C. Lee and 110 others; and of Joseph Straub and 66 others, citizens of the fourteenth district of Pennsylvania.

By Mr. J. M. CAMPBELL: Petition of James Geiser and 108 others, citizens of the seventeenth district of Pennsylvania.

By Mr. CARLETON: Petition of A. Linke and 28 others, and of J. E. Borens and 26 others, and of A. A. House and 58 others, citizens of seventh Congressional district of Michigan.

By Mr. COMSTOCK: Petition of Stanley Kliendest and 20 others, of Allen Buskirk and 88 others, and of V. E. Dennis and 120 others, citizens of the fifth Congressional district of Michigan.

By Mr. FISHER: Petition of John Brown and 33 others and of W. E. Smith and 500 others, citizens of the tenth Congressional district of Michigan.

By Mr. FLEEGER: Petition of John Scott and 60 others and of Orin H. Byran and 45 others, citizens of the twenty-sixth Congressional district of Pennsylvania.

By Mr. HALL: Petition of W. A. Johnson and 82 others, of R. Dean and 300 others, and of John Griffen and 74 others, citizens of the first Congressional district of Iowa.

By Mr. HITT: Petition of G. H. Shelp and 184 others, citizens of Rockford, Ill.

By Mr. HOPKINS: Petition of C. B. Robt and 111 others and of L. S. Drane and 74 others, citizens of fifth Congressional district, Illinois.

By Mr. HUTTON: Petition of Bernent Hayner and 21 others, of John C. Egley and 52 others, of W. O. Kreigler and 40 others, and of Thomas M. R. Riffle and 10 others, citizens of seventh Congressional district of Missouri.

By Mr. J. H. JONES: Petition of F. B. Moore and 13 others, of J. V. Harris and 73 others, of William Boon and 26 others, of James D. Danes and 65 others, of A. J. Sessions and 39 others, of J. B. McBain nad 75 others, of C. H. Bernotz and 128 others, and of Henry Craig and 28 others, citizens of the third district of Texas.

By Mr. LANHAM: Petition of Ed. Dortch and 22 others, of George R. Buck and 81 others, of W. F. Petty and 102 others, and of B. F. Dewsitt and 54 others, citizens of eleventh Congressional district of Texas.

By Mr. LORE: Petition of William Allen and 38 others, of J. L. Hansan and 41 others, and of James Hayes and 52 others, citizens of first Congressional district of Delaware.

By Mr. MARTIN. Petition of J. P. Lynch and 105 others, and of Henry Bernes and 35 others, citizens of sixth Congressional district of Alabama.

By Mr. NEGLEY: Petition of W. S. Frantz and 65 others, and of L. S. Harbaugh and 44 others, citizens of the twenty-second district of Pennsylvania.

By Mr. SPOONER: Petition of John Brand and 25 others, and of C. H. Stiles and 48 others, citizens of first Congressional district of Rhode Island.

By Mr. SPRINGER: Petition of James Sanford and others, citizens of the thirteenth district of Illinois.

By Mr. CHARLES STEWART: Petition of L. C. Buckland and others, citizens of Houston, Tex.

By Mr. TARNSEY: Petition of John A. Cotter and 19 others, of J. K. Fredericks and 96 others, of O. C. King and 21 others, and of W. H. Baker and 72 others, citizens of eighth Congressional district of Michigan.

By Mr. J. H. WARD: Petition of George G. Mains and 82 others and of George Nelson and 22 others, citizens of the third district of Illinois.

By Mr. WARNER: Petition of 88 citizens of Independence, Mo.

SENATE.

TUESDAY, *July* 20, 1886.

The Senate met at 11 o'clock a. m.

Prayer by Rev. HENRY B. CHAPIN, D. D., of New York, secretary of the United States Evangelical Alliance.

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

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, requesting that an appropriation be made in the sundry civil bill for the construction of a supply steamer and tender for the fourth light-house district, a light-ship to be placed off Ram Island Reef, Long Island Sound, and a light-ship to be placed off Grosse Point, Lake Saint Clair, Michigan, authorized by House bill No. 2627; which, together with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a preamble and resolutions adopted by the constitutional convention of Dakota, in session at Sioux Falls July 13, 1886, favoring the admission of South Dakota into the Union and the organization of a Territorial form of government for North Dakota. The resolutions will be read.

The resolutions were read, ordered to be printed, and referred to the Committee on Territories, as follows:

SIOUX FALLS, DAK., *July* 14, 1886.

SIR: I have the honor herewith to transmit to you certain resolutions passed this day by the constitutional convention reassembled as by previous order of the convention.

I have the honor to be, your obedient servant,

A. J. EDGERTON,
President of the Constitutional Convention.

To the PRESIDENT *of the United States Senate,*
Washington, D. C.:

Preamble and resolutions unanimously adopted by the constitutional convention for (South) Dakota, in session at Sioux Falls, on July 13, 1886.

Whereas a fundamental principle of our system of government, both Federal and State, is the right and capacity of the people for self-government;

Whereas under the Federal Constitution the Territorial organization was designed only as a temporary and provisional government to prepare the outlying dominion of the United States for admission to the Union as States on an equal footing with the original States;

Whereas under any and every proper test South Dakota has largely outgrown the Territorial condition and by right her people are now entitled to the management of their domestic affairs, to relief from burdensome taxation for the support of her public schools, now maintained by direct levy upon her industries, to a more complete and efficient judiciary system, and generally to the possession and exercise of the right of citizenship enjoyed by every other people of the United States with like qualifications;

Whereas the people of that portion of Dakota Territory lying south of the forty-sixth parallel, having adopted the constitution framed by this convention, and having proceeded thereunder lawfully to establish a provisional State government, the active powers of which are held in abeyance; and

Whereas the early adjournment of Congress holding out no promise of any legislation favorable to the admission of the State of (South) Dakota as established by her people, or to the division of Dakota, so urgently demanded by the people of the entire Territory: Therefore,

Be it resolved, That we, the members of the constitutional convention for the State of (South) Dakota, do most solemnly reaffirm the doctrines and principles enunciated in the bill of rights of the constitution framed by this convention, and declare it to be the unalterable will of the people of South Dakota, for whom we are delegated to speak and act, that the State of Dakota, unestablished, and awaiting admission into the Union at the hands of Congress, should be so recognized and admitted as a State of the United States without further delay; and

Resolved, That it is the sense of this convention that the division of Dakota Territory, and the creation out of its vast agricultural area of two States of the Union, is imperatively demanded in the common interest alike of North and South Dakota; and

Resolved, That in the judgment of the members of this convention a due and just regard for the well-known and oft-repeated wishes and petitions of the people of the northern half of the Territory should secure them in their right to the name of "North Dakota," and that Congress should give to that portion of the Territory upon the admission of the State of (South) Dakota or upon the division of the Territory the name of North Dakota; and

Resolved, That a copy of these resolutions be furnished the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives.

A true copy.

JOHN CAIN, *Secretary.*

Mr. MILLER. Mr President, I hold in my hand a memorial of the Evangelical Alliance of the United States relating to the Chinese question, or rather to the troubles upon our western borders during the past few months, in which great outrages have been perpetrated upon Chinese who were legitimately within our borders.

This memorial from the Evangelical Alliance of the United States has been brought out by the fact that the branch of the Evangelical Alliance in China has forwarded to the alliance of the United States a letter setting forth that the outrages perpetrated upon the Chinese in our country affect very injuriously Americans particularly, and all Christians who are in China or otherwise connected with the cause of education there.

In presenting this memorial, I may say that I present it thoroughly indorsing the sentiments contained in it. My position upon the importation of Chinese labor and of any other contract labor into this country is well known in this body. I have voted for the exclusion of Chinese laborers under the provisions of a treaty now existing with China, and I have voted for the exclusion of the importation of all labor under contract. That is my position. I believe it to be the correct position; but I hold that the Government of the United States is bound in honor to itself and by its treaty obligations to China to see that equal and exact justice is done to all the people of that race who are within our borders under the treaty and according to law; and it has given me pleasure here this winter to be permitted to vote for an appropriation to make good to the Chinamen upon our western borders who were despoiled of their property by the illegal acts of men who, although they were not citizens of the United States, yet were here under our protection and under our laws.

Mr. President, I ask that this memorial and the accompanying letter from the Chinese branch of the Evangelical Alliance may be read at the desk.

By unanimous consent the memorial and accompanying letter were read and referred to the Committee on Foreign Relations, as follows:

To the honorable the Senate and the House of Representatives
in Congress assembled:

The Evangelical Alliance of the United States respectfully shows to your honorable bodies that it embraces Christians of every name who rest their faith upon the Bible; that its chief objects are the promotion of religious liberty and co-operation in Christian work; that it is in harmonious correspondence with similar alliances in Great Britain, France, Germany and various other countries, including China; and that from the Chinese branch this body has received the letter hereto appended protesting against the outrages and massacres which have been perpetrated upon the Chinese resident on our Pacific coast and in some of the interior States.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The American Alliance is asked to call the attention of our Government and people to the wrongs thus done, to the scandal caused thereby to the American character, and to the tendency of the said wrongs if not duly rebuked and atoned for by the National or State Governments to prevent or impair, especially in the Chinese Empire, confidence in the truths of Christianity, in the justice of the American Republic, and in the fidelity of the Government to its international obligations.

This alliance, responding to that appeal, submits to the favorable attention of Congress the views of the Chinese branch, expressed in its own words and on its own responsibility.

In further fulfillment of its own duties and responsibilities as representing millions of loyal American citizens who hold to the truths of Christianity as revealed in the open Bible, and who believe those truths to be the historic basis and only sure bulwark of our civil and religious freedom, this alliance protests against the said wrongs (the repetition of which is threatened), as crimes which the National Government should treat as violations alike of humanity, Christianity, and national faith, as tending to retard throughout the world the progress of Christianity and to endanger the reciprocal international rights and safety of American citizens in the Chinese Empire.

Rejecting the vain attempt to justify or extenuate these crimes on the ground of jealousy of race, difference of religion, or rivalry in the labor market, and looking beyond the reciprocal obligations of treaties and the provocation to retaliate which these crimes offer to the Chinese at home, to the whole duty of Congress in the premises, we respectfully ask your honorable bodies to view this matter in the light of the fact engraven in our history and recorded in judicial decisions that this is a Christian country, and that its Constitution and laws were made by a Christian people. By the venerable custom of Congress inherited by the fathers of the Republic from their colonial ancestors and reverently continued by their descendants, your honorable bodies, the Senators and Representatives of the American people, are daily reminded that you are legislating for a Christian people; and the prayers offered in the two Chambers are responded to throughout the length and breadth of the Republic, that by your endeavors peace and happiness, truth and justice, religion and piety may be established among us for all generations.

In accord with the spirit of that petition, we respectfully ask your honorable bodies to take such prompt and efficient action as to your wisdom shall seem meet, providing for the reparation for the past and the security for the future which under similar circumstances we should demand, and which shall befit our character as a Christian people, enhance the dignity of republican institutions, and advance the beneficent progress of Christian civilization.

The alliance is encouraged to believe that these wrongs will receive the attention which is due, in view of the ground taken by the Executive in his proclamation on the subject and in his message to Congress bearing upon the same, and also from the favorable consideration which the indemnity bill has already secured from both your honorable Houses. But the alliance is constrained to urge that the influence of such action as Congress may take will be greatly enhanced by its early consummation.

All of which is respectfully submitted on the part of the Evangelical Alliance of the United States.

JOHN JAY,
W. E. DODGE,
MERRITT HULBURD,
Committee of United States Evangelical Alliance.

NEW YORK, *June* 28, 1886.

APPENDIX.

Letter from the Chinese branch of the Evangelical Alliance.

PEKIN, *April* 6, 1886.

To the Secretary of the Evangelical Alliance in the United States of America.

DEAR BROTHER: In view of the outrages recently committed upon the Chinese on the Pacific coast, and also in some of the interior States and Territories of the United States, wherein from many towns all the Chinese residents, without distinction of age, sex, occupation, or character, have been driven from their homes by threats and violence, with loss of property and life; and learning that continued threats of further violence and expulsion of the Chinese are openly made, being countenanced even by some who hold offices of public trust, we feel called upon in behalf of the China branch of the Evangelical Alliance to lift up our protest against such shameful and flagrant crimes, committed against a quiet and orderly people, who had as much right to the positions they occupied and protection in their lawful callings as had those who have so unjustly and cruelly driven them away or taken their lives.

1. We protest against such treatment of the Chinese as in contravention of law and treaty stipulation. The Burlingame treaty provides that the Chinese shall have the same privileges as to residence and trade as are granted to the citizens of the most favored nations. It is therefore the right of the Chinese to be treated with kindness and fairness, as are the citizens of other countries. Shall a people who boast of a conscientious regard for their word and for justice between man and man, and of their hatred of the oppression of the poor and weak by the rich and powerful, remain silent while such violent men disregard and break the plighted faith of the nation, and thus tarnish the fair name of their country, in heathen as well as in all Christian lands?

2. We protest against such treatment of the Chinese as inconsistent with those principles of kindness, hospitality, and justice which belong to all mankind, and which, being implanted in the natural conscience of all, are binding upon all. Still more are they exalted and enforced by the law of Christian charity.

3. We protest against such treatment as deleterious to the interests of Christianity in China. Several hundred citizens of the United States, representatives of the Christian churches in America, are engaged as missionaries, seeking the conversion of the Chinese to the Christian faith. But how can the Chinese look with any favor upon a religion which fails to restrain the people professing it from such inhumanity? How can they fail to contrast such conduct with the teachings of their own sages, which enjoin humanity and kindness in the treatment of strangers from other nations? If the Chinese do not read our Bible, they read our conduct and mark it carefully. The Roman Catholics are foremost in mission work in China. What effect must it have upon their missions when the Chinese read in their newspapers translations of paragraphs from American journals detailing the crimes committed against their people in the United States, and learn that the adherents of the Roman Catholic faith are foremost in these persecutions? After all they have suffered at home from Christian nations through war and the opium traffic, if they now learn that their countrymen abroad are chased out of Christian lands as if they defiled the very soil by their presence, what hope can there be of their conversion to Christianity? Although we ourselves know well it is the want of Christianity that opens the way for such wrongs, the Chinese people can not be expected to make this distinction. The natural course for them will be to look upon the treatment they receive in Christian lands as the proper fruit of Christianity.

4. We protest against such violence and wrong as endangering the persons and property of American and European residents in China. How can we expect Americans and Europeans to enjoy their present liberties, kind treatment, and official protection in China while the Chinese in America are hunted down as wild beasts? It is not in human nature not to resent such injuries and retaliate upon the people which inflicts them, nor can we expect in such resentment that careful distinction of nationalities will be made, but rather that a common hatred will spring up against all who bear the Christian name, and that acts of violence will with difficulty be restrained. Already in Canton the names of Chinese who have been maltreated or killed in the United States are placarded day by day, and threats of reprisals have been made. The ill-feeling will increase and spread to other places unless the outrages are stopped.

We beg you, therefore, in such ways as shall seem most effective, to bring these things before the people of the United States, using your influence also with the Government if necessary, and urge them by every motive of justice, honor, and right, and by their regard for the property and lives of their fellow countrymen and the citizens of other Western nations resident in China, to put a stop to such wrongs. We beg you to use every effort to secure just and equal treatment for the Chinese in America. They are our fellow-men; let them be treated as such. Let those who trample on their rights or destroy their lives be punished according to law and justice. Let ample indemnities be promptly paid. The United States and European Governments have demanded and received indemnities from China for wrongs committed by her citizens; it would ill become the United States when wrongs are committed within her jurisdiction against Chinese subjects to shield herself by saying the local courts are open to them to sue for damages. They are practically not open to them. Besides, the Government of China can only deal with the Government of the United States. If she holds that Government responsible for the violence committed within her jurisdiction is it not just what England or France or Germany would do?

Whatever course the laws concerning Chinese immigration may take, let such Chinese as are permitted by law and treaty to live in the United States at least be treated with the fairness and humanity which becomes an enlightened people to exhibit. We most earnestly desire that those who go to Christian lands should see the light and feel the warmth of Christian love.

HENRY BLODGET,
President China Branch Evangelical Alliance.
JOSEPH EDKINS,
J. L. WHITING,
Secretaries.

Mr. SAULSBURY. I present a petition of M. F. Nickerson and 34 other citizens of Delaware, praying for the passage of certain measures pending before Congress; a similar petition of William Allen and 38 other citizens of Delaware; also another petition of James Hayes and 52 other citizens of Delaware on the same subject, and a petition of Patrick Haggerty and 24 other citizens of Delaware to the same effect. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. PUGH presented the petition of Henry Bernes and 35 other citizens of the sixth Congressional district of Alabama and the petition of B. Edwards and 35 other citizens of the first Congressional district of Alabama, praying for the passage of certain bills in relation to the public land, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. VEST. Mr. President, I hold in my hand for presentation to the Senate a large number of petitions from different Congressional districts of Missouri, all of them I believe asking for the passage of the eight laws. I wish to make a statement in regard to these petitions, and I think it my duty to do so.

These and similar petitions which have been received by the Senate—and I have presented a great many of them myself—come to me from Mr. Ralph Beaumont, "chairman of the national legislative committee of the Knights of Labor." I have examined these petitions, and I find that I am not acquainted with any of the parties whose names purport to be signed to them, and I am very strongly of the opinion that the petitions have been prepared by one and the same person. I am confirmed rather in this opinion, and I think it is my duty to state it, because among these measures the passage of which is asked by this chairman of the national legislative committee of the Knights of Labor is one for organizing a Territorial government in Oklahoma. I have had put in my hand a communication from the representatives of the Cherokee, Chickasaw, and Creek Nations—Chief Bushyhead, Mr. Porter, and John Chambers, of the Cherokee delegation; Pleasent Porter, of the Creek Nation; D. W. Bushyhead, principal chief of the Cherokee Nation—in which they call the attention of Mr. Powderly, who seems to be at the head of the Knights of Labor in the United States, to these petitions, and remonstrate against their being presented to Congress as an invasion of the rights of the five civilized tribes. In response to that communication Mr. Powderly addressed these gentlemen the following letter:

SCRANTON, PA., *July* 12, 1886.

DEAR SIR: The petitions you speak of were never sanctioned by me and were never presented to the executive board of the Knights of Labor. You are right in what you say regarding the duty of members of the Knights of Labor. It is not the intention or teaching of that order to rob any people of their lands.

I have forwarded your communication to our agent at Washington with instructions to look into the matter and act for the general order in the matter of adjusting this matter on the basis of justice. The address of the chairman of our committee is Ralph Beaumont, 205 Pennsylvania avenue, Washington, D. C. I would be pleased to have you meet with him for the purpose of explaining the whole affair.

Assuring you that no steps will be taken by the general order of the Knights of Labor that will injure your people, I remain

Very truly yours,

T. V. POWDERLY,
General Master Workman Knights of Labor.

D. W. BUSHYHEAD, Esq.,
Principal Chief Cherokee Nation, Washington, D. C.

About the merits of this controversy or these statements I know nothing, but I deem it my duty to state my impression in regard to these petitions. I express no opinion as to the merits of the legislation which is demanded, but I have simply to say that I do not know any of these petitioners and the petitions seem to be in the handwriting of one and the same person. I present them to the Senate for such action as they may deem proper, together with this correspondence, which ought

in justice to the gentlemen who have corresponded with Mr. Powderly to be made public.

The PRESIDENT *pro tempore*. The petitions with the accompanying communications will be referred to the Committee on Finance.

