complaints made against his administration of the office are rather to his credit than otherwise, inasmuch as they are based on his strict observance of the law and the regulations of the Department. The case is one of suspension for political reasons. "Offensive partisanship" is abundantly charged, and the nominee seems to have understood that it rested on that basis; and he evidently recognized that as the controlling element in the case. In his application to the President for appointment Mr. Davis stated:

"I herewith make application for the appointment of postmaster at Creston, Iowa. I am at present employed on the editorial staff of the Creston Commonwealth, and, if appointed, I will resign that position and give my whole time to the duties of the office."

This indicates that Mr. Davis believed that the rule of offensive partisanship, as defined in the letter of the Postmaster-General, was intended to apply alike to Republicans and Democrats occupying official positions.

Mr. Teed has not expressed a desire to retain the office from which he was suspended. On the contrary, he has made other business engagements. He has simply asked that his character as an officer and a man be protected for himself and his children, and requested that this be done for him by the Senate in view of his own inability to ascertain the character of the charges made against him from those to whom the same had been presented. This report performs that office for him.

The nomination of S. R. Davis is herewith reported with a recommendation that it be confirmed.

W. E. Lewis, to be postmaster at Chariton, in the county of Lucas 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:

The Committee on Post-Offices and Post-Roads, to which was referred the nomination of M. E. Lewis, to be postmaster at Chariton, Iowa, *vice* James H. Stewart, suspended, reports:

That this is a case of suspension from office on account of "offensive partisanship." This appears from the official files in the case sent to the committee by the Postmaster-General, in response to its request for the same. The complete files seem to have been placed in the possession of the committee.

The charges presented against the suspended officer and all of the letters and telegrams in support thereof, as well as the papers in respect of the application of the nominee, were all before the committee, and from these it appears that the suspension of Mr. Stewart was induced by charges of "offensive partisanship," and not because of anything reflecting on his character as an officer or a man.

M. E. Lewis seems, so far as the papers in the case show, to be a proper and competent man to be intrusted with the office to which he has been nominated, and his confirmation is therefore recommended.

COLLECTOR OF INTERNAL REVENUE.

Robert Barnett, of California, to be collector of internal revenue for the fourth district of California.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 846) of Robert Barnett, of California, to be collector of internal revenue for the fourth district of California, in place of Amos L. Frost, suspended, and, so far as they have been able to obtain the information, they find that Mr. Barnett is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Mr. Frost, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, March 19, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Amos L. Frost, late collector of internal revenue for the fourth district of California, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, Secretary.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"Resolved, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommends the confirmation of Mr. Barnett.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 13, 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.

PUBLIC BUILDING, ROCHESTER, N. Y.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Supervising Architect, asking an appropriation of \$100,000 to continue work on the public building at Rochester, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

SALE OF OLD POST-OFFICE SITE, NEW YORK.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting statement of the claim of the Mutual Life Insurance Company of New York for expense in perfecting title to the old post-office property in New York, and an account of certain liens thereon, and recommending payment; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ARNOT, for five days, on account of important business.

To Mr. IKE H. TAYLOR, for one week, on account of important private business.

BRIDGE ACROSS THE POTOMAC.

The SPEAKER announced the appointment of Mr. BARBOUR, Mr. WILSON, and Mr. ROWELL as conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate (No. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

SEIZURE OF VESSEL DAVID J. ADAMS.

Mr. RICE. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back a resolution of inquiry referred to that committee in regard to the seizure of the American schooner David J. Adams, and recommend its adoption.

The SPEAKER. The report will be read.

The Clerk read as follows:

"Whereas it is reported in the public prints that on May 7, at Digby, in the Dominion of Canada, the schooner David J. Adams, owned by American citizens, was forcibly seized by the steamer Lansdowne, under order of the government of said dominion, and is now held for further proceedings: Therefore,

"Be it resolved, That the President of the United States be requested to inform this House, if not deemed by him incompatible with the good of the public service, what steps have been taken by him to have said seizure investigated, and to communicate to this House at the earliest practicable day what were the circumstances and the pretense under which said seizure was made."

The Committee on Foreign Affairs, to which was referred the accompanying resolution of inquiry relating to the seizure of the American schooner David J. Adams in Canadian waters, having considered the same, respectfully report it back with the recommendation that it should pass.

The resolution was agreed to.

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

The latter motion was agreed to.

CLAIMS AGAINST THE MEXICAN GOVERNMENT.

Mr. WORTHINGTON. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back a resolution of inquiry referred to the committee, with the recommendation that it be adopted.

The SPEAKER. The report will be read.

The Clerk read as follows:

"Resolved, That the President of the United States be requested to communicate to the House, if in his opinion not incompatible with the public interests, any correspondence with the Mexican Government or with the claimants relative to the claims specified in the fifth section of the act of Congress approved June 18, 1878, filed after the publication of the papers contained in the President's message to this House on February 25, 1884, and to inform this House if any payments have been made on such claims after such date, and, if so, what date and of what amount."

Your committee, to which was referred the accompanying resolution asking for copies of certain correspondence with the Mexican Government, or with claimants, relative to certain claims therein specified, have had the same under consideration, and report the said resolution back to the House and recommend its adoption.

The resolution was agreed to.

Mr. WORTHINGTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider lie on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURROWS. I ask unanimous consent that a bill reported unanimously from the Committee on Ways and Means be now considered.

The SPEAKER. The gentleman from Michigan asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of a bill the title of which will be read, and to consider the same in the House.

Mr. BEACH. I must object. Let it come up in its regular order. Mr. BURROWS. I hope the gentleman will let the title be read. Mr. BEACH. I demand the regular order. Mr. BURROWS. I made a mistake in my request. I should have asked consent of the gentleman from New York. The SPEAKER. The regular order being demanded, the Chair will proceed to call committees for reports.

CHANGE OF REFERENCE.

Mr. TUCKER, from the Committee on the Judiciary, reported back the House resolution of May 10, 1886, calling upon the acting Secretary of the Treasury for information as to the payment of fees of witnesses and jurors for 1883, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

RIGHT OF FISHING IN NAVIGABLE WATERS.

Mr. TUCKER. I am also instructed by the Committee on the Judiciary to report back with an adverse recommendation the bill (H. R. 4690) to equalize the right of fishing in navigable waters of the United States which border on any State or Territory. The gentleman from Pennsylvania [Mr. EVERHART] introduced this bill on which the committee makes an unfavorable report. He desires that it shall go upon the House Calendar, and I make that request.

The bill was referred to the House Calendar, and the accompanying report was ordered to be printed.

JUDICIAL DISTRICTS IN IOWA.

Mr. HEPBURN, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 5990) amending the act of July 20, 1882, dividing the State of Iowa into two judicial districts; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INVESTIGATION OF PACIFIC RAILROADS.

Mr. RICHARDSON, from the Committee on Pacific Railroads, reported back with a favorable recommendation the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific Railroads which have received aid from the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The call of committees was completed, no further reports being made. The SPEAKER. The hour for the consideration of bills begins at twenty-four minutes past 11 o'clock. The call rests with the Committee on Foreign Affairs.

INDEMNITY TO CHINESE SUBJECTS.

Mr. BELMONT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (H. Res. 147) providing indemnity to certain Chinese subjects for losses sustained within the jurisdiction of the United States, and pending that motion I move that all general debate upon the bill be limited to forty minutes.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (H. Res. 147) providing indemnity to certain Chinese subjects for losses sustained within the jurisdiction of the United States. By order of the House, general debate on this joint resolution has been limited to forty minutes. The gentleman from Massachusetts [Mr. RICE] is entitled to the floor.

Mr. BELMONT. I believe I have three minutes remaining from yesterday. I reserve that time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. RICE] has two minutes remaining.

Mr. MCCREARY. I yield the gentleman from Massachusetts five minutes of my time.

The CHAIRMAN. The gentleman from Massachusetts is entitled to the floor for seven minutes.

Mr. RICE. Mr. Chairman, I was saying yesterday when the gavel fell that our obligation to pay these damages rests not upon our good-will or our spirit of benevolence, but upon the obligation of international law; and I quoted my authority to that effect.

I now desire to cite two or three precedents in support of the position which I yesterday assumed. And first I cite the precedent of England. In 1847 a Jew named Don Pacifico was assailed in Athens by a mob, who destroyed his property. He was born at Gibraltar, but he was born under the English flag and was an English citizen. So soon as word came to England of the damage which had been done to him by the mob in Athens the English Government made demand upon Greece for in-

demnity. Mark you, he was mobbed because of the prejudice against his race, the Jews, on the part of the Greeks in Athens. Greece refused to indemnify him for his losses. No sooner did word come to England of that refusal than a fleet was sent to the Piraeus, and before its shotted guns Greece paid the indemnity. Lord Palmerston was called to account in the house of commons for this act, and it was claimed there as here that there was no international law to sustain his position. He met in the house of commons those who assumed this position, and after a day's debate he fixed the principle in English law so firmly that it never since has been questioned or shaken. In that great debate Lord Palmerston quoted the old boast of the Roman citizen, in which he went panoplied through the world, and asked, "Is it less to be an English citizen; shall an English citizen be subjected to the laws of the country where he chances to be, or shall the army of England follow him and protect him wherever in the world he happens to find himself?" He scouted the idea that an English citizen was to seek redress and be confined for redress to local courts. And he was sustained, as I said, by an overwhelming majority of the house of commons; and that principle has never been questioned since by the English people.

My friend from Illinois [Mr. HITT] showed yesterday very plainly what we ourselves have done. We demanded indemnity from China; what for? For damages done to our citizens, first by mob violence, secondly by the armaments of England cannonading Chinese cities; and China paid the bills, although the damage was done by the armed forces of England attacking the city of Canton. And what did we do, as the gentleman said again, when England, through her carelessness, let loose the cruisers which drove our commerce from the sea? We exacted indemnity for our citizens from proud England; and I trust, Mr. Chairman, that there will be now an arm as long and a voice as strong to exact indemnity from England for the injuries that her subjects are now perpetrating, or seeking to perpetrate, on American fishermen. [Applause.]

And now, Mr. Chairman, I say that we owe this to China, not as a gratuity, but as an obligation. On the 2d day of September last this massacre occurred. The massacre at Glencoe, for nearly two hundred years the theme of tragic verse and prose, did not parallel the horrors of this in the Territory of Wyoming last September—twenty-eight defenseless men and women shot down in their tracks, fifteen of them coming to their death by fire. Thank God, we have the assurance of the President that these outrages were committed by aliens, as we are assured the outrages in Chicago which have just been shocking the country were also committed by aliens, who I hope will not escape the justice which has not yet visited their fellow-assassins in Wyoming. And now, sir, let us hasten to make such poor reparation as we can by payment of the bills for the damages sustained by the victims of these outrages, which are detailed with so much accuracy in the appendix to the President's message sent to this House. [Applause.]

Mr. MCCREARY. Mr. Chairman, I ask that the President's message on this subject be read in my time.

The CHAIRMAN. The message will be read.

The Clerk read as follows:

To the Senate and House of Representatives:

It is made the constitutional duty of the President to recommend to the consideration of the Congress, from time to time, such measures as he shall judge necessary and expedient. In no matters can the necessity of this be more evident than when the good faith of the United States under the solemn obligation of treaties with foreign powers is concerned.

The question of the treatment of the subjects of China sojourning within the jurisdiction of the United States presents such a matter for the urgent and earnest consideration of the Executive and the Congress.

In my first annual message, upon the assembling of the present Congress, I adverted to this question in the following words:

"The harmony of our relations with China is fully sustained.

"In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

"The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory, are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific slope may find vent in similar lawless demonstrations.

"All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrongdoers to justice should be insisted upon.

"Every effort has been made by this Government to prevent these violent outbreaks and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.

"Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.

"The admitted right of a government to prevent the influx of elements hostile to its internal peace and security may not be questioned, even where there is no treaty stipulation on the subject. That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evident in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than our own. If existing laws are inadequate to compass the end in view, I shall be prepared to give earnest consideration to any further remedial measures within the treaty limits which the wisdom of Congress may devise."

At the time I wrote this the shocking occurrences at Rock Springs, in Wyoming Territory, were fresh in the minds of all, and had been recently presented

anew to the attention of this Government by the Chinese minister in a note, which, while not unnaturally exhibiting some misconception of our Federal system of administration in the Territories, while they as yet are not in the exercise of the full measure of that sovereign self-government pertaining to the States of the Union, presents in truthful terms the main features of the cruel outrage there perpetrated upon inoffensive subjects of China. In the investigation of the Rock Springs outbreak and the ascertainment of the facts on which the Chinese minister's statements rest, the Chinese representatives were aided by the agents of the United States, and the reports submitted, having been thus framed and recounted facts within the knowledge of witnesses on both sides, possess an impartial truthfulness which could not fail to give them great impressiveness.

The facts, which so far are not controverted or affected by any exculpatory or mitigating testimony, show the murder of a number of Chinese subjects in September last at Rock Springs, the wounding of many others, and the spoliation of the property of all when the unhappy survivors had been driven from their habitations. There is no allegation that the victims, by any lawless or disorderly act on their part, contributed to bring about a collision. On the contrary, it appears that the law-abiding disposition of these people, who were sojourners in our midst under the sanction of hospitality and express treaty obligations, was made the pretext for the attack upon them. This outrage upon law and treaty engagements was committed by a lawless mob. None of the aggressors, happily for the national good fame, appear by the reports to have been citizens of the United States. They were aliens, engaged in that remote district as mining laborers, who became excited against the Chinese laborers, as it would seem, because of their refusal to join them in a strike to secure higher wages. The oppression of Chinese subjects by their rivals in the competition for labor does not differ in violence and illegality from that applied to other classes of native or alien labor. All are equally under the protection of law, and equally entitled to enjoy the benefits of assured public order.

Were there no treaty in existence referring to the rights of Chinese subjects, did they come hither as all other strangers who voluntarily resort to this land of freedom, of self-government, and of laws, here peaceably to win their bread and to live their lives, there can be no question that they would be entitled still to the same measure of protection from violence and the same free forum for the redress of their grievances as any other aliens.

So far as the treaties between the United States and China stipulate for the treatment of the Chinese subjects actually in the United States as the citizens or subjects of "the most favored nation" are treated, they create no new status for them; they simply recognize and confirm a general and existing rule, applicable to all aliens alike, for none are favored above others by domestic law, and none by foreign treaties, unless it be the Chinese themselves in some respects. For, by the third article of the treaty of November 17, 1880, between the United States and China, it is provided that:

ARTICLE III.

"If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty."

This article may be held to constitute a special privilege for Chinese subjects in the United States as compared with other aliens; not that it creates any peculiar rights which others do not share, but because in case of ill-treatment of the Chinese in the United States this Government is bound to "exert all its power to devise measures for their protection," by securing to them the rights to which, equally with any and all other foreigners, they are entitled.

Whether it is now incumbent upon the United States to amend their general laws or devise new measures in this regard I do not consider in the present communication, but confine myself to the particular point raised by the outrage and massacre at Rock Springs.

The note of the Chinese minister, and the documents which accompany it, give, as I believe, an unexaggerated statement of the lamentable incident, and present, impressively, the regrettable circumstance that the proceedings, in the name of justice, for the ascertainment of the crime and fixing the responsibility therefor were a ghastly mockery of justice. So long as the Chinese minister, under his instructions, makes this the basis of an appeal to the principles and convictions of mankind, no exception can be taken. But when he goes further, and, taking as his precedent the action of the Chinese Government in past instances where the lives of American citizens and their property in China have been endangered, argues a reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered at Rock Springs, it becomes necessary to meet his argument, and to deny, most emphatically, the conclusions he seeks to draw as to the existence of such a liability and the right of the Chinese Government to insist upon it.

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and to invite especial consideration of the cogent reasons by which he reaches the conclusion that, while the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection, and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country, with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

The correspondence exchanged is herewith submitted for the information of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, March 2, 1886.

Mr. MCREARY. Mr. Chairman, the whole subject of indemnifying certain Chinese for damages done to them at Rock Springs, Wyoming Territory, has been so fully discussed and so ably presented by the President in his message, and his reasons are so ample for the proposed appropriation, that I shall be very brief. The Chinese problem is very interesting and very important. The trouble at Rock Springs and the information that we get from the States on the Pacific slope show that there is a hostile feeling between Americans and Chinese, and that there is almost an irrepressible conflict between our people and them, which in my opinion can not be stopped except by absolute restriction

of Chinese immigration to this country, and I am in favor, sir, of going as far as the treaty between this country and China will allow us in prohibiting Chinese laborers from coming to this country. But the question before us for consideration now is the treatment of the subjects of China sojourning within the jurisdiction of the United States. It appears, according to all the evidence, that these harmless and helpless people at Rock Springs were in no respect guilty of violence, that they were in no respect injuring anybody at the time they were attacked and twenty-eight of them killed and a number wounded.

These Chinese were within the territory of the United States, and allowed to come here under a treaty, and the United States had agreed to "exert all its power to devise measures for their protection and to secure them the same rights, privileges, immunities, and exemptions as are enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty. I do not know that I would be able to support this proposition of indemnity if it stood alone, but considering the relations between the United States and China and the necessity for further legislation and further treaty stipulations prohibiting Chinese immigration, I am inclined to support the bill.

It appeals to us because it concerns our relations with a nation with which we are to-day upon friendly terms, and which, when we asked indemnity for injuries inflicted upon American citizens in China, granted it to a large amount, having paid at one time \$750,000. In addition to this, policy requires the payment of the amount asked for. There are to-day more than a thousand American citizens in China and millions of American capital, and under all the circumstances it is perhaps best to pay this indemnity. I wish to say, however, in this connection that there is no treaty stipulation and no law that requires it to be paid. If we pay it, we pay it for the benefit of poor, helpless, unfortunate men whose houses were burned before their eyes, the lives of twenty-eight of them destroyed, and many of them wounded. I believe, sir, that this case appeals to us as a civilized people, as a Christian people, and the bill should be passed to indemnify the sufferers. I now yield to the gentleman from New Jersey [Mr. PHELPS] ten minutes.

Mr. PHELPS. Their houses were burned; their goods were pillaged; twenty-eight of them were killed and fifteen wounded. And the only provocation was that they would not join in a strike. That is the case, and the question is, "What are we going to do about it?" and the answer ought to be, and I believe will be, "Do what the administration recommends and what this bill provides for and pay for the property destroyed." Not for charity's sake, but for solid reasons. Because it is good policy, as urged by the gentleman from Illinois [Mr. WORTHINGTON]; because it is a single reciprocity for a hundred cases, where China has paid an indemnity to us, as urged by his colleague, Mr. HITT, and because it is an international obligation, as urged by the gentleman from Massachusetts [Mr. RICE].

It is good policy, because we have more property in China than China has in the United States. We need millions to measure our property, thousands will measure theirs; and if we change the old rule of practice and adopt the new one, that the natural government may throw the obligation to defend the rights of foreigners on one of its members, call it State, Territory, province, or vice-royalty, the United States will in the future lose a great deal more than China. If the new rule had prevailed in the East, the great fortunes which have been brought to this country, and whose splendor is yet conspicuous in Wall street and Fifth avenue, would never have got across the Pacific. But there is a moral obligation stronger than these considerations of policy. We ought to pay this indemnity to China, because China has paid indemnities to us in a score, perhaps in a hundred cases similar to this, only less meritorious.

The history of our diplomatic relations with China for nearly fifty years has been only the history of prompt and greedy claims for indemnity on our part and of prompt and generous payment on its part. It has paid for the rights of every American citizen when violated. It has paid for the violated rights of Chinese subjects when they were connected with ours; as when they paid a Chinese landlord, whose house was destroyed by a mob, because an American leased it, and as when they paid for the property and clothing of native helpers, which was lost in the service of American missionaries. This is the way China paid indemnities up to 1858. In this fashion she paid them in detail, then she paid them in gross. She took more than \$700,000, gave it to the United States Government and said, "Take this and pay your countrymen."

We took it, we paid all claims generously, with 12 per cent. interest; but the generosity of China was so ample that after all this we had left nearly one-third of the original sum to return to China. China did this and shamed the grudging spirit in which Christian countries pay their international bills.

This is the moral obligation, but there is a legal one—the international obligation. The United States has treaties with the Empire of China. In these treaties she promised to protect Chinese subjects. The United States has failed to keep its covenants. It did not protect Chinese subjects, and it is liable in damages for a broken contract unless it can establish and maintain as a doctrine of international law that when a nation makes a treaty with another nation and breaks one

of its covenants it can shift its liability by saying that it was the covenant and therefore the liability of one of its members.

Unfortunately it is easy to declare this doctrine, but it seems impossible to establish and maintain. All writers on international law from Grotius to Woolsey have examined and rejected it. We have accepted it in declaration but have always rejected it in practice. We have generally asserted this doctrine most vehemently at the very moment we were about to transgress it. Our habit has been to assert bad law and practice good. We did this in the famous case at New Orleans. A mob destroyed the property of Spanish subjects. Her Spanish Majesty demanded indemnity.

The powerful voice of Daniel Webster was heard in reply. He declared this bad law magnificently and referred them to the State of Louisiana and its courts. Her Spanish Majesty ignored all this eloquence in declaration of bad law and asked for the usual practice, and the Secretary of State recommended Congress to vote the indemnity and say nothing more of the State's liability. But more significant yet was the case in China at the time of the Anglo-Chinese war. China, learning the verbal tricks of civilization, concluded she would declare bad law and see the result. She told our Department of State that the vice-royalty of Canton was the party liable and that in its tribunals the American claimants must find redress. Our Secretary, Lewis Cass, said little against the bad law in the plea. How could he? But insisted on the usual good practice, and China, the nation, the empire, paid the bill.

And in European countries the same uniformity of action prevails, accompanied still in some cases by the same declaration of the bad law, that would relieve national obligation and substitute local. Indeed, comprehensive as was the claim made yesterday by the gentleman from Massachusetts [Mr. RICH] that no text-book in its summary of principles and no civilized nation in its practice had ever followed this bad law, I believe it is the truth. If, then, in this case we put the bad law for the first time into practice against a semi-barbarous nation, public opinion will say we did it because China was weak and could not enforce its rights, and the world will compare the pagan civilization of the Chinese Empire with the Christian civilization of the great American Republic, and not to our credit.

THE CHAIRMAN. The time of the gentleman from New Jersey [Mr. PHELPS] has expired.

MR. HENLEY. I desire to ask the gentleman from New Jersey a question.

THE CHAIRMAN. The time of the gentleman from New Jersey has expired.

MR. PHELPS. I shall be glad to answer the gentleman's question if time be given me.

THE CHAIRMAN. The gentleman from Kentucky [Mr. McCREARY] is entitled to the floor.

MR. HENLEY. Will the gentleman from Kentucky permit me to put a question to the gentleman from New Jersey?

MR. McCREARY. I yield for that purpose, but I trust the gentleman will be very brief.

MR. HENLEY. It was stated yesterday, and the gentleman from New Jersey doubtless heard the statement, that Mr. Blaine, when Secretary of State, adopted a different rule from that for which the gentleman contends and which is asserted by the Committee on Foreign Affairs in presenting this bill; in other words, that upon outrages being committed upon certain Chinese subjects in the city of Denver and upon indemnity being demanded, Mr. Blaine or Mr. Evarts, I forget which—

MR. MCKENNA. Both of them. It was I who made the statement yesterday.

MR. HENLEY. Denied the right to indemnity. I should like to hear from the gentleman from New Jersey on that subject, because upon these matters everybody knows him to be *facile princeps*.