Mr. BERRY. I present two petitions from citizens of Arkansas, praying for legislation of various kinds similar to those presented by the Senator from Delaware and the Senator from Alabama. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. SEWELL (for Mr. MCPHERSON) presented the petition of John L. Suess, brevet major United States volunteers, praying to be allowed an additional pension for the limited period of three years; which was referred to the Committee on Pensions.

THE OFFICIAL REGISTER.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States, disagreed to by the House of Representatives.

On motion of Mr. MANDERSON, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives to said joint resolution, and agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN were appointed the conferees on the part of the Senate.

REPORTS OF COMMITTEES.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (H. R. 8738) to so further amend section 3362 of the Revised Statutes, as amended, and section 3363, as makes a distinction in the mode of packing and selling cut tobacco, reported it without amendment.

Mr. COCKRELL. The joint resolution (H. Res. 181) authorizing and directing the Secretary of War to loan tents to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association, at Bethany, Mo., and to the Tri-State Veterans' Association of Ohio, Indiana, and Michigan, for reunion purposes, was referred to the Committee on Military Affairs. That committee has instructed me, in accordance with its well-established and oft-published action for the last two sessions of Congress, to report the joint resolution back to the Senate adversely and to recommend that it be indefinitely postponed.

There are no tents, and there have been no tents which could be loaned for any purpose. If the War Department is directed to loan these tents we must make an appropriation for their purchase, for without their purchase there can be none to loan.

The PRESIDENT *pro tempore*. If there be no objection, the joint resolution will be postponed indefinitely.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the petition of Mary Ann Dougherty, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2868) granting a pension to Mary Ann Dougherty; which was read twice by its title.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 578) for the relief of Emma J. Holloway, reported it without amendment, and submitted a report thereon.

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

A bill (H. R. 5389) granting a pension to Ann Kinney;
A bill (H. R. 1681) for the relief of William Hicks;
A bill (H. R. 7163) granting a pension to Peter Adams;
A bill (H. R. 8046) granting a pension to Erastus W. Kennedy;
A bill (H. R. 7517) for the relief of Warren L. Rice;
A bill (H. R. 7169) to grant a pension to James Robinson;
A bill (H. R. 8333) granting a pension to Lucinda Sawyer;
A bill (H. R. 3948) granting a pension to James F. Salyers;
A bill (H. R. 3851) granting a pension to William P. Shelton; and
A petition (H. R. 8334) for the relief of Jacob Nix.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 6278) granting a pension to Margaret O'Connor, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

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 (S. 2730) granting an increase of pension to Elizabeth S. De Krafft;
A bill (H. R. 887) granting a pension to Thomas S. Duvall;
A bill (H. R. 5041) granting a pension to Sally A. Stone;
A bill (H. R. 9457) granting a pension to Martin V. Curry;
A bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania; and
A bill (H. R. 8663) to increase the pension of Jonas Schoonover.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2790) granting a pension to Catherine M. Lee, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following messages of the President of the United States vetoing certain bills, submitted reports thereon recommending the passage of the bills, the objections of the President to the contrary notwithstanding:

A bill (S. 1025) granting a pension to Jane Butler;
A bill (S. 1584) for the relief of Cornelia R. Schenck;
A bill (S. 1383) granting a pension to Harriet Welch;
A bill (S. 1290) granting a pension David W. Hamilton;
A bill (S. 1400) granting a pension to William H. Beck;
A bill (S. 1441) granting a pension to M. Romahr;
A bill (S. 789) granting a pension to John S. Williams;
A bill (S. 363) granting a pension to Edward Ayers;
A bill (S. 327) granting a pension to James E. O'Shea;
A bill (S. 1253) granting a pension to J. D. Haworth;
A bill (S. 1192) granting a pension to Alfred Denny;
A bill (S. 1998) for the relief of John D. Ham;
A bill (S. 2186) granting a pension to Louis Melcher;
A bill (S. 1288) granting a pension to Robert Holsey;
A bill (S. 2223) granting an increase of pension to Elizabeth S. De Krafft; and
A bill (S. 1726) granting a pension to Augustus Field Stevens.

Mr. BLAIR. I submit these reports by the direction of a majority of the Committee on Pensions.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 2701) for the relief of Felix Marcinkowski, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 2682) granting a pension to Thomas W. Egan, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1802) for the relief of Moses B. Walker, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 1059) granting a pension to Joseph Romiser, reported it back with the recommendation that the bill do pass, the objections of the President to the contrary notwithstanding.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2156) for the removal of the charge of desertion from the record of Martin Murphy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON GAS-LIGHT INVESTIGATION.

Mr. BLACKBURN. I ask an order of the Senate to have printed the testimony taken by the Committee on the District of Columbia relative to the investigation ordered by a resolution of the Senate on the gas question in this city.

The PRESIDENT *pro tempore*. The Senator from Kentucky, from the Committee on the District of Columbia, reports favorably a motion to print certain papers for that committee. If there be no objection the order will be made. The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sales of desert lands, and for other purposes; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COBB, Mr. STONE of Missouri, and Mr. PAYSON managers at the further conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5878) to amend the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883; and

Joint resolution (H. Res. 118) relative to certain papers in the State Department by error.

AMENDMENTS TO BILLS.

Mr. EVARTS and Mr. SEWELL submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Calendar is in order.

Mr. CHACE. I ask unanimous consent to take up Senate bill 2600.

Mr. DAWES. Will the Senator allow me? I have a telegram from the Interior Department which renders it necessary for me to ask unanimous consent for the passage of a small bill which was reported yesterday morning.

Mr. CHACE. Can you not wait for me?

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks the unanimous consent of the Senate to proceed to the consideration of Senate bill 2600, which was read in full yesterday.

Mr. MILLER. I move to take up the oleomargarine bill first, and then I will waive the consideration of that bill informally.

Mr. CHACE. Very well.

The PRESIDENT *pro tempore*. Pending the request of the Senator from Rhode Island, the Senator from New York moves that the Senate proceed to the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The motion was agreed to.

DISTRICT POLICE REGULATIONS.

The PRESIDENT *pro tempore*. Pending the consideration of the oleomargarine bill the Senator from Rhode Island asks the Senate to proceed to the consideration of the bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District.

Mr. MILLER. This is brought up by unanimous consent, subject to objection, of course.

The PRESIDENT *pro tempore*. Certainly.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the substitute reported from the Committee on the District of Columbia.

Mr. MILLER. The amendment was read at length yesterday, and went over when an amendment to it was offered. It need not be read again. If the bill can be passed now without objection, let it be amended and passed.

Mr. McMILLAN. I propose an amendment to the bill. Beginning with line 11 of the proposed amendment reported from the Committee on the District of Columbia, I move to strike out all down to and including the word "day," in line 14, as follows:

Second. Concerning the observance of Sunday in the carrying on of business in the District of Columbia, to designate what places may be kept open or shall be closed on that day.

Mr. CHACE. I accept that amendment.

The amendment to the amendment was agreed to.

Mr. VAN WYCK. I move to add at the end of clause 7 of section 1—

To regulate the keeping and running at large of dogs and fowls.

The amendment to the amendment was agreed to.

The amendment as amended 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.

INDIAN SCHOOL BUILDING.

Mr. DAWES. The bill to which I alluded a moment ago is the bill (S. 2855) to authorize a change of location of a certain Indian school building in Washington Territory.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate to proceed to the consideration of the bill indicated by him. Is there objection?

Mr. MILLER. I have no objection to the bill. I think, however, when it is disposed of I must ask the Senate to go on with the oleomargarine bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized to erect the school building to be furnished Tonasket and his people, under agreement made with him July 7, 1883, and ratified in the Indian appropriation act for the fiscal year 1884 (23 Stat., page 79) at some suitable place in what is called Antoine Valley, Washington Territory, instead of at Buonaparte Creek, as provided for in said agreement.

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

JAMES D. WOOD.

Mr. McMILLAN. I ask unanimous consent to take up the bill (H. R. 6337) for the relief of James D. Wood. It is a House bill reported from the Committee on Military Affairs, and it is all right.

Mr. MILLER. If it leads to no discussion I shall not object.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay James D. Wood, late captain and assistant adjutant-general of volunteers in the war of the rebellion, $133.50 cents, being the value of a horse and equipments lost in action at the battle of Chancellorsville, as found by the Court of Claims.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1839) for the relief of Richard C. Ridgway and others; and

A bill (S. 2800) to authorize the construction of bridges across the Tennessee and Cumberland Rivers by the Ohio Valley Railway Company.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HERBERT, Mr. SAYERS, and Mr. HARMER the managers at the conference on the part of the House.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks," and "general-service messengers" in the Army.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over the Menominee River; and it was thereupon signed by the President *pro tempore*.

BRIDGE AT SAINT LOUIS.

Mr. VEST. I ask unanimous consent to take up the bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.

Mr. McMILLAN. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the motion can not be entertained.

Mr. VEST. Let me make a parliamentary inquiry, please. Under the rule under which we are proceeding now I can not move, as I understand, to take up the bill notwithstanding the objection.

The PRESIDENT *pro tempore*. The bill can only be taken up by unanimous consent, as another bill is pending.

Mr. MILLER. The time will come, I suggest to the Senator, in a day or two when the Calendar will be in order.

Mr. VEST. I give notice that as soon as I can make a motion to proceed to the consideration of the bill I shall certainly do it.

BRIDGE AT MEMPHIS.

Mr. LOGAN. The other day when the bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., was reached on the Calendar I objected to its consideration, but since that time I am told by the Senator from Kansas and the Senator from New York [Mr. EVARTS], whose constituents are interested in the bill, that there will probably be some agreement about it. So I withdraw the objection I made in order to give those gentlemen an opportunity of making whatever arrangement they can to take the bill up when it is reached, and that my objection may not obtain further to the bill.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar under the eighth rule.

Mr. EVARTS. I can hardly say that I concur in the bill, but I understand the point——

Mr. LOGAN. I am not proposing that the Senator shall concur in the bill. I do not mean that. I mean that I allow my objection to be withdrawn for the present, so that the Senator from New York, whose constituents are interested, and the other Senators who are interested, can make arrangements in reference to the bill, if they can agree.

The PRESIDENT *pro tempore*. The bill is now on the Calendar and is subject to motion at any time. The oleomargarine bill will be proceeded with.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, to report it with sundry amendments. I give notice that unless the sundry civil bill is called up to-morrow morning, I will seek to call this up.

BUTTER AND OLEOMARGARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The PRESIDENT *pro tempore*. The Senator from New York [Mr. EVARTS] is entitled to the floor.

Mr. EVARTS. My friend the Senator from Georgia [Mr. BROWN], in accordance with a suggestion which he made near the adjournment last evening, has said he would now address the Senate, and I yield for that purpose.

Mr. BROWN. Mr. President, while the power of taxation conferred upon the Government of the United States by the Constitution is unlimited in its terms it is very clear to my mind that the Government of the United States has no right to collect more money by taxation than the amount necessary to an efficient and economical administration of the Government.

This necessary tax may be raised exclusively by a tariff upon imports, or it may be raised by an internal-revenue law, or the Government may, as at present, use both means of taxation to raise the amount actually necessary for the proper administration of the Government.

For almost half a century prior to the commencement of the late unfortunate civil war our fathers collected the necessary revenue, not by internal taxation but by laws imposing a tariff upon imports.

This, in my opinion, is the better mode of raising the necessary revenue, and this has been the judgment of the American people during the greater portion of the existence of the Government.

The internal-revenue system has been used in emergencies, as in case of the war of 1812, when a system very similar to the system adopted during the late war was put into operation, but the law was repealed within about three years after the termination of the war.

The present internal-revenue system was adopted on account of the necessities of the Government during the late war, and as a war measure. In my opinion, it should have been discontinued before this time, and it should now be discontinued at the earliest practicable period. I will not vote for the present bill, because it increases the classes of property made subject to the internal-revenue system. I will vote on all proper occasions where the vote is likely to avail anything to repeal the internal-revenue system in whole, and if that can not be done, in part. I favor tariff legislation to raise the necessary revenue so adjusted as to protect American labor and foster American industry by discriminating in favor of American productions and labor as against foreign productions and labor. In other words, I would raise the revenue by imposing a tariff upon such imported articles as are raised in this country, so as to foster American industry and protect American labor while raising revenue for the support of the Government. And I would put upon the free-list, wherever the revenue could be spared, such articles as are raised abroad which can not be raised in this country. This much for the general and safe rule as I understand it on this question. Now a few words more as to the measure before the Senate. The object of this bill seems to be to impose a tax on oleomargarine of 5 cents a pound for the purpose of protecting the butter which is the product of the dairy.

But judging from all the publications with which members of Congress have been flooded for months past the true object is to tax oleomargarine or butterine out of existence. Ten cents per pound was asked for. Five cents is in the bill as it came from the House. Why should this be done? We are told that it is necessary to pass such a law in order to save the dairy interest from ruin, as that interest can not bear the competition of the oleomargarine. I will not undertake to discuss the question whether oleomargarine is a healthy article of food. Chemists and scientific men of ability and integrity have pronounced it so. By taxing it instead of exterminating it the Government recognizes it as a wholesome article of food. Then why attempt to tax it out of existence? It is said it is necessary to pass the act to tax it for the protection of the farming class, so as to raise the price of butter in the market. This will also raise the price of oleomargarine. The 5-cent tax imposed upon it will be added to its present market price when it is offered for sale, and the dairymen will raise their butter in like proportion, or probably in much greater proportion.

Now, Mr. President, what will be the effect of this? It is said it *will* be an act of justice, as it will protect the farming interests of this country.

There are now, say, sixty millions of people in the United States. I think it has been stated here that there are fifteen thousand dairies or creameries, but suppose we say that there are four times that number, or sixty thousand persons or companies having creameries or making butter for sale. That would be only 1 per cent., or one in every hundred, of the population of the country who would get the benefit of the protection under the bill. One person would get the benefit of the protection, the other ninety and nine would have to bear the burden by paying the increased price for their butter. In other words, there is a vastly larger number of people in this country who buy butter than there is who sell butter. Now, Mr. President, notwithstanding the rules I have laid down, which I believe to be sound, if there is any case where I would vary from the rule to protect anybody it would be to protect the farming class of this country. But I can not violate a sound principle or a sound rule to protect a small fraction of the farming class at the expense of the great body of that class; in other words, I can not violate a principle to protect one in a hundred of our fellow-citizens of that class at the expense of the remaining ninety and nine, who are also our fellow-citizens. This is very different from the protection of our home labor and our home industries against foreign labor and foreign industries. If this bill is passed, the creameries of this country, of which many proprietors may not be practical farmers, will get all the benefits of the act. It will protect the butter of the proprietors of the creameries, and if they are farmers, that number of farmers will receive the benefits of the act, but the farmers who raise beef-cattle for sale will receive no benefit from it. In fact, the evidence shows that all farmers of that class will be injured to the extent of two to three dollars a head on their cattle, as the cattle will sell for that much more in the market on account of the use that can be made of part of the animal by manufacturing it into oleomargarine, which would be of but little value for any other use. It will be no protection to the farmers who raise sheep, and it will be no protection to the farmers who raise hogs. A hog would be worth less in the market if no portion of his lard could be used as an ingredient in the manufacture of oleomargarine.

The act will be no protection to the very large class of our farmers who raise corn, wheat, rice, rye, oats, and barley for sale, and the class of farmers who raise beef-cattle, sheep, hogs, corn, wheat, rice, rye, oats, and barley is vastly larger than the small class who maintain creameries and make butter for sale. Then this is not an act to protect the farmers as a class, but it is an act to protect a small class of farmers at the expense of a vast number of farmers, to protect one farmer of the creamery class at the expense of probably one hundred farmers who do not belong to that class, but raise other productions for the market. Mr. President, I have received a great many communications through the mail on this subject, and so far as I have been able to judge of them they came from a few interested parties, who are conducting large creameries, and who have combined their efforts to bring an immense pressure to bear upon the Congress of the United States to foster and protect their interest by a heavy tax on a wholesome article of food, to increase their own gains at the expense of a vastly larger number of farmers. This bill, then, as I understand it, is not a bill to protect the farming class of this country as a class. If it were, I should greatly sympathize with it, but it is a bill to protect a small fraction of the farmers of this country at the expense of the vast majority of them, and against all other classes of the population of this country who use the productions of the dairy, by an increase in the price of butter which benefits only those who make butter for sale, at the expense of all who use it.

It is estimated that if this bill becomes a law it will yield a revenue of probably $10,000,000 or more to the Treasury of the United States, which will be that much collected out of the honest working people of this country, and out of all classes of people who use butter or oleomargarine as food. The tax on the oleomargarine will raise the price of both butter and oleomargarine, and the consumer will have to pay more for it than he now pays. It is a tax, as already stated, upon one American production for the benefit of another American production. It taxes those who use oleomargarine manufactured of American material, and by American labor, for the benefit of those who make butter for sale out of American material and by American labor. This is in violation of every known rule or practice adopted by the Government in raising its revenues. If the additional ten millions of revenue were necessary to the support of the Government there would be a better reason for the passage of the act. But it is not pretended that such is the case.

We now have a surplus in the Treasury, and it is not pretended that we need more revenue. Congress may in its wisdom take ten millions off of articles now taxed and put it on oleomargarine as a simple revenue measure, but it is not proposed to do that. There is no proposition now pending upon which any action is expected at this session of Congress to reduce the present revenues of the Government. No more revenue is needed, and this is a simple proposition to increase the revenue say ten millions of dollars that is not needed, and all for the purpose of protecting one American industry against another. The class in whose favor the discrimination is made is comparatively a small class. The class against whom the discrimination is made is a very large class. It is not the protection of American commodities or articles produced by American labor as against foreign commodities produced by foreign labor, but it is the protection of one class of American production and labor to the detriment of another class of American production and labor.

It is a discrimination between American productions and American labor for the benefit of the few against the many. It is said that the oleomargarine is manufactured of such material and so colored that it is very difficult to distinguish it from butter, and that this close imitation of butter operates as a fraud upon those who buy it, as it is often sold for butter. I am willing to vote for stringent laws applicable to the District of Columbia and the Territories, where Congress has jurisdiction of such questions, and I would like to see laws passed and enforced in all the States to compel the manufacturers and venders of oleomargarine to label it as such, so as to inform every purchaser of the fact that it is such when he makes the purchase. But I am not willing to attempt to tax one wholesome article of food out of existence because it may sometimes be sold for another and different article of food. The proper remedy, in my opinion, is to compel the manufacturer and vender of the imitation article to sell it for what it really is, and not attempt to tax it out of existence.

The same rule would apply to inferior butter which by the use of coloring matter appears to belong to the higher grade of butter, when in fact it is of the lower grade. It seems to me that he who by artificial coloring of a very inferior article of butter sells it in the market

for the finest article is as much guilty of fraud as he who colors oleomargarine in like manner and sells it for butter, when it is so close an imitation that those who use it can not tell the difference. I should think there would be as much propriety in requiring the manufacturer and vender of inferior butter, which by the coloring appears to be the superior quality, to label it as "Second class butter, colored," as there would be in requiring the vender of oleomargarine to label it as such.

The law against fraudulent imitations should, I think, be the same in both cases.

For these and other reasons which I might mention I can not vote for this bill.

Mr. HAWLEY. Mr. President, the invention of this new substitute for butter is working a revolution. It is not one of the ordinary competitions of trade. It is a complete revolution. The new product is said to be nutritious and as good as butter. I suppose that it is, in most cases, at least, harmless; I suppose that in most cases it is nutritious. But the patents as recorded in the Patent Office are not agreeable reading. There is a great variety of them. There are chemicals used in the processes in many cases that we certainly do not look upon with favor when we reflect upon their use in compounding a substance that is put on our tables to eat. As nearly as I can judge from the reports of various chemists, it is not less digestible and wholesome than butter to the extent to which stearine is found in it in excess of the degree in which it is found in ordinary good butter.