MR. PHELPS. If I answer the gentleman in the way he wishes me to do, I do not see that it involves any contradiction of my statement that Daniel Webster, Lewis Cass, Hamilton Fish, James G. Blaine, and Frederick T. Frelinghuysen all made the declarations I have cited. I admitted that the declarations had been made by almost all our administrations that we were exempt from obligation under a treaty if we could refer the party complaining to a local authority or tribunal; but at the same time I claimed that there was no break in the practice of these very Secretaries, who, after making their declarations, followed the fashion of American diplomacy and paid the indemnity whenever it was due and demanded.

MR. MCKENNA. Will the gentleman from New Jersey allow me to ask him a question?

MR. McCREARY. I yield three minutes to the gentleman from Georgia [Mr. CLEMENTS].

MR. CLEMENTS. Mr. Chairman, as I intend to vote for this resolution I wish to briefly state my reasons for so doing, as well as to refer to the question of Chinese immigration which has been introduced into this discussion. Within the limited time allotted to me in the debate I can only discuss the questions generally and not minutely. The resolution of indemnity is to pay for the losses the Chinese sustained by the outbreak and violence upon them at Rock Springs, in Wyoming

Territory, last September. The facts of this inhuman and murderous affair have been so widely published throughout this country and the world, and that to our discredit, that it is unnecessary for me to detail them here. Twenty-eight unoffending Chinamen were killed outright, many others wounded and driven from their burning homes and property, seeking refuge in the hills and mountains; some were burned.

The coroner's jury there found as follows:

We, the undersigned, members of the coroner's jury, from the evidence before us, state that human bodies Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 came to their death from exposure to fire, the nationality of said bodies being unknown to us, as they were defaced beyond recognition.

And the grand jury as follows:

We have diligently inquired into the occurrence at Rock Springs on the 2d day of September last, and, though we have examined a large number of witnesses, no one has been able to testify to a single criminal act committed by any known white person that day. Whatever crimes may have been committed, the perpetrators thereof have not been disclosed by the evidence before us; and therefore, while we deeply regret the circumstance, we are wholly unable, acting under the obligation of our oaths, to return indictments.

There is no chance of redress there. Shall this Christian nation which has persistently sought closer and more intimate commercial and friendly relations for years with China, into which country our missionaries and merchants and other citizens go, and for whom we claim protection of life and property while there, and for the loss of which by violence we have exacted and received indemnity from that Government in times past, now fail or refuse to respond to the requirements of the "golden rule?"

The gentleman from California [Mr. HENLEY] inquires of the gentleman from New Jersey [Mr. PHELPS] if this proposition is not against the policy of Mr. Blaine when he was Secretary of State. Be that as it may, I see the gentleman from Illinois [Mr. HITT], then Assistant Secretary under Mr. Blaine and now a member of this House, advocates it.

I do not support this joint resolution upon any idea that there is clear and undoubted liability on the part of this Government under international law. I do not consider the many instances cited here are good precedents for this case, but I shall vote for the joint resolution upon the ground of our past relations with China. It was at the instance of this Government our people have been admitted there and our missionaries and merchants have been allowed to pursue their calling in that empire. Our citizens resident there have also been indemnified by the Chinese Government for losses and damages sustained by them. I do it, sir, upon the ground of moral obligation under the peculiar circumstances of the case. In this connection I call attention again to the closing paragraph of the President's message which has been read. It is as follows:

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and to invite especial consideration of the cogent reasons by which he reaches the conclusion that, whilst the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection, and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country, with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

The correspondence exchanged is herewith submitted for the information of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, March 2, 1886.

And also to that part of the note of the Secretary of State therein referred to as follows:

Yet I am frank to say that the circumstances of the case now under consideration contain features which I am disposed to believe may induce the President to recommend to the Congress, not as under obligation of treaty or principle of international law, but solely from a sentiment of generosity and pity to an innocent and unfortunate body of men, subjects of a friendly power, who, being peaceably employed within our jurisdiction, were so shockingly outraged, that in view of the gross and shameful failure of the police authorities at Rock Springs in Wyoming Territory, to keep the peace, or even to attempt to keep the peace, or to make proper efforts to uphold the law, or punish the criminals, or make compensation for the loss of property pillaged or destroyed, it may reasonably be a subject for the benevolent consideration of Congress, whether with the distinct understanding that no precedent is thereby created, or liability for want of proper enforcement of police jurisdiction in the Territories, they will not, *ex gratia*, grant pecuniary relief to the sufferers in the case now before us to the extent of the value of the property of which they were so outrageously deprived, to the grave discredit of republican institutions.

I trust you will recognize in what I have herein suggested the desire of the United States to carry into effect the "golden rule" recited in the treaty to which you have made reference, and that in such action you will perceive our wish and purpose to confirm and perpetuate the friendship and comity which, I trust, may long exist between our respective countries. You will, I am sure, agree that in good faith, and in compliance with their obligations, the Government of the United States is strenuously asserting its power to secure the protection of your countrymen within its jurisdiction.

Accept, sir, a renewed assurance of my highest consideration.

T. F. BAYARD.

I desire to say in relation to some criticism which the gentleman from California [Mr. FELTON] made upon the Committee on Foreign Affairs, wherein he called attention to the fact that in his judgment the committee ought to have given more attention to the question of restriction upon the immigration of Chinese than to making reparation for any loss or damage they may have sustained—I wish to say in reply to that criticism of the gentleman from California that no question before that committee has received more deliberate and careful consideration than the question of further restriction to which he has adverted. I had the honor myself to vote for the strongest restriction bill which has passed the House, but which was vetoed by a Republican President. I have voted for all these measures of restriction and will also vote for this joint resolution. I am willing to vote to the fullest extent in favor of *bona fide* restrictions, and to go even to the extent of abrogating the treaty with China if necessary to protect American laborers and American society from the evil effects of this Mongolian immigration. It is conceded by all that it is an evil. It has been greatly repressed by laws already enacted under treaties. Let us by proper action go forward and entirely stop it in the interest of intelligent, honorable, and self-respecting American laborers, but let us do it by honorable means consistent with treaty stipulations; and while upon this subject let me say that Congress may well consider whether the time has not come when patriotism and wisdom shall dictate further discrimination against the immigration of some other classes equally as dangerous to this country and its institutions as these Chinese. The true laborer and bread-winner of this country has no worse enemies than such creatures as these who committed this massacre upon these unoffending Chinese at Rock Springs in the Territory of Wyoming. These creatures were aliens and not citizens of this country. The cause of honest American laborers is not promoted by the lawless conduct and crimes of such persons. And while well-meaning, industrious, and virtuous foreigners desiring to better their conditions should be welcomed to our shores, there are those whose conduct and teachings lead toward anarchy, and who are far more dangerous to American society and institutions than are the Chinese. I mean such as bring among us socialism, Mormonism, and anarchism.

[Here the hammer fell.]

Mr. BELMONT. I call for the regular order of business.

The CHAIRMAN. Under the order of the House general debate is now closed on the pending joint resolution, and the Clerk will proceed to read the first section.

The Clerk read the first section of the bill, as follows:

Resolved, &c., That the sum of \$147,748.74 be, and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid to the Chinese Government, in consideration of the losses unhappily sustained by certain Chinese subjects by mob violence at Rock Springs, in the Territory of Wyoming, September 2, 1885, the said sum being intended for distribution among the sufferers and their legal representatives, in the discretion of the Chinese Government—

Mr. CAREY. Mr. Chairman, I rise to move an amendment to the first section.

The CHAIRMAN. The gentleman will state it.

Mr. CAREY. I move in line 5, after the word "appropriated," to insert "or so much thereof as may be necessary."

Mr. BELMONT. There is no objection to that amendment.

Mr. CAREY. I desire to be heard on my amendment.

The CHAIRMAN. The gentleman will proceed.

Mr. CAREY. Mr. Chairman, I have no doubt the amount proposed to be appropriated by this resolution is double the value of the property actually lost and destroyed. If the purpose of this joint resolution be to pay the Chinese Government vindictive damages, intending thereby to make the Chinese Government and people feel kindly toward us as a nation, the appropriation is not too large. But if the object be to pay the value only of the property lost through the outrages of the mob, then this joint resolution should be amended by the insertion of the words "or so much thereof as may be necessary," and further amended so as to require the existence and loss of the property to be established by evidence.

The effect of this resolution is to pay to the Chinese Government an amount of money sufficient to give each Chinese resident of Rock Springs on the day of the riot nearly \$200. The assessed value of the property of Sweetwater County, in which Rock Springs is located, was in 1885 about two and a half million of dollars. Of this amount the Chinese residents only returned a few hundred dollars.

The Chinamen, after they were induced to return to Rock Springs under military protection, examined the ruins of their huts, and unearthed, it was stated at the time, much of the treasure which they claimed they had lost. Because the Chinese Government made a mistake a number of years ago, and paid to this Government a much larger sum of money than was required to indemnify American citizens for losses sustained in the Chinese Empire, is no reason why this Government should make a similar mistake now.

On behalf of the people of my Territory I desire to state, that it is very unfortunate that the whole truth has not been told with reference to the riot at Rock Springs. There is a disposition to shirk the responsibility and place it at the door of certain classes of the foreign-born population. The chairman of the Committee on Foreign Affairs, in answer

to a question yesterday, replied that only Welshmen and Swedes were engaged in the mob. The appendix to the report of that committee shows that the nationalities engaged were English, Welsh, Scotch, Irish, and Scandinavians, their numbers predominating in the order named. These people are not deserving of all the odium which attaches to the disgraceful affair. Race was undoubtedly a strong factor, but the constant agitation of the Chinese question by the press and the people had intensified the bitter feeling prevailing at that time. Congress and the treaty-making power of the Government had attempted to restrict Chinese immigration. The remedy applied had not been sufficiently radical. Labor, always jealous of its rights, read daily that the law was being evaded and that the country west was being overwhelmed by Chinese immigrants.

The white miners on the day the riot occurred claimed and thought they had grievances. They believed from reports circulated in the camp that they had been discriminated against in the working of the mines, and that white miners in the village were refused work while Chinamen readily obtained employment. While these grievances were probably imaginary, it only required a difficulty in the mines between a white man and a Chinaman to rouse the miners to the highest state of excitement. There is no evidence that the outrageous deeds committed were in any sense premeditated. The fire had been smoldering for months, and it only required the excitement of the morning to fan it into flames. When the mob had once assembled and started on its mad career reason did not govern; its only code was blood, pillage, and destruction.

The people of Wyoming Territory sincerely regret that the riot occurred. They do not apologize for it, but in the strongest terms condemn it. They do not think they should in any wise be held responsible for it.

During the sixteen years of the political existence of the Territory previous to this trouble good order had been maintained throughout the Territory; the laws had been enforced, and life and property were as safe as it was possible for it to be in a new country. Her people are not of that kind that excite race prejudices or justify mob violence.

The President, in his special message to Congress, says:

While the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection, and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country, with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

This paragraph does an unintentional injustice to the authorities of the Territory. Sweetwater County is a large county containing an area equal to the combined area of several of the small States. Its voting population is only 1,100. Its peace officers, scattered over the county at the time the riot occurred, consisted of a sheriff and his deputy and three or four constables; which, previous to this time, had been ample to maintain good order. The trouble had not been apprehended by any one. The Chinese consul states in his letter that the sheriff of the county did all that was in his power. All the officers, from the governor down, backed by the people of the Territory, were prompt to suppress subsequent threatened outbreaks in other sections of the Territory. Much is said about the action of the grand jury in Sweetwater County. The excitement was so great in the county immediately after the riot that the investigation should have been postponed to a future time.

It is rare, indeed, that men who have engaged in riots are brought to justice. It is true there is no forum in the county in which compensation for the losses incurred can be maintained; but this is not because those who were damaged were Chinese subjects. The Chinese stand in the same position as Americans in this respect. A civil action would not lie against the county. Sweetwater County stands in this regard in the same position as the counties in most of the States of the Union. In but a small number of the States is a right of action given by statute against municipal corporations for losses sustained by reason of mob violence.

The riot had not its origin at Rock Springs. Of the population of the Pacific States and Territories it is estimated that nearly 10 per cent. are Mongolians. Chinese labor has largely undermined on the Pacific coast the labor not only of citizens of foreign birth, but of those born in this country. Each year the Mongolians are pushing farther East, white labor is uneasy, and difficulties between the two races are becoming frequent occurrences. As long as the Chinamen are in the country they will be entitled to its protection. White labor will array itself against Chinese labor, because it can not successfully compete with it. The Chinaman, owing to centuries of deprivation, can live on far less than it is possible for an American to live on. The former can breathe and have good health in a space not large enough for an ordinary closet. He is not burdened in this country with wife and children. He in no sense becomes a part of our people or takes upon

himself any of the duties of citizenship. He gathers the fruit of his toil with the view only of transporting it to his mother country.

The only remedy is the enactment of a law that will absolutely restrict all further Chinese immigration to this country. The people of the Pacific States and Territories have for years protested against further Chinese immigration. The Territories of the United States want more population. Men who bring families become citizens, build homes, and take part in the development of the country always receive a hearty welcome. Possessing these qualifications, there is never any inquiry made as to race or nationality. It is such men as these who live in the Territories that ask that their honest labor shall not be brought into competition with that of the Chinese who are imported into the country under contracts which hold them in a condition little removed above that of slavery.

This nation has since its foundation with wise laws protected its products against the competition of the productions of foreign countries. It is important that the nation should elevate the labor of its own citizens and protect them against a race that can in no wise identify and assimilate itself with the American people. The good order of the land and the best interest of the American citizen require and demand it.

Owing to the building of new railroads, to the inexhaustible coal fields of Wyoming Territory ten thousand miners will within a very short time be required. If these miners be Mongolians, they will add nothing to the wealth of the Territory, but will sap its very life, and the mining camps will consist only of huts. If the miners employed be white men, besides adding great wealth to the Territory it will bring forty to fifty thousand additional population, and instead of villages of Chinese huts, well-built towns will spring up, in which will live thrifty populations.

[Here the hammer fell.]

Mr. BELMONT. I move that the committee rise for the purpose of limiting debate.

Mr. O'NEILL, of Missouri. I have an amendment to offer.

Mr. CAREY. I would like an opportunity to continue my remarks.

Mr. O'NEILL, of Missouri. My object in offering the amendment is to speak to the merits of the bill; but I suppose an opportunity will be afforded before the measure is disposed of.

The CHAIRMAN. The motion of the gentleman from New York is in order; and the Chair is bound to entertain it. The gentleman from New York moves that the committee now rise.

Mr. CAREY. What has become of my amendment?

The CHAIRMAN. The gentleman's amendment is pending; but pending that amendment the gentleman from New York has moved that the committee rise.

Mr. CAREY. I think a number of amendments will be required to this section.

The question being taken on the motion of Mr. BELMONT, there were—ayes 123, noes 16.

Mr. KING. No quorum.

Mr. BROWNE, of Indiana. I asked for a division on this question, with no intention whatever of delaying the consideration of the bill. I am in favor of it; but I think it only fair that some one should be heard for five minutes in opposition to the amendment suggested by the gentleman from Wyoming, and especially in opposition to the logic by which he attempted to support it.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the amendment of the gentleman from Wyoming is pending.

Mr. BROWNE, of Indiana. But, as I understand, the purpose of the motion to rise and go back into the House is to cut off further debate on the subject.

The CHAIRMAN. That is for the House to determine. Does the gentleman from Louisiana [Mr. KING] make the point that no quorum voted?

Mr. KING. Yes, sir.

Mr. MILLS. A quorum is not required upon a motion that the committee rise.

The CHAIRMAN. On this question the ayes are 123, the noes 16. The motion is agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration House joint resolution No. 147 had come to no conclusion thereon.

Mr. BELMONT. Mr. Speaker, I move that, when the House next resolves itself into Committee of the Whole for the consideration of this subject, all debate on this resolution and all amendments thereto be limited to one minute.

Mr. MILLS. Say thirty minutes.

Mr. BELMONT. I must insist upon the motion; the time of the committee is very limited.

Mr. O'NEILL, of Missouri. I move to amend by making it five minutes.

Mr. MILLS. All the debate has been taken up on one side. Give us some on the other. I move to amend by making it ten minutes.

Mr. BELMONT. The time of the committee under the rule is limited to only a few minutes more, and I must insist upon the motion.

The question being taken on the amendment to the amendment, submitted by Mr. MILLS, the House divided; and there were—ayes 41, noes 79.

Mr. MILLS. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. MILLS and Mr. BELMONT were appointed tellers.

The House again divided; but before the result was announced the Speaker declared that the hour for the consideration of bills under the rule had expired.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. BELMONT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of further considering the diplomatic and consular appropriation bill.

The motion was agreed to.

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

The CHAIRMAN. The Clerk will report the pending amendment, submitted by the gentleman from Illinois last evening.

The Clerk read as follows:

Strike out line 237 and insert:

"Mexico: Consuls at Acapulco and Matamoras, at \$2,000 each, \$4,000."

Mr. CANNON. This is merely adding Matamoras at its proper place, it having been stricken out before.

The amendment was agreed to.

The Clerk read as follows:

Friendly and Navigator's Islands: Consul at Apia, \$1,500.

Chili: Consul at Talcahuano, \$1,000.

Mr. BELMONT. I move to strike out the paragraph in lines 250 and 251, and also line 252, with a view of inserting them hereafter at their proper places in the bill.

The motion was agreed to.

The Clerk read as follows:

Salaries, consular service (class 6).

Mr. CANNON. I offer the same amendment there, to strike out the words "salaries, consular service," so it will stand "class 6."

The motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROGERS having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed a bill of the following title; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 1532) to regulate commerce.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

Turkish dominions: Consul at Sivas, \$1,500.

Mr. BELMONT. At this point, Mr. Chairman, I move to insert the line 250, stricken out a moment ago, as follows:

Friendly and Navigator's Islands: Consul at Apia, \$1,500.

Mr. HOLMAN. I do not understand, because of the rearrangement of this bill, which is so different from what we have had before, what is the necessity for this amendment. I should be glad if the gentleman would state it. What is the effect of the amendment?

Mr. BELMONT. It is simply to put the salary in the class to which this officer belongs.

Mr. HOLMAN. Under the present law?

Mr. BELMONT. Yes; and the manner in which it is inserted in the wrong place arose from the fact that the estimates of the Department contained a recommendation that this consul should have the salary raised, and would therefore go into another class. The committee, however, preferred to leave him in the class to which he belonged.

Mr. HOLMAN. So the salary is not raised?

Mr. BELMONT. No, sir; on the contrary, he remains by this amendment where he was prior to the preparation of this bill.

The amendment was agreed to.

The Clerk read as follows:

SCHEDULE C.

Salaries, consular service (class 7):

Mr. CANNON. I move to amend in line 302 by striking out the words "salaries, consular service," so that it will stand "class 7," as in the other classifications.

The amendment was agreed to.

The Clerk read as follows:

British dominions: Consuls at Gaspe Basin, Windsor (Nova Scotia), Bombay, Sierra Leone, and Turk's Island, at \$1,000 each, \$5,000.

Mr. CANNON. Does the gentleman from New York desire to offer an amendment there?

Mr. BELMONT. I have no amendment that I desire to offer.

Mr. CANNON. I propose to offer an amendment, to insert the line stricken out heretofore, 252, as follows:

Chili: Consul at Taleahuano, \$1,000.

Mr. BELMONT. I had proposed to insert that at the end of this paragraph of the bill; but let it go in here; it is immaterial.

The amendment was agreed to.

The Clerk read as follows:

Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk-hire, no greater portion of this sum than \$400 to be allowed to any one consulate in any one fiscal year: *Provided*, That the total sum expended in one year shall not exceed amount appropriated, \$10,000.

Mr. HEWITT. I desire to offer an amendment, and after it is read I will make a brief explanation of the reason for offering it.

The Clerk read as follows:

At the end of line 370 add:

"Provided further, That out of the amount hereby appropriated the Secretary of State may make such allowance as may to him seem proper to any interpreter for clerical services in addition to his pay as interpreter."

Mr. HEWITT. Mr. Chairman, under this provision \$10,000 may be used in the discretion of the Secretary of State to pay additional clerk-hire at consulates. By a subsequent provision \$4,000 are appropriated for pay of interpreters and guards at the consulates at Constantinople, Smyrna, Cairo, Jerusalem, Beirut, and Seoul. At Constantinople the interpreter receives a salary of \$480 a year. When I had the honor of being in that city I discovered that this interpreter was the mainstay of the consulate; that he was not only the interpreter, but he had to go into the court, that he had to keep the records of the consulate, that he was doing the work of a first-class lawyer in Turkish law. He is a Greek by birth, is a good English scholar, and has a general knowledge of modern languages. I found the sum he received was totally inadequate, and I satisfied myself we were doing a gross injustice to this competent gentleman by giving him only \$480 a year. On my return I represented the fact to the Secretary of State, and allowance was made of \$120 a year out of the appropriation for clerks at consulates, which gave him \$600 in all.

This continued till the change of administration, when the incorruptible First Comptroller of the Treasury disallowed the additional amount paid to the interpreter of \$120. The result was that my friend, out of his allowance of \$480, had to repay the additional amount he had already received and expended. He has written to me a most distressful letter, with which I will not trouble the House, except by showing the length of it [holding up the letter] to see if some relief could not be had.

I communicated with the First Comptroller, and have received from him a most careful legal opinion, in which I am bound to say he sustains his position that he was compelled to reject this additional allowance of clerk-hire on the ground that section 1765 of the Revised Statutes forbids any officer receiving pay from two several appropriations, unless it is done by authority of Congress. He says he is very sorry he is compelled to come to this conclusion, but the law leaves him no choice. I ask the House to authorize the Secretary of State, if he deems it proper, to make an allowance of this moderate character, as he has done heretofore, out of this fund. It does not increase the amount one dollar. It allows meritorious officers receiving small salaries to live, and no more.

Mr. CANNON. I would have preferred, if this very worthy employé of whom the gentleman from New York speaks needs relief, that the provision should be specific as to that employé. I do not know whether it is good policy or not to provide that interpreters may also receive pay as clerks. If this principle is to be applied the world round at all these different consulates where an interpreter is necessary, it may grow into an abuse.

Mr. HEWITT. It is left to the discretion of the Secretary.

Mr. CANNON. I know it is left to his discretion, and I presume he will exercise it wisely.

Mr. HEWITT. I am perfectly willing to modify the amendment; but I supposed the same difficulty might exist at some place we did not know about. I only pointed out this case. The amount for clerk-hire is very small, only \$10,000, and only \$4,000 are allowed for interpreters. The Secretary by this amendment is allowed a little discretion, and that is all there is of it.

Mr. CANNON. I apprehend as to this item the gentleman is right, but if he will go through the bill he will find other appropriations for interpreters at other places.

But as regards the decisions of the First Comptroller I want to give the gentleman from New York and the House notice that if the House proposes to change legislation all along the line to meet the legal opinions and views of the First Comptroller and of the clerks in his office as now desired, the gentleman from New York will find that he will not have time for anything else scarcely during the balance of this Congress.

Mr. HEWITT. I admit the amendment is open to a point of order, and the gentleman can object to it on the point of order if he sees fit. I have simply thrown, not myself, but this particular case, on the charity of the House. If any gentleman objects on the point of order, I have done my duty.

Mr. CANNON. It is too late now to make the point of order.

Mr. HEWITT. I am glad of that.

Mr. CANNON. And I do not want to make it anyhow. But I want to call the attention of the committee again to the fact that many de-

cisions of this most excellent First Comptroller are breeding great trouble in very small matters. For instance, I recollect one now that was called to our attention the other day. An appropriation was made for the current year for putting in gas-pipes, &c., into the new Pension building. That learned officer held you could not after you got the gas in put on the small fixtures to utilize it. There is an appropriation for contingencies used for a thousand things, used for ice and a great many other things. That learned officer has held that you can not from that appropriation purchase car-tickets to send messengers upon an errand. Constant application is being made now to change the laws all along the line to meet the opinions of the learned and, as my friend from New York says, incorruptible First Comptroller. One of two things has got to be done: Either the First Comptroller must modify the strictness of his views touching construction, or we must appoint a commission to go all along the line and make the law to suit the First Comptroller. [Laughter.]

Mr. HOLMAN. Mr. Chairman, I move to strike out the last word. I am hardly surprised that the attempt of an officer of the Government connected with a very important branch of the public service, the First Comptroller, to return to the old practices of the Government and to its severe integrity in the expenditure of the public money should, after these years of loose administration, excite astonishment here. The speech which my friend from Illinois [Mr. CANNON] has just made would not have been made by a member of his own party twenty-five years ago, for then the old methods still prevailed and the accounting officers were careful to see that not one dollar was drawn from the Treasury unless it had been properly appropriated to the purpose for which it was drawn.

But in this long lapse of a quarter of a century things have changed, loose methods of administration have sprung up. Under doubtful appropriations large sums of money have been drawn out of the Treasury, and the methods of administration have been such that, guard your appropriation bills as you might, the expenditures in many instances largely exceeded what was intended to be appropriated by Congress. I think, sir, that no higher compliment could be paid to the present First Comptroller of the Treasury, once a distinguished member of this House, than the charge made against him here that he will not consent that the public money shall pass out of the Treasury unless properly appropriated for the specific purpose to which it is sought to be applied. You can pronounce no better eulogy upon him. It is getting back, sir, to the better days of the Republic. It is getting back to the principle that the money which is drawn by taxation from the people shall be applied only to public objects, and that those objects shall be specified by public enactment. For one, I regret that this amendment has been offered. I regret that in the very first session of Congress after the incoming of a Democratic administration a bill like this, involving a little over a million dollars and containing many appropriations which have been held by this side of the House to be unnecessary for the proper administration of our foreign relations, should have grown \$35,000. The expense of one of the most unimportant of our foreign legations has increased to the extent of \$3,300. We have a minister there at the capital of a nation with which we have no political relations whatever and where we have a consul-general who is entirely competent to transact the entire business relations which we possibly can have with that government.

Mr. BELMONT. Will the gentleman from Indiana allow me a question?

Mr. HOLMAN. Certainly.

Mr. BELMONT. Was not the increase in the salary of that minister made in last year's appropriation bill?

Mr. HOLMAN. Certainly it was, but that salary was never received until our administration came into power, and that position, one of the least important of our ministerial positions, is made the basis of this increase, and increase is to be piled upon that.

Mr. MILLS. What minister does the gentleman refer to?

Mr. BELMONT. Our minister at Constantinople.

Mr. HOLMAN. As I have already remarked, we have there a consul-general, at a salary of \$3,000 a year, who can perform every possible duty that can be required.

Mr. HEWITT. He can not interpret.

Mr. HOLMAN. What is the present salary of the interpreter there?

Mr. HEWITT. Four hundred and eighty dollars a year. He had an allowance of \$120 a year, which has been disallowed, and I want to give him the same allowance that he had before out of the same fund.

Mr. HOLMAN. Then it was found that that allowance was made in violation of law.

Mr. HEWITT. But the man can not live on \$480 a year. Even the gentleman from Indiana would find it difficult to make both ends meet on \$480 a year.

Mr. HOLMAN. He lived for four years upon that salary.

Mr. HEWITT. No; he did not. He had an allowance in addition to his salary.

Mr. HOLMAN. For how many years?

Mr. HEWITT. He had an allowance for two years.

Mr. HOLMAN. Then he had an allowance for two years, but prior to that he lived upon the salary.

Mr. BLOUNT. Mr. Chairman, as I understand this matter, there is no proposition here involving an expenditure of money for this item during the next fiscal year greater than what we are expending during the present fiscal year. The amendment, I believe, does not propose to increase the expenditure one single cent, but the necessity for the amendment grows simply out of the fact that a new Comptroller has made a ruling different from the rulings of prior Comptrollers. It is simply a difference of opinion such as is natural among men.

I care nothing at all for the amendment. I think, however, the facts stated by the gentleman from New York disclose the importance of such a change of the rules as will allow the committees of this House representing great Departments of the Government to come in and meet just such exigencies as this. The Committee on Foreign Affairs, as I am informed, has had this subject under consideration, and has now pending before it a bill for the purpose of correcting just such difficulties as this. In one case salaries are too high; in another they are too low. The legislation fixing these salaries was passed years ago. Times have since changed; and you must provide new legislation to meet new exigencies.

In this very instance we find our utter inability, if the rules of the House were insisted upon, to make a very proper increase. The point of order having been made in this case, it seems to me we must of necessity vote this appropriation. Had my attention been drawn to the point earlier I should have made the question of order against this proposition, as I would all along the line in reference to legislation in this bill changing salaries, my object being to illustrate to the House the necessity of allowing the committees having relations with the great departments of this Government on important subjects an opportunity to be heard before the House in reference to needed legislation.

[Here the hammer fell.]

THE CHAIRMAN. Does the gentleman from Indiana [Mr. HOLMAN] withdraw the *pro forma* amendment?

Mr. HOLMAN. I do.

Mr. CANNON. I renew the amendment only for the purpose of saying a word in reply to the gentleman from Indiana, who congratulated himself and the country that at last we have a First Comptroller of the Treasury who is disposed to return to the "days of the fathers"—a strict constructionist. I know the present Comptroller very well; and I am not here to make an attack upon him. I am satisfied he is an honest man.

A MEMBER. Then why does he need so much defending?

Mr. CANNON. I am not seeking to defend him, nor particularly to attack him; I am only replying to the gentleman from Indiana. While I am satisfied that this officer intends to do right, yet I do not think the House or the country is to be congratulated upon many of his rulings, the gentleman from Indiana to the contrary notwithstanding.

In a general way it is true that without the approval of the First Comptroller the accounts which go to the Treasury can not be passed. He construes the law. What I complain of is that this officer, instead of standing erect and looking all along the line of the public service, asking for the substance of appropriation and legislation, viewing the whole field, appears to have seized a magnifying glass, and if he can find a fly-speck anywhere in any general or special legislation, he proceeds to examine it through the magnifying glass and makes his decision from the fly-speck, instead of taking in the whole field of the public service.

I say again that the gentleman from Indiana when he congratulated himself that this officer had brought about a return to the "days of the fathers" must have had in view that lengthy and learned decision of the First Comptroller upon the appropriation for miscellaneous expenses of the Treasury Department, an appropriation covering ten thousand items, which it would be impossible to specify, the appropriation for that reason being called "miscellaneous." When the Secretary of the Treasury desired to buy \$50 worth of car-tickets to give to messengers to pay their fares as they went from one part of this city of magnificent distances to another upon his errands, this Comptroller examined the law and said that this miscellaneous fund would not cover car-tickets. Why he so ruled I never understood until the gentleman from Indiana just told us that we were returning to the "days of the fathers." In the "days of the fathers" there were no street-cars, and no car-tickets; therefore an expenditure of that kind could not be drawn from this miscellaneous fund. [Laughter.] That is all I desire to say.

Mr. HEWITT obtained the floor.

Mr. HOLMAN. Before the gentleman from New York [Mr. HEWITT] proceeds I desire to remind my friend from Illinois [Mr. CANNON] of the provision of the Constitution, which he no doubt remembers very well, that—

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Certainly a public officer who would administer his office in disregard of this provision, who would allow money to be drawn from the Treasury which had not been appropriated to the specific object, would be liable to condemnation.

Mr. HEWITT. Mr. Chairman, I have no controversy with the gen-

tleman from Illinois [Mr. CANNON]. The First Comptroller is the creature of the law. He must obey the law. The law may be very unreasonable, and it is quite possible the First Comptroller may take unreasonable views of the law, and he may have done so in many cases, and they will come up for consideration from time to time. But in this particular case he has decided rightly. I have no controversy whatever with him, but in his own letter to me he says it is a hardship, and Congress can correct it.

There is no controversy about the merits. My friend from Indiana [Mr. HOLMAN] is quite mistaken in the view he takes of this matter. He says he regrets the introduction of the amendment, because it increases this salary. It does nothing of the sort. It gives this unfortunate young gentleman what he had before.

Mr. HOLMAN. Only for two years?

Mr. HEWITT. Unfortunately, when a man living at \$480 a year has increased his expenses to \$600 and has to get back again to \$480 a year it is a greater hardship and more difficult to do. Besides, out of that \$480 he has to give back \$120 he had for the last year.

Mr. HOLMAN. Did the gentleman make inquiry in reference to the salary?

Mr. HEWITT. I made inquiries as to these salaries everywhere. To clear the thing up I will ask to put in the RECORD my letter to the First Comptroller and his reply. In this case there is no disagreement about the fact and the law, and I hope the committee will make it possible for the Secretary of State to do an act of justice to a deserving young man.

The correspondence referred to by Mr. HEWITT is as follows:

HOUSE OF REPRESENTATIVES, Washington, D. C., January 8, 1886.

MY DEAR JUDGE: I am afraid in your zeal for the public service you have inadvertently done an injustice to the interpreter of the consulate at Constantinople. I happen to know this gentleman, who is an exceedingly accomplished young man, and has very important functions to perform, as he must appear in court in all cases affecting American citizens, and is in reality the only person capable of taking care of their interests. His salary was so ridiculously low that I recommended the Department some years ago to make an increase in the shape of clerk-hire, and he received \$120 a year in addition to his salary of \$480 as interpreter. This, however, only gave him \$600 a year, which was entirely inadequate for his support. Subsequently on my suggestion the allowance was made \$100 in lieu of \$120, which would have given him a salary of \$880 a year, a sum entirely inadequate for his support, but as he had some means he was able to get along with it. I inclose you herewith a letter just received from him, showing the straits in which he has been placed by your decision that the allowance for clerk-hire was unlawful, so that he is not only reduced to the salary of \$480 a year, but is compelled to return the \$100 which he had received as his first quarter's allowance as clerk. I must trouble you to read his letter, although it is somewhat long, because I think it will better explain than I can the embarrassment in which he is placed, and will, as I hope, lead you to reconsider your decision. Of course if there be no discretion we must make some provision in the diplomatic and consular bill to meet this case, because so long as we maintain a consulate at Constantinople at all we must have an interpreter, and the interpreter must live. I do not myself see any reason why an interpreter can not also be a clerk; nor why, if the allowance be insufficient to sustain two persons, one man might not have both salaries. At any rate, in this case there is no abuse, but there is a real hardship, which I hope you will be able to overcome. Please return the letter of Mr. Demetriades, with such a review as will enable me to put his mind at rest and relieve him from the suffering in which your decision has placed him.

Sincerely yours,

ABRAM S. HEWITT.

HON. MILTON J. DURHAM,
First Comptroller, Treasury Department.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,

Washington, D. C., January 11, 1886.

SIR: I have carefully read the letter of Mr. D. N. Demetriades to you of December 21, 1885, as well as yours of January 8, 1886, in regard to the disallowance of \$110 in the accounts of Consul-General Heap at Constantinople, being the amount charged in his account as having been paid by him to Mr. Demetriades for one quarter's clerkship and exchange.

I can not reconsider or change the decision I made in the matter, as I think I decided the same in accordance with law.

Section 1765 of the Revised Statutes says:

"No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance or compensation."

Mr. Demetriades, acting as interpreter of the consul-general at Constantinople, was an officer. His pay was fixed at \$180 per year. Now, the above section declares "no officer in any branch of the public service * * * shall receive any additional pay, extra allowance or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance or compensation." How can Mr. Demetriades receive any additional pay for any other work he may do unless "the appropriation therefor explicitly states that it is for such additional pay, extra allowance or compensation?" I admit that a man may hold two distinct compatible offices and receive pay for both, when it clearly appears that Congress intended he should do so; but that is certainly not the case here. There is nothing to indicate that he was to have additional pay for his clerical work; and he therefore comes within the inhibition of section 1765.

I have been compelled to pass upon this section frequently since I have been in office, by reason of efforts on the part of very many employees of the Government to get compensation for what they call extra work or pay for two offices. The case of Mr. Demetriades may be a hard one, but you are aware that I can not provide against that. Congress must do that. I can only construe the law as I find it. I would cheerfully allow Mr. Demetriades what he claims if I could conscientiously do so.

I return herewith the letter of Mr. Demetriades.

Very respectfully,

M. J. DURHAM, Comptroller.

HON. ABRAM S. HEWITT,
House of Representatives.

Mr. BELMONT. I accept the amendment of the gentleman from New York. It is in the line of the action of the committee yesterday. The committee adopted an amendment, which I have presented under the instruction of the Committee on Foreign Affairs, in regard to the contingent fund for foreign missions, and like this it was also offered at the instance of the First Comptroller and seems proper.

Mr. CLEMENTS. Mr. Chairman, I am constrained to oppose this amendment. It is a small matter, it is true, but the policy of the committee is not to allow new legislation on appropriation bills. It is in violation of the spirit of the rule we adopted at the beginning of this Congress.

While it may be true this is a small item, still we can not undertake to cure whatever may be imperfect in the consular and diplomatic service of the Government upon an appropriation bill. It has been deemed unwise to do so, as shown by the rule adopted at the beginning of this session prohibiting legislation upon general appropriation bills.

I do not think the First Comptroller of the Treasury Department is subject to the criticism made against him this morning. We can not be too careful in appropriating the public money, and executive officers can not be too careful in construing the law while paying out the public money, because we all know there is a constant pressure upon the heads of these Departments to yield to the most liberal interpretation of the law.

There is a constant clamor now by many of the new ministers and consuls recently sent abroad to foreign countries for increased salary and expenses.

We can not undertake to regulate all these things in an intelligent and proper way upon an appropriation bill. The Committee on Foreign Affairs has been considering a bill on this particular subject upon the basis of the services rendered by our various representatives abroad. This has not been thoroughly done since 1856. It ought to be done again. To that when it is brought into the House we can submit amendments which will not be in violation of the spirit of the rule of this House prohibiting legislation on appropriation bills.

The salary of the mission in reference to which the pending amendment has been offered was increased some time ago 25 per cent. Yesterday an increase was voted for a steam-launch for it. Now we are asked to increase the compensation for interpreter at this place.

Mr. HEWITT. I beg the gentleman's pardon; it is to give him what he was getting before.

Mr. CLEMENTS. It is to give him by law what he heretofore got in violation of law.

Mr. REED, of Maine. What the First Comptroller regarded as violation of law.

Mr. CLEMENTS. He is the officer to interpret the law, and we are not; I think we had better let all these things go until they can be properly considered.

The whole diplomatic and consular service needs reclassification and rearrangement. Owing to the great progress in telegraphy, means of travel, and intercommunication, as well as the advance in commerce and civilization and enlightenment, the diplomatic service has become less important and the consular service more important. Some consulates that for commercial reasons have risen to greater importance are not adequately paid, while others are paid too much. The system of consular fees is sadly in need of correction. Some of the less important missions might well be consolidated and the number of officials somewhat reduced and unnecessary expenses cut off without detriment to the service. But under our rules this, if done at all, must be done upon another bill, for it changes existing laws.

Mr. KING. Mr. Chairman, I would like to call the attention of my friend from Indiana, Judge HOLMAN, to the fact that the whole question of economy here turns upon something like \$140; whereas a moment ago there was a bill here presented, for which there was no constitutional authority that I have been able to discover, requiring if adopted the payment by this Government of about the sum of \$147,000, and he did not open his lips to oppose it.

Mr. RICE. Mr. Chairman, I agree fully with what my friend from Georgia on the committee has said. There was an effort on the part of the committee to put nothing in the bill which would subject it to the point of order, and consequently we left out many things which might have been introduced and which we would have been glad to insert had it not been for that.

Now, this amendment has been offered by a gentleman not on the committee. It has escaped the operation of the point of order, and it is in line with what the committee would have been glad to do had it not been for the fact that it subjected such measures to the point of order. It is in line with what everybody admits ought to be done; and having escaped the point of order we ought to secure it while in our power, and not wait until another general bill is reported to cover all of the defects of which complaint is so justly made.

Mr. COX. Mr. Chairman, I differ with my distinguished friend from Massachusetts in regard to his views on this matter. There have been demands made upon the committee from the employés of nearly all of our foreign service, and while this particular item may have escaped the point of order, as he suggests, I am satisfied that the friends of these different consuls have failed to offer amendments in their be-

half, knowing that we were pursuing the policy of preserving the appropriations hitherto made. Now, we ought to follow out the same principle in regard to every one of them. If we are going to set aside the system which has been inaugurated, and make different appropriations from those which have been made, instead of applying the uniform rule to this appropriation bill as heretofore, the effect of such a departure would be simply to embarrass the Department.

There are none of these interpreters or clerks who do not desire an increase of salary, and I concur with my friend from Indiana in saying that it was wise in the First Comptroller in not attempting to legislate upon this subject. He has before him the law upon the statute-book. He has taken that and interpreted it as he finds it and as his duty requires him to do.

Mr. RICE. Let me ask the gentleman from North Carolina has he acted equally wise in asking the House to legislate?

Mr. COX. Most unquestionably. If he wants different legislation, if he sees the necessity or importance of it, it is his duty to suggest it and get it through this body, and not through any interpretation which he may give to existing law. That would be most unwise; and for that reason I say that he has acted most properly in the course pursued. Judicial as well as constructive legislation by departments is always unwise, and it will be unwise here. While there may be merits, and undoubtedly there are merits in the individual case presented, in this particular case the interpreter has the advantage of having some gentleman upon the floor who has been there and knows the facts which surround him; and had members of this House been at the different courts throughout the world where our legations are established they would no doubt have found many other equally meritorious cases which would have been advocated in the House.

Mr. BLOUNT. I would like to ask the gentleman from North Carolina a question for information. Has the State Department made any order making a special allowance to this officer—that is, the present Secretary of State? What I wish to know is whether or not, prior to this ruling of the Comptroller of the Treasury, the Secretary of State made any allowance, or a special allowance out of this fund, for this officer?

Mr. HEWITT. He had.

Mr. BLOUNT. Then, as I understand it, the present Secretary of State finds, in view of the ruling of the Comptroller, which may be right, that the sum of this allowance is not sufficient?

Mr. HEWITT. I do not know as to that.

Mr. BLOUNT. Has he made any recommendation?

Mr. COX. He makes no recommendation.

Mr. BELMONT. He holds that he is precluded from making the allowance.

Mr. BLOUNT. Then, I understand, the Secretary of State holds that he is precluded from making an order granting the allowance?

Mr. COX. The Secretary of State has made no recommendation, as I understand it, in the matter.

Mr. BLOUNT. Then if the point of order is withdrawn a vote can be taken upon the merits of the proposition.

Mr. BELMONT. That is my suggestion.

The CHAIRMAN. The amendment proposed by the gentleman from New York will be again read.

The amendment of Mr. HEWITT was again reported.

The amendment was agreed to.

The Clerk proceeded to read the next section of the bill.

Mr. BRECKINRIDGE, of Kentucky. Before leaving this section I desire to offer a further amendment. I want to move to strike out the words in lines 375, 376, and 377:

No greater portion of this sum than \$400 shall be allowed to any one consul in any one fiscal year.

Mr. CLEMENTS. I reserve the point of order, but am willing to hear a statement by the gentleman from Kentucky in support of his amendment.

Mr. BRECKINRIDGE, of Kentucky. The object of the amendment is to leave to the State Department the distribution of this sum of \$10,000 without the limitation that no greater portion of this sum than \$400 be allowed to any one consul in any one fiscal year.

The idea I had in offering the amendment was that the State Department would know better the exigencies of any particular consulate, the circumstances of the places, and the expense of living than we could or the Committee on Foreign Affairs. It does not increase the amount or the number of persons employed among whom and for whose benefit this sum shall be distributed. It simply removes the limitation on the discretion of the State Department.

Mr. BELMONT. It seems to me this would be adopting a new principle. While I did not care to raise the point of order against the proposition of the gentleman from New York [Mr. HEWITT], the object of which was to render the law more specific and limit the discretion of the accounting officer, this amendment would seem to extend the discretion of the Department. Although it is a small matter, I make the point of order against the amendment as changing existing law.

The CHAIRMAN. Will the gentleman from New York indicate to the Chair what the existing law on the subject is?

Mr. BELMONT. The existing law is that no greater portion of this

sum than \$400 be allowed to any one consulate in any one year. This is the law according to the last appropriation bill.

Mr. BRECKINRIDGE, of Kentucky. If I understand the point made by the gentleman from New York it is that in the last appropriation bill, perhaps in several preceding appropriation bills, the same sentence was included as in this appropriation, that no greater portion of this sum than \$400 be allowed to any one consulate in any one fiscal year.

I do not think the rule of order the House has adopted is applicable here. It does not apply to a mere limitation in a former appropriation bill as to how a particular appropriation shall be expended. I do not think that can be considered as having the force of continuing law so that it can not be changed in an appropriation bill. It expires of necessity at the end of the year for which the appropriation is made. It does not continue longer than the distribution of that particular money under that particular appropriation bill.

The CHAIRMAN. The Chair is informed, although he has not the law before him, and the gentleman from New York [Mr. BELMONT] states, that the existing law is the same as in this paragraph to which the gentleman from Kentucky offers his amendment to strike out the portion indicated. Under clause 3 of Rule XXI, the Chair considers that the amendment changes existing law, and therefore is not in order. The Chair sustains the point of order.

Mr. BRECKINRIDGE, of Kentucky. I do not know that the Chair precisely caught the point I was endeavoring to make. My point is that this is no longer existing law; that the words in the rule "existing law" mean necessarily a continuing law, a statute by which and under which certain appropriations are permanently paid for certain permanent officers; that therefore it does not change any existing law to put into a new appropriation a statement what shall be done with the money appropriated under that bill for objects which already exist by operation of law. The consulate exists, the consular clerk exists. He is not given any fixed salary. There is no fixed amount appropriated for him under any law or for any of the expenses of that consulate. Whatever appropriation has been made expires from the very necessity of the case at the expiration of the year for which that particular appropriation has been made.

Now, a new bill making a new appropriation for the objects created by the law to which no fixed salaries have been given certainly can not come under that rule of order, as it appears to me. The distinction between the words in the rule "existing law" and an appropriation bill seems a clear one. One is a permanent statute. An appropriation bill is simply a mode of justifying the officers of the Government in paying out certain sums of money therein set apart for the objects therein mentioned.

Mr. BURROWS. May I be permitted to say one word upon this point of order, because it involves an important question?

The CHAIRMAN. The gentleman from Michigan will proceed.

Mr. BURROWS. I think the gentleman from Kentucky is entirely right in his construction of this rule. I think in determining the question whether a provision of an appropriation bill does violence to that rule the only question is whether it changes existing law. Now a provision in an appropriation bill, which appropriation bill is now in force, simply providing the manner in which the money shall be distributed, is not existing law, in my judgment, in the sense of that rule. I think it is all determined by this consideration: If when the appropriation bill dies or the appropriation for the year expires there is a provision in that bill which would float into the general statutes of the country, then that is existing law; but if a provision dies with the bill, then it is not. Now certainly this does.

The CHAIRMAN. The Chair will submit the amendment offered by the gentleman from Kentucky. The Clerk will again report the amendment.

The amendment was again read.

Mr. RICE. I desire to say a single word on the amendment. The amendment, I have no doubt, is in accordance with the wish of whoever might be Secretary of State. As will be seen by all, if there is no limit to the allowance he may make to any one consulate out of this sum which is appropriated for general purposes for all the consulates he will be overwhelmed by requests from every one on account of emergencies for more than the \$400. Every one will want a little more. If he has a provision of law which restricts the amount to \$400, he can say no at once, without any partiality to any one, and can avoid a great deal of trouble and importunity to which he would otherwise be exposed. It seems to me, therefore, that the amendment is not one which it will be good policy to adopt.