The right to make and sell this new substitute when it is honestly made nobody doubts, nobody denies. If the straightforward, honest manufacturer of it produces a wholesome article, nobody denies the right of manufacture, and we do not desire to suppress it. I know the demand is made in some places that legislation be such as absolutely to suppress the manufacture and sale. That is an unreasonable and excessive demand to which Congress has no right to yield; it has no constitutional or moral right to so yield.

As to the further request that is made for the protection of the dairy interest, I respectfully beg leave to say that is not entitled to so much consideration as some of our farming friends seem to think, because they must run the risk and bear the burden of an honorable competition in their business as all other manufacturers must.

The true issue is to a considerable extent evaded in this discussion. It is often misstated. Let us, for the sake of the argument, lay aside all consideration of the manufacturer of oleomargarine, all consideration of the dairymen.

I hold that the rest of mankind, the remainder of the population, the 58,000,000 out of the 60,000,000, have a right to know what they are buying. You say the same applies to a great many other things, that it applies to coffee and sugar and spices, &c. So it does. But if this were not what I call it, a revolution, a most extraordinary and exceptional case, I should not be in favor of legislation of this sort, and I confess that the pending propositions did not at first blush recommend themselves unreservedly.

The manufacturer of oleomargarine sells it to the wholesale dealer. There is no deception or fraud there. The wholesale dealer buys for distribution to the retailers, knowing precisely what he buys. He is not overreached in the matter of price, because he goes from Mr. Armour to somebody else—from manufacturer to manufacturer—until he gets oleomargarine at a satisfactory price and of a satisfactory quality. The retailer, the grocer who buys for retailing to the customer and consumer, is in no danger of being defrauded. He knows what he is buying from the wholesale dealer, and he can go directly past him, if he chooses, to the great manufacturer. He knows precisely what he is buying.

Where, then, does the wrong come in? It is impossible to suppose that every grocer in the United States will sell oleomargarine for what it is. I hear of grocers who will not keep it at all. There are those who frankly tell their customers what it is. It is a painful thing to say, but I am afraid it is a fact, that a large proportion of those who buy it to sell at retail sell it as butter.

The wrong comes in, then, not in the competition above the retailer and the consumer, but in the fraud committed upon the American citizen at large—upon him who is the final purchaser and the consumer. He has the right to know what he is buying. In this is the strong element of the argument in favor of this bill. The practical effect of this invention is to offer a premium of 100 per cent. above the cost of the article—an enormous premium—tempting to dishonesty, and the inevitable effect of it is dishonesty. It is not a petty and contemptible fraud like that committed often as we suppose in markets to the extent of a penny or two a pound, but it is a fraud of 100 per cent. in the cost of the article, a universal fraud all over the country.

I do not deny the right to make it and to sell it, but no man has a right to tell a lie. To make a profit of a lie is to swindle.

If this article is really an honest article and a great benefit to the country I think the manufacturer and consumer of oleomargarine ought to rejoice over this bill. We require him to advertise; we seek to make the product perfectly familiar to every citizen of the nation. At present the manufacturer is not anxious to inform all people precisely what he is making and precisely where the citizen can obtain it. He does not advertise that the best and purest and freshest oleomargarine is to be obtained at such and such a grocery. Nothing of the sort. You do not hear men calling it as they do in the street "strawberries," "fresh fish," "oranges"—"here is the latest and best oleomargarine."

The man who carries the oleomargarine to market is as secret about it as possible, and he is very much offended if we require a sign to be set up in the grocery, "oleomargarine sold here," or if we require a label to be put on each individual package, "oleomargarine" or "butterine." He differs from all the rest of the dealers of the country. Now, we simply compel him or attempt to compel him by this legislation to advertise his business.

The consumers are the victims; the men who purchase in small quantities for actual consumption are the victims.

I think this bill will have a tendency to reduce the price of oleomargarine to the poor who, we are told, are to be blest by its cheapness and its nutritious qualities. Against the bill it is argued that it interferes with the right of the poor to have a wholesome article of diet at a reasonable price. I think it will work in the other direction. I think that, even after paying the 5 cents tax, the odds are that the article will be offered more cheaply to the consumer than it is now.

It is said that we are attempting to discourage an honest industry. I think not. But the discouraging effect of a tax is often recognized, is often welcomed, as a legitimate element of a tax.

The power to tax is practically unlimited save by the common sense of the legislator and the judgment of the people back of him. It is one of the first requirements of the economist, in studying taxation, that it should be levied first of all upon articles, not of necessity, but articles of luxury, or articles whose use and consumption are of doubtful value, or, some say, positively pernicious—for example, whisky and tobacco.

Outside of the actual producers themselves, among the great mass of the people, I do not know who grumbles about the tax on whisky and tobacco. Those of us who smoke a cigar reflect that we pay perhaps the third of a cent or a trifle over one-third of a cent upon each cigar to the Government of the United States. Who complains? Would the tax of 90 cents a gallon—a tax of 300 per cent. on whisky and alcohol—be submitted to as cheerfully as it is now if it were laid upon some wholesome and altogether nutritious, useful, and honest article?

The tax upon whisky is in reality too high. I say this not with any sympathy for the manufacturer, but because any tax so high as to give a temptation to and provoke fraud, to afford a constant incentive to fraud and crime, is a tax too high. The judgment of this country would not permit a tax of 90 cents a gallon on whisky were it not for the moral sentiment that comes in there and colors the whole transaction. Whisky has no friend. They say let it be taxed, it is not a necessity for the poor man or the rich man, save to the comparatively limited extent to which it is needed as a medicine.

We are told that State legislation should care for these matters. I confess that is a very strong argument to me. I wish it were possible to believe that State legislation could do it, but some States legislate very imperfectly, and if I am not mistaken a majority of them do not legislate at all. I ask the chairman of the committee——

Mr. MILLER. About twenty States have legislated.

Mr. HAWLEY. About twenty States have legislated more or less imperfectly. It affords me satisfaction, as it always does I am happy to say, in speaking of the legislation of Connecticut, to say that that State appears to have done vigorously and reasonably all that is possible, not to destroy entirely what is called an honest manufacture, but to protect the consumer, which I insist is the strong point to be held in view here constantly.

Various acts have been passed in Connecticut. They have all been revised and condensed in an act that was passed at the last January session of the existing Legislature. Its language is in the introduction similar to that of this bill:

> Any article resembling butter in appearance and not made wholly, salt and coloring excepted, from the milk of cows, shall be imitation butter within the meaning of this act.

None shall be sold except under these conditions—I do not read the act fully: "The seller shall maintain in plain sight, over" the door of his grocery a sign bearing in plain, black, Roman letters, not less than one-half inch wide and 4 inches long, on a white ground, the words "sold here," preceded by "the name of the imitation article," and if it is sold from a "wagon, or other vehicle, such vehicle shall conspicuously bear such a sign." Upon every package shall be a similar label, and, moreover, "the seller shall orally inform each buyer at each sale that the article he buys is not butter, and shall give the buyer the name of the imitation article;" and "no baker or vender of food shall sell any article of food containing imitation butter unless" he shall maintain the same sign I have previously described. "No keeper of a hotel, boarding-house, or restaurant, temporary or permanent, shall furnish any guest with any imitation butter" without having it made known by a sign "imitation butter" or "oleomargarine used here."

The State further provides for the appointment of a dairy commissioner, and gives him a salary and the right to appoint deputies, who shall have the right to examine all places suspected of dishonest dealing in this article. The State agricultural chemist—for we have an ex-

periment station such as it is sought to establish in all the States by a pending bill—is required to examine all samples duly presented, and proper penalties are inflicted upon dishonest dealing. But this legislation does not fully protect the consumer in Connecticut, nor do I see that any will unless we resort to our power under the national Constitution to tax the article and provide for an inspection similar to that imposed on tobacco and whisky. I am willing to vote for it.

There has been a singular movement made lately in this vicinity, a very determined and energetic—not to say desperate—attempt to couple with every pension act a tax that shall provide the money for paying that pension. It seems to me there is a curious analogy and a curious comparison to be made between that bill and this. It is very singular indeed if a tax is intended to discourage a production that there should be a tax provided for each pension case, as if to discourage the payment of pensions.

I am not exceedingly troubled by the constitutional question which has been raised here, because my reading shows me that the power of the Government to tax for the common defense and general welfare is virtually unlimited save by our responsibility to the citizens who sent us here.

I am perfectly well aware that there may be wild and foolish constructions of the expression "for the common defense and general welfare," and that Congress may attempt to bring within the purview of Federal legislation nearly all that is attempted, and rightfully, by State Legislatures. This is a matter for the discretion and the judgment of the legislative body and of the courts and of the people. If there be an obvious evil, a general, universal evil that can not be reached by the States within their own limited jurisdiction—a jurisdiction complete within their own territorial limits for many purposes—if it can not be reached by the several States, and is one of universal interest and importance, I shall, with care and hesitation, to be sure, but I shall in many cases (and I think this is one of them) be willing to have the Federal Government take it in charge, not by way of depriving the States of their control, not by way of interfering (as in this case we do not) with any legislation the States may see fit to enact, but for the purpose of carrying out and perfecting and acting in harmony with them.

There is nothing new whatever in concurrent jurisdiction in the matter of taxation—in the imposition of taxes, if you choose—upon the very same identical article. There is no lack of harmony between the standing Federal legislation concerning whisky and tobacco and the legislation of those States that heavily burden intoxicating liquors. So a majority of the States—I know best about my own—have burdens imposed upon the retailer of ardent spirits, taxation concurrent with the taxation of the Federal Government, and they feel no embarrassment in that respect.

The strong appeal to the popular judgment that this bill makes is because it is plainly and obviously in the interest of common honesty, a protection of the great mass of the people against an almost inevitable fraud, a fraud that without legislation is certainly altogether inevitable.

That is all I care to say. I shall vote for the bill, not as enthusiastically as I have for some bills, but because I believe it to be necessary, justifiable, and constitutional protection against dishonest practices, toward which there is a most extraordinary temptation.

Mr. CALL. Mr. President, the bill imposes a tax on property and requires a license to be obtained in order to pursue the business of selling or disposing of that property. The questions which arise in connection with it are certainly important ones and ought to be carefully considered. Before I give my vote upon it, I desire to state the questions which have impressed me with regard to it.

These questions are first whether or not the power to lay this tax is conferred on the Congress of the United States, and as to the effect it will have on the State governments and the powers conferred upon them. To my mind the Constitution is quite plain on the subject of the power and authority of Congress. Its language is that Congress shall have power "to lay and collect taxes, duties, imposts, and excise." This is a tax, and can not be regarded as otherwise than a tax. The power of Congress is plain and distinct.

The object for which the tax is provided is a very different question and one which does not concern the exercise of the power of Congress to levy and collect a tax. The appropriation of the money when collected will be in the hands perhaps of a different Congress. In the contemplation of the Constitution, the act of appropriation and the act of levying and collecting are manifestly distinct and have no direct relation to each other.

The objects for which public moneys may be appropriated after they are collected have been the subject of great discussion and great controversy. But this does not concern in any manner the subjects of taxation. The power of Congress to levy and collect taxes, imposts, and excises is not limited in reference to the subjects of taxation or the kind of property which may be taxed. There can be no question in regard to that. Hence to my mind there is no ground to doubt the entire constitutional power of Congress to levy and collect a tax upon this property or to require a license for this pursuit any more than any other. Indeed this proposition is quite fairly admitted in the report which was read by the Senator from Kentucky [Mr. BECK] made by Mr. RANDOLPH TUCKER, which says:

> To use the tax when needless for revenue, merely to strike down a product or an industry, is to abuse the constitutional trust.

This is quite as true if we leave out the words "merely to strike down a product or an industry" as with them. It is certainly an abuse of the trust to use the taxing power when needless for revenue, without any other qualification. It is certainly an abuse of the taxing power to use it to strike down or to suppress or deal injuriously with any property interest whether or not the money is required for revenue. This quality attaches to every exercise of power granted under the Constitution, and no more to this than to any other. All of them are subject to abuse and misuse, but this fact is no argument against the existence of the power.

The distinguished gentleman who is the author of this report in the House which was read by the Senator from Kentucky further says:

> If I could *bona fide* vote for this tax in order to raise needed revenue I would feel justified in doing so under constitutional sanction. But if my purpose is to strike down this business, and seeing I can not do so without an invasion of a clearly reserved right of the States I should use the tax to destroy the product and not to make it bring revenue, I should feel I had violated the Constitution by a disingenuous method which could not delude others nor successfully quiet my conscientious reproaches.
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> I concede that Congress, as all other political bodies having the tax power, may among the infinite variety of taxable subjects discriminate as to those which a wise public policy indicates as best fitted to bear the burdens. Between luxuries and necessaries, between articles owned or consumed by all and those owned or consumed by a few, between useful and useless, healthful and hurtful objects, we may discriminate when we need revenue and come to lay a tax to raise it. But no author of legal merit has ever said that when we do not need revenue at all we have the right to tax a man merely to reform his life or suppress his business. The power to tax sleeps until the need for revenue awakes it to action; and when it acts, it may wisely discriminate, as already shown.

These propositions made by the distinguished gentlemen who oppose the passage of this bill admit fully and entirely the constitutional power to levy and collect this tax. They admit also the expediency of discriminating between one species of property and another in the imposition of a tax. The power to tax exists quite as much when the revenue is not needed as when it is. The existence of a power can not in any sense depend on the necessity for its exercise. The right use of the power depends on the necessity for its exercise or public advantage to result from its use.

Upon these points, therefore, I think there need be no controversy. The power to levy and collect this tax is very clear. There is no limitation in the Constitution. It is not provided that Congress may lay and collect taxes provided they are not oppressive to one industry more than another, provided they do not interfere with the law or the policy of the States is this or that respect. These words can not be interpolated in this grant of power and as to these questions they are questions of expediency and not questions of constitutional power.

Mr. President, I am of the number of those who believe that it would be expedient, if any discrimination is made between subjects of taxation, to discriminate against those things which are hurtful and in favor of those which are beneficial. But I have no doubt that the provision of the Constitution requiring taxes and excises and imposts to be uniform throughout the country was intended to provide that there should be no discrimination between the values of the country, that each and all should bear its just proportion of the burden of taxation. But the language of the Constitution refers alone to the uniformity of the tax, not to the uniformity of its effect. It would have been wise, and it is wise no doubt in every system of taxation, to impose its burden in relation to value, to make the tax a burden upon property according to the value of the property, to make it rest most heavily upon those who own most largely and are best able to pay.

But these are not the provisions which are called in question here. We are asked to consider the effect of this tax and that it is a question entirely within the competency and a proper subject for consideration by Congress. The inexpediency of a tax, the hurtful character of a tax may be equal to a constitutional inhibition; and the great point in the imposition of taxation is to consider how far the tax may be an injury or a benefit, how far it may be unequal and oppressive upon one class of values, or how far it may be destructive of other powers and other rights created by different departments and organisms of the Government—rights created under and by the States which have complete and exclusive power over the subject.

Mr. President, this tax can not be justified by the argument that it will promote the health of the people in the States; for that is a subject upon which power is reserved in express terms to the States, and has always been so decided; and the reservation of this power exclusively to the States is an essential and chief feature of the Constitution and the form of government under which we live.

We therefore can not properly, we can not expediently exercise the power of taxation with the effect of exercising the function of promoting and protecting the health or the property of the people of a different government, a government under our form of government, equal to our National Government, and subordinate to it only in respect to the specific powers granted to us. And if there be any objection to the taxation imposed by this bill in this respect, it is to its effect, not its purpose,

not the motive of the legislator who may vote it—for the powers granted have no concern with the motives of those who have charge of the duty of exercising them—that is an objection which is within the forum of individual conscience, and from the nature of the constitutional or governmental power it can have no concern with the motives of those who exercise it, or with the purposes of a majority or a minority of those to whom it is intrusted, but it relates to its effect. Its exercise is a matter of expediency. But the power being conferred in terms, it must be exercised within the terms of the grant; and as to its effect, whatever effects may follow from the exercise of the power are intended. But as to the expediency of exercising the power of taxation to the end and with the effect of discharging a function exclusively conferred upon the State governments, surely if this Government is worth anything, if the principle of a general government with certain powers and State governments with certain other powers is of value to the prosperity and happiness of this people, certainly if it be a great feature of government important to the protection and growth of all industries and of all personal rights, it would be an extraordinary anomaly that the taxing power can be justified in its exercise with the effect of performing a function exclusively committed to another and a different authority, that is, to the States. That is, a tax should be collected by the General Government not to be used as revenue, but with the effect of regulating the business and protecting the morals and health of the people of the States.

It can not be that this Government can be of any value, that it can perform the great purposes which have been assigned to it, that it can hold the destinies of hundreds of millions of people safely in its hands, and yet it be true that this Government of the United States may properly exercise the taxing power to the end and with the effect of performing a duty intrusted to the State governments or of displacing the functions of the State governments and substituting the laws of the United States or the action or effect of the laws of the United States in place of the action or effect or influence of the laws of the States.

Then it is true that all questions of promoting and protecting the health of the people of the different States are committed exclusively to the people of those States, and that it is no part of the proper function or proper effect of legislation by the General Government that it shall perform any duty intrusted exclusively to the people of the States, nor can it do so, because the policy which they alone are authorized to establish in regard to the protection of any interest may constantly vary and is a matter of discretion with them; and therefore this effect can not be attached to any power exercised by this Government without interfering with that authority and that power on their part. It is no answer to this objection that the people of the States desire this action by the General Government. This would be to affirm that the people of the States desire to change this form of government and give power to the General Government over the health and business of the people of the States.

So, Mr. President, as a matter of expediency we are asked to consider how far the imposition of this tax will have that effect, and wherever it shall come within that limitation, wherever the tax is beyond the purposes of revenue, beyond a just and fair equality with other subjects of taxation, wherever it shall have the effect of prohibiting the existence of a property or a right the creation and protection of which is the exclusive function of the State government, it is a solid and substantial reason equal in potency to any constitutional inhibition of the exercise of power to that extent and in that manner.

Therefore the arguments and propositions upon which this bill is defended, that it will promote the general health, that it will protect a useful industry necessary to the public convenience, are arguments that in themselves, assuming that the preservation of our present form of government with its distinctions is important and valuable, are the most powerful argument that can be addressed to us, that can be conceived and urged against the passage of the bill.

I should myself vote, in adopting a system of taxation for a tax upon liquor and tobacco and oleomargarine, a reasonable and just tax apportioned according to the respective values of these articles, and I should be willing to increase that tax within the limit of revenue purposes and make it as has been the custom of the Government an unequal tax, because I conceive the one to be better for the public than the other. But the moment you transcend the point of necessary and proper revenue in the collection of the tax, that moment in my opinion you assume a position not hostile to the letter, not hostile to the power conferred, but hostile to the existence of these two governments and assailing the principle of a dual government, each sovereign in its own functions and for its own declared and specific purposes.

Mr. President, if this bill could be made a part of a general system of taxation within the purposes, within the limits of the amount needed by the Government for its revenue, I should be very willing to vote for a tax upon oleomargarine and to exempt from tax butter, the product of a widely diffused industry in which a great majority of the farming interests of the United States, not in my own but in other States, are interested, an industry in which a very large number of people of moderate means are most largely interested.

I conceive that the argument urged by the Senator from New York [Mr. MILLER] in reference to the fact that this manufactured product is one easily concentrated in the hands of a few persons, and more or less in the nature of a monopoly, would enable it to bear, and it would be a wise public policy to impose upon it an amount of taxation greater than on other products, and that an exemption which would be in the nature of a discrimination might be made in favor of that product and that property which belongs to the great mass of the people and is necessary to them.