Mr. HITT. Mr. Chairman, while I did not hear my friend from Massachusetts [Mr. RICE] very distinctly, as nearly as I could at this distance catch the drift of his words I agree with him, for I must say, as a practical fact in the operation of the Department, that this limitation is one which serves the purpose of wholesome administration and does not hamper it. The administration of the State Department is now, and always is, beset with applications, with pleas from every quarter of the globe, for more assistance in each of the great consulates and in many of the small ones, and the answer can be made at once by referring to the law which fixes the limit at \$400. And that is not an

unreasonable limit when you remember that Congress, after having carefully scanned the whole service, with the estimates of the Department in hand, has already provided what it believes is a proper allowance of clerk-hire for every consulate in the service that needs an allowance for clerk-hire at all. The limit of \$400 is one by which I believe the Department of State will be aided rather than hampered.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I move to strike out the last word.

Of course I differ from the gentleman from Illinois [Mr. HITT] with great deference and with great reluctance, because I have had no practical experience in these matters and he has had a great deal; but if I catch the drift of his argument it is that we ought to have this limitation upon the power of the State Department because it would enable the Department in answering applications from the different consuls to say, "I would be very glad indeed to help you, but my hands are tied." In other words, I understand his point to be that the State Department would be very glad to have the ungraciousness of a refusal taken from its own shoulders and put upon ours. Mr. Chairman, that does not seem to be a good reason for legislating. The State Department understands the exigencies of these various consulates which need this money. It is a part of the duty of the State Department to understand that subject, and it is a part of the duty of the Department when they do understand it to carry out into executive action the preliminary knowledge which it is the duty of the Department to acquire. And whether the State Department would like us to take the responsibility of the ungraciousness of their reply or not is not really the gist of the matter.

The real question is, which department is the best to distribute this money? I say undoubtedly the executive department, that has charge of it, rather than the legislative department, which merely appropriates the money. Undoubtedly the Committee on Foreign Affairs have gone over this matter carefully. No doubt they know a great deal more about it than I do, and I do not undertake to say that there ought to be more than \$400 paid out at any given place; but I do undertake to say that it may be so during the current year; that it is contingently probable that it will be so, and that it is better to leave some flexibility for overdistribution of this money than to make the rule inflexible. The sum is very small, \$400, and the maximum is a very scant support. It may be that at a given time, at a given place, and under given circumstances more will be needed. If not, this does no harm. If so, it does no harm not to have this amendment, and that is the view I had in offering it.

I withdraw the formal amendment.

The question was taken on the amendment offered by Mr. BRECKINRIDGE, of Kentucky, and it was lost.

Mr. MCADOO. Mr. Chairman, I send to the desk an amendment which I desire to offer to this bill.

The Clerk read as follows:

Insert after the word "dollars," in line 438, these words:

"Provided, That such parts of said reports as contain novel personal experiences of the writers, portions of standard history, legendary, romantic, and other historical episodes, descriptions of scenery, accounts of royal and other courtly fêtes, unnecessary scientific disquisitions, and individual opinions on political economy, shall not be printed at the public expense."

Mr. BLOUNT. I desire to reserve the point of order on that amendment.

Mr. MCADOO. I hope the gentleman will not insist upon that. Let me talk a few minutes about the merits of the amendment.

Mr. BLOUNT. We are just getting some good political economy in those reports now, and I do not want it stopped.

Mr. MCADOO. I do not want any theoretical political economy in them, but do not object to the statement of social and economic facts.

Now, Mr. Chairman, if this amendment sounds facetious it is because the subject has been made ridiculous by many of the consuls who write these reports. I do not want to curb the wild and fruitful imagination of such gentlemen as the one who represented us a few years ago at the court of Greece and who filled many pages in one of his reports recounting how he had danced with the queen of that country.

We all remember how the poetic imagery of J. Meredith Reed used to run riot through these monthly magazines of the State Department. What American citizen does not remember that bright and glowing description of scenery given by Hon. Sapodilla Scruggs, formerly of Georgia, late of Patagonia! I have before me a volume of the consular reports, picked up at random. One consul at Cuba proceeds to tell how much he paid the colored guide to take him across the island; of his daring adventures and masterly horsemanship in his long journeys; he describes the beauty and magnificence of the scenery, the grand luxuriance of the tall palm trees, the ferocity of the wild beasts, the cooling locust leaves that protected his surging brain from the tropical sun, the dusty cars, the plenitude of asses in the roads, the water he had to drink, and his personal expenses. Another consul, writing from the East, begins with a long scientific disquisition, covering some ten pages, about the origin of coal, starting out with the trite theory, with which every school-boy is familiar, that it originates from vegetation.

If this powerful mind had not been sent to represent the Republic in the wilds of Australasia the United States and the world would be in ignorance of this great ray of scientific knowledge. Says he, "With

regard to the origin of coal various theories have been advanced by scientists, all agreeing, however, that it is purely of a vegetable character." This original discovery must have made the consular brain ache. How refreshing this from a business statement of our relations with Australasia. Another consul, writing from China, fills up his report with a startling account of a village fire, telling how the bank building was about to be consumed by fire, and how the Chinese firemen rushed up to put it out—a mere matter of local news. Had not a wise Government established this literary bureau the whole Occident would remain in dense ignorance of the fact that "about 8 p. m. on June 3, 1882, a fire broke out in the town of Amoy, close to the Hong-Kong and Shanghai bank buildings, and, there being a strong northwest wind blowing at the time, the fire made considerable headway and threatened to become a serious conflagration, but at 10 p. m. it was extinguished by the roof of the burning house falling and smothering the flames." Pause and consider the importance of this startling international information. Think of the effect on commerce if the roof had not fallen, possibly leaving Hi Liver's butcher-shop to the fury of the flames. Another, writing from the antipodes, discusses the ethics of suretyship for a friend, and describes the workings of the mind of a man of "refined and delicate sensibilities."

So all through these reports. There are some exceptions. Some of these reports are very well written, and indeed valuable. But all through these volumes many of these consular officers simply write magazine articles. Now, I do not object to a good magazine article; it is very refreshing. But if these men want to write books of travel and glowing descriptions of scenery, let not their productions be printed at the public expense. They have no business in these volumes. They may tickle the vanity and please the personal friends of the writers, but they are not proper public documents.

I remember an instance in connection with the gentleman I alluded to a moment ago, our former minister to Greece. He was one of the galaxy of literary stars that contributed to this magazine. He told how nimbly the queen danced with him, described her dress, stating whether it was decolleté or not; he no doubt thought the Grecian king very gracious in not being jealous when a man of his martial renown and personal charms danced with her majesty, his wife.

Mr. CANNON. Was that in a consular report?

Mr. MCADOO. I believe it was in a consular report.

Mr. HOLMAN. No, it was in the report of the minister.

Mr. MCADOO. I thank my friend from Indiana for the correction. That description was in the report of J. Meredith Read, our late minister to Greece.

I believe these reports, so far as our consuls are concerned, are now somewhat improved; but we want to have this evil stopped by legislation. The State Department should be authorized to put an end to it. No one would appreciate more than myself a fine description of Constantinople, the beauties of the Bosphorus, with the "tapering summits of the tall minarets," of the mosques towering above the stream with a halo over all of oriental legends and millennial traditions; such a description from our imaginative, genial, soulful, and exiled friend Mr. Cox would certainly be worth reading. But Mr. Cox can find hundreds of publishers who will give to "the suffering millions of this country," as a gentleman lately from Colorado used to say, his book of travels telling about all these things, and there is no need of its being published at the Government Printing Office at the expense of the people. He can come here and read it to Congress. No one could resist his request for unanimous consent. Of course Mr. Cox will not waste his superb talents as a narrator and wit in these literary adjuncts of a versatile if not substantial diplomacy.

It is, however, an outrage upon men of literary ability like Mr. Cox and our consul at Glasgow, Bret Harte, that they should be obliged to enter a literary contest with Scruggs and Reed in contributing to these musty records articles which, thus published, are not appreciated, when private publishers would be glad to give to the world their views upon the scenery, the social habits, and the political economies of the countries in which they have traveled. I therefore sincerely hope that this amendment will be adopted. I believe it is in the line of positive and aggressive reform, and will result in substantial benefits to the consular service.

Mr. CANNON. I hope my colleague [Mr. SPRINGER], whom I now see leaving the Hall, will remain, for I wish to make an allusion to him. No doubt it is his modesty which prompts him to retire.

Mr. Chairman, I have listened to the gentleman from New Jersey [Mr. MCADOO], and especially to his remarks about the dispatches from our former minister to Greece. The remarks of the gentleman only show how the emanations of great minds, when handled and improved upon by competent people, pass into literature and become a part of the common property of us all, so that frequently we do not exactly know their origin. Now, the gentleman from New Jersey, in telling us about the dispatches of J. Meredith Reed, our Grecian minister, over ten years ago, did not know, I suspect, that he was using—I presume without leave or license—a speech of my colleague [Mr. SPRINGER], made over ten years ago on the floor of this House upon the consular and diplomatic appropriation bill. It was that speech of my colleague which brought him into notice all over the country and

gave him his reputation—I mean his speech in which he quoted "The Maid of Athens," &c.

Maid of Athens, ere we part,
Give, oh, give me back my heart!
* * * * *
Can I cease to love thee? No!
Ζώη μον, σάς δύατω.

I recollect we extended his time for a second hour, so delighted were we in listening to his remarks. Of course the gentleman from New Jersey did not know that my colleague was entitled to all the credit of having discovered and brought to public notice those dispatches.

Now, having defended my colleague (whose modesty made him retire as soon as I rose) against this piracy upon his exclusive property, I yield the floor.

Mr. MCADOO. I had no knowledge that the gentleman from Illinois [Mr. SPRINGER] had ever commented on this subject.

Mr. BLOUNT. I make the point of order against the amendment that it is a legislative proposition sought to be attached to an appropriation bill, and, under the rule, is not in order.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. BELMONT. I am instructed by the Committee on Foreign Affairs to move, in line 448, to strike out "one hundred and thirty" and in lieu thereof to insert "one hundred and fifty;" so it will read:

Expense of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight, foreign and domestic, telegrams, advertising, messenger service, and such other miscellaneous expenses as the President may think necessary for the several consulates and commercial agencies in the transaction of their business, \$150,000.

Mr. HOLMAN. I call for a division on that amendment.

The committee divided; and there were—ayes 33, noes 21.

Mr. HOLMAN. No quorum has voted.

Mr. BELMONT. If the gentleman will withdraw his demand for a division I think I can satisfy this Committee of the Whole of the necessity and justice of the amendment which I have offered under the instructions of the Committee on Foreign Affairs.

Mr. HOLMAN. I take it for granted, of course, there will be no objection to the gentleman from New York explaining the amendment which he has moved.

The CHAIRMAN. The gentleman from New York will proceed, no objection having been made.

Mr. HOLMAN. Before the gentleman from New York proceeds I wish to call attention to the fact that these contingencies have been increased some \$20,000, and now it is proposed still further to increase them to the extent of \$20,000.

Mr. BELMONT. Mr. Chairman, I am as earnest a friend of economical administration of Government as any gentleman possibly can be on either side of this House. The necessity for this appropriation, moved in the amendment I have offered, is the reason why the Committee on Foreign Affairs have unanimously recommended the amendment which I have submitted. Although in the first instance we thought the Department might be able to get along with \$130,000 appropriated in this paragraph, upon further inquiry it was found that during the last eight years this has been about the average limit of the cost of this service. A comparison of the books shows that one year differs very little from another in this respect, and that for a number of years the appropriations for consular contingent expenses have been less than the known requirements of the service, the deficit being supplied each year by a deficiency appropriation. For the past eight years the appropriations have been as follows:

Fiscal year.	General appropriation.	Deficiency.	Total.
1878	\$115,000 00	\$17,637 17	\$132,637 17
1879	115,000 00	21,929 50	136,929 50
1880	115,000 00	29,511 75	144,511 75
1881	125,000 00	13,886 78	138,886 78
1882	135,000 00	16,983 19	151,983 19
1883	135,000 00	19,546 00	154,546 00
1884	110,000 00	41,598 56	151,598 56
1885	110,000 00	34,970 35	144,970 35

The result of the deficiencies in this particular branch of the service is not only to embarrass but to discredit American consuls abroad. I do not know whether this matter has been brought to the attention of the House hitherto, but it was a matter of surprise to the committee that for several years past American consuls have been subjected to this form of humiliation.

Under the law, Mr. Chairman, consuls are required to draw upon the State Department for the amounts expended by them in the discharge of their official duties. These drafts have been often dishonored and have been protested because the Department has not had the funds to meet them, and there are at present over \$7,000 in drafts of consuls which remain dishonored. The House has received a communication from the Secretary of State, addressed to the Committee on Appropriations, asking for \$40,000 in the deficiency bill to meet these drafts. While this has been called a contingent fund, the fact really is all the

separate expenditures under this heading are made according to provisions of law.

Mr. CUTCHEON. What is the amount of the current appropriation for this purpose?

Mr. BELMONT. It is \$110,000, and I hope the House will give its attention to the present condition of these expenses under the last appropriation bill.

From a statement prepared by the disbursing officers of the State Department, with a view of asking Congress for an immediate deficiency appropriation of \$40,000 to meet the expenses under this head for the current fiscal year, it appears that the expenditures for the contingent expenses of consulates for the first six months of the present fiscal year have been as follows:

Rent	\$34,999 76
Postage	12,012 49
Stationery and blank forms	11,934 22
Furniture	1,669 85
Statistical information	2,142 42
Messengers and oriental writers	2,138 00
Traveling expenses	277 60
Miscellaneous	7,451 41
Expended by Department for stamps, flags, seals, &c.	7,429 78
Total	80,055 77

It will be noticed that the expenditure for rent is at the rate of \$70,000 a year, out of an entire appropriation of \$110,000. This rent allowance is provided for by permanent statutes. Under section 1700 Revised Statutes consuls above the \$1,000 grade may be allowed rent to the extent of 20 per cent. of their salaries. The consular salaries of this class for the present fiscal year amount to \$345,000. Twenty per cent. of this sum would be \$69,000, which leaves, at the current rate of expenditure, only \$1,000 for the rents of all the feed consuls, who by section 1732 Revised Statutes are also entitled to receive such allowance for rent as may be approved by the Secretary of State.

The other main items of consular expenses are almost as certainly fixed in practice as that of rent, though not specifically established by law.

So it is not only impossible with the present appropriation to carry out the law in regard to rent, but in regard to other necessary expenses. The consuls of course, can not be expected to pay office-rent out of their own pockets any more than the officials in the Department here can be expected to pay for the use of their offices in the public buildings. Consuls in carrying out their instructions under the law are required to draw upon this fund. They have so drawn, but their drafts have been protested and remain protested.

I desire to say on behalf of the committee we have had many appeals from ministers and consuls for increases which we were compelled to refuse.

We have presented what we deemed to be an economical bill. But from the very reasons of economy it seems to me that this method hitherto in practice of appropriating an amount of money known and proved to be below the absolute needs of a Department under the law, and then making the pretense of increased economy in the preparation of the bill as so constructed, with a view of appealing again to the House subsequently for a deficiency, is neither wise nor proper legislation, and in this case it is a vicious form of legislation and even discreditable, since it has discredited our own officials, and for these reasons I now ask a vote on the amendment.

Mr. HOLMAN. The sum appropriated for the present fiscal year for contingent expenses of our foreign ministers is \$75,000.

Mr. BELMONT. Will the gentleman permit me to ask a question? Does he not know that there is already a deficiency on that account?

Mr. HOLMAN. Yes, sir; I understand the ministers have overdrawn sums allowed for contingencies.

Mr. BELMONT. There is a deficiency, nevertheless.

Mr. HOLMAN. There is no deficiency in the proper sense of the term, and there could not be a deficiency in such case without a violation of the law.

Mr. BELMONT. The manner in which these bills have been presented has compelled a deficiency in this fund; and the gentleman will find that it does exist and amounts to about \$14,000.

Mr. HOLMAN. I am very confident that there is no proper deficiency. The law expressly declared the sum that might be expended during the fiscal year.

Mr. BELMONT. A deficiency, however, exists for foreign missions. The rule of the Department is different in regard to the consulates. That rule requires that the consuls shall be paid a certain amount for rent, &c., out of the contingent fund for consulates, whereas the Department, having been given a certain amount for foreign missions, can only distribute that amount among them. Nevertheless, under the present system, deficiencies have been introduced in both services, and provision has been made for them. In the present case a deficiency will have to be provided.

Mr. HOLMAN. I repeat, that under the present state of the law there can be no deficiency. That could only arise under a violation of the law; and it will be seen from the very items which make up this

provision of contingent expenses that it would be impossible, without a violation of the law, to create a deficiency. The law expressly limits the sum that could be expended. The law indicates the purpose and extent of the expenditure, "for the purpose of enabling the President to provide such stationery, blank-books, seals, presses, blanks, &c., as he shall think necessary," &c., \$75,000. Such are the terms and other provisions of the law; making allowance, as will be seen, for nearly every possible item of contingencies that ought to arise.

The law for this fiscal year appropriates for these purposes \$75,000. The present bill appropriates \$105,000, an increase of \$30,000.

For the consulates the contingencies are stated in the law of the present fiscal year substantially as follows:

For the purpose of enabling the President to provide, at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several consulates in the transaction of their business, and also for rent, postage, telegrams, furniture, and traveling expenses, and for printing in the Department of State, \$110,000.

The bill reported and now under consideration proposes to increase that amount \$20,000, making it \$130,000, and the amendment offered by the chairman increases that amount \$20,000 more, making it \$150,000. The increase to \$130,000 was unjustifiable, and yet \$20,000 more is to be added!

I take issue with gentlemen who speak of the possibility of an American citizen representing this Republic abroad, as minister or consul, being humiliated by its frugality in expenditure in the diplomatic and consular service. I do not consent to that form of speech.

Mr. BELMONT. Let me interrupt the gentleman.

Mr. HOLMAN. Let me complete the sentence. I do not consent that the service of a representative of this country in any foreign government, under any conditions, if he bears himself as becomes the representative of the republican institutions of his Government, can by any possibility be humiliated in his intercourse with foreign powers. Such speech is not admissible, certainly not here.

Sir, the highest dignity that can be bestowed upon an American citizen is that when brought into official relations with the jeweled and tinselled courts of Europe or elsewhere he represents the republican simplicity of his Government, and the highest honor that can gather around him springs from his deportment as an American gentleman, with the simplicity, dignity, and integrity of an American citizen engaged in the public affairs of a free people, and conscious that he represents greatness as well as the intelligent manhood of his country and its frugal expenditure of the taxes drawn from the labor of its people. Sir, the most honorable display that has occurred in our period of our republican institutions and system of government in the capitals of Europe was that made by Joseph A. Wright, of Indiana, minister to Prussia, passing with the independence of an American gentleman through the streets of Berlin and its great market-place with a market-basket upon his arm; and that still greater example of Elihu B. Washburne, in the midst of the fierce tumults of Paris, representing with the simplicity and dignity of an American citizen the power and manhood of this great Republic, standing undismayed in the presence of appalling public disorder, not supported by the glitter and tinsel, the power of wealth, or the splendor of courts, but by the simplicity and dignity that so well became him as a representative of the American people, with the flag of his country still floating when the flag and representative of every kingly court of Europe had gone down and disappeared before the fierce blast of the commune. This is the quality that should characterize the American minister abroad—republican simplicity and dignity and manhood; not the petty tinselled display of wealth, monarchical institutions, and courts. [Applause.]

Mr. BELMONT rose.

Mr. MORGAN. I ask if all this is in order?

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] and the gentleman from New York [Mr. BELMONT] are proceeding by unanimous consent.

Mr. MORGAN. How long will it last?

The CHAIRMAN. Until some gentleman demands the regular order.

Mr. STORM. I demand the regular order.

Mr. BELMONT. I move to strike out the last word.

The CHAIRMAN. But debate on the amendment had closed and the committee was divided. The gentleman then proceeded to explain the amendment by unanimous consent of the committee. The demand for the regular order cuts off all debate.

Mr. HOLMAN. I hope unanimous consent will be given to the gentleman from New York to make any explanation he wishes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from New York may be permitted to make a further explanation of the pending amendment. Is there objection?

There was no objection.

Mr. BELMONT. I shall not detain the committee more than a moment, but I regretted at the time the gentleman from Indiana was speaking that he did not see fit to allow me to state that he must have misapprehended me. When I spoke of the humiliation to which our officials have been put under the present system of deficiency appropria-

tions, that had nothing whatever to do with the amount of their salaries. The Committee on Foreign Affairs has been careful to retain the salaries according to existing law. What I referred to was the humiliation put upon consuls when drawing upon the State Department for expenditures authorized by law, and their being compelled to submit to having their drafts protested, and remaining protested until the deficiency bill comes in to make up the necessary amount.

Mr. RICE. Does not the evidence of the State Department show that for three years these expenses every year have exceeded \$150,000, and that the drafts of the consuls have had to go to protest, to the disonor of our name and of their credit?

Mr. BELMONT. That is so. And while the last bill appropriated \$110,000, there is now a request from the Department for \$40,000 more to be put in the deficiency bill, making \$150,000, the very amount we are asking here.

Mr. HOLMAN. Does the gentleman think we can not get along as economically as our predecessors?

Mr. BELMONT. We are appropriating here the same amount as has been required heretofore.

Mr. HOLMAN. We have never appropriated so much.

Mr. COX. I ask unanimous consent that the statement of the Secretary of State on this point be read.

There was no objection.

The Clerk read as follows:

The fund from the current fiscal year, as in the previous years, will doubtless be exhausted early in the last quarter, involving a deficit of some \$40,000. The accounts presented cover expenses which the laws contemplate. Under the standing instructions of the Department the consuls draw for the amounts due them. These drafts are often necessarily dishonored for want of funds, and the accounts returned to the consuls until such time as a deficiency appropriation shall be available for their payment. This entails widespread hardship. Consuls are not in a position, and should not be expected, to advance money to the Government without interest, and it is unjust to ask it. The protest of a draft duly negotiated must often injure their local credit, and may even destroy it, leaving their situation actually critical. It also operates to injure the credit of the United States Government and unfavorably affect our commercial interests in quarters where the development of influence and a permanent market may be desirable. The difficulty increases with the remoteness and isolation of the consul. As a fact, at some distant posts it has become impossible to negotiate even a salary draft. For instance, drafts must be sent from Apia to San Francisco for collection, and three or four months lost in receiving the amount. From every point of view it is both advisable and just that sufficient provision should be made for items of charge which the statute directs. A margin for unforeseen and contingent but perfectly legitimate demands is plainly essential. The lowest amount without margin which the Department can recommend is \$150,000, and this is not reasonably adequate to the great increase in the consular service during the past ten years.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] and the gentleman from New York [Mr. BELMONT] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 104, noes 43.

Mr. HOLMAN. No quorum.

The CHAIRMAN. A quorum not having voted, the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams, John J.	Dibble,	Lore,	Sawyer,
Aiken,	Dingley,	Lowry,	Snyder,
Anderson, J. A.	Dowdney,	Lyman,	Spriggs,
Arnot,	Fisher,	Matson,	Stewart, J. W.
Barbour,	Fleeger,	McComas,	St. Martin,
Boutelle,	Gallinger,	McKinley,	Stone, E. F.
Boyle,	Gibson, C. H.	Milliken,	Tarsney,
Bragg,	Gibson, Eustace	Mills,	Taylor, E. B.
Brumm,	Gilfillan,	Mitchell,	Taylor, I. H.
Buchanan,	Hammond,	Muller,	Taylor, Zach.
Burleigh,	Hanback,	Neece,	Thomas, J. R.
Burnes,	Harris,	Negley,	Townshend,
Butterworth,	Henley,	Norwood,	Trigg,
Carleton,	Hepburn,	O'Donnell,	Wellborn,
Caswell,	Holmes,	O'Hara,	White, A. C.
Clardy,	Hopkins,	Outhwaite,	Wilkins,
Cole,	Houk,	Parker,	Winans,
Collins,	Irion,	Perkins,	Woodburn,
Comstock,	Kelley,	Perry,	Worthington.
Crain,	Ketcham,	Pindar,	
Culberson,	King,	Piree,	
Curtin,	Libbey,	Randall,	
Daniel,	Long,	Riggs,	

The committee rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration House bill 6392 and finding itself without a quorum, he had directed the roll to be called, and now reported to the House the names of the absentees to be entered upon the Journal.