But, sir, by what argument can you justify the exercise of the taxing power in an oppressive manner to one industry or pursuit with the effect of destroying it or imposing unnecessary and very onerous burdens upon it? You tax spirits and you tax tobacco as articles of luxury and not of necessity, as articles hurtful to the general health, and, therefore, the subject of your discrimination; and you tax them unequally, you impose a tax three or four times as great, according to value, as upon other things; but these articles are the most profitable subjects of taxation. You might very well, within the limit of the preservation of any industries, tax any other product or any other property with the same effect and to the same extent. But when you propose to impose a tax, and when the tax will have the effect—for it matters not as to the purpose—of destroying an industry or of oppressing it beyond the limits which it can reasonably bear, then we shall have committed a grave error of public policy and commenced a system of legislation which is a substitute for the exercise of the powers of the State governments over the business and the health and property of these people. The taxing power may be so exercised as to destroy any man's property, or any particular kind of property, or to enrich any particular man or any class of men. Certainly every one will condemn such a use of the taxing power. Yet this is the evident, the admitted and intended effect of this bill, and the policy of it is justified on the ground that it will promote the health and advance the fortunes of the class of farmers who own cows and sell butter.

If you can do that, having the power, which I admit, to do it, if you can justly do it, if we are to exercise the lawful powers conferred upon Congress to the end that a function vested exclusively in the States may be superseded and an industry allowed and created by law in these States shall be injured and another benefited, and the question as to what shall be the policy to promote the public health in the States or the contrary be determined by an exercise of the taxing power here, then surely that taxing power, that protection vested elsewhere, that right of discretion as to how the public health shall be promoted, what property shall exist and what shall not exist reserved to the States, is of no importance in our scheme of government and can be best discharged here, and if by the exercise of any power committed to us we may perform the function which is theirs to the exclusion of their authority, it results beyond a question that we attach no value and no importance to this principle of vesting power for certain ends and over certain objects in one authority and a power for other ends and other objects in another authority. We declare by this action that we have no faith or confidence in the principles on which our Government is founded, and our distrust of its usefulness and efficiency.

Mr. President, this is a conclusive objection. I think it would be wise in the different States to impose a tax upon this manufactured product, to let it bear a higher tax than the native product, than the product which is in the hands and is the property of much the greater number of the people, which seems to be the more healthful of the two. I think that in the General Government, when we impose a revenue tax, we might very well discriminate against this industry, not to the extent of destroying it, while we exempted some that were innocent and more healthful and better. Within that extent and with that limit we might discriminate that this product and this property would justly and properly be the subject of a system of taxation; but is this the bill? The bill imposes a tax of 5 cents to the pound. The bill requires a license. The bill extends the revenue system with all its guards and with the view and with the effect of making it onerous and oppressive upon this industry, upon this property. It is not a bill with the effect of raising revenue; it is a bill excessive in its imposition of burdens upon this property and surrounded with unnecessary guards and restrictions in the nature of license and of a tax for license, a tax for the pursuit of the business, all with a designed effect and having the effect of destroying a property which the State alone has the right to create and the exclusive right to protect or discriminate for or discriminate against.

For that reason I shall vote against this bill, because it is inexpedient, because its policy interferes with the right and the exclusive power and authority of the States, because it destroys and is intended to have the effect to destroy a particular industry, and is intended to have no other effect, and can have no other effect than of destroying a property created under State authority, which the States have the right to create; and for that reason, and that alone, I shall vote against this bill.

Mr. EVARTS. Mr. President, for several years before legislation by Congress was contemplated or invoked, the topics that are here considered and the interests of the community that are involved were largely discussed and weighed in the communities and before the Legislatures of many of the States. Whatever may be thought of the wise and just and expedient solution that shall be given to this matter here, it will not, I think, be gainsaid that great advantage has been gained by the discussion to which the subject and the interests have been sub-

mitted. Naturally when a great interest, a permanent interest, an extensive interest that touches perhaps the most vital and valuable portion of our common community under our equal laws and under our system, was invaded for whatever reason by such an encroachment upon what was thought to be as stable as the culture of the land, as necessary as the power of labor, though only in the humble sphere of the common milk dealer and the plain farmer—when he was exposed not only to a diminution of his crop, not only to a cloud upon his prospects, but to an invasion of the little property that he owned, an exclusion not only from the employments to which he had been brought up, but from the land which he had inherited or that which he had slowly paid for by the labor of his hands—when this happened, by whatever cause, it could not but excite great attention, cause great distress, and give rise to greater alarm. And for myself in advance I should have supposed that upon the mere statement of that existence of things among us all over this land, whether as affecting farmers who were interested in dairy products or in the cereals or in the fattening of cattle for market or in the raising of any articles for human use, if there could have been some preference of individual rights and interests, everybody would have sympathized with such an interest as this that was thus exposed to danger and to ruin.

I can not think that in the sober reflection of the Senators they or any of them can deem it right or wise to draw a geographical line as to the different profits of farming in different portions of this great and happy land. I do not think that whatever exuberance of wit may belong to any orator or whatever brilliance of rhetoric, he on reflection will wish to aim a shaft of ridicule at so vast an interest, so simple, so honest, so necessary, and so historical in the facts and circumstances of this nation.

So, too, if the progress of science, if the advantages of communication, if all the strenuous rights and interests of this vast nation shall crowd upon, shall degrade, shall embarrass, and shall endanger either this great interest or any other great interest, North or South, East or West, on the Pacific coast or on the Northeast portion of the Atlantic, wherever this body-politic of ours is vital and sensitive, and whatever adjustments may be made, they should be made justly and not by impertinent or intrusive consideration.

Now, the dairy farmers and all that groups around this vast industry would desire, perhaps did desire at the commencement of these discussions—before the country, I mean; not discussions here—that there should be an extirpation of this evil by all the powers of legislation that belong to the States and all the regulations that could be attached by the General Government. In their minds the interference, the disturbance, the simulation, the deception, the fraud was so inseparable from the product itself that it should stamp and contaminate the product itself and it should be proscribed as no longer tolerable under the interest of our community, that the purging of them, the detecting of them, the punishment of them was greater than the benefits to come from it unless there should be an extirpation of the product itself.

On the other hand the manufacturers and producers, the venders of this product desired to be let alone. They wanted to plant themselves upon the lawfulness of trade by the arts and contrivances that should press and promote their sales and be put upon the footing, therefore, of all honest employments, and on the principle of the common law of *caveat emptor*, that every one must look out for himself in his purchases, and the general propositions of our free system of government that equality before the law and under the regulations of the law should be recognized and enforced, they demanded that they should be left alone, that if the traffic in the fraud and the profit of the fraud, if the injury from fraud to the other competing interests, was inseparable from their advantage of being able to create and make sale of this article, it must stand for this competition, and the fraud must triumph, because there was no power, forsooth, to repress it or redress its mischiefs.

Sheltered under a notion that it was a domestic question for the States to deal with, and feeling the incompetency of the States to deal with it, knowing that they are hampered on all sides by intercommunications with other States, it belonged to the Federal Government to control, and with the foreign market which was wholly under the dominion of the General Government they were willing to play hide and seek over the counters of the groceryman with the police officers and the prosecuting attorneys, and they expected to ride triumphant over these restraints and these rectifications of the frauds.

As respects the General Government they felt themselves safe, not only upon certain recognized views of constitutional law, but under the feeling that the policy and the habit and the disposition of our people in their national legislation was to avoid discouragement and give equal and general encouragement to all the lawful pursuits of trade and industry. Thus they were willing to try conclusions with these two surveillant and controlling powers, knowing that in this contest each must work in its interests and could not triumph over the interest that they meant to maintain.

The progress of this discussion has, I think, brought both the dairy interests and the food-producing fats to confront one another upon an arena and over a dispute that is now narrowed to this: The debatable ground of fraud which one is to perpetrate to the detriment and disaster of the other is the point and is the subject over which these combatants expect to fight and to have their warfare made and disposed of by the powers of government both of the State and of the United States.

Efforts were made in the States to deal with this, and my honorable friend the Senator from Missouri [Mr. VEST] has enabled me to refer, following his instance, to an opinion which I had occasion to give as a lawyer, not on the retainer of either side, for I was never engaged in a controversy under the retainer of either side, but as a lawyer—my opinion of the constitution of the State and of the character of the bill then under consideration in its Legislature. That opinion I may now ask to be treated with some respect, not only because the Senator from Missouri has seen fit to give his encomium to it, but because afterward the high court of appeals of the State of New York unanimously adopted the conclusion.

What was the debate there and what was the conclusion to which the court arrived, and which I had reached in the passage which the Senator from Missouri read? The bill was long; its title gave it the appearance of an interference by fraudulent simulation and deception in the uses which were to be condemned and suppressed; the clauses favored that construction; and the views I took of it were that if it could be construed (and I thought it might be construed) as limiting in all its severest clauses and most exhaustive methods to the extirpation of the fraudulent simulation, however rigorous and pungent the measures of the Legislature might be, it was constitutional; that no court could impose a limit to the magnitude or the reach of its methods to extirpate the simulated and fraudulent sales and corruption of the market; but if the court must come to the opinion that a certain section of that bill was meant to be, and should be construed as, a proscription and suppression of the manufacture of oleomargarine in its own name an unwholesome product and put on the market in that name, it was unconstitutional, and the court arriving at the conclusion that the construction I had sought to give to a statute which had passed, what every lawyer should choose to give possible interpretation, was constitutional; but I so limited that construction as in itself, upon the conclusive proposition that it was a proscription, and that thus it was subject to the denunciation of the provisions of the constitution. The idea had been and was that the powers of government directed to and confined within the extirpation and regulation of fraud was constitutional, but if it went beyond and undertook to extirpate by discrimination between honest and honorable and open methods, it was unconstitutional.

On that discrimination I stand here to-day in maintenance of this bill, which is confined and limited, however severe people may think as to the methods and the sanctions, to extirpating this fraud from the market of this country at large, in its dealings in foreign commerce, in the exchanges between the States of the Union, and in the simulation of dealers here and there promiscuously in the land, although within the States, that this regulation is for that extirpation of the fraud and that suppression of the fraud.

I think the dairy farmers and those who espouse and promote the most intelligently and the most usefully their interests are disposed to recognize this limitation of the thing; and I am glad to think too that the oleomargarine manufacturers and venders are unmasked from any pretensions that they have a right to encroach upon the rights of dairy producers by simulation and fraud, and they must expect, and they must feel that rightfully they must expect, that the law shall pursue, shall expose, shall punish, unless its arm is shortened effectually to that end.

Mr. President, we come a little nearer now to the intervention, and the rightful intervention, of Federal legislation in restraint and extirpation of this fraud. It is not the ordinary matter of the buyer and the seller accomplishing their arts to the disadvantage on the one side or the other of such persons. The wise man has said, how can there be honesty between buyer and seller? I do not propose by Federal legislation, or by State legislation, or by any other means other than religious and moral culture, to extirpate this competition of interests between buyer and seller. Whether the encomiums may be upon the dairy butter and its flavor and its color, or, on the other hand, of oleomargarine in regard to its sincerity, its wholesomeness, and its equality with butter in the uses of the human body, these are not matters which can be controlled by law. But the law, either as enacted and executed in England or in this country, in the States or in the General Government, has never stopped short of an attempt to regulate frauds that were pernicious to the public interest, pernicious not in the dealing between A B and C D in the sale of a tub of butter but in the business of frauds in trade and in the rights and securities of traders by which their just labors and their just interests were undermined by encroaching upon them and by a simulated selling as their products what were the products of others.

It is on this principle that trade-marks are protected now, and energetically, abroad and here. You may invent anything that you can which is useful and will obtain a patronage in the community, but you can not put the name of another upon it, and you can not put the article under the assumption and under the pretension that it is the product of another, not merely of another man but of another industry. The principles, both moral and legal, and as well constitutional, apply to this security by such methods and by such faculties as are at the

command of wise people governing wise and honest nations; and this is the principle, and the only principle, that we need to invoke here.

As to these competing interests my colleague has greatly I think to the advantage of the Senate as of myself expanded and truthfully, with research, and with statistics, and with analytic and illustrative comparison, the vastness of these interests. I shall not restate them much, and I shall not recount them. What they are everybody knows. They can not be belittled. There is no interest in this country which can compete with it in sincerity, in importance, or in any single respect. I speak now of the dairy product. It is one of the contributing exports to our balances of trade with Europe, although it can not compare in that market, I agree, with the magnitude of the cotton or of the grains. Yet it is an important element, and one which if stricken out of the list of our foreign commerce will not only affect the interests of those immediately producing and selling but in our exchanges with Europe.

Now, as to the magnitude of the fraud is it one of detail? No. Is it between buyer and seller? Not in the aspect that we are to look at it, not in the interest that invokes us as dealing with the general interests of this country, that we are to hunt up and to punish in police courts these particular frauds. The question is whether by means of fraud on the one hand one great and honest pursuit, one great and honest production, one great and honest trade, one great and honest element in foreign commerce is in its body and its substance attacked by fraud, reduced not only in its gains but threatened in its existence, because unless by vigorous and efficient means the fraud is checked the fraud will take its effect and its effect in all the ways I have indicated.

What, then, is the fraud, on the other hand, besides this new project and this new trade raising itself to a competition that threatens, this great and established industry? How does it do it? How does it get its price that it can comport in price and can comport in uses, and in simulative and deceptive methods in competition with this other? Does it do it on its own merits, and because its cost brings it up to that competition? Is it by the fact that its reasonable profits added to its cost make it a competitor at these prices? Not by any means; if it were put at the low rate of a reasonable and honest butter, worthy of consumption as such by the common consumer, not merely by the wealthy or the well-to-do, but those who make up the population of our country everywhere, the common people, not paupers, not poor, not mendicants, not on the level of the disgraced and degraded populations that make up in great proportion the masses of other nations, but honest, respectable, cleanly, ambitious—ambitious of their own conduct, of their own treatment of others, of their own respect everywhere.

These masses of ours are those who are to be the patrons. If they can not command two pounds a week or one pound a week of honest butter they will have it at such meals as they can afford it and on such feast days as they can keep, but it shall be their butter as they knew it and as they desire it and they are not to be deprived of it. But if you put 20 cents a pound as a reasonable price for honest and worthy butter, whether it shall be tinged by a color that is agreeable or left to its own unaffected tinge, they do not care or know about that. They know that annotto put into butter does not change it from being butter or make it simulate anything that it is not. They do not need instruction. They understand that the butter and not the color is what they mean to eat and what they expect to digest, and they are not deceived, nor is it of importance enough, except for the passing agitation and momentary debate, that we should give attention to that. It is as well understood as if to the lowly on every pound of butter there were printed *nimium ne crede colori*, or in the vernacular, that it is the butter and not the color that feeds the eater.

How does the competing article come up to be worth and salable in the market at 20 cents, or a near approach to it? Six cents by making, 2 cents by profit, 2 cents by sale, and 10 cents by the simulated form. If it did no more than this it should be suppressed by any wise government that had powers to repress it. But when the measure of this fraudulent simulation goes to the extent of breaking down a sober and slow and regulated industry, that step by step and dollar by dollar and cent by cent, and toil by day and toil by night, by intelligent and sober-minded men and women, must make up in this slow and frugal need of their packages of butter to 20 cents, and this leaps from 10 to 20 cents in the market not by its cost, not by its profits, but by the fraud they sell and reap the benefit of.

I do not speak harshly of this business on the part of those who make and sell oleomargarine, except in this very form that the market made for them is out of the simulated purchase and the deceived consumer. I do not go through the steps, I strike at the fact that if you make the oleomargarine and make it honestly, wholesome and useful, if you please, and sell it as such, then you must sell it at the same ordinary profits that other honest productions under honest sales can command from the community.

If this 10 cents between the fair value of this commodity and the market competition under the simulated pretension of being dairy-butter is to be divided, 5 cents to destroy the butter and 5 cents to defraud the consumer in his estimate that he is paying a fair value for the butter that he buys, there is plenty of room for the 5 cents of this tax to come in without decrying or reducing the market price at an honest estimate and under an honest sale of this oleomargarine product, without the common butter being prejudiced in the market and without its being able to exclude and destroy the rights of oleomargarine dealers.

The attempts by the States were a failure. I do not speak of these contrivers, or manufacturers, as monopolists. It is not because they manufacture on a large scale, it is not on the principle that their manufacture admits of this aggregation. I enter into no crusades against any of the combinations that belong to manufacture for the benefit of the consumers. Every man, rich or poor, is to stand in regard to integrity upon his own conduct. Before the law, thank God, in this country, all stand alike; and thus far the law has been able to regulate the diversities of human affairs by this great principle that the law is equal and the law is just for all.

I have presented remonstrances on one hand and petitions on the other with an equal hand, and it was the right of the petitioners and remonstrants, and my duty to them. So far as any one may stand, I think, equally in these great interests, the city of New York competes even with Chicago in the magnitude of its production of oleomargarine. Certainly the great mart of New York desires for its trade the honest production, that which swells its profits and aggregates its wealth. As the port of exportation it desires all these methods and all these products which swell that trade. I have no interest, and I have no disposition to draw lines of comparison between honest competitions of honest productions, each sold and each competing with the other on its own merits.

Now, about the Constitution. I ought not to occupy much time upon what must be rather a moot controversy, when on all sides it is agreed that the bill as it now reads, if it becomes a law, is constitutional in the eye of the courts. Why should we debate either the doctrines, or the dogmas, or the history, or the traditions, or the divisions between sections of the country and large bodies of political persuasion with rhetoric and with logic that have marked the history of those ever since the Constitution was framed? I understand that when the taxing power was taken away from the States, as it was upon foreign imports, it meant to carry from the States collectively, contributing all that belonged to them in that use of taxation. Does anybody doubt that if New York had remained an independent State, and Massachusetts and Pennsylvania and South Carolina had remained independent States, their power of laying foreign imposts, covered by the uses that they possessed in that province, would have remained? Well, they renounced it all. What they renounced and what they contributed did not change in the process of its passing from the States into the Federal Government.

I have already debated the general doctrine in a former discussion early this session; but, for myself, I have never been able to understand how when the States, possessing all the methods and uses and choices that belong to the imposition of foreign imposts, surrendered them to this nation once for all and forever, the nation did not acquire all that was thus given. I have known—and we pride ourselves upon it—that there has been a division between the Federal and the State powers, but I have never known and have never been ready to admit in logic or in debate that the sum of powers put together did not make us a nation able to contend over the stormy sea of human interests with foreign nations. I do not understand that either of these powers, State or nation, proceeds halting, limping, and laggard in its race with foreign nations in the dominion of the world. There is a particular exception, an extraordinary exception, which has been obliterated from the whole compass of authority of the State and Federal Governments in regard to foreign trade, and that is the export trade. Any export tax is prohibited.

Mr. SAULSBURY. I should like, for my own information, to get the opinion of the Senator from New York as to taxation. I understood him to say that the General Government upon the formation of the Constitution obtained from the States all the power which was inherent in the States over the subject of taxation.

Mr. EVARTS. As regards foreign imports.

Mr. SAULSBURY. I want to inquire whether or not there was any limitation upon the power of the States in reference to foreign importations before the formation of the Constitution?

Mr. EVARTS. Not the least.

Mr. SAULSBURY. Then I want to understand the position of the Senator, and I wish to ask this question, whether he now insists that there is no limitation upon the power of the General Government in reference to taxation?

Mr. EVARTS. As to the power over imports. It has no power over exports; and in regard to excise it occupies common ground with the States.

My point was a simple one, that each State among nations and toward the rest of the world had the full discretion and the full power to use its import tax for the benefit of itself on all considerations that build it up as toward the rest of the world. Now, when they brought it and laid it at the feet of the common nation, surrendering all their power over imports to the whole nation for the good of the whole people so that this might be a great nation *ab extra* and toward the rest of the world, the power of the nation is complete in this regard.

I do not discuss with those of other opinions how far the right of laying

taxes includes, for other reasons than those I have now stated, the right of raising money for the general welfare. I discussed that subject in a previous debate some months ago. But here we are all agreeing that this tax bill is constitutional in the eye of the law. There is no other test of its constitutionality. If it be constitutional in the eye of the law it is constitutional in the eye of the Constitution, and the Supreme Court is the judge of what is constitutional. I am not disposed to disparage the importance of not invading or transcending the principles of discrimination between the authority of the State and the authority of the nation. Within the rule of Senatorial and of Congressional authority in the other House and the power of the President within the range of his inspection over legislation, there may be reasons of good argument and reasons of good decision why you should not crowd upon or trespass upon the debatable region of what attacks the principles of the Constitution or may endanger it too far in this or that direction or going too far in another may predjudice the adjustment and jostle the prosperity of the combined Government; and we look at this bill now to see whether that comes within that contemplation.

I ask attention as to this generality of the power of taxation to a single passage which I will read from section 965, being the first volume of Story on the Constitution:

The absolute power to lay taxes includes the power in every form in which it may be used, and for every purpose to which the Legislature may choose to apply it. This results from the very nature of such an unrestricted power. A *fortiori* it might be applied by Congress to purposes for which nations have been accustomed to apply it. Now, nothing is more clear, from the history of commercial nations, than the fact that the taxing power is often, very often, applied for other purposes than revenue. It is often applied as a regulation of commerce. It is often applied as a virtual prohibition upon the importation of particular articles for the encouragement and protection of domestic products and industry; for the support of agriculture, commerce, and manufactures; for retaliation upon foreign monopolies and injurious restrictions; for mere purposes of state policy and domestic economy; sometimes to banish a noxious article of consumption; sometimes as a bounty upon an infant manufacture or agricultural product; sometimes as a temporary restraint of trade; sometimes as a suppression of particular employments; sometimes as a prerogative power to destroy competition and secure a monopoly to the government!

I am not therefore talking at large or outside of the book in the general observations I make.

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

Mr. EVARTS. Yes, sir.

Mr. GRAY. I should like to ask the Senator from New York whether Mr. Justice Story in the chapter from which he read a section was not attempting to give and professing to give what he states to be the three views of this constitutional power of laying taxes, imposts, and excises, and whether the section from which the Senator read was not a part of the exposition of one of those views rather than the commentator's own opinion.

Mr. EVARTS. The subsequent sections——

Mr. GRAY. I do not know that it was so; I ask more for information; but I do know that the commentator in that chapter undertakes to give a statement of what he calls the three views of this power.

Mr. EVARTS. He states the argumentative views and then states the conclusions.

I only say that this shows that this large and general view I have presented is founded upon a clear interpretation supported by authority, and the action of this Government goes more and more in this direction, that it is a nation, that as towards foreign nations it is not crippled, that it commands powers which belong to Government, attributed and accorded in the Constitution; and then the lines of demarkation are drawn by inhibitions on the States and by restraints on the General Government and the prohibition of common and perfect liberty taken from the substance and mass of powers communicated to the States or to the nation or to all together.

But I wish to say this as a general proposition of constitutional construction, that when what belongs to the general purposes and rights of government and control is looked for, and it is found that the State is incompetent to deal with the actual situation by reason of its being hampered and restricted and thwarted by its being inclosed in the group of States, by what it has parted with to the General Government, the primary argument is that what is needed there for good government you are expected to find in the power of the General Government and its exercise. And in this matter, if the State is restricted and hampered by what is called the police power and the police duty of the State, not by its own institution, for that belongs to itself—not by the fault of its execution, its magistracy or its laws, but where it finds that the domain of its authority is curtailed in its legislation, curtailed in its courts, curtailed in its execution, curtailed in its duties for the protection of what belongs to it by its being surrounded by these other States, held by the trammels of the Constitution, are not freed from limitation and not free toward foreign nations, then I say that the presumption is that the General Government is to be appealed to under the presumption that it can meet the case. It is a difficulty that does not spring out of the execution of the peace powers and the domestic security, but it grows out of the inability of the State by its sovereignty (because it is one of a group which has surrendered the power) and the Federal Government is to be appealed to for its security and its universality.

As a matter of regulation towards our foreign trade, confessedly it is not only without the power of the States but it is within the power of the nation. As regards the communication between the States confessedly it is not within the power of the States but is within the power of the United States. This being so, it is useless, a mere fiction and a mockery, if each State inside itself is to be permitted to undertake to regulate the matter by the means I have stated.

Mr. President, I hold in my hand a bill only last Saturday reported by the Committee on Foreign Relations in regard to our pork that is to be reinstated if possible as one of the commanding interests and commodities in foreign consumption, relieved from the injury that it has suffered by the repulsion of foreign nations; and what is its first clause and what is the principle, and pnrpose, and *rationale*, and method of the bill?

That the Secretary of the Treasury may cause to be made a careful inspection of all salted pork and bacon intended for exportation, with a view to ascertain and determine whether the same is wholesome and sound for human food, and may authorize the proper officer of the customs to give an official certificate clearly stating the condition in which such pork and bacon is found; and no clearance shall be given to any vessel having on board salted pork or bacon found, on such inspection, to be unwholesome for human food.

By the Constitution, the matter of packing and inspection, as matter of values, as matter of domestic export, is not for the States.

Mr. GRAY. Will the Senator pardon me again? Can not a law providing for the inspection of commodities that are to be exported be referred to the commercial clause of the Constitution? If commerce is defined to be the interchange of commodities between people and States, then the commodities that are to be exported are as much a subject of foreign commerce as the commodities that are imported; and it does seem to me, and I suggest it to the Senator, that the power to provide inspection for this article, as well as for other articles that are exported as well as imported, is within the plain and unmistakable power of the Federal Government. So far I should understand the position of the Senator.

Mr. EVARTS. We agree so far.

Mr. GRAY. Yes, sir.

Mr. EVARTS. Perhaps if my learned friend had awaited the application I proposed to make of that case he would see not only that I understood his question but that I had not overlooked the very intelligent proposition that he had made in his remarks yesterday.

Mr. GRAY. The Senator will understand me that I wish to learn his views of the Constitution.

Mr. EVARTS. I unfortunately can not take the position of a professor now. When the question comes up as to the intervention of the Federal Government *eo nomine* in the domestic health and peace of a State, it is a very serious matter; but the learned and honorable Senator understands perfectly well that what is admitted to be in a State for that degree and to that purpose is not communicated to the Federal Government but belongs to the State; but when you come to deal with this matter of pork exported or with this matter of oleomargarine to form part of the foreign trade, the regulation for that purpose is within the power of Congress.

I only cite this as a case where there was no concession of the right to tax; it had nothing to do with it; we merely had a right to look out for our commerce, and we had a right to look out for it in the large measure of that we wish to find for the good of the whole United States, a market for honest goods and the credit that belongs to honest goods. Then, as to oleomargarine, this Federal Government in the execution of its admitted power and duty as to foreign trade, must intervene not only because the article finds a market abroad, but because it darkens and confuses all the integrity of our exports of these products if this curious and this unrestrained and unregulated export takes place. So, too, when you come to it in the comparison between Illinois and Missouri and the neighboring States and the distant States, there you have an instance on every principle of the Constitution, an illustration of the right and the duty of Federal action.

Then two out of the three cases are surely within our comprehension on the principle of regulation and construction, and in the third we infer the authority under the commercial power in the regulation of our foreign trade. Then if we find it necessary, if we find it proper, if we find it expedient, if we find it judicious to take hold of the whole mass we can say that when it becomes a constituent of value and energy in our foreign commerce we will take it and regulate it, and require that there must be a stamp upon it for all the uses of the market or of sale, and with a setting forth that shall show its elements, and that our foreign trade shall not be abused and shall not be corrupted, and that the General Government shall not be deprived of the power to regulate the matter, and that moreover it shall not be left to a petty, a continual, an unending, and an undefinable controversy over the article sold as butter by the pound in the groceries and by the small dealers. We do what we think proper in regulating it and from the source, and if it be corrupted afterward it must be corrupted, not by our assent, not by our acquiescence, not by our inadvertence, not by our supineness or our misconception or misinterpretation of the great duties that have been confided to the General Government by the people of the United States.

These tax laws are constitutional. Whatever I might think as to whether for permanent stability a different rate of taxation or a different rate of license might be more beneficial to answer the purposes

which justly are within the control of the Government or not, here we are. By the Constitution, the origin of taxation rests with the House of Representatives. They have sent us this bill, I believe I am allowed to say, by a large majority after a full discussion; and these are the tax rates that the immediate representatives of the people have made, and the time has come when there is proposed to the intelligence and integrity of these Senators this question: Will you pass now a law graduating the tax differently from the law passed by the House of Representatives? You are now to confront the question, whether this mischief, whether this injury, whether this stigma, whether this danger upon our trade abroad and at home shall be suffered to exist by reason of a difference of opinion between the two Houses as to the rate of taxation. I shall myself forego any judgment of my own as to how I would accommodate differences of opinion. I must choose now and here whether I will pass this bill as it is under the necessity of justice to the farmer, justice to the manufacturer of oleomargarine, justice to the consumers of both, justice to our trade before the people, justice to our commerce abroad, or whether I shall go into a struggle and a controversy as to rates. Often in the affairs of life, often in the affairs of legislation we must decide how we will deal with the situation as it is, and not fold our hands and wish and wish for a better time and a better way, not reflecting all the while that if action is not had dangers and disasters are brewing and growing and threatening.

And now, Mr. President, if any apology be needed for the time I have consumed, I can only say that I trust I have not exceeded a reasonable limit of my share of the debate. I think every Senator, in whatever walk of life he may have been placed, however he may be affected by some circumstance of the evidence regarding this product of oleomargarine, and whatever may be said about the farmers and the milkmen and all the industries and competitions of petty life that may have entered into this debate, will understand that there is no greater practical question known that, perhaps, touches more of heart as well as more of property than this question of the dairy—farmers that are to turn their backs upon their little farms as honest men and leave them for wider pastures and for different pursuits. If there is any home and root that is fastened in a family and in a neighborhood and in all that belongs to poetry and real life that can be diffused through a mass of men, it is in these little farmers that have been able by advancement of combination to reap, perhaps, a little benefit from the painful and toilsome process by which at the close of every season it was a doubtful question between penury and gain.

I then ask that we shall have at least no ridicule and no belittling of this topic; that if this great breadth of land, if this great mass of population, if these great neighborhoods of families and sober men that make up at the ballot-box the sturdy voters who see that no detriment shall come to the Republic, and in the time of war the mother sends the son and the young wife her husband and the aged father that they may bear the brunt of war and save the Republic, and have saved it in war—they are the people. There are others, and many of them, thank God, in other pursuits, but in this you find none that are more in number nor more worthy in their character.

Mr. INGALLS. Mr. President, toward the close of the debate yesterday afternoon, exasperated by what appeared to me unjustifiable personal allusions intended to be offensive, I made some observations that upon reflection I am persuaded exceeded the limits of propriety in debate, and I avail myself of this first public occasion to express my regret.

Undoubtedly, Mr. President, every citizen of the United States holds his property of whatever description it may be, and however absolute its title may be, and not only his property but his life and his liberty, under the obligation and liability to so use it as not in any way to injure the equal rights of any other citizens, and to so employ it that it shall not be detrimental to the general welfare of the whole people; and I have no doubt of the power of Congress to enforce this limitation upon the enjoyment of property, and, what is more valuable, of life and of liberty, by such legislation and such regulation as are warranted and authorized by the Constitution.

This is what I understand by the police power of the nation, and I do not subscribe to the doctrine which asserts that Congress or the nation has parted with the police power, that there is no function anywhere except in the States to exercise police power, that the General Government has stripped itself and denuded itself so that in cases of great emergency or danger or peril, if the States are torpid and inactive, if they are criminally negligent, Congress must sit here without any capacity or power to interfere with whatever may be detrimental or injurious to the rights of the people or the safety of the nation. There is a police power in Congress as well as a police power in the States, and I repel and repudiate that narrow and restricted idea of the national authority which declares that there is not somewhere sleeping within the profound recesses of the Constitution a potential energy that can be invoked wherever there is a right to be enforced or a wrong to be redressed.

And therefore it has appeared to me from the outset and beginning that this whole subject was being treated inversely, that we were beginning at the apex and considering it downward, and that the fundamental question for us to consider was not whether there was power in Congress, even under the police authority, exercised through taxation or otherwise, to interfere with the production of oleomargarine as a substitute for butter, but whether oleomargarine was a product detrimental and injurious to the public health and the general welfare, for I do not assume that the most latitudinarian interpretation of the Constitution will claim that there is any power to prevent fraud simply as fraud. The Government of the United States does not deal with that subject in this connection in that way. The fundamental question in this topic is whether or not oleomargarine is a safe, healthful, nutritious food product, and if it be, oleomargarine has exactly the same right to ask for a tax on butter that butter has to ask for a tax on oleomargarine.

It is not a question whether or not there is cheating, whether or not there is imposition by one man upon another. It is the question whether or not this product is effecting a permanent injury upon the health and welfare of the country; and if it be not then this bill is not a bill to tax, it is a bill to spoliate and despoil. If it be a healthful product, then this bill is not for revenue, but it is for confiscation and destruction; and if it be a healthful food product, then if this bill passes, this Government from this time henceforward has no obstacle to its entrance upon a career of unrestrained depredation.

Why, Mr. President, glucose, a low grade of sugar, is manufactured from corn. It is not denied that it is healthful; it is not denied that it is a legitimate industry. If oleomargarine be healthful and we can destroy it because it interferes with some other industry, why can not the cane-sugar men demand that there shall be a penalty imposed upon the manufacture of glucose? A German chemist has recently discovered a substance known as saccharine from coal oil, as vile, I suppose, and offensive a substance as anything that can ever be introduced into oleomargarine, that is of such an intense sweetening power that a single teaspoonful will change a barrel of water into syrup. It is now produced at an expense of somewhere about ten or twelve dollars a pound. What shall be said of that? What shall be said of the discovery of this substance by chemical analysis and synthesis by which, if all that is reported is true, the whole sugar industry is to be uprooted and destroyed?

Mr. HAWLEY. Will the Senator allow me to give a brief answer to his question?

Mr. INGALLS. Yes, sir.

Mr. HAWLEY. Sell it as coal-oil sirup.

Mr. INGALLS. Sell it as coal-oil sirup! That is very true, and I shall come to that subject shortly. But if it is to be pursued by the imposition of burdens like those which are imposed in this bill upon oleomargarine we shall simply be called upon by the sugar-refiners and the cane-growers to declare that it is unsalutary and dangerous to the public health, and therefore must not be permitted to enter as a competitor with that product.

Mr. President, we were told the other day by one of the Senators from Maine in speaking about the delinquency of this administration and its incapacity to know when the country was insulted by a third rate colonial power that down on the coast of Maine a very important industry had been destroyed by the interposition of the Canadians; that the citizens of Maine were wont in their dories and skiffs and wherries to cross over the river that divides those two countries, and at Eastport to purchase small herring, which were put up in cotton-seed oil in tin boxes, properly labeled in the French language, and sold for sardines. The Senator from Maine spoke of that as one of the industries of Maine, a legitimate industry, that was being harassed and imperiled by this interference with the American shipping industries by the Canadian men-of-war.

Mr. President, while I should prefer the sardine in salad oil under the *imprimatur* of Phillipe & Carnaud, I do not know that it would appear that the herring of Maine, properly imbedded in cotton-seed oil and inclosed in a tin receptacle picturesquely labeled and decorated, is not healthy, salutary, and nutritious, although it may interfere with the sardine industry. I should question very much whether either under the police power of this Government or under the taxing power of this Government we have any right whatever to prevent the imposition.

I allude to this for the purpose of saying that so far as I know the bill that is now before us is an innovation. Macaulay describes a certain class of people as preferring to perish by precedent rather than be saved by innovation. This is where we are in danger of perishing by innovation, if I understand the principles involved in this bill, and while I know nothing whatever about oleomargarine—I never saw a pound of it or a particle of it to know it, and I would not eat it except upon compulsion, and I do not know that I would upon compulsion, though "reasons were as plenty as blackberries," and I want nobody else to eat it unless he desires to eat it—I must admit that having read with something of minuteness and attention and care the volume of testimony taken by the Committee on Agriculture and Forestry in relation to the manufacture and sale of imitation dairy products, if there is any confidence to be placed in human testimony, unless we are to assume that men of the very highest character, men of the loftiest attainments and science and scholarship, without temptation to crime, have conspired with one consent to lie, and put their names to the lie, with

date and place, without motive or reason for it, that oleomargarine is a healthful, nutritious, and cheap product; and there is not in this volume from the beginning to the end, from its alpha to its omega, from its Genesis to its Revelations, one single particle of evidence, express or implied, positive or indirect, that by the consumption of oleomargarine was ever one single human being injured in his health; and this committee was "organized to convict" oleomargarine.

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

Mr. INGALLS. Yes, sir.

Mr. GEORGE. He alludes to the committee. I suppose I may be allowed to state the fact that, after all the evidence was in, the Agricultural Committee, by a majority of two to one, voted that this was not a hurtful substance to the health of the country and was not unwholesome.

Mr. INGALLS. Then so convincing was this evidence that upon a committee—I perhaps should not say "organized to convict" oleomargarine; that is too strong; I should say that I believe that committee did not sit with any prejudice in favor of oleomargarine—and yet so convincing was the evidence from men of every kind and degree, public and private, that as the Senator from Mississippi, who was himself, I believe, a member of the committee, informs us, the committee, by a majority of two to one, declared that it was not a hurtful food product.

Now, Mr. President, where does the police power of the nation, where does the police power of the State come in? The junior Senator from New York [Mr. EVARTS] appealed with touching pathos for the protection of the dairy interests of this country. He drew a picturesque figure of the situation and dwelt upon the hardy virtues and the patriotic valor of the farming population. Mr. President, I do not yield to the Senator from New York in my devotion to their welfare. But upon what theory of the Constitution or of natural justice or of the law of precedent that ever has before been invoked am I called upon to say that this product, admitted by the evidence and confessed by the committee to be salutary, nutritious, cheap, desired by many, shall be burdened with proscription and pursued as it is by this bill with pains and penalties, with the obvious purpose not of collecting revenue, because that mask has been dropped, not for the purpose of preventing the poisoning of the people of the United States by an unwholsome food product, but to protect the dairy farmers of this country from the further deterioration of their stock in trade?

Mr. President, the best types of butter are not permanent; they are not persistent. Butter is a compound that has many delicate, transient, and fugitive elements liable to rapid chemical change when exposed to the heat and the atmosphere. The Senator from Massachusetts [Mr. HOAR] suggests that it often melts in the mouth. It is liable to decomposition; it is liable to sudden change; it rapidly becomes unfit for human consumption; and the evidence is here that this product does not in any sense whatever interfere or compete with the higher class of butter. Nobody claims that it does. It is not insisted that it does. Those who manufacture the higher grades of butter confess that they do not care anything whatever about this bill. Yet here is a product that is adapted for the consumption of those who go down to the sea in ships, who are engaged in long voyages, especially in the tropics, where butter can not be carried because it would soon become rancid and dilute into oil, adapted for the consumption of the loggers in their camps and the miners in the mountains, adapted for consumption by the laboring classes of the South where the dairy products are scarce, consumed by multitudes voluntarily and knowingly, as I shall show by this volume, and we are called upon, confessedly in the interest of one class of our people, to destroy this industry for their benefit, for I say it is destruction. Nobody denies that destruction is intended.