Mr. CLEMENTS. I desire to state that my colleague, Mr. HAMMOND, is detained at his room by sickness.

The SPEAKER. The Chair will state that the absence of the gentleman from Maine, Mr. DINGLEY, is caused by his having been severely hurt by a fall. The names of the absentees will be entered on the Journal. It appears that there are eighty-nine members absent; two hundred and thirty-three members having answered—more than a quorum.

The Committee of the Whole House on the state of the Union, under the rule, resumed its sitting.

The CHAIRMAN. The tellers will resume their places.

Mr. HOLMAN. With a view to promoting the transaction of the

public business I shall not insist further on a quorum upon this vote. I have no objection to the Chair now announcing the result.

The CHAIRMAN. The ayes are 104, the noes 43. The ayes have it, and the amendment is agreed to.

Mr. BELMONT. Mr. Chairman, I now move that the committee rise and report the bill, with the amendments, favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes, and had instructed him to report the same to the House with sundry amendments and with the recommendation that it do pass.

Mr. BELMONT. Mr. Speaker, I now move the previous question on the amendments reported from the Committee of the Whole and upon ordering the bill to be engrossed and read a third time.

The motion was agreed to.

The SPEAKER. Is a separate vote desired on any of the amendments?

Mr. HOLMAN. I ask a separate vote upon the last amendment.

The SPEAKER. Is a separate vote demanded upon any of the other amendments agreed to in the Committee of the Whole?

Mr. SOWDEN. I ask that the amendment upon which the gentleman from Indiana [Mr. HOLMAN] demands a separate vote be reported to the House.

The SPEAKER. It will be, when the House comes to vote upon it. If there be no other demand for a separate vote the question will be taken upon agreeing to the other amendments in gross.

The question was taken, and the amendments adopted in the Committee of the Whole were agreed to.

The SPEAKER. The Clerk will now report the amendment on which a separate vote is demanded by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

In line 448, strike out "\$130,000" and insert "\$150,000."

The SPEAKER. The question is on agreeing to this amendment.

Mr. HOLMAN. I call for the yeas and nays on that question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 74, not voting 103; as follows:

YEAS—145.

Adams, G. E.	Crisp,	Hires,	Price,
Allen, C. H.	Croxton,	Hiscock,	Reed, T. B.
Anderson, J. A.	Cutcheon,	Hitt,	Rice,
Atkinson,	Dargan,	Jackson,	Rowell,
Baker,	Davenport,	James,	Ryan,
Ballantine,	Davidson, A. C.	Johnson, F. A.	Sadler,
Barksdale,	Barksdale, R. H. M.	Jones, J. T.	Sayers,
Barnes,	Davis,	Laird,	Scranton,
Bayne,	Dockery,	Lanham,	Sessions,
Belmont,	Dorsey,	Lawler,	Singleton,
Bingham,	Dougherty,	Le Fevre,	Smalls,
Blanchard,	Dunham,	Lindsay,	Spooner,
Bland,	Ely,	Little,	Steele,
Bliss,	Ermentrout,	Louttit,	Stephenson,
Blount,	Evans,	Lovering,	Stone, E. F.
Bound,	Farquhar,	Mahoney,	Struble,
Boutelle,	Findlay,	Markham,	Swinburne,
Brady,	Foran,	Martin,	Symes,
Breckinridge, W. C. P.	Fuller,	McCreary,	Thomas, O. B.
Brown, C. E.	Funston,	McKenna,	Thompson;
Brown, W. W.	Gay,	Merriman,	Throckmorton,
Buck,	Goff,	Millard,	Turner,
Bunnell,	Grosvenor,	Miller,	Van Eaton,
Burrows,	Grout,	Moffatt,	Van Schaick,
Butterworth,	Hale,	Morgan,	Viele,
Bynum,	Harmer,	Morrill,	Wade,
Caldwell,	Hatch,	Murphy,	Wadsworth,
Campbell, Felix	Hayden,	Nelson,	Wait,
Campbell, J. M.	Haynes,	O'Ferrall,	Wakefield,
Campbell, T. J.	Heard,	O'Neill, Charles	Ward, T. B.
Cannon,	Hempill,	O'Neill, J. J.	West,
Catchings,	Henderson, D. B.	Osborne,	White, Milo
Clardy,	Hepburn,	Payne,	Whiting,
Clements,	Herbert,	Pettibone,	Willis.
Conger,	Herman,	Rogers,	
Cooper,	Hewitt,	Romeis,	
Cox,	Hiestand,	Scott,	

NAYS—74.

Allen, J. M.	Geddes,	McMillin,	Springer,
Anderson, C. M.	Glass,	McRae,	Stewart, Charles
Barry,	Green, W. J.	Morrison,	Stone, W. J., Ky.
Beach,	Hall,	Neal,	Stone, W. J., Mo.
Bennett,	Halsell,	O'Donnell,	Storm,
Breckinridge, C. R.	Henderson, J. S.	Owen,	Swope,
Cabell,	Holman,	Peel,	Taulbee,
Campbell, J. E.	Howard,	Pidcock,	Taylor, J. M.
Candler,	Hudd,	Reagan,	Ward, J. H.
Cobb,	Hutton,	Reid, J. W.	Warner, A. J.
Comstock,	Johnston, T. D.	Reese,	Warner, William
Cowles,	Jones, J. H.	Richardson,	Weaver, J. B.
Dawson,	King,	Rogers,	Weber,
Eden,	Kleiner,	Romeis,	Wheeler,
Eldredge,	Laffoon,	Scott,	Wilson,
Everhart,	La Follette,	Seney,	Wise,
Ford,	Lehibus,	Seymour,	Wolford,
Forney,	Maybury,	Skinner,	
Frederick,	McAdoo,	Sowden,	

NOT VOTING—103.

Adams, J. J.	Fisher,	Lowry,	Rockwell,
Aiken,	Fleeger,	Lyman,	Sawyer,
Arnot,	Gallinger,	Matson,	Shaw,
Barbour,	Gibson, C. H.	McComas,	Snyder,
Boyle,	Gibson, Eustace	McKinley,	Spriggs,
Bragg,	Gillilan,	Milliken,	Stahlnecker,
Browne, T. M.	Glover,	Mills,	Stewart, J. W.
Brown,	Green, R. S.	Mitchell,	St. Martin,
Buchanan,	Guenther,	Morrow,	Strait,
Burleigh,	Hammond,	Muller,	Tarsney,
Burnes,	Hanback,	Neece,	Taylor, E. B.
Carleton,	Harris,	Negley,	Taylor, I. H.
Caswell,	Henderson, T. J.	Norwood,	Taylor, Zach.
Cole,	Henley,	Oates,	Thomas, J. R.
Collins,	Hill,	O'Hara,	Tillman,
Compton,	Holmes,	Outhwaite,	Townshend,
Crain,	Hopkins,	Parker,	Trigg,
Culberson,	Houk,	Payson,	Tucker,
Curtin,	Irion,	Perkins,	Weaver, A. J.
Daniel,	Johnston, J. T.	Perry,	Wellborn,
Dibble,	Kelley,	Pindar,	White, A. C.
Dingley,	Ketcham,	Pirce,	Wilkins,
Dowdney,	Landes,	Randall,	Winans,
Dunn,	Libbey,	Ranney,	Woodburn,
Ellsberry,	Long,	Riggs,	Worthington.
Felton,	Lore,	Robertson,	

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

Mr. LOWRY with Mr. MCCOMAS.
 Mr. ARNOT with Mr. LONG.
 Mr. MITCHELL with Mr. IKE H. TAYLOR.
 Mr. FELTON with Mr. LANDES.
 Mr. MULLER with Mr. HOUK.
 Mr. BOYLE with Mr. HENDERSON, of Illinois.
 Mr. DOWNEY with Mr. WEAVER, of Nebraska.
 Mr. NORWOOD with Mr. GILLILAN.
 Mr. TOWNSHEND with Mr. GALLINGER.
 Mr. OUTHWAITE with Mr. PARKER.
 Mr. CURTIN with Mr. NEGLEY.
 Mr. CRAIN with Mr. STEWART, of Vermont.
 Mr. CULBERSON with Mr. MCKINLEY.
 Mr. BURNES with Mr. BUCHANAN.
 Mr. FISHER with Mr. LYMAN.
 Mr. GIBSON, of West Virginia, with Mr. PIRCE.
 Mr. COLE with Mr. THOMAS, of Illinois.
 Mr. CARLETON with Mr. HOLMES.
 Mr. HUDD with Mr. FLEEGER.
 Mr. JONES, of Alabama, with Mr. BURLEIGH.
 Mr. TARSNEY with Mr. CASWELL.

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

Mr. WILKINS with Mr. PERKINS.
 Mr. HAMMOND with Mr. KELLEY.
 Mr. MATSON with Mr. STRAIT.
 Mr. PINDAR with Mr. HOPKINS.
 Mr. ADAMS, of New York, with Mr. DINGLEY.
 Mr. LE FEVRE with Mr. HAYDEN.
 Mr. PERRY with Mr. HANBACK.
 Mr. WINANS with Mr. BRUMM.
 Mr. LIBBEY with Mr. SNYDER.
 Mr. ROCKWELL with Mr. DIBBLE.
 Mr. MILLS with Mr. PAYSON.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is upon ordering the bill as amended to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BELMONT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO SIT DURING THE SESSIONS OF THE HOUSE.

By unanimous consent leave was granted to the Committee on Naval Affairs to sit during the sessions of the House for the next five days.

ORDER OF BUSINESS.

Mr. REAGAN. I desire to call up House bill No. 6657 to regulate interstate commerce and to prevent unjust discrimination by common carriers.

Mr. HATCH. I demand the regular order.

The SPEAKER. This is the regular order, if the House determines to consider it.

Mr. HATCH. I make the point of order that by special order of the House it has been provided—

That Thursday, the 13th day of May, 1886, after the second call of committees, be set apart for the consideration of such business as may be presented by the Committee on Agriculture, this order not to interfere with general appropriation or revenue bills, and whether so interfered with on that day or not, shall be a continuing order until the bills presented by said committee shall be disposed of.

The SPEAKER. The order which the gentleman cites was made by the House on April 30; but on the 16th of March the House by a sus-

pension of the rules set the 13th day of April for the consideration of House bill No. 6657, and provided that its consideration should continue from day to day until disposed of.

Mr. HATCH. I make the point of order that the resolution just referred to by the Speaker does not "set apart" the 13th day of April, but simply makes the bill a special order for that day. The resolution which I have read, and which takes effect to-day after the second call of committees, sets apart this day for the special business of the Committee on Agriculture, and it does not except prior orders. I submit, therefore, that the motion of the gentleman from Texas [Mr. REAGAN] is not in order.

Mr. REAGAN. I call attention to the language used in the two orders. The order of March 16 provides that "the 13th day of April be fixed for the consideration of House bill No. 6657," and "that its consideration be continued from day to day until finally disposed of." The order of April 30 provides that the 13th of May be "set apart." The difference in the language of the two resolutions is that one provides that a day be "fixed," and the other provides that a day be "set apart." Both are continuing orders. There is simply a difference of verbiage, the effect being exactly the same in both cases.

The SPEAKER. But upon examination of the two orders the Chair finds that in one case the bill referred to is simply made a special order, and in the other case a day is "set apart"—dedicated for the consideration of certain business.

Mr. REAGAN. The inquiry I make is, what is the difference between "setting apart" a day and "fixing" a day?

The SPEAKER. There is a very considerable difference. When a day is "set apart" for the consideration of certain measures that day must be appropriated for that purpose, and the business can not be interfered with except by raising the question of consideration against each measure as it is called up or by revoking the order, a motion to do which can only be entertained by unanimous consent. The Chair was at first under the impression that the two orders were alike in their terms, in which case the special order which the gentleman from Texas desires to call up would have had priority over that of the gentleman from Missouri, because first adopted. But upon examination the Chair finds that the two orders are not in the same language.

Mr. REAGAN. If the business which the gentleman from Missouri desires to call up is in order to-day, can I not antagonize it?

The SPEAKER. Certainly. When the gentleman from Missouri makes the motion, for instance, to go into Committee of the Whole House on the state of the Union to consider a particular bill, if that motion be rejected, then the gentleman from Texas can call up his special order.

Mr. REAGAN. Then I ask the House to refuse to go into Committee of the Whole.

Mr. HATCH. I hope the House will not do any such thing. [Laughter.] Under the order which I have read, I first call up for consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture. Mr. Speaker, as a matter of precaution, I desire to state that under this order I propose to present for consideration, besides the bill I have just mentioned, a bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; a bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884; a bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; a bill (H. R. 2293) to promote agriculture, and for other purposes.

Mr. REAGAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REAGAN. If the Chair holds that this day is set apart for the consideration of business of the Committee on Agriculture to the exclusion of a prior special order, will that ruling operate beyond this day? Will the business of the Committee on Agriculture go on from day to day until it is disposed of? I want to know whether anything else can be done this session. [Laughter.]

Mr. HATCH. Mr. Speaker, it is a continuing order.

The SPEAKER. It is true it is made a continuing order, but the Chair thinks the only day "set apart" or dedicated is to-day. After to-day it will be in order for the gentleman from Missouri [Mr. HATCH] to call up his measures, but the House will all the time have the right to decide the question of consideration.

Mr. EDEN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDEN. Can the question of consideration be raised under this order?

The SPEAKER. Of course it can. If a bill called up by the gentleman from Missouri is in the House, any gentleman can raise the question of consideration against that bill. But the bill to which the gentleman from Missouri first calls attention is in Committee of the Whole on the state of the Union; and the only way to prevent the consideration of that bill is to refuse to go into Committee of the Whole on the state of the Union.

Mr. REAGAN. At the proper time I desire to raise the question of consideration.

The SPEAKER. The Chair has just stated that if a bill called up is in the House, the question of consideration can be raised immediately. But if it is in Committee of the Whole on the state of the Union, the only way to defeat its consideration is by refusing to go into Committee of the Whole to consider it. The gentleman from Missouri calls up the bill which has been named by him.

Mr. HATCH. Unless the gentleman from Texas will consent this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Motions are pending and the Chair will state the condition of the question. The bill is in the Committee of the Whole House on the state of the Union and one hour to which the committee was entitled under the rule has expired. The motion pending was that the House resolve itself into the Committee of the Whole House on the state of the Union, and pending that a motion was made by the gentleman from Missouri [Mr. HATCH] to limit debate to one hour and an amendment by the same gentleman to limit the debate to ten minutes. The question now is upon the amendment to limit debate to ten minutes, on which the previous question had been ordered.

Mr. HATCH. I withdraw it.

The SPEAKER. The previous question was ordered by unanimous consent.

Mr. REAGAN. I hope the gentleman from Missouri will be allowed to withdraw it.

Mr. HATCH. I withdraw the amendment to limit debate to ten minutes, and now move an amendment to make it two hours instead of one.

Mr. REAGAN. I think there are serious defects in the bill, and notice I believe has been given of two or three substitutes to be offered for it. I doubt such a bill creating a new department of Government can be considered properly in two hours. I think a longer time should be allowed.

Mr. HATCH. How much time do you suggest?

Mr. REAGAN. Three or four hours.

Mr. HATCH. I am willing to say three hours. I wish the gentleman to have all the time he wishes.

Mr. HATCH's motion as amended, to limit general debate to three hours, was then agreed to.

The SPEAKER. The question recurs on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. REAGAN. I propose to ask for the consideration of the interstate-commerce bill.

The SPEAKER. The only way to prevent consideration is to refuse to adopt the motion to go into committee.

The House divided; and there were—ayes 93, noes 36.

Mr. REAGAN. I give notice that to-morrow after the morning hour I will move to take up the interstate-commerce bill.

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

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill H. R. 5190, enlarging the powers and duties of the Department of Agriculture. By order of the House all general debate has been limited to three hours.

Mr. REAGAN. At what time will it be in order to offer a substitute for this bill?

The CHAIRMAN. When the gentleman has been recognized to speak he can offer his substitute for consideration. It can not be voted upon until after the debate is closed.

Mr. REAGAN. I would like to have the substitute I desire to offer read for the information of the House.

The CHAIRMAN. Does the gentleman from Missouri desire the floor at this time?

Mr. HATCH. He does.

The CHAIRMAN. The gentleman from Texas asks to have his substitute read at this time.

Mr. HATCH. I have no objection to the substitute being read and coming in at the proper time.

The CHAIRMAN. The substitute may be read for information.

Mr. REAGAN. I submit the following substitute.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be at the seat of Government an executive department to be known as the department of industries, and a secretary of industries, who shall be the head thereof.

Sec. 2. That there shall be in the department of industries a division of agriculture, and to superintend said division a commissioner of agriculture, who shall be a practical agriculturist, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to receive a salary of \$5,000 per annum.

Sec. 3. That for the purpose of collecting and disseminating all important and useful information concerning agriculture, and also concerning such scientific matters and industrial pursuits as relate to the interests of agriculture, the secretary of industries shall organize the following bureaus in the division of agriculture, namely:

First. The bureau of agricultural products, which shall include divisions of botany, entomology, and chemistry; and the chief of which bureau, who shall be a practical agriculturist, shall investigate the modes of farming in the several States and Territories, and shall report such practical information as shall

tend to increase the profits of the farmer; respecting the various methods; the crops most profitable in the several sections; the preferable varieties of seeds, vines, plants, and fruits; fertilizers, implements, buildings, and similar matters.

Second. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and use; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

Third. The bureau of lands, the chief of which shall investigate and report upon the resources or capabilities of the public or other lands for farming, stock-raising, timber, manufacturing, mining, or other industrial uses. And all powers and duties vested in the commission now known as the Geological Survey, together with all clerks, employees, and agents, and all instruments, records, books, papers, &c., are hereby transferred to the department of industries. And the secretary of industries shall institute such investigations and collect and report such information, facts, and statistics relative to the mines and mining of the United States, and facilities for their ventilation and general operations, as may be deemed of value and importance.

Sec. 4. That in addition to the duties imposed by chapter 10, title 7, of the Revised Statutes, the secretary of industries shall cause to be collected and report the agricultural statistics of the United States; and, in addition, all important information or statistics relating to industrial education and agricultural colleges; to markets and prices; to modes and cost of transporting agricultural products and live-stock to their final market; to the demand, supply, and prices in foreign markets; to the location, number, and products of manufacturing establishments of whatever sort, their sources of raw material, methods, markets, cost of transportation, and prices; to such commercial or other conditions as may affect the market value of farm products or the interests of the industrial classes of the United States. And the secretary is hereby authorized to establish such divisions in this bureau, and to make such monthly or other reports as he shall deem most effective for the prompt dissemination of such reliable information respecting crops and domestic and foreign markets as will be of service to the farmers, miners, mechanics, laborers, or other industrialists of the United States.

Sec. 5. That there shall be in the department of industries a division of labor, which shall be under the superintendence of the Commissioner of Labor; and the Bureau of Labor, as provided for in chapter 127 of the acts of the Forty-eighth Congress, with its officers and duties, shall be transferred from the Department of the Interior to the department of industries.

Sec. 6. That there shall be in the department of industries a division of commerce, and to superintend said division a commissioner of commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of \$5,000 per annum.

Sec. 7. That all divisions and subdivisions, bureaus or parts thereof, heretofore attaching to the Treasury Department by virtue of the provisions of chapter 10, of title 7, of the Revised Statutes, relating to the Bureau of Statistics, which shall hereafter be known as the bureau of external commerce; title 48, relating to commerce and navigation; title 49, relating to the regulation of vessels in foreign commerce; title 50, relating to the regulation of vessels in domestic commerce; title 52, relating to the regulation of steam-vessels; title 56, relating to the Coast Survey; title 55, relating to lights and buoys; sections 4801, 4802, 4803, 4804, 4805, and 4806, of chapter 1, title 59, relating to hospital relief for seamen; and chapter 265 of the acts of the Forty-fifth Congress, second session, relating to the Life-Saving Service, or by virtue of any law amendatory of said several provisions, or regulations in pursuance thereof, shall, from and after the passage of this act, be parts of the division of commerce in the department of industries; and the secretary of industries shall establish in said division of commerce a bureau of internal commerce, to be organized and governed as other bureaus in said division.

Sec. 8. That all duties devolving upon the Secretary of the Treasury by virtue of the several provisions mentioned in the preceding section shall, from and after the passage of this act, be performed by the secretary of industries. The authority conferred and the duties imposed by said several provisions upon the Register of the Treasury shall, from and after the passage of this act, be exercised and discharged by the commissioner of commerce. All bonds authorized by any of the provisions aforesaid to be made payable to the Register of the Treasury shall, from and after the passage of this act, be made payable to the commissioner of commerce.

Sec. 9. That section 158, title 4, of the Revised Statutes is hereby amended by adding at the end thereof the words: "Eighth. The department of industries."

Sec. 10. That this act shall not be construed to interfere with the present organization of the various departments, divisions, subdivisions, and bureaus embraced herein, except with reference to the transfer thereof to the department of industries, subject to the general provisions of law relating to regulations in the various Departments of the Government and appointments to office therein.

Sec. 11. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. HATCH. I yield fifteen minutes of my time to the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY. Mr. Chairman, at the beginning of this session I introduced a bill to establish a department of agriculture, with a secretary appointed by the President, by and with the advice and consent of the Senate, to preside over the department, with equal rank and pay as the secretaries now constituting the executive Cabinet. The bill now under consideration provides for a department of agriculture and labor, and while it is broader and more comprehensive than the bill introduced by me, it is not materially different, and I am most heartily in favor of its passage.

The object of the bill is to enlarge the powers and duties of the Department of Agriculture. It is based on a belief that it is the duty of our Government to give to American farmers all such important and practical information as will insure larger yields and better profits, more encouragement and greater protection to agriculture and labor.

From the center to the circumference of our indissoluble Union the people, animated by a desire for fraternity, reconciliation, and prosperity, have "beaten their swords into plowshares and their spears into pruning-hooks," and there has never been a more opportune time than the present for giving to agriculture and labor the appreciation and recognition they deserve.

Our Republic is more than a hundred years old, and during all these years agriculture has been the foundation and chief support of nearly every other business.

The census of 1880 shows that about one-half of the population of

the United States live by agriculture, and the vast contributions made from farms constitute the material prosperity of our Republic and its greatest wealth.

This great and growing country is now the foremost agricultural country in the world, leading all others in the aggregate yield of corn, cotton, wheat, and tobacco, and many other products of the soil.

New Orleans exceeds all other cities in the value of her cotton trade. Louisville is the "queen city" of the world in her tobacco trade, and Chicago has no equal as a grain-distributing point, and five-sixths of all the exports of this nation go directly from the farms.