I wish I had time to read, as I would have if the session were not so late, from the statements which this volume contains upon the subject of the character of this product; but I have only time to refer briefly to a few. Upon page 47 of this volume is the statement of Professor Henry Morton, who describes himself as of the Stevens Institute of Technology, Hoboken, N. J., in which he describes the constituents of this product, the process of its manufacture, and declares that it is a wholesome and nutritious article of diet. To the same effect is the statement of Charles F. Chandler, of Columbia College, New York, who states that he has prepared reports which have been submitted to the board of health of New York city and to the State senate of New York, in various years from 1880 down to the present. This is followed by the reports of Mr. Chandler, president, and Emmons Clark, secretary, to the senate of New York in 1878, a report by Mr. Chandler to Hon. M. R. Wise, chairman of the committee on manufactures of the house of representatives; Professor George F. Barker, of the University of Pennsylvania; Dr. Henry A. Mott, jr., analytical and consulting chemist, 117 Wall street, New York; Professor S. C. Caldwell, of Cornell University, New York; S. W. Johnson, of the Sheffield scientific school of Yale College, New Haven, Conn.; C. A. Goessman, professor of chemistry at Amherst College, Massachusetts; Professor Morton, of the Stevens Institute of Technology; Charles P. Williams, director and professor of the Missouri school of mines, State University, who writes from Philadelphia; W. O. Atwater, from Wesleyan University, Middletown, Conn.; J. W. S. Arnold, professor in the medical department of the University of New York, and so on, from men of the very highest professional and personal attainments.

So I think it may be fairly assumed that the declaration of the Committee on Agriculture and Forestry that this product is deleterious to human health and is to be restrained upon that ground must be abandoned. There is not a shadow of evidence left upon which that report can stand.

Mr. Lawrence J. Callanan, of New York city, representing the retail grocers, appeared before the committee and declared, on page 163, that he appeared—

> Not to oppose the manufacture of oleo or imitation butter, for I think it can be made in such a way and of such materials as to make it a healthy substitute for butter.

He continues:

> Now, the retailers of New York, and, I think, of the country, do not want to prohibit the manufacture of oleomargarine or butterine; they simply want the trade regulated in such a way that it must be sold for what it is.

Mr. W. S. Truesdell, vice-president of the Mississippi Valley Dairy and Creamery Association, says:

> We admit that oleomargarine is healthful, and if these gentlemen will confine themselves to the manufacture of oleomargarine alone there would be no question about the healthfulness of it.

Mr. George W. Slade, of Fall River, Mass., a wholesale grocer, says:

> The firm has been in existence a little over twenty years. We deal largely in cream butter and oleomargarine and butterine. We commenced the sale of butterine about twelve or thirteen years ago, when it was first introduced into New England. Our business in these goods, at first small, has gradually increased. Our city has a population of about 60,000, 17,000 of which are cotton-factory operatives, who, with their families, number 35,000 to 40,000 persons. These people consume oleomargarine almost exclusively. The goods are sold in 10-pound tubs, with the full knowledge on the part of the consumer of their character. These tubs are all marked and sold in accordance with the Massachusetts law, being stamped with the word "oleomargarine" or "butterine" upon the top and sides in one-half inch Gothic letters.
>
> One of our largest retail grocers constantly advertises these goods under their true name and in the daily papers, price $1.10 per 10-pound tub. I have never heard any complaint as to the character of the goods or of any sickness occasioned by their use.
>
> We should regard it as a calamity to the poor people if they were to be taxed upon an article which now costs them all they are able to pay for it.

So says Mr. William B. Clark, of Worcester, Mass., wholesale produce dealer:

> We make a specialty of handling oleomargarine and have done so for seven years. So far as I know, the Massachusetts law is generally complied with.
>
> I recently saw in the hands of a party engaged in collecting oleomargarine tubs from families for packing lard sixty-one empty 10-pound tubs, all of which had regular oleomargarine stencils upon them as required by statute. About three-quarters of our sales reach the consumers in the original marked packages, mostly 10-pound tubs.
>
> Consumers of these goods in Worcester and vicinity do not altogether belong to the poorer classes, though the larger number of them do. I am personally acquainted with several farmers in our neighborhood who sell their milk and do not make butter, who regularly purchase butterine to use upon their tables.
>
> Our firm is interested in several creameries in Vermont, and we have not seen that the sale of oleomargarine interferes with or lowers the price of fresh-made creamery butter.

Mr. J. Merrill Currier, of Lawrence, Mass., a retail dealer in groceries and provisions since 1850, says:

> Within the last five years we have dealt in oleomargarine. We commenced the sale of these goods because our customers demanded them, and because if we did not supply them we found that they would go to our competitors, so that we thus lost their trade for other goods. We have found the call for these goods to constantly increase, and that they give general satisfaction. We have less complaint from them than from our cream butter of prime quality. We account for this from its uniform character and quality. We have never heard that any person was made sick by it or that it was unhealthful. Many of our customers say they prefer it to creamery butter, which costs much more. Our customers for this article are principally laboring people with families, and I understand they use it for the purpose of saving money with which they are able to procure other necessities.
>
> If a person calls for butter he gets butter, and if he calls for oleomargarine he gets that. We desire and intend to continue our business in this way. We do not wish to be obliged to say that the price has gone up 5 or 10 cents per pound, or that we can not furnish it, because the Government has put such a tax upon it, while the corresponding article on the rich man's table is exempted from this burden, and all for the benefit of those who are better off than those upon whom the real burden would come. So far as I know, the feeling in the community in which I live is unanimous in the opinion that any tax would be unjust and bear heavily upon those who are the least able to sustain it.

Mr. HOAR. Who is that?

Mr. INGALLS. That is Mr. J. Merrill Currier, of the firm of J. M. Currier & Co., of Lawrence, Mass., who says that he has been in the retail business dealing in groceries and provisions since 1850. Mr. Simpson, one of the witnesses, who was called in this matter, who is himself a manufacturer of dairy butter, says:

> I believe that the population of the country has increased very much beyond the increase in the production of butter. I believe that fully ten million people would have been deprived of any butter, or substitute for butter, during the past winter, and I think roll butter would have been 50 cents a pound if it had not been for the oleo. I think that would have been the difference if it had not been for the manufacture of oleo. I think there is a demand for all the fine butter that can be made at a fair price.

There is much more testimony to the same effect. There was one witness who lived in Chicago whose testimony I had marked, but which has unfortunately escaped my attention so that I can not immediately turn to it, but he declared that of the product manufactured by Armour, kept only as butterine and oleomargarine at the grocery stores, thousands and thousands of pounds were sold every day to the operatives in the various factories and mills and establishments about Chicago, who preferred it to any other form in which that material can be presented.

If the object then of the promoters of this bill is simply to provide that the United States shall acquire jurisdiction over this product so

that there shall be no interference with the genuine products of the dairy, and not a desire to burden this manufacture with unnecessary imposition, the tax that is imposed here is out of all proportion to the results which are desired to be attained. It is admitted that not less than 200,000,000 pounds of oleomargarine are now manufactured and sold yearly, which at a tax of 5 cents a pound would produce, aside from the licenses, not less than $10,000,000 per annum. I doubt very much whether the most stringent regulations which could be adopted under the excise system of the United States would cost $500,000, because we are informed that there are not more than thirty places where these goods are manufactured.

I therefore move to strike out, in line 3 of section 8, upon page 6 of the bill, the words "five cents" and to insert "one cent;" so as to read:

There shall be assessed and collected a tax of 1 cent per pound.

Aside from the license taxes of $600 upon manufacturers, and $480 upon wholesale dealers, and $48 upon retail dealers, that would bring what appears to me to be an ample sum to pay all the expenses which could possibly be incurred in placing this product under the supervision of the internal revenue officials of the United States Government.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Chair will inform the Senator from Kansas that there is an amendment already pending, and that his amendment is not in order at the present time.

Mr. FRYE. Before the Senator takes his seat I desire to call his attention to a few remarks which he made touching the statements made by a Maine Senator in regard to the sardines of Maine. I ask him to what Maine Senator he referred.

Mr. INGALLS. I referred to the Senator's colleague [Mr. HALE]. It occurred in a debate here a few days since, a public debate.

Mr. FRYE. As my colleague is now absent in the Committee on Appropriations of course he can make no reply in relation to that. I was not present at that debate, and I certainly myself would not like to be charged by my silence with saying what the Senator reports my colleague to have said.

Mr. INGALLS. It was a matter that occurred here in public debate. I do not recollect the bill which was before the Senate. I think there were many around me who heard the Senator from Maine speak about the fact that there were large quantities of small herrings packed by citizens of Maine in cotton-seed oil and sold as sardines; and he spoke of it in debate as one of the important industries of that State which was being imperiled by the depredations of the Canadian privateers upon our fishermen.

Mr. FRYE. It is an important industry, but whether or not the gentlemen who are engaged in the business admit that they put up sardines in cotton-seed oil, and in tin boxes, and in imitation of the French, and sell them under the French name as French sardines is another matter. I doubt very much indeed whether this statement is justified by anything which takes place in the State of Maine.

Mr. INGALLS. What is the pending amendment?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. JONES].

Mr. INGALLS. Let it be read.

Mr. MILLER. Mr. President, I shall detain the Senate——

The PRESIDING OFFICER. The Senator from New York will suspend a moment while the pending amendment is read.

Mr. MILLER. Certainly.

Mr. JONES, of Arkansas. As the amendment is only two or three lines long I hope the Senator from New York will allow it to be read, and as it honestly sets out the objects of the bill I have no doubt he will accept the amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In section 3, line 1, after the word "that," it is proposed to insert:

For the purpose of discouraging the manufacture and sale of oleomargarine or imitation butter, and to increase the price of genuine butter.

So as to read:

SEC. 3. That for the purpose of discouraging the manufacture and sale of oleomargarine or imitation butter, and to increase the price of genuine butter, special taxes are imposed, as follows:

Mr. MILLER. As the time has nearly arrived when I gave notice that I should ask for a vote, I do not propose to continue the discussion now, but simply to reply to what I understand the Senator from Mississippi [Mr. GEORGE] stated as having taken place in the Committee on Agriculture and Forestry. The question as to the wholesomeness or unwholesomeness of oleomargarine was never properly before that committee and was never properly considered by it, but the members of the committee in their consultations did express their opinions regarding it. However, those opinions were based upon the genuine article, upon the article manufactured under the process of Mége, a pure article, and it in no way had anything to do with the article as we find it in commerce. It was never properly before the committee, and any expression or statement here as to how the committee divided itself upon that question or any other question outside of the bill is, I think, outside of this debate and outside of this whole question.

Mr. GEORGE. Will the Senator from New York allow me to call his attention to what occurred on that subject?

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. MILLER. I do not understand that it is parliamentary or proper to bring into this body the votes or the conversations or the consultations that take place in a committee. The Senator of course is at liberty to state anything that he sees fit.

Mr. GEORGE. I desire to state, and I do not think it violates any parliamentary rule, that at the very initiation of our consideration of this bill a motion was made before the committee, upon which the committee voted by yeas and nays, and the result of that was an affirmation on the part of the committee that oleomargarine was not a noxious article of food.

Mr. MILLER. The Senator will undoubtedly qualify that by saying that that referred to oleomargarine, and not to any compound of it, or any adulteration of it, or any mixture of it.

Mr. GEORGE. Of course it meant properly-made oleomargarine.

Mr. MILLER. I am prepared to show, and could show here if I would spend the time, that there is to-day probably not a pound of oleomargarine made in the United States of America. I have a letter from a man who introduced the Mége process in this country, who first manufactured it, and who followed it from the beginning to the end. He does not hesitate to say that all the compounds which are made to-day are not pure oleomargarine; that they are combinations of oleo oil, of lard, of cotton-seed oil, of sesame oil, and of various other fats; and that the genuine article is entirely unknown. So whatever may have been the opinion of the committee upon the genuine article, or whatever may be the opinion of the scientific gentlemen who have been quoted here upon that question, it has nothing whatever to do with the question of the wholesomeness of the article as we now find it before the public.

This book of testimony which has been read here to-day, and I shall not go into that again, for at great length and in great detail I read the opinions of scientific men whose standing is as high as that of any others who have been quoted here, who show that as to-day made it is not as wholesome as butter; that it does frequently contain the germs of disease; and that it is always liable to be the medium of conveying disease to the human system. I showed that the Academy of Medicine in Paris had so declared against it and had forbidden its use in the public hospitals of Paris.

But in order that I might know something about the article which is now being sold in nearly every grocery store in this country under the name of butter I sent to the assistant dairy commissioner of New York to have him send to the Microscopist of the Agricultural Department samples of as many different kinds of oleomargarine as he could find in the market, and he sent here some ten or twelve different samples. I had them examined by Doctor Taylor, whose ability as a microscopist will not be questioned I suppose by any one, who has been for several years making a very careful study of this thing, and who was the first scientific man in this country or elsewhere to make the discovery that by the use of the microscope he could detect every different kind of fat known, of every different animal and of every different vegetable. He has undoubtedly succeeded in carrying his experiments to such a point that to-day he can take any of these fats and tell in a very short time precisely what kind of fat has been used in the combination.

Let me call the attention of the body for a moment only to some of the samples which were taken in the market of New York only a few weeks ago and sent here for examination. Here is the statement of Dr. Taylor:

U. S. DEPARTMENT OF AGRICULTURE,
Washington, D. C., June 22, 1886.

Hon. WARNER MILLER,
Chairman Senate Committee on Agriculture:

DEAR SIR: Herewith I respectfully submit an analysis of the ten samples of oleomargarine, so called, received June 12, 1886, from B. F. Van Valkenburgh, assistant New York State dairy commissioner, 350 Washington street, New York city, N. Y.

Sample No. 1 is an oleomargarine. Viewed under the microscope as received this sample exhibits crystals of lard. On boiling it gives off fumes of a very disagreeable acid odor and also that of decomposing cheese (caseine), showing the presence of butter. It is unfit for human food, being in a highly decomposed state. The sample is marked L. Aarensburg, N. Y.

Here was something pretending to be oleomargarine, which instead of being made of oleo oil was only made of lard and had mixed with it enough of milk or of butter to leave in it what is known as the cheesy flavor given to butter:

Sample No. 2.—This specimen is full of fungi, mycelium, and the spores of the same. Dark bodies, foreign to pure butter or oleomargarine, are also observed. On boiling a very sour odor is given off, and also that of decomposing cheese (caseine), indicating the presence of butter, although no odor of butter was perceived. This sample was too much decayed to detect in it the crystals of beef fat. Has a slight taste of butter. Is unfit for human food, being in a state of fermentation. The sample is marked H. & D., June 12, 1886. Probably Richards & Muny's goods.

Sample No. 3.—This sample is an oleomargarine. Viewed under the microscope it exhibits crystals of lard. On boiling gives off a slight odor of butter; also a sour and cheesy odor. Is unfit for human food, being highly decomposed. This sample is marked P. H. Riper, N. Y.; made by him in New York; old goods.

I might go on and read the entire list of ten, but I see the Senator from Missouri [Mr. VEST] is in his seat, and he told us the other day

that the details which I brought out were so sickening that he was compelled to leave the Chamber. I do not desire to drive him or any one else from the Chamber, and I will allow him to read this article for himself. The whole ten samples show the fraud that is being perpetrated in making oleomargarine.

Mr. President, it is a double fraud. Oleomargarine itself is a bogus imitation of butter. The article put upon the market to-day is a bogus imitation of oleomargarine, made out of all the compounds that can be gotten together, because they are cheap. I do not care to go further into the question either of its wholesomeness or of its cleanliness.

A good deal has been read here regarding the desirability of this food as a cheap product for men laboring in factories and ordinary laboring men. Thus far these efforts to supply the laboring man with a cheap food have resulted in trying to cheat him out of his money by charging him substantially the same price for the bogus article as he would have paid for the genuine article. I could read the testimony of Mr. Harris, from some point in Massachusetts, in which he said he was selling oleomargarine honestly for what it was worth, and that it was usually used for cooking purposes and not upon the table. I asked him what he charged for it. He replied 17 cents a pound. I asked him what he paid for it, and he said 10½ cents a pound. In the examination it came out that upon the finer quality of butter he charges a profit of 4 cents a pound. So in this case if he had been willing to content himself with the ordinary price of the retail dealer he would have furnished these goods to his customers for 14½ cents a pound. Instead of that he charged them the price of ordinary butter, 17 cents a pound, and he said he could not afford to do it for less, and still he thought it was a good food for poor laboring men in this country. I do not care to go into that. I am not asking the laboring men of this country to use any bogus article or any other because it is cheap. I think they can take care of that.

We have heard a good deal about the laboring men and about the Knights of Labor and the various organizations organized throughout the country as opposed to this bill. There have been some petitions coming in here pretending to come from that source, and they have been sent to the Senate in order that it might exert its proper influence. I have been furnished with an original letter from Mr. Powderly upon this question. I will ask that it be read at the desk in order that it may go into the RECORD, and let us see whether there is any organization among the laboring men against this measure.

The Chief Clerk read as follows:

SCRANTON, PA., *June* 16, 1886.

DEAR SIR: Neither the general assembly nor the general executive board of the Knights of Labor have ever indorsed or in any way meddled with the oleomargarine question, and all representations to the contrary are false. I have never heard (only through you) that our order was accused of interfering in this matter. We telegraphed from Cleveland when in special session that we had taken no action. It would seem that that would be sufficient.

Individual members of the Knights of Labor may have favored the oleomargarine bill or opposed it. If so, they have a right to their opinion. As an order, however, we have not touched the question at all.

I remain, very truly, yours,

T. V. POWDERLY.

JOHN LIVINGSTON, Esq.,
New York, N. Y.

Mr. MILLER. I submit that simply as an answer to some things which have been said here during this debate in regard to the position of laboring men on this question. I shall not repeat my argument on that question, but simply say that the laboring men of this country, and by that I mean those laboring in manufacturing establishments, producing manufactured articles for sale, know full well that they can not afford to buy the product of any labor for less than its real cost to the producer. They know full well that they can not afford to buy the products of the farm at such a price as will bring ruin to the farmer any more than the farmer and the farm laborer can afford to buy the manufactured article for less than it costs, for if they do it must eventually come out of the wages of the laborer. The laboring men of this country stand together upon questions of that kind, and they know their interests well enough to do it.

There is simply one other question to which I wish to call the attention of the Senate for a single moment. It was alluded to and fully brought out by my colleague in speaking of the influence of the dairy industry of this country upon our foreign commerce, that it furnished no inconsiderable portion of our exports and performed its fair share in producing to-day a balance of trade in our favor, and maintained, therefore, a healthy condition of our finances.

The bill which has been reported here by the Committee on Foreign Relations in regard to the inspection of our hog products is simply intended to give such a guarantee of their purity that they will no longer be rejected by the governments of Europe, and in order that by that method we may find a wider market for those products. Up to the time that oleomargarine began to be made in this country a very considerable portion of our butter found a market in Europe; but within the last few years it has declined at least 50 per cent. in its amount. Why has this been? Not that less butter is being consumed in Europe, but because of this uncontrolled and unlimited fraud by which these imitation goods are put upon the market as though they were original and genuine, it has brought discredit upon all our product, and to-day we can scarcely find any foreign market for the best made American butter. I have no doubt if we had the power under our Constitution to enact the law of the Dominion of Canada, it would be greatly to the interest of the whole country that it should be done.