In the rush and push of business but few persons look carefully at the vast and splendid results of agriculture in the United States. It is estimated that the capital invested in this industry amounts to \$28,000,000,000. While the most careful estimates place the annual value of manufactured products at \$6,000,000,000, the farms of our country furnish in value more than \$9,000,000,000 annually to help feed and clothe the world. The total sales of the United States to other nations in 1880 amounted to \$823,946,352. Of these the agricultural products constituted 83 per cent., worth \$683,010,976, while all other products were but 17 per cent.; or, in other words, our agricultural exports are five times greater than all other exports. Yet less than 8 per cent. of our agricultural products go to foreign markets, 93 per cent. being used at home. For the last sixty years the proportion of agricultural to total exports averages over 81 per cent., as is shown by the following facts published by the former Statistician of the Agricultural Department:

The immense increase of our exports in sixty years past makes an extraordinary showing, but it is a more remarkable fact that with the growth of population and of varied industries the agricultural surplus should more than maintain its proportion to total exports. The customs figures are as follows:

Year.	Exports.	Agricultural exports.	
			Per cent.
1820	\$51,683,640	\$41,657,673	80.60
1830	58,524,878	48,095,184	82.18
1840	111,660,561	92,548,067	82.93
1850	134,900,233	108,605,713	80.57
1860	316,242,423	256,560,972	81.14
1870	455,208,341	361,188,483	79.34
1880	823,946,352	683,010,976	82.90

In the last ten years the exports of agriculture have nearly doubled, and at the same time the proportion to total exports has increased.

The great progress and prominence of breadstuffs and provisions in this record is shown in connection with cotton, which fifty years ago constituted about five-eighths of the exports of agriculture. The decennial record is as follows:

Year.	Breadstuffs.	Provisions.	Cotton.
1830	\$7,071,767	\$2,971,002	\$29,674,883
1840	13,535,926	3,503,704	63,870,307
1850	13,066,509	10,927,485	71,984,616
1860	24,422,310	16,612,443	191,806,555
1870	72,250,933	29,175,539	227,027,624
1880	288,036,835	127,043,242	211,535,908

These are but samples to illustrate the immensity of this great industry, but the picture may be enlarged by showing the wonderful increase of our crops and chief products in the decade between 1870 and 1880, as shown by the Commissioner of Agriculture:

Article.	Quantity.	Year.
Cotton produced in United States.....bales..	4,352,317	1870
Do.....do.....	6,000,000	1880
Corn raised in United States.....bushels..	760,940,594	1870
Do.....do.....	1,754,449,435	1880
Wheat crop of United States.....do.....	287,745,626	1870
Do.....do.....	607,859,033	1880
Tobacco crop amounted to.....pounds..	262,735,341	1870
Do.....do.....	446,286,889	1880
Oats produced in United States.....bushels..	282,107,157	1870

The increase of agricultural products was nearly 100 per cent. in these ten years, and in the last year of this decade our cattle exports rose from \$13,000,000 to \$14,000,000, beef from \$7,000,000 to \$12,000,000, pork from \$5,000,000 to \$8,000,000.

The labor of this country is to-day what the sunshine is to the universe, what the heart is to the body—it gives health and life and vigor; it makes the anvils ring, the spindles whizz, the furnaces glow, the fields beautiful with abundant harvest, and places our agricultural, manufactured, and mineral products in the front rank among the productions of the world. Is it asking too much then for agriculture and labor to be represented in the executive Cabinet? Almost every intelligent and civilized nation in the world has given more prominence to agriculture than the United States.

It is neither new nor unprecedented to elevate the Department of Agriculture to an Executive Department and place it in charge of a secretary.

In France there are nine executive departments. A minister of agriculture is at the head of one of them.

In Prussia there are eight secretaries, including one for agriculture.

In Italy there are nine heads of departments. One is the minister of agriculture.

In Russia there are ten secretaries. Everything pertaining to agriculture in its broadest sense is in charge of one of these secretaries.

In Austria there are seven secretaries, forming what is called the council of ministers. One is for agriculture.

In Spain the council of ministers consists of eight members, one of whom is the minister of agriculture and commerce.

In Brazil, the great empire of South America, there is a minister of agriculture.

In Portugal there is a department of agriculture and commerce; and Mexico and most of the republics of South America have each a department of agriculture and statistics, under the supervision of a secretary, who is a member of the executive cabinet.

France expended last year for agriculture and commerce (I give round numbers), \$20,000,000; Brazil, for agriculture, \$12,000,000; Russia, for agriculture, \$11,000,000; Austria, for agriculture, \$5,500,000; Italy, for agriculture, \$1,914,000; Japan, for agriculture, \$1,000,000; United States, for agriculture, chemical division, entomological division, seed division, division of agricultural statistics, Bureau of Animal Industry, forestry, museum, laboratory, &c., \$585,790.

Of all countries the great Government of the United States does the least to promote agriculture, although we have the grandest agricultural empire in the world.

Mr. BLOUNT. I would like to ask the gentleman from Kentucky a question. You speak of the sum of \$20,000,000 expended by France—

Mr. McCREARY. Yes, for agriculture and commerce.

Mr. BLOUNT. How was that spent; in what direction? Of course I do not ask for details.

Mr. McCREARY. In paying the expenses of the department.

Mr. BLOUNT. I would like to know if it was not largely in bounties for the culture of beets for sugar?

Mr. McCREARY. In France the amount expended for agriculture and commerce was \$20,000,000. For the minister of agriculture the budget for 1885 provided \$8,154,000.

Mr. BLOUNT. What I wanted to get at was what was the general expenditure for specific purposes.

Mr. McCREARY. I can not furnish the details; I simply know the amount was expended in paying the expenses of the department of agriculture.

Mr. Chairman, we should no longer be hesitating in the rear when other civilized nations have wisely and justly exalted agriculture. This, the foremost agricultural nation in the world, should give pre-eminent recognition to this fundamental industry. The cause deserves it and the people demand it. They asked for it away back in 1838, when the citizens of Kentucky, the State which I have the honor in part to represent in this House, petitioned Congress to establish at Washington a department of agriculture and mechanics, the head of which was to be a member of the executive Cabinet. This petition was a model of conciseness and elicited much attention, and helped very much to secure the first recognition ever given to agriculture by Congress, when, in 1839, a bill was passed authorizing one clerk to be appointed in the Patent Office to distribute seeds and collect statistics.

Though the petition was short it was wonderfully comprehensive, and with great exactness it suggested the business of the department, defined the duties of the officers, and forecasted with wonderful accuracy the perfection and practical utility which we now see in the existing Agricultural Department.

The people were heard again in 1876, when a convention of farmers assembled in Chicago, Ill., representing an agricultural constituency of over a million of farmers scattered through twenty-eight sovereign States, and unanimously declared their wishes in the following words:

Whereas it is the duty of wise and just legislators to see that the blessings and burdens of government are laid with impartial rule upon all classes alike; Therefore,

Resolved, That American agriculturists demand that they shall be recognized as a real factor in this Government by the establishment of a department of agriculture, to be presided over by a Cabinet officer, who shall organize the same upon a plan to be devised by the wisdom of Congress, which department shall embrace to the fullest extent the agricultural interests of twenty millions of people.

Again and again since that time resolutions substantially the same have been adopted at the national conventions held by the Patrons of Husbandry.

Mr. Chairman, no people are more independent and less obtrusive than the farmers. The combinations and the methods so frequently resorted to by almost every other class to secure Congressional legislation is unknown to them. They have no "lobby" here to urge the passage of this bill. They have sent no delegations here to address committees in the interest of this measure; but they are greatly interested in it and the justice of their cause, and their dignified and honorable and independent course should make us respect them more highly and give them the legislation they desire.

In the early settlement of our country farmers found the virgin soil of unsurpassed fertility and a home market for all their products, and

they were, of all classes, the most independent and unhampered; but their situation has changed. Now they are confronted with surplus products, transportation difficulties, labor problems, competition with India and Egypt as regards the shipment of grain and cotton, rivalries with Austria and South America in regard to wool products, reciprocal treaties affecting imports and exports, and a tariff system that is a burden on labor and an incubus on nearly everything farmers use in their homes and on their farms.

It is especially necessary, therefore, that the agricultural and laboring interests of our country should have a representative in the Cabinet who understands and appreciates these great questions, and who is ready at all times to foster and encourage and protect them in every way that may be necessary.

The farmers and tillers of the soil annually pay a large part of the taxes; they furnish a majority of the soldiers in time of war, and to them we look in every crisis for calm, conservative, energetic support of the Government. From the earliest days of the Republic they have constituted the advance-guard of liberty and progress, and in the face of dangers, trials, and hardships they have blazed the way for civilization in its westward march and helped to establish churches, schools, and happy homes from the Atlantic to the Pacific and from the northern lakes to the Gulf of Mexico.

There has been less legislation for farmers than for any other class. The passage of this bill will encourage farmers and laboring men of our country and prove to them that the great interests they represent are properly appreciated and recognized. Never until 1839 did agriculture receive any recognition by having an office at Washington to look after its interests. As I have already stated, an annual appropriation of \$1,000 was then made. During the administration of President Buchanan a superintendent of agriculture was appointed, and in 1862 the present division of agriculture was created.

Government revenue depends in a great measure upon profitable farming, and the profits of agriculture depend on the intelligence and skill of our farmers; hence it is essential and proper that the Government should place before all farmers the best information pertaining to their business and throw around them the fullest and most ample protection.

Finally, this bill, should it pass, will bring the farmers and laboring men of our Republic into more intimate relations and help to obliterate the last vestige of sectionalism growing out of the late war, and it will not only furnish the Executive with an adviser representing twenty-eight millions of men and over five millions of homes, but it will cultivate among agriculturists all over this vast country a love for and a devotion to the Government which can not be obtained so fully in any other way.

To refute all the arguments in favor of the new executive department the opponents of the bill, so far as I have heard, present but two objections. They say it will cost money to enlarge the powers and duties of the Department of Agriculture, as provided for in the bill under consideration.

Since the organization of our Government millions of dollars have been appropriated for the improvement of rivers and harbors. Many millions have gone to railroad corporations either as donations or loans. Subsidies have been voted and paid to ocean-sailing mail steamers and aid given to those engaged in the fisheries, while uncounted millions have gone into the pockets of manufacturers under the operation of the protective tariff laws.

Is it not about time we were giving more attention to that interest which is the foundation of all others? Last year the Congress of the United States appropriated out of the Treasury for—

Pensions	\$60,000,000 00
Navy	15,070,837 95
Post-offices	53,700,000 00
Indians	5,762,512 70
Army	24,014,682 50
Ministers and consuls	1,242,025 00

And to sustain and support an agricultural department, with its chemical division, seed division, entomological division, division of agricultural statistics, Bureau of Animal Industry, museum, laboratory, and Bureau of Forestry, only the sum of \$585,790, or one-thirtieth of the amount appropriated for a navy which is by no means a grand navy, and only one-third of the amount appropriated to pay the expenses of a few ministers and consuls who, representing the United States, enjoy themselves abroad, and only one-tenth of what was appropriated as a gift to the Indians; yet now, when only about \$8,000 per annum is asked to establish a new department for agriculture and labor, it is objected to on the ground of economy.

Mr. Chairman, I believe as much as any man in economy, and I believe Federal taxation should be exclusively for public purposes, and should not exceed the needs of the Government economically administered, but I can not appreciate the economy that refuses to appropriate \$8,000 where justice and right so fully demand this sum.

The next objection to the bill is that it is an unnecessary increase of Executive Departments, and that the number composing the Cabinet should not be changed. This is not a strong objection, for our country has fewer Departments than any of the great nations of the world. It has progressed and advanced in every way, and the Government must

be adapted not only in its legislative provisions but in its organic structure to the growth and increasing wants of the people. The Constitution of the United States was regarded as sacred and complete, yet fifteen amendments have been added to it since it was first adopted.

The Cabinet has also grown with the growth of the country and with the ever-increasing necessities of the people. When the Government started there were but three Executive Departments, known as the State Department, War Department, and Treasury Department. The same act creating these Departments also provided for a Postmaster-General, but this Department was only considered a bureau until 1829, when Andrew Jackson appointed a Postmaster-General and invited him to a seat in the Cabinet. The act also provided for an Attorney-General, but it was not until 1870 that the Department of Justice was made an Executive Department of the Government, though long before that time the Attorney-General sat in the Cabinet.

In 1798 the Navy Department was created, and in 1849 the Department of the Interior was created, and Pensions were given it from the War Department, Patents and Census from the State Department, and Public Lands from the Treasury Department. It is, therefore, apparent that the increase in the Cabinet from three Secretaries to seven has been in accordance with the growth of business and the necessities of the people. All the Departments have only a statutory existence, and may be increased by act of Congress, approved by the President, any time.

Wise and patriotic men in every age have given encouragement to agriculture. George Washington said, in his address to Congress in 1796:

It will not be doubted that with reference either to individual or national welfare agriculture is of primary importance.

Cincinnatus loved the plow more than the sword, and Cato and Virgil wrote ably and extensively on agriculture and forestry. Daniel Webster said "all national wealth depends upon enlightened agriculture." In this country we have enlightened agriculture and intelligent agriculturists, and this industry is greater and vaster than all others combined. The head of the department should always be an able and intelligent man, and he should be equal in rank and pay to the other Secretaries of the executive Cabinet.

Mr. Chairman, I have been a practicing lawyer for twenty years, but I was raised on a farm and for a quarter of a century I have been a land-owner and interested in farming, and I am glad of this opportunity to speak in behalf of agriculture and labor.

The future of our Republic is grand and beautiful. Only a few years separate us from 1910, when, according to the estimates of De Bow and Elliot, we will have one hundred millions of people and one hundred thousand millions of dollars' worth of property. The human mind can hardly assign a limit to the growth of our country or compute the timetable of its progress.

The wealth and population of our Republic now demand this new Executive Department, and it will surely be created. Whether helped or hindered by this Congress, the demand will grow and the voices favoring it will multiply until its triumph is assured. [Applause.]

Mr. HATCH. Mr. Chairman, I reserve the remainder of my time until I hear what gentlemen have to say on the other side.

Mr. REAGAN addressed the Chair.

The CHAIRMAN. The Chair desires to state to the gentleman from Texas that the time in which the substitute was read is to be deducted from his time.

Mr. REAGAN. I did not so understand it, Mr. Chairman.

The CHAIRMAN. It must be taken out of the time of the gentleman from Texas, as the gentleman from Missouri did not yield to have the substitute read.

Mr. REAGAN. I was in hopes it would not be taken out of anybody's time.

The CHAIRMAN. The time having been limited by the House, of course the Chair has no discretion in the matter.

The gentleman has fifty minutes of his time remaining.

Mr. REAGAN. Mr. Chairman, I acquiesce very fully in the interesting statements just made by the gentleman from Kentucky [Mr. McCREARY] as to the extent, importance, and great interest of this country in the subject of agriculture; and, as I am a farmer myself and represent farmers almost exclusively, I think I may speak for farmers.

Sometimes we find that when the subject of farming and agriculture comes up the most zealous farmers are those who, perhaps, never followed a plow and never owned a farm, but those, however, who remember that farmers are numerous and have a great many votes.

It is well when we come to look at a great question like this that we should divest ourselves of the idea that we are to take up one particular class of citizens of this country and observe and take care of this interest to the exclusion of other classes of people equally meritorious and with other interests equally important. I desire to make this observation, and I call attention particularly to it: taking the bill reported by the Committee on Agriculture and the substitute I have offered, I think, when you have read both and compare them, this distinguishing difference will be seen between them, that the committee's bill means to dignify labor by a name, by giving to labor the name of a department

exclusively; while the bill I have offered means to dignify it by providing the largest means for the collection and dissemination of information on all subjects pertaining to the interest of agriculture. I beg you to bear in mind that the one undertakes, because of the interest of farmers, to dignify that, not by all proper and necessary legislation, but by giving it a chief and making it top-heavy; while the other proposes to use all the instrumentalities that can promote the interest of agriculture.

Now, the bill I have offered as a substitute for the committee bill proposes to create a department of industries. In this department of industries is a division of agriculture, to be presided over by a practical agriculturist, with a salary of \$5,000, which it is fair to presume will secure for this particular business men of superior talents, ability, and character. Then it goes on to provide for the various bureaus, which I can not now undertake to enumerate, but which will be seen by reading the bill. It then provides for a second division, which is to transfer the Labor Bureau created by the Forty-eighth Congress to this department of industries with the officers and powers and duties of the Labor Bureau as pointed out by the act in question. It then provides for a division of commerce, and it provides for transferring to the department of industries various branches of the public service now attached to the Treasury and the Interior Departments, not because of any necessary connection between them, but for the reason mainly that there is no other place to put them.

It is well that I should observe here, perhaps, that the National Board of Trade has, year after year for several years, appealed to Congress to create a department of commerce, and they are as persistent in asking that a separate department of commerce shall be created as some of our friends here are in asking for a separate department of agriculture. They have also been sustained by the resolutions and declarations of boards of trade and chambers of commerce in various parts of the country.

The gentleman from Kentucky [Mr. MCCREARY] who preceded me gave a very interesting summary of the value and importance of agriculture. I could not take time and have not prepared myself to give a like summary of the value and importance of the commerce of the country; but without due reference to the commercial interests of the country agriculture would not fare so well. The internal commerce of the country (I mean that which passes from place to place and from owner to owner) was estimated by a learned and able gentleman at the other end of the Capitol a few days ago at \$15,000,000,000 annually. It is made up very largely of agricultural products; and it also embraces all goods, wares, and commodities of every possible description, not only agricultural, but the whole interior commerce of the country. Our external foreign commerce amounts to about \$800,000,000 annually.

This represents the earnings of the American people and the articles consumed by them. It is a matter of great moment to them to have all the information through this bureau of industries in relation to agriculture, in relation to labor, and in relation to commerce which can enlighten the people with regard to all three of these great and paramount interests.

My wish is to see an additional department of Government established. I agree with the gentleman from Kentucky [Mr. MCCREARY] that the growth of this country, its development in population and wealth and industries, calls for an additional department of Government, but not for two additional departments at this time, and I think that agriculture and commerce equally demand this consideration at the hands of the Government, and that we will make a mistake if we make a department for one of these great industries and omit reference to the other of these great interests.

Both bills provide for the consideration of the questions of labor, but with differences in language and for different purposes. I have a criticism to make on the committee's bill. If that should be adopted by the House it seems to me there would be a necessity for an alteration of some of its provisions. I desire here to call the attention of the House to the fifth section of the committee's bill and the clause beginning at line 8 of that section:

The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women—

That is all well enough—

the means of promoting their material, social, intellectual, and moral prosperity, and the best means to protect life and prevent accidents in mines, workshops, factories, and other places of industry.

I also call attention to the clause in the same section beginning at line 21:

The secretary of agriculture and labor shall be empowered to inquire into the causes of discontent which may exist between employers and employés within the United States, and he may invite and hear sworn statements from both such parties concerning the matters in controversy.

I am almost afraid to mention the Constitution. [Laughter.] I was upbraided for mentioning it some days ago.

A MEMBER. Most of the Republican members are out.

Mr. REAGAN. Unfortunately, I was upbraided on our own as well as on the Republican side.

Mr. WEAVER, of Iowa. I should like very much to hear from the gentleman as to the constitutional aspect of these questions.

Mr. REAGAN. What has the Federal Government to do with—The best means to protect life and to prevent accident in mines, workshops, factories, and other places of industry?

What has the Federal Government to do with that? If that is to be provided for by this bill, what use is there for State governments? I repeat, if that and kindred things are to be left in this bill and the Government is to assume authority over such subjects, what is the use of State governments? If we assent to this bill we propose to utterly disregard the Constitution of the United States, to utterly disregard the theory of our Government, and to take hold of things that are local and belong purely and exclusively to the State. Of all the classes of people in this country who are interested, greatly and profoundly interested, in preserving our form of government as transmitted to us by our forefathers, it is the farmers and the laboring class of people. It is their shield and protection, and whenever for expediency, or for any other purpose, we disregard the theory of our Government, under which we live, we inflict a serious and lasting injury upon the American people.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a question?

Mr. REAGAN. In a moment.

Mr. WEAVER, of Iowa. I wish to make a suggestion to the gentleman that he may express his view on it at this point. There is another thing he will want to comment on.

Mr. REAGAN. Very well; I will hear the gentleman now.

Mr. WEAVER, of Iowa. I find in the substitute offered by the gentleman from Texas [Mr. REAGAN] provision is made on page 2 for a "bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States."

What has the Constitution got to do with the condition of the domestic animals of the United States? And is the Constitution more powerful to collect that kind of information than to collect information as to the condition of the mines and the workshops where human beings are congregated?

Mr. REAGAN. The boundary between the two propositions is not very clearly marked, I concede. But in relation to the rights of persons, of individuals, and the protection of the laws there are obligations imposed upon the State governments, and there is directly and impliedly a prohibition upon the Federal Government to engage in some of these things. Cattle and hogs and horses have no individual rights; they are property only. Inquiry is to be made on that subject. The object is simply to collect information, as has heretofore been done by the Agricultural Bureau. I will read the clause:

Second. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and use; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

The Agricultural Report now published under existing law disseminates just this kind of information, and the purpose was simply to embody in this bill what was in the present law and to follow existing law. But I submit that does not warrant us in going down into a State, that has peculiarly the constitutional protection of life, person, and property, which this Government has nothing to do with by its Constitution as to citizens of the States, and inquiring as to "the best means to protect life and prevent accident in mines, workshops, factories, and other places of industry."

The gentleman understands, and we all understand, if we have not got so far from the Constitution as to have forgotten it, that the Federal Government has certain delegated powers, and that among them is not the power contemplated in that provision of this bill to be exercised over persons. They are under the protection, control, and jurisdiction of the State and the State constitution, not under the jurisdiction or control of the Federal Constitution.

That is my answer to my friend from Iowa. Then this bill provides that "the secretary of agriculture shall be empowered to inquire into the causes of discontent which may exist between employers and employés within the United States, and may invite and hear sworn statements from both such parties concerning the matters in controversy."

That seems to be a proposition to make the department a sort of court for the adjudication of questions between laborers and their employers, and it embraces laborers generally, not only the employés of a railroad or a canal, but the employés of manufacturers or farmers; in short, all the employés in the country. I had occasion some time ago to discuss this question when another bill was under consideration here, and to say that it was beyond the jurisdiction of the Federal Government to undertake to meddle in local personal contracts in relation to labor, and I venture the statement now that there is not a respectable court, presided over by a good lawyer, in America that would sustain the constitutionality of that provision in this bill. Why? Because contracts between employers and laborers are local, domestic, unconnected with the public service, private. The powers of the Federal Government are delegated for particular national and international purposes, and for no other purposes, and the declaration in one of the amendments to the

Constitution is, in substance, that the powers not delegated to the Government of the United States are retained in the States and in the people of the States respectively.

The States and the people retain to themselves all the powers not conferred by the Constitution on the Federal Government for national and international purposes. It was necessary that the Federal Government, acting as the unit for the whole, should control questions of peace and war, and should have control of the Army and the Navy. It was convenient and advantageous that it should take charge of the postal facilities, because they relate to the whole people, and it is better that the mails should not be interrupted at the boundaries of States. It was right that the Federal Government should take charge of the question of coinage, because the coinage ought to be uniform, and it was to the interest of the whole people that it should be uniform. Such powers as these were delegated to the Federal Government by the Constitution; but local matters, such as contracts for labor, matters relating to the descent and to the distribution of estates, matters relating to marriage and divorce—all such questions as these, relating to the local domestic internal policy of the State, were reserved to the States. Among the reservations was the right to determine questions in dispute between hirer and hired, and whenever we pass a bill with these two provisions in it I would advise that we add one more section to the bill, and abolish the State governments entirely and get rid of the useless expense of Legislatures and governors and State courts; because, if we mean to turn this into a consolidated centralized republic we may as well do the whole job at once and not by piecemeal. But we should bear in mind that a government with the extent of territory and the variety of interests which ours has can not permanently exist except in one of two forms. First, a Federal Republic like ours, which may, I believe, be indefinitely expanded in its territorial limits, if we only observe the principles of federation, the doctrines and principles and usages of the Constitution. Second, a despotism, with all power concentrated in the central government. But a consolidated centralized republic is an impossibility, and there is no writer on the subject of government whose opinions are worthy of respect who will not tell us that a country of the extent of territory, population, and interests of ours can not long exist as a centralized republic. Why? Because it will always be to the interest of the majority section—I care not where that section may be, whether in the North, in the South, in the East, or in the West—it will always be to the interest of the majority section to rob and plunder the minority section, and they will do it by law. Why? Because it will be popular to do it, and the representatives of the people will always obey the popular will.