Canada has a very simple law upon this question. It is scarcely more than ten lines long. It forbids either the manufacture or importation of oleomargarine into the Dominion of Canada under heavy fines and penalties. What has been the result of that legislation in Canada? It has transferred one-half of our existing trade in the dairy products across the border into Canada. Her exports of butter, as the figures of the produce exchange show, have grown as ours have diminished, and to-day she alone is able to hold her hand and control in the markets of Europe, because the Canadian brand is a guarantee of honesty and genuineness, and no matter how good our butter may be to-day it finds either an uncertain market or no market at all in Europe.

I have here a letter from one of the leading produce dealers and exporters of New York city bearing directly upon that question. I send it to the desk and ask the Secretary to read it.

The Chief Clerk read as follows:

NEW YORK, *June* 26, 1886.

DEAR SIR: I suppose you know the Canadian Government have passed a law to prohibit the manufacture, importation, or sale of any imitation or adulterated dairy products in the Dominion. By this act she secures a preference over us in the foreign markets on her dairy products. One of the partners of a foreign produce exporting house here, and who also have an agency in Montreal, has just told me that they had orders for Canadian butter at 75 shillings per hundredweight, but could not get orders for American at 65 shillings.

I remain, yours very respectfully,

JOHN S. MARTIN.

Hon. WARNER MILLER,
Chairman Committee on Agriculture, Washington, D. C.

P. S.—Seventy-five shillings sterling means about 16 cents per pound here, and at this price large quantities of fine, pure, June-made creamery butter could be bought in our market now.

Mr. MILLER. There is the evidence that our best dairy butter to-day is so discredited in the markets of Europe that if sent there at all it sells at 20 cents less than the Canadian article, which of course is no better. Take this then in every consideration, and it seems to me we do find sufficient reason for the legislation asked by the bill.

Mr. President, I appeal to the friends of this measure to see to it that it shall not be amended in a single section, that not a single line or letter or figure of it shall be changed by this body.

Mr. BECK. Why?

Mr. MILLER. Any change at this stage of the session may be fatal to the bill. As I said the other day, the measure does not go into effect until ninety days after the passage of the act, which will be near the 1st of November. If the bill shall become a law and if it shall be found that there is any injustice in it, or that there are any mistakes made in the bill, Congress will be in session within thirty days and can rectify them. But I trust that the friends of this measure will see to it that it passes this body as it came from the other House.

Mr. JONES, of Arkansas. With the consent of the Senate I will withdraw the amendment which I offered to the bill a few moments ago, for the purpose of allowing the amendment offered by the Senator from Kansas to be voted on directly.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas is withdrawn.

Mr. INGALLS. In line 3 of section 8, I move to strike out "five" and insert "two" before the word "cents;" so as to read:

That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 2 cents per pound, to be paid by the manufacturer thereof.

On that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Kansas moves to amend the bill as he has stated, and demands the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is detained from the Senate by sickness, and is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were here, he would vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. GEORGE. On this bill and on the amendments I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea" on this amendment.

Mr. TELLER. On this question I am paired with the Senator from Florida [Mr. CALL]. If he were present, I should vote "nay."

Mr. MCMILLAN. I am authorized to announce that the pair of my colleague [Mr. SABIN] is transferred to the Senator from Florida [Mr. CALL] from the Senator from West Virginia [Mr. KENNA]. The Senator from Florida would vote "yea," and my colleague would vote "nay."

Mr. TELLER. Then I vote "nay."

The result was announced—yeas 32, nays 28; as follows:

YEAS—32.

Aldrich,	Coke,	Jones of Arkansas,	Riddleberger,
Beck,	Colquitt,	Jones of Nevada,	Stanford,
Berry,	Eustis,	Manderson,	Vance,
Brown,	Gibson,	Maxey,	Vest,
Butler,	Gray,	Payne,	Voorhees,
Camden,	Hampton,	Platt,	Walthall,
Chace,	Harris,	Pugh,	Whitthorne,
Cockrell,	Ingalls,	Ransom,	Wilson of Md.

NAYS—28.

Allison,	Dolph,	Hawley,	Plumb,
Blackburn,	Edmunds,	Logan,	Sawyer,
Blair,	Evarts,	McMillan,	Sewell,
Cameron,	Frye,	Mahone,	Sherman,
Conger,	Gorman,	Miller,	Spooner,
Cullom,	Hale,	Mitchell of Oreg.,	Teller,
Dawes,	Harrison,	Palmer,	Wilson of Iowa.

ABSENT—16.

Bowen,	Hearst,	McPherson,	Pike,
Call,	Hoar,	Mitchell of Pa.,	Sabin,
Fair,	Jones of Florida,	Morgan,	Saulsbury,
George,	Kenna,	Morrill,	Van Wyck.

So the amendment was agreed to.

Mr. BUTLER. In line 6 of section 1 I move to strike out the words "with or," before the word "without," where they occur the second time in the line; so as to read:

That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and without additional coloring matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. MILLER. I move to lay the amendment on the table.

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

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. I should vote "nay" if he were present.

Mr. PUGH (when his name was called). On this question I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. McMILLAN. My colleague [Mr. SABIN] would vote "yea" if he were present.

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

The roll-call was concluded.

Mr. PLUMB. I ought, perhaps, to announce that the Senator from Alabama [Mr. MORGAN] is paired with the Senator from Colorado [Mr. BOWEN]. The pair was originally between the Senator from Alabama and myself, with the privilege on my part to transfer it, which I have done. I make this announcement now, and will not repeat it hereafter. The Senate will understand that the pair continues to exist on all the votes on the bill.

The result was announced—yeas 36, nays 26; as follows:

YEAS—36.

Aldrich,	Dawes,	Hoar,	Platt,
Allison,	Dolph,	Kenna,	Plumb,
Blackburn,	Edmunds,	Logan,	Sawyer,
Blair,	Evarts,	McMillan,	Sewell,
Camden,	Frye,	Mahone,	Sherman,
Cameron,	Gorman,	Manderson,	Spooner,
Chace,	Hale,	Miller,	Stanford,
Conger,	Harrison,	Mitchell of Oreg.,	Teller,
Cullom,	Hawley,	Palmer,	Wilson of Iowa.

NAYS—26.

Beck,	Colquitt,	Jones of Arkansas,	Vest,
Berry,	Eustis,	Jones of Nevada,	Voorhees,
Brown,	Gibson,	Maxey,	Walthall,
Butler,	Gray,	Payne,	Whitthorne,
Call,	Hampton,	Ransom,	Wilson of Md.
Cockrell,	Harris,	Riddleberger,	
Coke,	Ingalls,	Vance,	

ABSENT—14.

Bowen,	Jones of Florida,	Morrill,	Saulsbury,
Fair,	McPherson,	Pike,	Van Wyck.
George,	Mitchell of Pa.,	Pugh,	
Hearst,	Morgan,	Sabin,	

So the amendment was laid on the table.

Mr. INGALLS. In section 6, line 15, before the word "sells," I move to insert the word "knowingly;" so as to read:

Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not less than $100 nor more than $1,000, and be imprisoned not less than six months nor more than two years.

That is a penal clause imposing a penalty for the selling of a less amount than is to be required by law. It probably was an omission in any event, and as the bill has been amended I suppose there will be no objection to this amendment. It is the customary limitation upon the act whenever a criminal intent is to be charged.

Mr. BECK. Perhaps the Senator from Kansas does not agree with me, but I ask him whether it would not be well to strike out the minimum punishment? There may be technical violations of this law by very ignorant people, and if the court has the discretion to fix a maximum fine it ought not to fix so severe a minimum in some cases as seems to be fixed here for the very smallest offense. If the maximum is right I think the minimum could be dispensed with. I suggest this to the Senator from New York as well, because persons may buy these things, and you may prove some knowledge, and yet in a matter like this very many ignorant people deal in this article, and when you give the court a discretion to fix the punishment according to the offense it is very hard to make six months' imprisonment or a fine of $100 the very least it is authorized to impose.

Mr. INGALLS. I propose as soon as this amendment is acted on to add the necessary amendments in lines 21 and 23, so that the offense may have a maximum punishment, striking out the minimum.

Mr. MILLER. I can not accept any amendment to the bill. I trust the Senate will before the bill leaves it reverse its action upon the rate of taxation. It is impossible if the bill becomes a law that any person shall deal in this article in any other way than knowingly and willfully, and therefore no such words are necessary. At all events I should fail of doing my full duty in this matter if I consented to any amendment whatever, unless it is put in by an absolute vote of the Senate.

I move to lay the pending amendment on the table, and I give notice that I shall do that in every case.

The PRESIDING OFFICER. The Senator from New York moves that the amendment of the Senator from Kansas be laid on the table.

Mr. RIDDLEBERGER. Before that motion is put, I ask the Senator from New York whether he meant to say that every amendment shall be laid on the table on his motion.

The PRESIDING OFFICER. The motion is to lay the amendment on the table.

Mr. RIDDLEBERGER. But I understood the Senator from New York to say that he would give notice that all amendments shall lie on the table.

The PRESIDING OFFICER. The Senator from Virginia will please hear the Chair. The motion is to lay the amendment of the Senator from Kansas on the table, and that motion admits of no debate.

Mr. RIDDLEBERGER. Then I understood the notice of the Senator from New York to be that he would ask to dispose of all other amendments in that way. That is what he said.

The PRESIDING OFFICER. The motions can be treated as they come up, but this motion admits of no debate.

Mr. RIDDLEBERGER. He said it.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to lay the amendment on the table.

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

The yeas and nays were ordered and taken.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. GEORGE. I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "nay."

Mr. McMILLAN. My colleague [Mr. SABIN] is detained from the Senate by sickness, as I have before announced, and is paired. He would vote "yea" on this question.

Mr. PUGH (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 27, nays 30; as follows:

YEAS—27.

Allison,	Edmunds,	Mahone,	Plumb,
Blackburn,	Evarts,	Manderson,	Sawyer,
Blair,	Frye,	Miller,	Sewell,
Cameron,	Hale,	Mitchell of Oreg.,	Spooner,
Cullom,	Hawley,	Palmer,	Teller,
Dawes,	Logan,	Payne,	Wilson of Iowa.
Dolph,	McMillan,	Platt,	

NAYS—30.

Aldrich,	Cockrell,	Harris,	Vance,
Beck,	Coke,	Hoar,	Vest,
Berry,	Colquitt,	Ingalls,	Voorhees,
Brown,	Conger,	Jones of Arkansas,	Walthall,
Butler,	Eustis,	Kenna,	Whitthorne,
Call,	Gibson,	Maxey,	Wilson of Md.
Camden,	Gray,	Ransom,	
Chace,	Hampton,	Riddleberger,	

ABSENT—19.

Bowen,	Hearst,	Morgan,	Saulsbury,
Fair,	Jones of Florida,	Morrill,	Sherman,
George,	Jones of Nevada,	Pike,	Stanford,
Gorman,	McPherson,	Pugh,	Van Wyck,
Harrison,	Mitchell of Pa.,	Sabin,	

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

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Kansas to insert the word "knowingly" in line 15 of section 6.

Mr. HOAR. I hope the Senator in charge of the bill will allow this amendment to be made, and also allow another amendment to be made striking out the minimum punishment at the end of the section, which

it seems to me, except in cases of crimes of great aggravation, like murder or burglary with violence to the person, ought never to be in criminal legislation. The Senate for the last few years has, I believe, invariably, when its attention has been called to the matter, stricken out the minimum legislation; that is, the compulsory imprisonment in all cases without regard to accident or extenuating circumstances, and so on.

If the bill is to be amended at all, it seems to me that the pending amendment and the amendment which I have indicated would help the bill rather than hurt it.

Mr. MILLER. The Senator from Vermont [Mr. EDMUNDS], with the law before him, informs me that the present internal-revenue law is precisely like this, only that the minimum punishment is greater than this. So that certainly is not in accordance with the statement of the Senator from Massachusetts, as I understood it.

Mr. HOAR. No; I said that for the last three or four years, whenever the attention of the Senate had been called to this matter of minimum punishment it had invariably adopted the policy of striking it out.

I wish to say that one of the great blots upon our legislation is the existence of the very provision to which the Senator from Vermont has called attention in the revenue laws. I had this case brought to my attention when I was a member of the other House.

An Irishman who was a man of standing and character among those who knew him, and whose wife I had known very well as a domestic in a family where I had lived, was convicted in Boston of violating the internal-revenue laws by selling some article; I have forgotten now what the article was, very likely liquor. He had applied to the collector of internal revenue in the district to know whether it was necessary for him to take both a wholesale and a retail license. The collector said that he was not himself certain under the circumstances, but he would apply to the Department for direction; that in the mean time the man might keep on. He took out the license which the collector required of him, and he was indicted for a violation of the other provision in the interval before the reply came back from Washington, and was convicted. The judge, Judge Sprague, said there was no power under the law which would prevent his sentencing that man to imprisonment. He happened to be in a condition of health in which imprisonment for six months or twelve months would have been his death, and it was with very great difficulty that the administration here were induced to interfere.

Mr. MILLER. So far as the amendment in line 15 inserting the word "knowingly" is concerned, it may as well be accepted now as to have another vote upon it, because the vote just taken indicates that it will carry, but I shall reserve the right of course when the bill is reported to the Senate to have a separate vote upon it, if I then think it wise to do so. Therefore, I suggest that the word "knowingly" be inserted by unanimous consent at present, in order to avoid another vote.

The PRESIDING OFFICER (Mr. FRYE in the chair). Without objection it will be so ordered.

Mr. INGALLS. In section 6, line 21, after the word "not," I move to strike out the words "less than one hundred dollars nor;" and in line 22, after the word "not," to strike out the words "less than six months nor;" so as to read:

Shall be fined for each offense not more than $1,000, and be imprisoned not more than two years.

I do not know whether that can be properly offered as one amendment, but I suppose by unanimous consent it may be so treated.

The PRESIDING OFFICER. Without objection it will be so treated. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. EDMUNDS. I voted to lay the amendment of the Senator from Kansas inserting the word "knowingly" on the table, not on the ground that I should object to its insertion *per se*, but upon the ground that thinking the clause to be perfectly safe as it stood I did not wish to amend the bill at all. But as that is put in, we now come to the question of penalties, and to illustrate that as well as the penalties under the internal-revenue system I will just read a section that I open at random in the internal-revenue chapter and title in the Revised Statutes, which illustrates both the absence of "knowingly" as a phrase and the amount of penalty. It is section 3268:

Every person who destroys, breaks, injures, or tampers with any lock or seal which may be placed on any cistern-room or building by the duly authorized officers of the revenue, or opens said lock or seal, or the door to said cistern-room or building, or in any manner gains access to the contents therein, in the absence of the proper officer, shall be fined not less than $500 nor more than $5,000, and imprisoned not less than one year nor more than three years.

There is an instance in which one would suppose on the theory of the argument of the proposer of this amendment of "knowingly" that it would be necessary and proper to put it in, because the lock being once put on does not show on the face of it that it is a Government lock put on that building by a proper Government officer duly authorized to do it. But the word is not in, and if anybody happened to be prosecuted under that section, and he showed that he did not know that that was a revenue-lock building, or a revenue lock, and he supposed it was perfectly right to go into the building for some purpose, and he broke the lock, he could not be convicted, because it would be implied that the essence of the offense after all was doing it with an intent to do wrong.

Therefore I voted to lay the amendment inserting the word "knowingly" on the table, while if this were a Senate bill I should not, of course, have the slightest objection to it, because it would mean the same thing in such a case whether in or out.

When you come to the penalty there is great force in what the Senator from Massachusetts says, and if the bill is to be amended at all I have no objection to striking out the minimums, although it is not different from but more mild than the present internal-revenue law about distilled spirits, &c.

Mr. MILLER. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from New York moves to lay the amendment of the Senator from Kansas on the table.

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

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "nay."

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

The roll-call having been concluded, the result was announced—yeas 28, nays 33; as follows:

YEAS—28.

Allison,	Dolph,	Logan,	Platt,
Blackburn,	Edmunds,	McMillan,	Sawyer,
Blair,	Evarts,	Mahone,	Sewell,
Cameron,	Frye,	Miller,	Spooner,
Conger,	Gorman,	Mitchell of Oreg.,	Stanford,
Cullom,	Hale,	Palmer,	Teller,
Dawes,	Kenna,	Payne,	Wilson of Iowa.

NAYS—33.

Aldrich,	Coke,	Hearst,	Vance,
Beck,	Colquitt,	Hoar,	Vest,
Berry,	Eustis,	Ingalls,	Voorhees,
Brown,	Gibson,	Jones of Arkansas,	Walthall,
Butler,	Gray,	Maxey,	Whitthorne,
Call,	Hampton,	Plumb,	Wilson of Md.
Camden,	Harris,	Pugh,	
Chace,	Harrison,	Ransom,	
Cockrell,	Hawley,	Riddleberger,	

ABSENT—15.

Bowen,	Jones of Nevada,	Morgan,	Saulsbury,
Fair,	McPherson,	Morrill,	Sherman,
George,	Manderson,	Pike,	Van Wyck.
Jones of Florida,	Mitchell of Pa.,	Sabin,	

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

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

The amendment was agreed to.

Mr. INGALLS. In section 4, line 4, after the word "not," I move to strike out the words "less than one thousand and not;" in line 9, after the word "not," to strike out the words "less than five hundred nor;" and in line 13, after the word "not," to strike out the words "less than fifty nor;" so as to make the section read:

That every person who carries on the business of a manufacturer of oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not more than $5,000; and every person who carries on the business of a wholesale dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not more than $2,000; and every person who carries on the business of a retail dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not more than $500 for each and every offense.

As I do not propose to make any debate, I suggest that the vote may as well be taken on the amendment as on a motion to lay on the table, the object of that motion being I suppose only to stop debate.

Mr. MILLER. If the vote can be taken without debate I have no objection. I simply want to call the attention of the Senate to the difference. Section 4 relates to the people who are carrying on the business of manufacturing. There can never any question arise as to what they do, whether they do it knowingly and willfully; and therefore the reason which may have actuated the Senate in changing the other section can not apply here, certainly not with the force that it did in the other case. This applies only to the manufacturers of oleomargarine and it fixes a minimum as well as a maximum. I hope the amendment will not be agreed to.

Mr. HOAR. Mr. President, it seems to me that the principle does not apply to this particular section, but it is one where there ought to be a minimum punishment, although I am generally opposed to those punishments, because, as the Senator from New York says, the person who persists in carrying on a business which may be extremely profitable ought not to have the chance of getting off and retaining the profits of his business with a very small fine. It seems to me it is not unreasonable as this is a fine and not imprisonment.

Mr. INGALLS. Having no wish at all to retard final action on this bill, I withdraw the amendment; and in section 3, line 15 on page 2, after the word "pay," I move to strike out the word "forty-eight"

and insert "twelve," fixing the license for retail dealers at $12 instead of $48.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS], which will be stated.

The CHIEF CLERK. In section 3, line 15, after the word "pay," it is proposed to strike out "forty-eight" and insert "twelve;" so as to read:

Retail dealers in oleomargarine shall pay $12.

Mr. MILLER. I move to lay that amendment on the table.

Mr. RIDDLEBERGER. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. RIDDLEBERGER. The Senator from New York has not complied with one of the rules of the Senate, which requires that a Senator shall rise from his seat and respectfully address the Chair. [Laughter.] That is the only chance I have or any other Senator here has to get in a word or a reason why he is for or against this bill. The Senator from New York has spoken three hours or more on this bill, and has scarcely left his seat to-day. Now, the rule which requires that he shall rise from his seat also requires that the Chair shall recognize him, and him only, who thus rises and respectfully addresses the Chair. I submit that point. Otherwise there are no rights here, and we yield to these people called "managers of bills."