Mr. BROWN, of Pennsylvania. That is assuming that it is always popular and right to plunder.

Mr. REAGAN. Well, if my friend speaks of the rules of morality, it is not right, but I am speaking of the practical operation of government and of the practices of men. We may have our fine theories about government, but government is a practical matter, and, whatever our theories may be, we will use the power of the Government, as the Republican party has used it for the last twenty years, to enrich particular classes.

Mr. MILLIKEN. Will the gentleman please state where his proposition has taken shape in practice, where one section of this or of any other country has robbed the other sections? Is it not a fact that the gentleman is merely stating a theory which he entertains, and one which is not exemplified in practice anywhere?

Mr. REAGAN. I am sorry that I can not answer that question in the affirmative. I will show the gentleman that the principle has been and is now in operation. The manufacturing interests of this country are most of them in a particular locality.

Mr. BROWN, of Pennsylvania. It does not necessarily follow that they should be confined to any locality.

Mr. REAGAN. I am talking not about what should be, but about what is. The manufacturing interests of this country are mostly in a particular locality, and for their benefit we have been plundering the workingmen of all sections of the country at the rate of hundreds of millions annually.

Mr. MILLIKEN. I take issue with the gentleman as to the fact. I assert that that part of the country in which manufactures are most numerous shows to-day a farming community more thrifty than can be found in any other section, and if the gentleman will examine the subject he will find that where the factories are most numerous there the farmers receive the best prices for their products and the men who labor on the farm receive the best wages.

Mr. REAGAN. Mr. Chairman, I would be glad if I had time to listen to interruptions, but I have not the time. Let me say, however, in reply to the gentleman from Maine, that the state of things he describes is easily accounted for, because when you find a place where all the manufacturing capital of the country is concentrated, where all the railroad capital is concentrated, where all the banking capital is concentrated, where all the insurance capital is concentrated, where all the express capital is concentrated—when you find a place with this great aggregation of capital, you will find a rich and prosperous community such as that of which the gentleman from Maine speaks.

In an agricultural country like the West or the South where there are not these aggregations of capital, where there are not these concentrations of wealth, there you find struggle and poverty and debt and mortgages from year to year, as you see them now. This very fact illustrates the point which the gentleman has brought out, to which I did not intend to refer; for I do not wish to go into that branch of the subject now.

Mr. PETERS. But is it not a fact that your own party, or a portion of it, disputes with you the fact which you allege?

Mr. REAGAN. I will say to my friend from Kansas that I have nominally a party to which I belong, as he has nominally a party to which he belongs. But, as said by the gentleman from Iowa a short time ago, a man may be anything on earth in politics, religion, and morals, and be either a Democrat or a Republican. [Laughter.]

Mr. MILLIKEN. I would like to ask the gentleman one other question; it has nothing to do with party. Does the gentleman think that the agriculturists of Texas, or any other part of this country where there are not manufactures, would be any better off to-day if the manufactures of New England did not exist?

Mr. REAGAN. I would not take an extreme case like that. I do not want to contemplate a condition of things in which manufactures do not exist. But without going into extreme suggestions and suppositions like that, I will say to the gentleman that if the people of Texas and of the whole South or the whole West were relieved of the 40 per cent. tax on all they use, a tax imposed year after year for the benefit of manufactures, you would see the same thrift and prosperity there that you see where these interests are concentrated. [Applause on the Democratic side.]

Mr. MILLIKEN. How would the gentleman meet the expenditures of the Government—by direct taxation upon the farmers of Texas?

Mr. REAGAN. No, sir. I have not been discussing that, and I do not propose at this time to be led into any discussion of that sort. I hope the gentleman will excuse me from answering any further inquiries, because I can not spend the limited time allowed for debate on the pending measure by a discussion of everything that gentlemen may think of. [Laughter.] But the gentleman knows as well as I know that nobody now contemplates carrying on this Government upon revenues collected by direct taxation. The pretense that there exists such a purpose is one of the political frauds that have been kept before this country by the Republicans and by a few money-bag Democrats for several years past. [Laughter.] They have pretended that we who seek a revenue tariff are free-traders and want to carry on the Government by direct taxation. They all know they lie. [Laughter and applause.]

We would like to have a revenue-tariff, such as the Constitution contemplates—not such as is in violation of the Constitution, for the very clause of that instrument which authorizes the collection of revenues from imports declares also the purposes for which such revenues shall be collected—to support the Government and to pay the debts of the United States. That is the only purpose for which a tax of that kind can be constitutionally collected. When we go beyond that and say, "We will levy a tax to draw money from one citizen to give it to another without consideration," we not only violate that provision of the Constitution, but we violate also the most sacred fundamental principles of our system of government, among them the principle that private property shall not be taken except for public use, and not even then unless upon just compensation. This principle is so firmly entrenched in the Federal Constitution and in all the State constitutions that private property can not be transferred from one citizen to another except by violence or fraud. There is no way to do it according to law.

Mr. MILLIKEN. I would like to ask the gentleman one more question, though I dislike to interrupt him. The gentleman argues now in favor of a tariff for revenue?

Mr. REAGAN. Yes, sir.

Mr. MILLIKEN. I ask the gentleman what reason he can give to the poor man who has ten children for levying upon the backs and the mouths of those children the taxation to support this Government, unless it be done in such a way as to protect the avocation by which that man lives?

Mr. REAGAN. Of course any tax of that kind gives protection to the extent of the tax. The only difference between the gentleman and myself, I suppose, is that I would have a tariff for revenue, letting it carry with it whatever incidental protection it might; and he would have a tariff for protection, for robbery, with revenue as an incident. [Applause on the Democratic side.]

Mr. MILLIKEN. Would not the gentleman be—

Mr. REAGAN. The gentleman will excuse me. I am obliged to go on with my remarks upon this bill. I would be glad to yield further if I had time.

My friend from Missouri [Mr. HATCH], the chairman of the Committee on Agriculture, proposes, as I anticipate, to attack my position on this subject as inconsistent; for the other day he stated that in a former session of Congress I voted for a bill similar to the one of which he now has charge. It is right for me to say that when he told me I was opposing a bill similar to one for which I had voted at a previous session I felt a little surprised at a statement which my memory failed alto-

gether to confirm; for I had no recollection of ever having voted for a bill that distinctly violated the Constitution and intermeddled with the local affairs of the States.

The gentleman said I had not only voted but spoken for such a bill. On examining the record I have found that the bill which I supported in a speech was known as "the Kenna bill," urged conspicuously by a gentleman from West Virginia, now a Senator. That bill—and I am willing that this Committee of the Whole shall judge how far it resembles this bill—is the one for which I spoke.

The bill for which I voted was introduced by Mr. ANDERSON, of Kansas. In looking over that bill to see whether it contains the same provision I find the only thing which assimilates to it this:

Sec. 3. That in addition to the duties now performed by the statistician of the Department of Agriculture, provided in section 520, title 22 of the Revised Statutes, it is hereby made the further duty of the statistician to collect all the facts and information and statistics obtainable relative to the annual products of manufactures and the cost thereof, the various processes applied to quantity and value of the raw material consumed, and such other information as shall show each year the conditions of the manufactures in the several States. It shall also be the further duty of said statistician to collect all facts relative to the wages of labor, hours of labor, and the general condition of the laboring classes throughout the country.

Mr. HATCH. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. HATCH. The gentleman will do me the justice to acknowledge I said he had voted for a bill substantially the same as the bill reported from the Committee on Agriculture. I ask whether he did not support the Kenna substitute, and whether he did not vote for the original bill?

Mr. REAGAN. I did not. The bill was not passed.

Mr. HATCH. If the gentleman will turn to it I will give him the page of the RECORD where he will find that when the bill was on its passage he voted for it. He voted for substantially the same bill also in the Forty-eighth Congress.

Mr. REAGAN. The gentleman will find that was Mr. Hubbell's bill, which was adopted as a substitute for the committee's bill.

I am going to give my time to others, and therefore must hurry on. All I desire to say further on this point is that the gentleman from Missouri is mistaken. After having examined the RECORD I am sure I never voted for any such provision as that which is contained in this bill, and I do not think the gentleman himself ever did before, or that any other member of this House did until the vote was taken the other day.

I wish to return to the subject-matter. The gentleman took occasion to call attention to the fact the committee's bill aims to give dignity and importance to agriculture by naming it as the head of a department. The substitute I offer proposes to benefit labor by making all those substantial and necessary provisions which will dignify and enoble labor and promote agriculture to whatever extent it can be done by the action of any department.

I also make provision for the transfer to it of the Labor Bureau, provided by the act of the Forty-eighth Congress.

It is also a matter of as great importance to the people of the country there should be wise supervision of the commerce of the country by a first-class intellect as that there should be a wise supervision of agriculture by a first-class intellect. I do not know whether there are as many voters among the merchants as there are among the farmers of the country, and I suppose that is the fault with my bill. But if we look at what will benefit the country, what will aid its commerce, what will encourage agriculture, and what patriotism demands at our hands, then I hope the House will adopt the substitute I have offered.

How much time have I left?

The CHAIRMAN. The gentleman has twelve minutes of his time remaining.

Mr. REAGAN. I yield then that time to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, the time the gentleman from Texas has allotted to me will not afford the opportunity to have read at the Clerk's desk the substitute I wish to offer, and with the consent of the House I will append it to the brief remarks I am going to submit, so that members, if they feel enough interest in it to do so, may read it in the RECORD.

It may be that the time has come to create another Executive Department, and group under a common supervision some of the bureaus formed in our progress of growth and development, and thereby give greater efficiency to them. To meet this view I have draughted the substitute as merely a suggestive scheme to be the basis of consideration and legislation, and am not wedded to it. If either this plan or that offered by the gentleman from Texas [Mr. REAGAN] be adopted it will be a real department, with much substance, and giving to its head both labor and dignity. It will be in the number of its employés, in the importance of the subjects embraced in its jurisdiction, in the value of its labors to the country, and the dignity of the matters involved, the equal of the present Executive Departments. It gives the dignity asked in the name of agriculture by bestowing her name upon it; it elevates this interest to the front rank among a group of industrial bureaus, and puts it in its proper place as the head of industrial pursuits and the chief of scientific labors.

I beg the committee to examine the plan and wherein it is faulty amend it, or in its stead substitute a wiser and better scheme. It creates no new bureau; changes in no important matter the present law; makes no doubtful experiment; trenches upon no disputed constitutional powers; opens no old contentions, nor gives rise to new disputes. It relieves two Departments—the Treasury and Interior—of great labor, renders the grouping of bureaus more logical, and will cause supervision of offices through which now large sums of money are disbursed with proper control and check. The additional cost is \$8,000 for the salary of the Secretary and \$10,000 for all other necessary additional employés. I submit this plan in deference to the opinion of many colleagues that another Department is necessary.

I will not now attempt to point out certain defects in the proposed bill, for this can be done under the five-minute debate and the bill can be amended to obviate these objections. But I desire to submit to the committee some general considerations, and I will confine these to so much of the bill as attempts to legislate concerning agriculture and an agricultural department.

I am a farmer's boy, Mr. Chairman, and nobody on this floor can say anything as to the dignity of agriculture to which I will not most heartily agree. I suppose no one has memories which are more tender than my own connected with the country. Having been born in a city, I was carried a motherless boy, with a motherless family, into the blue-grass region of Kentucky in the exquisite month of May. I still recollect the scene that I beheld the first morning after we reached the old homestead; where, under the old trees in the yard before the old house, I looked on the undulating fields watered by North Elkhorn, and forming part of what Bancroft calls "the unrivaled valley of the Elkhorn;" with the rising sun covering the green grass with the radiance of his level rays—a picture that to-day is as dear and as vivid as it was to the little barefooted, motherless boy forty years ago. And, sir, from that day to this I have so loved that country that no temptation has been strong enough to lure me from it.

In the old field schools I was grounded in the "humanities." In the country church I joined in the simple forms of an old-fashioned worship; and to-day my friends are the farmers, whose lot I am constantly tempted to envy.

Therefore, both as to the sentimental as well as the material considerations that may be urged concerning country life and its occupations, I allow no man to go further than I. But to-day, in the midst of the agricultural distress that is prevailing, this does not seem to me to be the means to give any remedy.

How the making of the Commissioner of Agriculture a Cabinet minister and enlarging his salary from \$4,500 a year to \$8,000, without substantially increasing his duties, and giving him an assistant secretary of agriculture, with nothing under heaven to do, at a salary of \$4,000 a year, organizing a Department with increased expenditures in the shape of stenographers, clerks, and all the paraphernalia that will be required, will either dignify agriculture or lighten the burdens upon its shoulders or put money into its empty pockets is to me an unsolved and unsolvable riddle. If it can be demonstrated that this will aid this great industry I am ready to go for it. Representing probably the richest agricultural community in America, and desiring to do all I can for those generous people, I am anxious to go any distance with anybody that can help that industry.

But I confess the more I look into it the less it seems to me to do good, and the more it seems likely to do harm. I apprehend it is a universal principle that an improper remedy to a real grievance prevents the examination and consideration of that grievance and of the remedy proper to be applied.

Whenever we think we have done something for that which requires that something ought to be done, we instantly turn from it with contentment, turning our attention from the subject, satisfying our conscience that what we have done is all that is necessary, and cease to seek for real remedies. So every time we palter with an important matter, every time we attempt to do something that has in it no substance, about a matter that needs relief, we draw ourselves off from its real consideration, and fail to do that which otherwise might have been done and that ought to have been done, and content ourselves with the insufficient remedy. Besides, sir, I look with reluctance upon every step that separates American citizens into classes. It was my duty, as I thought not long ago, to protest against the labor bill because one of its results would be in my opinion to dignify by Congressional legislation the thought that labor and capital were separate classifications into which American citizenry might be divided. So today, Mr. Chairman, I protest against any legislation which would tend to give force to the thought that the farmers are a separate class of our citizens. We are not all farmers; but farmers and mechanics, farmers and lawyers, farmers and merchants are constantly represented in one and the same individual.

My friend [Mr. MCREARY], who made a summary of agriculture a few moments ago, my old comrade and college-mate, is himself a lawyer and farmer as well as member of Congress. We are all intermingled in our vocations, and so inextricably intermingled that the old story when the plebs retired from Rome to one of the hills, and the fable of the body was spoken, that the head could not do without the

stomach or the legs without the arms is as true to-day as it was then. We are inextricably and indissolubly united in our various vocations, not alone as farmers, but as farmers and all other occupations combined; and how the mere taking of one man and making him the chief of a department of agriculture, to sit at the table with the other seven, and at its head the President, dignifies the industry which he represents, or elevates it, or does anything to aid it in the struggle for better life, greater results, and ampler improvements, is a mystery to me. Nay, more, Mr. Chairman, I apprehend that when the minister of agriculture comes to take his seat there he will be no longer an agriculturist; he will be a politician.

The head of the Army Department is not a soldier; the chief of the Navy Department is not a sailor. He who, as a rule, is at the head of the Interior Department is not either a patentee, a man who gets a patent for an invention of his own, nor a man who served in the Army and is a pensioner, nor one who is a homesteader, with present interests in the public lands. All of these gentlemen are politicians, and represent considerations of state, or Presidential influences, or electoral votes; and I apprehend that when the farmer comes to take his seat at that table he will be a gentleman representing a certain section, certain political opinions, and with certain political weight.

We deceive ourselves, I think, when we say this is the road that leads to power or wealth for the agriculturist. I admit there is something wrong. I take the liberty of reading from the work of another:

By the census of 1850 the estimated value of farms in the United States was \$3,271,575,426. In 1860 the value was estimated at \$6,645,045,007, showing an increased value during the decade of \$3,373,469,581, or more than 100 per cent. In 1870 the value of the farms was estimated at \$9,262,803,861, showing an increase during the decade of \$2,617,758,861, or less than 40 per cent. In 1880 the value of farms was estimated at \$10,197,096,776, being an increase during the decade of \$939,292,915, or only a fraction over 9 per cent. (See Compendium of the Census of 1880, page 658.)

The value of the live stock in the United States in 1850 was estimated at \$54,180,566. In 1860 it was valued at \$1,089,329,915. The increase during the decade was \$545,149,349, or over 100 per cent. In 1870 it was estimated at \$1,525,276,547, being an increase during the decade of \$433,946,542, or less than 40 per cent. In 1880, the live stock was valued at \$1,500,464,609, being a decrease during the decade of nearly \$25,000,000, or more than 1 per cent.

Mr. HISCOCK. I recommend that to the gentleman from Texas as a commentary on the "robber policy" of protection.

Mr. BRECKINRIDGE, of Kentucky. I accept the challenge of the gentleman addressed to the gentleman from Texas.

In the value of live stock during this period of thirty years, in ten of them there was an increase of over 100 per cent. In the next ten years there was an increase of less than 40 per cent. In ten more years there was a decrease of 1½ per cent. In the first of these decades we were under the tariff of 1846, a low tariff. In the decade from 1860 to 1870 the country was under the high tariff, the Morrill tariff, when the 100 per cent of increase diminished to 40 per cent; and from 1870 to 1880, in time of profound peace, when the country was under the renewed and accelerated power of high tariff, the decrease was 1½ per cent. [Applause.]

In other words, under a low tariff the agricultural interest doubled in ten years. Under a high tariff in another decade of ten years there was a decrease in live stock of 1½ per cent. There is the grievance. Let us find the remedy.

Mr. HISCOCK. If the gentleman will carefully examine the census returns and take the returns themselves he will discover he is mistaken.

Mr. BRECKINRIDGE, of Kentucky. These are the returns of the census; two of these censuses, if not three of them, having been taken under statisticians who belonged to the protectionist school, who would make the figures conform to their theories as far as their consciences would allow them to do it.

Mr. HISCOCK. I repeat, if the gentleman will look at the original figures he will find he is mistaken.

Mr. BRECKINRIDGE, of Kentucky. These are the correct figures.

There seems every reason to believe that between 1850 and 1860 there was a very rapid increase in wealth. In the general prosperity of the country the great farming community appears to have fully participated. Then, as now, it comprised about half of all our people. Starting in 1850 with less than \$4,000,000 they increased their wealth by more than an equal amount in ten years. But since 1860, with far more than twice as much capital, and added millions of persons employed, they have scarcely been able, even by the highest estimates of the census officers could possibly make, to add as much to their wealth in twenty years as they did in the preceding ten. In 1860 farmers owned half of the wealth of the country. In 1880 they owned but a quarter. By the census estimates the other half of the community between 1860 and 1880 increased their wealth by more than \$23,000,000,000. But farmers starting with an equal capital increased their wealth during the same time only a little more than \$4,000,000,000.

And if we could obtain the result in figures of the five years since the census of 1880 was taken the picture would be a still more distressing one. Wheat, cotton, wool, meats, every product of the farm at prices that scarcely pay for the cost of production; the value of live stock yearly, ay, daily decreasing; the vendible value of land also decreasing; mortgages unpaid; interest accumulating; debt increasing; new competitors with their products pressing down the price of our products in fierce rivalry, unable to sell in many of the markets of the world, because by our system we can not there buy—the farmer may well declare that all legislation has been to his detriment; that the system of taxation imposed on us is unjust to him; that the profits of his labor have gone into the coffers of others, and that this has been care-

fully, skillfully, systematically kept in view in all our governmental legislation for a quarter of a century.

Here is the grievance, here is the burden which like a parasite keeps this mighty industry from moving onward in her glorious march. This is the clog which keeps her steps from advancing in a prosperous career. Take it off; remove this burden, reduce these immense and enormous protective duties that are eating her life away. Do not palter by talking of giving her a Cabinet officer, of crowning her with palms. Take off the weights that now rest upon her and she herself will be crowned by her own labor. She will crown herself with the rewards of honest sweat; she will cover herself with the achievements of honest industry, doing it for herself and on her own ground and asking no favors of Cabinet officers or Presidents. [Applause.]

Upon a soil so fertile, with a climate so salubrious, amid a race so glorious, with a territory so magnificent, all agriculture wants is a free, unrestricted, unburdened chance in the great battle of life. Give this to her and you give her all she asks. [Applause.]

The following is Mr. BRECKINRIDGE's substitute:

Mr. WILLIAM C. P. BRECKINRIDGE introduced the following bill:

A bill to establish a department of agriculture and industry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be at the seat of Government an Executive Department to be known as the Department of Agriculture and Industry; and the head thereof shall be secretary of agriculture and industry, and he shall receive an annual salary of \$8,000, to be paid as other salaries of the heads of Executive Departments are by law paid, and hold his office for four years, unless sooner removed from office.

Sec. 2. That this department shall consist of—

First. The Department of Agriculture.

Second. The Bureau of Labor.

Third. The Bureau of Education.

Fourth. The Bureau of the Office of Commissioner of Railroads.

Fifth. A bureau to consist of the United States Coast and Geodetic Survey and of the Office of the Geological Survey.

Sixth. The Bureau of Statistics.

Seventh. The Bureau of the Life-Saving Service.

Eighth. The Bureau of the Office of the Supervising Architect.

Ninth. The Office of Steamboat Inspection.

Tenth. The Patent Office.

Sec. 3. That the laws now in force respecting said above-named ten department, bureaus, and offices shall remain in force until the department herein created is organized by the appointment of the secretary of agriculture and industry, who shall be appointed by the President, by and with the advice and consent of the Senate, at which time the heads and chiefs of said department, bureaus, and offices shall report to said secretary, who shall, under the direction and with the approval of the President, make such rules and regulations for the supervision, control, and management of said Executive Department hereby created as may be necessary; and the laws governing said department, bureaus, and offices, fixing the salaries, duties, and terms of all officers and employees therein, stipulating what duties and labors are required of them, and imposing liabilities and giving privileges to them, shall remain in force, save as altered and modified by this act.

Sec. 4. That the secretary of agriculture and industry is hereby given power to employ such clerks, stenographers, and employees as may be necessary, in addition to those now by law provided for the department, bureaus, and offices hereinbefore set out, and to fix the salaries and wages of such persons, not, however, exceeding in the aggregate the sum of \$10,000 a year; and the sum necessary to pay said persons is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Sec. 5. That this act shall take effect on June 30, 1886.

Mr. WEAVER, of Iowa, obtained the floor.

Mr. HATCH. I ask the gentleman from Iowa [Mr. WEAVER] to yield to me a moment that I may reply to the gentleman from Texas [Mr. REAGAN].

Mr. WEAVER, of Iowa. I yield to the gentleman.

Mr. HATCH. I said the gentleman from Texas [Mr. REAGAN] voted for the bill reported from the Committee on Agriculture in the Forty-seventh Congress. There were various amendments and substitutes offered for the bill. One substitute was offered by Mr. Hubbell, of Michigan, and from that the gentleman read the first section. The question was taken on that substitute and it was not agreed to. I read from the RECORD:

The bill as amended—

That is, the bill reported by the committee and in charge of Mr. ANDERSON, of Kansas—

was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. ANDERSON, of Kansas. I call for the previous question on the passage of the bill.

The previous question was ordered.

Mr. WELLBORN and Mr. ANDERSON, of Kansas, called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 7, not voting 101.

Among the yeas is recorded the name of Mr. REAGAN, of Texas. So that my statement that the gentleman after voting for the Kenna substitute voted for the bill is supported by the RECORD, and is correct.

Mr. REAGAN. I read the clause from the bill for which I voted and to which the gentleman refers, which is the only thing that bore any resemblance to the bill now before the House. I did so in order to show that I never voted for the provisions of this bill, and the gentleman from Missouri himself did not.

Mr. WEAVER, of Iowa. Mr. Chairman, it has been beautifully said by Jonathan Duncan that—

Infinite benevolence has given to man a wonderful patrimony. He has laid three kingdoms of nature at our feet. The earth abounds in endless fertility; the race of domestic animals will never become extinct; the mines teeming

with every variety of minerals are inexhaustible; what is deficient in one hemisphere is redundant in another, the trade-winds are the unerring auxiliaries of transmarin intercourse, and the magnet is the pilot of navigation.

This beautiful statement is true of the whole earth, and it is wonderfully accurate when applied to this the New World; and yet society seems to be suffering under some universal depression and disorder. Want and extreme poverty afflict at this moment a very large proportion of our population. Why are these things so?

Our life as a nation has been but a span. I saw the other day at the Executive Mansion an individual who had called to pay his respects to the President. This gentleman has lived under every administration of every President from Washington to Cleveland. We are as a nation not as old as some of our living individual citizens. We are in our youth, but debauched by profligacy and eaten up by internal disorders. Labor built the state; but labor to-day is on the rack. Laboring people feed, clothe, and shelter the world, but they have less to consume and possess fewer of the necessities and luxuries of life than any other class of our population.

Now they intend to know the reason of all this. They intend to know how it turns out to be true that we, a republic, have traveled farther during the first century of our existence toward extreme poverty on the one hand and extreme riches on the other than was ever traveled by any other nation on the globe in five hundred years. This condition of affairs, I insist, calls for the closest scrutiny on the part of statesmanship and on the part of our people. "What good," it is asked, "can result from a bill of this kind?" I answer, much, every way. In the first place, labor is asking for a voice in the Cabinet, where measures are matured, where they receive their final discussion, where they are to be approved, and often where they are slaughtered.

Labor asks for a voice in that council, and if this bill is passed it will give labor a status which it has not enjoyed during the first century of the Republic. Again, labor is organizing for a great civic contest with monopoly, and has the right to be heard. It is seeking a vantage-ground which, as every one knows, is one-half the battle. It is seeking to be dignified and demands that it shall be respected everywhere. Treat the producers of wealth fairly and give them an equal voice with every other branch of our population. There is nothing in this bill that smacks of creating classes, as has been intimated, but it is designed to lift labor to a higher level and a higher recognition. Our system of political economy calculates accurately the product of labor, but it forgets the producer. It tells us of our wonderful productions, but forgets the great aim of it all—a perfect manhood and a peaceful and prosperous state of society.

Now, the gentleman from Texas [Mr. REAGAN] has assailed this bill as being unconstitutional. I have the highest admiration for that gentleman's ability and courage, for the tenacity with which he adheres to his views and the fearlessness with which he asserts them upon this floor; but the position taken by him is certainly untenable, and if this bill be subject to the objection which he has raised, certainly his own bill is obnoxious to the same criticism, but in a greater degree. I call his attention and the attention of the committee to subdivision 1 of section 3 of the gentleman's substitute. I read:

First. The bureau of agricultural products, which shall include divisions of botany, entomology, and chemistry, and the chief of which bureau, who shall be a practical agriculturist, shall investigate the modes of farming in the several States and Territories—

If there be no constitutional authority for the bill of the committee, where is the authority for this, I ask?

I read further—

and shall report such practical information as shall tend to increase the profits of the farmer respecting the various methods, the crops most profitable in the several sections, the preferable varieties of seeds, vines, plants, and fruits, fertilizers, implements, buildings, and similar matters.

And here is the second subdivision of the same section of the gentleman's bill:

Second. The Bureau of Animal Industry to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and use; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections or profitable raising.

Mr. Chairman, I concede that these are very proper provisions to be in a bill of that kind, and I claim that they are not in violation of any provision of the Constitution, but I insist that if this bill is in violation of the Constitution, then the gentleman's own bill is in the same category. At the commencement of this Congress I had the honor to introduce a bill to establish a department of labor. After consulting with the Committee on Agriculture and after consultation of the two committees it was thought best to combine the two departments of agriculture and labor, and hence the fifth section of the bill now under consideration is substantially the bill which I introduced for the establishment of a separate department of labor.

Now, the clause referred to by the gentleman is this:

The relation of capital to labor, the hours of labor, the earnings of laboring men and women, the means of promoting their material, social, intellectual, and moral prosperity, and the best means to protect life and prevent accidents in mines, workshops, factories, and other places of industry.

The gentleman says he does not think he ever voted for the passage of such a bill as this or that any other member of this House ever did.

I remind him that the language to which he objects is copied *verbatim* from the bill to establish a bureau of labor, which passed this House and became a law June 27, 1884, and is now in force.

It is said that labor is suffering and agriculture is suffering. So they are. But neither this suffering nor its causes are new; they are as old as civilization. Every nation has passed through them. Just after the Napoleonic wars, about the year 1826, the laboring people of England passed through a crisis similar to that through which we are now passing and it was brought on by similar causes. The very same suffering then existed, and the very same frivolous excuses and causes were assigned then that have been urged here from 1873 to the present hour—overproduction, transition from war to peace, lack of specie basis, and other nonsensical and intentionally deceptive theories.

Mr. REAGAN. Will the gentleman allow me a moment? I have examined the statute creating the Labor Bureau; and I do not find the passage which the gentleman read.

Mr. WEAVER, of Iowa. It is there; I copied it myself.

Mr. REAGAN. I do not find it, and my recollection does not agree with the gentleman's.

Mr. WEAVER, of Iowa. I will yield to the gentleman later for any correction he may desire to make.

Mr. ROGERS. Will the gentleman permit me to ask him a question for information?

Mr. WEAVER, of Iowa. I was just about to pass to a different branch of the subject.

Mr. ROGERS. My question relates to that branch which the gentleman is about to leave. Has the gentleman observed that by the terms of this bill the act by which the Bureau of Labor was created is repealed, and there is no provision at all for the transfer of this bureau to the new department?

Mr. WEAVER, of Iowa. I think there is such a clause. I will examine the matter.

Mr. ROGERS. I have examined the bill carefully; and there is no such provision in the bill. You abolish the act creating the present bureau; and the corresponding bureau in this department is left with no head, no control, no management.

Mr. WEAVER, of Iowa. When this bill shall become a law, there will be no necessity for continuing in force the other act. This bill simply repeals the former law, and creates a division of labor within the new department.

Mr. ROGERS. But you do not make any provision for the transfer.

Mr. WEAVER, of Iowa. I will pay attention to that point when we reach the time for amendments.

I wish to call attention to a satire published by Thomas Moore, the poet, at the time of the financial crisis in England. This satirical poem will answer many of the arguments now appearing in magazines and urged on this floor in speeches with reference to the condition of affairs in this country. The poet compares the laboring people of England at that time to an overloaded donkey. The satire proceeds as follows:

A donkey, whose talent for burdens was wondrous,
So much that you'd swear he rejoiced in a load,
One day had to jog under panniers so pond'rous,
That—down the poor donkey fell, smash on the road.

His owners and drivers stood round in amaze—
What! Neddy, the patient, the prosperous Neddy,
So easy to drive through the dirtiest ways,
For every description of job-work so ready!

One driver (whom Ned might have "halled" as a "brother")
Had just been proclaiming the donkey's renown,
For vigor, for spirit, for one thing or other—
When, lo, 'mid his praises, the donkey came down!

But, how to upraise him?—one shouts, t'other whistles,
While Jenky, the conjuror, wisest of all,
Declared that an "overproduction" of thistles—
(Here Ned gave a stare)—was the cause of his fall.

Another wise Solomon cries, as he passes,
"There, let him alone, and the fit will soon cease;
The beast has been fighting with other jackasses,
And this is his mode of 'transition to peace.'

Some looked at his hoofs, and, with learned grimaces,
Pronounced that too long without shoes he has gone—
Let the blacksmith provide him a "sound metal basis,"
The wisecracks said, "and he's sure to jog on."

* * * * *
Meanwhile the poor Neddy, in torture and fear,
Lay under his pannier, scarce able to groan,
And—what was still dolefuler—lending an ear
To advisers whose ears were a match for his own.

At length a plain rustic, whose wit went so far
As to see others' folly, roared out, as he passed—
"Quick! off with the panniers, all dolts as ye are,
Or your prosperous Neddy will soon kick his last!"

You will observe that it was a plain laboring man who discovered that the animal was overloaded, and who made the sensible suggestion to take off the load. [Laughter.]

A very sensible remedy, was it not? The trouble with American laborers to-day is that they are simply overloaded. Take off these burdensome taxes; take off the load of usury that is annually extorting from the people of the United States at least \$350,000,000 more than

the net annual increase of wealth in this country; take off that load, and the people will get up.

Relieve labor of exorbitant railroad charges, that rob the producer at one end of the line and the consumer at the other and which exhaust their life and eat their substance. Take off these loads and labor can take care of itself. To this end, that labor may take care of itself, take it into your highest councils. Provide for it a vantage-ground; dignify it.

Mr. REAGAN. I know the gentleman does not wish to do me injustice in the remarks he has made. I have referred to the statute, and while the gentleman doubtless has copied a portion of it, he has not copied that portion I object to in the bill.

Mr. WEAVER, of Iowa. I would not misrepresent the gentleman for the world.

Mr. REAGAN. The words I refer to are these:

The best means to protect life and prevent accidents in mines, workshops, factories, and other places of industry.

This did not appear in that act. Nor did these words:

The secretary of agriculture and labor shall be empowered to inquire into the causes of discontent which may exist between employers and employees within the United States; and he may invite and hear sworn statements from both such parties concerning the matters in controversy.

Neither of these things is in the bill the gentleman copied.

Mr. WEAVER, of Iowa. What is there about that that is in conflict with the Constitution? May we not do that if we can inquire by the gentleman's substitute as to the best breed of cattle, the best breed of hogs, and the best method of cultivating the soil in the several States? May we not do one as well as the other? The gentleman can not point out the distinction to save his life, nor can anybody else. It is a distinction without a difference.

Mr. REAGAN. The gentleman will find when he reads my speech that I did point out the difference.

Mr. DUNHAM. I ask the gentleman what he thinks of the rate of 6 cents a bushel on wheat from Chicago to New York?

Mr. BLAND. How much did it cost to get it to Chicago?

Mr. WEAVER, of Iowa. Many times charges are not exorbitant. They vary; one time high and again low. In return, I repeat the question put by my friend from Missouri [Mr. BLAND]; what did it cost to get it to Chicago?

Mr. DUNHAM. All the way from 4 to 15.

Mr. WEAVER, of Iowa. The railroads carry it cheaper for 800 than for 400 miles. Besides, there are elevator and terminal charges which are enormous.

Mr. DUNHAM. Is 85 cents in New York high?

Mr. WEAVER, of Iowa. No, it is too low; but that results from another cause. It is too high, considering what the producer gets at the farm. This bill only provides for collecting information as to the condition of labor in the country, and this we must have in order to legislate intelligently. There are several provisions of the Constitution from which this authority can be obtained. The General Government may be called upon at any time to protect the States against domestic violence.

The CHAIRMAN. The hour of 5 o'clock having arrived, the committee will rise and report to the House.

Mr. WEAVER, of Iowa. I still have the floor.

The committee accordingly rose; and the Speaker having taken the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5180) to enlarge the powers and duties of the Department of Agriculture, and had come to no resolution thereon.

BUTTERINE.

Mr. DUNHAM. I ask unanimous consent to present resolutions of the Chicago Board of Trade.

Mr. HATCH. Are they in reference to butterine?

Mr. DUNHAM. Yes.

Mr. HATCH. I object.

The SPEAKER (at 5 o'clock p. m.) declared the House adjourned.

PETITIONS, ETC.

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

By Mr. BOUND: Petition of many citizens of Harrisburg, Pa., for the passage of a law to redeem the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. BURLEIGH: Petition of citizens of Salem, N. Y., praying for the passage of a law for the redemption of the trade-dollar—to the same committee.

By Mr. CRISP: Petition of W. H. Love, B. B. Gray, and others, citizens of Coffee County, Georgia, in favor of the Blair educational bill—to the Committee on Education.

By Mr. ELY: Petition of Samuel W. Crane and 28 others, of Blackstone, Mass., in favor of bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. ERMENTROUT: Memorial of John J. K. Gittleman, asking for legislation to equalize the pay of the soldiers of the late war with the gold standard—to the Committee on War Claims.

By Mr. FINDLAY: Memorial of merchants, manufacturers, and citizens of the United States, in favor of fair pay to American steamships engaged in carrying the United States mail—to the Committee on the Post-Office and Post-Roads.

Also, memorial of N. Lehman & Brother and others, and of Daniel Miller & Co., and others, of Baltimore, Md., praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. GAY: Petition of Jasper Gall, of Iberia Parish, Louisiana, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GLASS: Petition of J. T. Lennox, of Obion County, Tennessee, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. HAYNES: Petition of Abby L. Burbank, for increase of pension—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: Resolution of General Robert Anderson Post, No. 68, Grand Army of the Republic, of Waterloo, Iowa, favoring the recommendations of the national pension committee of the Grand Army of the Republic—to the same committee.

By Mr. HEWITT: Petition of the Berdan Fire-Arms Manufacturing Company, for relief—to the Committee on Patents.

By Mr. HIESTAND: Memorial of Grange No. 3, of Lancaster County, Pennsylvania, in favor of the passage of a law preventing the manufacture of imitation butter—to the Committee on Agriculture.

Also, memorial of same against admitting free of duty wool, hides, iron, &c.—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of C. P. Woodworth and 35 others, of Canaan, N. Y., for the passage of the bill to regulate the sale of all imitation butter—to the Committee on Agriculture.

By Mr. KING: Petition of T. J. Powell administrator of Warren M. Benton, of Carroll Parish, Louisiana, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LIBBEY: Petition of William E. Cathart, of Norfolk County, Virginia, requesting that his claim be referred to the Court of Claims—to the same committee.

By Mr. MATSON: Petition of Francis F. Gelvin, John H. Gelvin, John H. Budd, and 500 soldiers of Indiana, asking for the passage of House bill 3320, granting a service pension—to the Committee on Invalid Pensions.

By Mr. NEAL: Petition of Thomas R. Elliott and of Linnaeus W. Risley, for invalid pensions—to the same committee.

By Mr. OSBORNE: Petition of merchants, manufacturers and citizens interested in the extension of American commerce, favoring the payment of fair compensation for carrying the United States mails—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Commercial Exchange of Philadelphia, favoring House bill 5013 legalizing contracts between commercial associations and carriers—to the Committee on Commerce.

Also, resolution of the Chicago Live Stock Exchange, opposing the passage of any law prohibiting or taxing the manufacture of oleomargarine—to the Committee on Agriculture.

By Mr. PETTIBONE: Petition of Jesse A. Bailis, and of John M. Watkins, of Hamilton County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. T. B. REED: Resolution of the Maine branch of the Indian Association, in aid of the Dawes bill of Senate, bill 53—to the Committee on Indian Affairs.

By Mr. SENY: Petition of O. A. Bigley and 70 others, citizens of Wood County, Ohio, for laws giving ex-Union soldiers 160 acres of land and to retire them on half-pay, &c.—to the Committee on the Public Lands.

By Mr. SESSIONS: Petition of business men of Olean, N. Y., in favor of redeeming the trade-dollar at par—to the Committee on Coinage, Weights, and Measures.

By Mr. SEYMOUR: Papers relating to House bill No. 8349, for the relief of Almira Ambler—to the Committee on Invalid Pensions.

By Mr. SINGLETON: Petition of P. Maberry and others, asking to have a law passed in favor of pensioning the veterans of the Florida war—to the Committee on Pensions.

By Mr. STORM: Petition of Grange No. 291, Patrons of Husbandry, of Pennsylvania, for the passage of a law suppressing the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

Also, petition of the same, against putting wool, hides, jute, tobacco, rice, and raw sugar on the free-list—to the Committee on Ways and Means.

Also, petition of John Gorman and others, of Hazelton, Pa., against the suppression of the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. STRAIT: Petition of John E. Kennedy and 20 others, citizens of Northfield, Minn., praying for such laws and appropriations as will enable the National Board of Health to investigate epidemics, such as cholera and yellow fever, and for the preservation of the public health—to the Committee on Appropriations.

By Mr. TUCKER: Petition of John R. Buchanan, son of David Buch-

anan, of Craigsville, and of Barbara Stover, administratrix of Jacob Stover, and of Z. F. Colbreath, of Augusta County, Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. VAN EATON: Papers in the case of Lewis D. Allen—to the same committee.

By Mr. WHEELER: Papers relating to the claim of Phillip Lindsey, of Lauderdale County, Alabama—to the same committee.

Also, petition of Walter Rosser, of Jackson County, Alabama, asking that his war claim be referred to the Court of Claims—to the same committee.

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. C. H. ALLEN: Of citizens of South Lancaster and of Littleton, Mass.

By Mr. J. M. ALLEN: Of citizens of Union; of Garland, Me.; and of Jackson, and of Bolton, Miss.

By Mr. EVERHART: Of citizens of West Chester, Pa.

By Mr. GROUT: Of citizens of Holland; of Brookfield, Vt.; and of New York State.

By Mr. HOLMAN: Of citizens of Freelandville, of Franklin, of Carson, of Ainsworth, of Kendallville, and of Henryville, Ind.

By Mr. MORRILL: Of J. W. Dunthart and 36 others of Willis, and of D. E. Bonett and 20 others of Hiawatha, Kans.

By Mr. A. J. WARNER: Of citizens of Northfield, of East Trumbull, of Ashland, of Johnsonville, of Cincinnati, of Huntsburg, of Stryker, of Painesville, of Austinburg, of Seville, of Rootstown, of Lock, of Wakeman, of Weymouth, of Axtel, and of Beaver Dam, Ohio.

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

By Mr. C. H. ALLEN: Of citizens of Worcester County, Massachusetts.

By Mr. EDEN: Of citizens of Macoupin County, Illinois.

By Mr. PHELPS: Of citizens of Passaic County, New Jersey.

By Mr. SCRANTON: Of citizens of Luzerne County, Pennsylvania.

By Mr. SPRINGER: Of citizens of Mackinaw County, Illinois.

By Mr. STAHLNECKER: Of citizens of Westchester County, New York.

By Mr. A. J. WARNER: Of citizens of Washington County, Ohio.

SENATE.

FRIDAY, May 14, 1886.

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

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

MISSISSIPPI RIVER IMPROVEMENT.

Mr. HOAR. I have in my hand a copy of a very interesting and able letter addressed to the President of the United States by Mr. William L. Elseffer, civil engineer. Mr. Elseffer is a very eminent civil engineer, and has made a very interesting and important discussion of the existing measures and plans for the improvement of the Mississippi River. I have been asked to introduce a resolution in the Senate requesting the President to forward that letter to the Senate for its information. I have a copy of the letter, and ask leave to present this copy and have it referred to the Committee on Commerce and have it printed, without going through the unnecessary ceremonial of calling upon the President. I understand that the letter is not confidential.

The PRESIDENT *pro tempore*. The Senator from Massachusetts presents a copy of the paper mentioned by him, and asks that it be referred to the Committee on Commerce and ordered to be printed. Is there objection? The Chair hears none, and that order will be made.

PETITIONS AND MEMORIALS.

Mr. DAWES. I present petitions of 119 farmers of the State of Massachusetts praying for the passage of House bill 8328 defining butter and also imposing a tax of 10 cents a pound on that which is not butter. I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAWES presented a petition of citizens of North Reading, Mass.; a petition of citizens of Williamstown, Mass.; and a petition of citizens of Williamsburg, Mass., praying for the passage of a law against the fraudulent sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. EDMUND. I present the petition of William G. Bliss and 50 others, citizens of Richford, Vt., praying for legislation to tax or otherwise put down the fraudulent disposition of false butter; a similar petition of J. G. Aldrich and 120 other citizens of Shrewsbury, Vt., praying for the passage of similar legislation; a similar petition of W. S. Shattuck and 104 others, residents and citizens of Weston and vicinity, in the State of Vermont, on the same subject, asking the same relief; also the petition of A. A. Edson and 26 others, citizens of Chester, Vt., praying for the same relief. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HOAR presented petitions of citizens of Boylston and Sterling, in the State of Massachusetts, praying for the enactment of the provisions contained in the bill concerning oleomargarine reported by the House Committee on Agriculture; which were referred to the Committee on Agriculture and Forestry.

Mr. ALLISON. I present a petition signed by a dozen people in my State, "praying for the abolition of the American house of lords and the substitution of a republican form of government." I do not know precisely what the petitioners desire, but I move the reference of the petition to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. EVARTS presented a petition of General Hiram Berdan, of New York city, praying for compensation from the United States for the use of his patented fire-arms; which was referred to the Committee on Patents.

Mr. EVARTS. I also present a petition of prominent banks and bankers of the city of New York, praying for the redemption of the trade-dollar.

This is a matter in which my constituents having commercial relations in the city of New York take a great interest. The petition is a brief one and is signed by leading corporations and individuals of distinction in commerce and trade. I ask that it may be printed in the RECORD.

The petition was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the honorable members of the United States Senate

and House of Representatives, Washington, D. C.:

Your petitioners respectfully represent that on July 12, 1873, Congress enacted a law authorizing the coinage of a "trade-dollar" and making it "a legal tender for any amount not exceeding \$5 in any one payment."

After \$15,569,000 of these "trade-dollars" had been coined, and a large part of them had entered into circulation, Congress, on the 22d day of July, 1876, by taking away its legal-tender quality, virtually repudiated this coin, but the Mint went on coining them until May, 1878.

Soon after the Government began to coin the "standard dollar" no more "trade-dollars" were issued.

It is calculated that there are now in this country less than six million of these trade-dollars more than 90 per cent. of which have been taken at par.

All that bear date 1873, 1874, 1875, and 1876 were "legal tender" when issued. Those bearing date 1877, 1878 were issued after the resolution of repudiation.

The withdrawal of the one and two dollar bills is calling into circulation silver dollars, and as the "trade-dollar" and "standard dollar" so nearly resemble each other, innocent parties, particularly laborers, are now receiving trade-dollars in many cases and in ignorance of their repudiation, and then find they can not use them in payment of their bills.

It is bad policy for Government to leave in circulation two coins so nearly alike, one of which is of unlimited legal tender and the other repudiated.

Therefore your petitioners humbly pray that Congress would immediately pass a bill for the redemption of the trade-dollar.

Mr. TELLER. I present a resolution adopted at a convention of wool-growers of Colorado, Wyoming, Utah, and Idaho, held at Salt Lake City, remonstrating against a reduction of the tariff on wool, and favoring the restoration of the tariff of 1867 on wool and woolens. I move the reference of the resolution to the Committee on Finance.

The motion was agreed to.

Mr. PLATT presented a petition of citizens of Manchester, Conn., praying for legislation imposing a tax upon the manufacture of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. GORMAN presented the petition of Dr. A. T. Mason and other citizens of Hagerstown, Md., praying that increased appropriations be made to enable the National Board of Health to prosecute investigations into the causes of diseases; which was referred to the Committee on Appropriations.

Mr. SAWYER. I present various petitions signed by 914 dairymen and butter-makers of Wisconsin, praying for the passage of a law taxing the manufacture of imitation butter. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HARRISON presented a memorial of members of the bar of the county of Cochise, in the Territory of Arizona, remonstrating against the passage of House bill 5496, to increase the jurisdiction of probate courts in Arizona, and to repeal all acts of the Territorial Assembly creating county courts in that Territory; which was referred to the Committee on Territories.

Mr. LOGAN presented a petition of the ex-soldiers and citizens of the National League, praying that the recommendations of the national committee of the Grand Army of the Republic be favorably considered by Congress; which was referred to the Committee on Pensions.

Mr. CHACE presented a petition of the New England Southern Con-