The PRESIDING OFFICER. The Senator from New York [Mr. MILLER] moves to lay the amendment on the table.

Mr. RIDDLEBERGER. I ask if the Chair will recognize my point of order. I want the Senate, if necessary, to pass upon the question as to whether a Senator here can hold the floor from time into eternity, and even not measure space or eternity.

I have some reasons for opposing this bill, with which, possibly, the Senator from New York is not very well acquainted. I know from my association with him here that he is coequal with infinity itself, omnipotence, omniscience, omnipresence, but there may be some reasons which I might be permitted to assign why I do not go for this bill.

I ask now whether the Chair is going to recognize two or three men on this floor all the time. I want to give my own reasons if the Chair insists that the Senator from New York has the right to make that motion standing as he was upon his feet, and then I will appeal from the decision of the Chair if the Chair will allow that a motion not debatable in itself is debatable now on an appeal.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Virginia to the fact that he rose and proceeded to speak without having the recognition of the Chair at the time.

Mr. RIDDLEBERGER. If I did that, I did not mean it, but I thought the Chair did not hear me.

The PRESIDING OFFICER. The Chair did not recognize the Senator from Virginia at all.

Mr. RIDDLEBERGER. I noticed that the Chair did not. That was a most evident thing.

The PRESIDING OFFICER. The Senator from New York [Mr. MILLER] moves to lay the amendment on the table.

Mr. INGALLS. Why not vote on the amendment directly? There is to be no debate.

Mr. BUTLER. I should like to make a further inquiry, why it is necessary for the Senator from New York to apply the gag law to this bill or to amendments to this bill. I can not understand it.

Mr. EDMUNDS. While a motion to lay on the table is pending we had better not have any debate.

Mr. BUTLER. I understand what is pending as well as the Senator from Vermont. I rise to a parliamentary inquiry, and I do not propose for one to be corrected by the Senator from Vermont.

Mr. EDMUNDS. I call the Senator to order. He is addressing himself to this question while a motion to lay on the table is pending.

Mr. BUTLER. I am not addressing myself to the subject of laying on the table at all. I rose for the purpose of making an inquiry of the Chair. It is done here every day of the year.

The PRESIDING OFFICER. What is the parliamentary inquiry the Senator desires to make?

Mr. BUTLER. I wanted to know if the Senator from New York proposed to apply the gag law to amendments to this bill?

The PRESIDING OFFICER. That is a question which it is not for the Chair to answer.

Mr. BUTLER. Then the Senator from New York can answer it, or perhaps the Senator from Vermont will answer it for him, as he seems to be taking charge of the bill and of the Senator from New York and of everybody else.

Mr. EDMUNDS. I call the Senator to order.

The PRESIDENT *pro tempore*. The motion is to lay the amendment on the table.

Mr. MILLER. I call for the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. HARRISON. The Senator from Nevada [Mr. JONES] asked me to pair with him at one time on the passage of the bill, but I did not understand that the pair extended to these amendments. I am advised that he so understood it, and I therefore withhold my vote.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. GEORGE. I was paired with the Senator from New Hampshire [Mr. PIKE], but that pair has been transferred to the Senator from Rhode Island [Mr. CHACE] for this vote, and I therefore vote "nay."

The result was announced—yeas 29, nays 28, as follows:

YEAS—29.

Allison,	Edmunds,	McMillan,	Sewell,
Blackburn,	Evarts,	Mahone,	Sherman,
Blair,	Frye,	Manderson,	Spooner,
Cameron,	Hale,	Miller,	Teller,
Conger,	Hawley,	Mitchell of Oreg.,	Wilson of Iowa.
Cullom,	Hoar,	Payne,	
Dawes,	Kenna,	Platt,	
Dolph,	Logan,	Sawyer,	

NAYS—28.

Aldrich,	Cockrell,	Hampton,	Riddleberger,
Beck,	Coke,	Harris,	Vance,
Berry,	Colquitt,	Hearst,	Vest,
Brown,	Eustis,	Ingalls,	Voorhees,
Butler,	George,	Jones of Arkansas,	Walthall,
Call,	Gibson,	Maxey,	Whitthorne,
Camden,	Gray,	Ransom,	Wilson of Md.

ABSENT—19.

Bowen,	Jones of Florida,	Morrill,	Sabin,
Chace,	Jones of Nevada,	Palmer,	Saulsbury,
Fair,	McPherson,	Pike,	Stanford,
Gorman,	Mitchell of Pa.,	Plumb,	Van Wyck.
Harrison,	Morgan,	Pugh,	

So the amendment was ordered to lie on the table.

Mr. VAN WYCK. I wish to announce in regard to the last vote, as I have announced before, that I am paired with the Senator from Nevada [Mr. FAIR] on the passage of the bill. He is opposed to the bill and I am in favor of it. I withheld my vote on the amendment because I did not know how he would vote on it.

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from Alabama [Mr. PUGH]. My colleague would vote "yea" if he were here.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. HALE, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. LOGAN, and Mr. BECK.

PUBLIC-LAND LAWS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives further insisting on its disagreement to the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands; the laws allowing entries for timber culture; the laws authorizing the sale of desert lands, and for other purposes, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DOLPH. I desire to submit a conference report on the part of the Senate conferees on the bill just announced.

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

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes, having met, after full and free conference have been unable to agree.

J. N. DOLPH,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

T. R. COBB,
W. J. STONE,
L. E. PAYSON,
Managers on the part of the House.

Mr. DOLPH. I move that the Senate further insist on its amendments and agree to the further conference requested by the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DOLPH, Mr. PLUMB, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 5878) to amend the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The joint resolution (H. Res. 118) relative to certain papers in the

State Department by error, was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENT TO A BILL.

Mr. HARRIS, from the Committee on Rules, submitted an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BUTTER AND OLEOMARGARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

Mr. BUTLER. Mr. President, in line 3 of section 11, page 8, I move to strike out the word "fifty" and insert "ten."

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

The CHIEF CLERK. In section 11, line 3, it is proposed to strike out "fifty" and insert "ten;" so as to make the section read:

SEC. 11. That every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law, shall be liable to a penalty of $10 for each such offense.

Mr. RIDDLEBERGER. Does the Senator desire to speak?

Mr. BUTLER. No; I yield to the Senator from Virginia.

Mr. RIDDLEBERGER. Mr. President, this is the only opportunity I believe that has been afforded to express an opinion of this bill other than such as has proceeded from its friends or its opponents based on the dairy system or the right to manufacture anything, and I desire to express my hostility to the bill, coming as I do from a farming community, because it is to all intents and purposes an internal-revenue tax. I do not believe that there is a farmer in the western, northwestern, or southwestern part of Virginia who does not despise the suggestion of internal revenue. I know that when I cross the James River and get into the tobacco country where we have people upon whose product so much per pound, 8 cents, for instance, is levied, they hate the idea and they reprobate the internal revenue. It begins wrong.

I do not love oleomargarine. I do not eat it knowingly, and will not have it if I can help it. It is a fraud. I would not take it under a law enacted here. If it be such a fraud as the Senator from New York says it is, I would not have anything to do with it; I would not license it. I would not say with the Senator from Kansas that you should pay the Government a cent a pound for it, any more than I would license any other fraud. But when it comes to the question of whether we ought to permit its manufacture and sale in this country, then I am with the farming community and say I would prohibit it entirely. I desire that to be understood.

I desire it to be understood, moreover, that in opposing this bill I think that I am opposing the most obnoxious law that to-day stands upon the statute-books of the United States, that which says that tobacco shall be taxed, that liquor shall be licensed, and the manufacturer of oleomargarine shall have the right to sell it if he shall pay the revenue tax on it. I am opposed to that, and I am opposed to this bill. I ask that the farmer who makes honest butter shall be put a little bit above the whisky distiller of the mountain counties. I ask that we shall proceed in this matter in some other way and say if this be poisonous food, if Chicago furnishes hogs that die of disease out of which there shall be made hog butter or butterine or oleomarganine that enters into the physical system and destroys the life of man, woman, or child, that we will not license it; we will not permit it. That is the simple way in which the question suggests itself to me.

Here we have been day after day trying to determine between the Senator from Kansas and the Senator from New York whether one makes good butter or the other buys cheap oleomargarine, whether the laboring man wants the oleomargarine or the laboring man does not. Perhaps the laboring man would prefer the oleomargarine in some sections, as we see resolutions coming here against its taxation. How easy it is to teach him that as he destroys the cow he abridges the number of the calves. He can not reduce the price of his butter as he increases the price of the cow. So we find these men coming up in their State organizations and telling us that they prefer honest butter because it is made by honest men.

I say give us no more internal-revenue taxes. Let us have this as it ought to come from the Congress of the United States. Deal with it as heroically as the surgeon would with the knife with a man on the field, where it must be promptly applied or the subject would die. We are treating this thing here childishly. It does not become us, it does not become the Congress. The country does not want such treatment.

If this be a fraud, do not let Congress license it. The States may do it; give them the opportunity of correcting it themselves; but for God's sake do not let the Congress of the United States set the example of licensing a fraud. Rather let the fraud go on. Let every fraud go on; let your gambling-houses go on; let every unlicensed institution that the country ought not to tolerate go on rather than the Congress of the United States even by indirection should pass a bill here recognizing the thing and say that it is licensed. Let oleomargarine be manufactured if need be, but do not let us tax it and license it; let butterine be manufactured if need be, the one from the carcass of the hog and the other from the steer, but let us leave it out of the legislation of the great American Congress.

I appeal to those of the Senate who recognize that when they do this thing, Democrats or Republicans, they are adding to the internal-revenue taxation the most distasteful to all sections of this country and to all the people of it. I am not afraid to stand right here and vote against every feature of this bill and every amendment that is added to it to help to pass it, and go home to a mountain constituency, a conscientious constituency, and tell them that I stood on the two principles, first, that we ought not to increase and give addition to the internal-revenue system by taxing these articles; and next, that if the manufacture of oleomargarine or butterine be a fraud we ought to deal with it heroically, and say that it shall not be manufactured or sold in this country, and that we ought not to be putting a tax on it.

It has been said that Legislatures have made laws that you could drive a four-horse coach through. Did you ever read a statute where it was said that a man who knowingly commits murder shall be punished so-and-so? Did you ever read a statute in which the word "knowingly" was affixed to the crime itself? I never did. The intent must be proved. That belongs to the books without being written, it is a part of the common law that we accept and never think of inserting here; but in the interest of the oleomargarine manufacture we must insert the word "knowingly!" You might as well try the devil before a court in his own dominions and expect a conviction of him as to expect a conviction of a manufacturer or seller of oleomargarine under the law which is made ostensibly to protect the dairymen, the farmer, the consumer of the product, if you insert the word "knowingly." What lawyer here would undertake to go before a court on a contingent fee to prove that a man knowingly sold oleomargarine?

You have had it under discussion here. Is there a Senator on this floor who can tell me whether he knows the distinction between oleomargarine, butterine, and butter? Is there one? Then take the Senators themselves who undertake to make this law, go into court, and you could not convict one of them even for eating it, much less selling it.

I took some little pains to try to find out and I was told that there was such a thing as cutting the one with a knife and the other with a fork, or one with a sharp instrument and the other with a dull instrument; but if you cut them both alike with the same instrument, the little water that we know belongs to butter would appear on the butter and it would not on the other. I have been told that if you take a lump of butter as it comes wrapped around with a linen rag and lay it on the table, and then by the side of it take a lump of butterine and lay it down in the same way, the butter would melt in one-third of the time that the butterine would. Does that help you to a conviction of the man who would sell outside of the law when you say that he shall do it knowingly? He does not wait for the sun to shine on it to determine whether it is butterine or anything else; he sells it before the sun gets at it.

I say that this bill is one that will do no earthly good; its only effect is to give the sanction of the American Congress to a fraud. Therefore I shall vote against it. That is my only reason, as I stated.

Now, Mr. President, if I have been a little anxious to make this statement I know it will be excused by Senators on the ground that I first mentioned that I have a constituency of butter makers and that I think I owe some explanation to them when I cast my vote against the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. MILLER. Let the amendment be read.

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

The CHIEF CLERK. In section 11, line 3, after the words "penalty of," it is proposed to strike out "fifty" and insert "ten;" so as to make the section read:

SEC. 11. That every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of $10 for each such offense.

Mr. MILLER. Let the yeas and nays be taken directly on the amendment without a motion to lay on the table if the Senator prefers. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea."

Mr. HARRISON (when his name was called). I am paired on this amendment with the Senator from Nevada [Mr. JONES]. If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 22, nays 35; as follows:

YEAS—22.

Beck,	Coke,	Harris,	Voorhees,
Berry,	Colquitt,	Jones of Arkansas,	Walthall,
Brown,	Eustis,	Maxey,	Whitthorne,
Butler,	Gibson,	Ransom,	Wilson of Md.
Call,	Gray,	Vance,	
Camden,	Hampton,	Vest,	

NAYS—35.

Aldrich,	Dawes,	Ingalls,	Platt,
Allison,	Dolph,	Logan,	Plumb,
Blackburn,	Edmunds,	McMillan,	Sawyer,
Blair,	Evarts,	Mahone,	Sewell,
Cameron,	Frye,	Manderson,	Sherman,
Chace,	Gorman,	Miller,	Spooner,
Cockrell,	Hale,	Mitchell of Oreg.,	Teller,
Conger,	Hawley,	Palmer,	Wilson of Iowa.
Cullom,	Hoar,	Payne,	

ABSENT—19.

Bowen,	Jones of Florida,	Morgan,	Sabin,
Fair,	Jones of Nevada,	Morrill,	Saulsbury,
George,	Kenna,	Pike,	Stanford,
Harrison,	McPherson,	Pugh,	Van Wyck.
Hearst,	Mitchell of Pa.,	Riddleberger,	

So the amendment was rejected.

Mr. COCKRELL. I am in favor of the bill and will vote for its final passage, but I think there ought to be one or two amendments made, and the first one is in line 5 of section 3 on page 2. I see no occasion for the tax upon a wholesale dealer in oleomargarine being put at $480. I think that is exorbitant and I think it is unjust. I do not think that it ought to be over $120, and therefore I move to strike out "four hundred and eighty" and insert "one hundred and twenty."

Mr. MILLER. Does the Senator desire to discuss it?

Mr. COCKRELL. No. Then I want to make another amendment to the section, and that is that the retail dealer instead of paying $48 shall only pay $18. I think these two amendments very proper and just. They will make the bill, in my estimation, much fairer and more just than it is now.

Mr. MILLER. The Senator will remember that in line 15 the Senate has already declined to change the sum from $48 to $12, which was the amendment offered.

Mr. HARRIS. The Senate has declined to change it to $12, but not to $18.

Mr. MILLER. I shall not discuss it, but simply move to lay the amendment of the Senator from Missouri on the table.

Several SENATORS. Vote on it straight.

Mr. MILLER. I would as soon have the votes directly on the amendment as on laying the amendment on the table if the Senator will call for a yea-and-nay vote on the amendment.

Mr. COCKRELL. Let us have a yea-and-nay vote on this amendment.

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

The CHIEF CLERK. In section 3, line 5, after the word "pay," it is proposed to strike out "four hundred and eighty" and insert in lieu thereof "one hundred and twenty;" so as to read:

Wholesale dealers in oleomargarine shall pay $120.

Mr. MILLER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called.) I announce my pair with the Senator from Nevada [Mr. JONES].

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

The roll-call having been concluded, the result was announced—yeas 26, nays 32; as follows:

YEAS—26.

Aldrich,	Chace,	Hampton,	Vest,
Beck,	Cockrell,	Harris,	Voorhees,
Berry,	Coke,	Ingalls,	Walthall,
Brown,	Colquitt,	Jones of Arkansas,	Whitthorne,
Butler,	Eustis,	Maxey,	Wilson of Md.
Call,	Gibson,	Ransom,	
Camden,	Gray,	Vance,	

NAYS—32.

Allison,	Edmunds,	Logan,	Platt,
Blackburn,	Evarts,	McMillan,	Sawyer,
Blair,	Frye,	Mahone,	Sewell,
Cameron,	Gorman,	Manderson,	Sherman,
Conger,	Hale,	Miller,	Spooner,
Cullom,	Hawley,	Mitchell of Oreg.,	Stanford,
Dawes,	Hoar,	Palmer,	Teller,
Dolph,	Kenna,	Payne,	Wilson of Iowa.

ABSENT—18.

Bowen,	Jones of Florida,	Morrill,	Sabin,
Fair,	Jones of Nevada,	Pike,	Saulsbury,
George,	McPherson,	Plumb,	Van Wyck.
Harrison,	Mitchell of Pa.,	Pugh,	
Hearst,	Morgan,	Riddleberger,	

So the amendment was rejected.

Mr. MILLER. I think the Senator will not care for another vote.

Mr. COCKRELL. Let the vote be taken by sound on the next amendment.

The PRESIDENT *pro tempore*. The next amendment of the Senator from Missouri [Mr. COCKRELL] will be stated.

The CHIEF CLERK. In section 3, line 15, after the word "pay," it is proposed to strike out "forty-eight" and insert "eighteen;" so as to read:

Retail dealers in oleomargarine shall pay $18.

The amendment was rejected.

Mr. SAULSBURY. I desire to call the attention of the chairman of the committee to what I consider to be an omission in the bill.

I see from looking over the bill that there are certain duties required of the Commissioner of Internal Revenue, the collection of the tax, the preparation of stamps, and he is authorized to employ a chemist and other persons to carry out the provisions of the bill, but there is no appropriation. There is no authority given to him to employ any additional assistance in the way of clerks, nor is any money appropriated for the purpose of enabling the Commissioner to carry out the requirements of the bill. It seems to me that we ought not to require additional duties of the Commissioner of Internal Revenue without providing some means by which he can carry out the provisions of the bill.

As I have not said anything on this bill, I will avail myself of the opportunity to make one or two remarks on some of the features of the bill.

I concur fully with every one who desires to prevent any fraud being committed upon the people of the country in the use of any article of food, and I would adopt any measure which, in my judgment, was within the power of Congress to prevent the practice of fraud in placing oleomargarine upon the markets of the country; but without going into any discussion of the authority of Congress by the power of taxation to prevent the perpetration of frauds in the use of this article, without entering into that question, and conceding all that is claimed, for the sake of the argument, by the friends of this bill, I believe it will be wholly impotent for the purposes for which it is designed.

The cost of oleomargarine is about 8 or 9 cents per pound, according to the testimony taken before the committee. If you add 5 cents tax, it will still be below the price at which any ordinary butter sells for in the market. So this article could be sold and a profit made upon it without coming in competition with the butter of the country. I therefore do not think that it affords any protection to the dairy interest of the country. The tax imposed is too small to prevent the manufacture and sale of this article.

That being the case, the question arises, what necessity is there for this proposed law? Suppose you have the power of taxation, is there any necessity pressing upon the country to-day for taxation upon this subject? It can accomplish no good for the purposes for which it is designed of benefiting the dairymen of the country, and there is no necessity on the part of the Government for the increase of taxation in any shape with an overflowing Treasury and a measure pending before the Senate for the purpose of relieving the Treasury from the balances that are now in the Treasury not needed for the purposes of the Government.

If a bill was here simply requiring that every manufacturer of oleomargarine or butterine should so brand and mark the article before it left his factory that the community that was to use it should not be deceived, and that every man who undertook to sell it in the markets of the country should make known what he was selling, I am not sure but that I would go to that extent for the purpose of preventing the people of the country being inveigled into the use of an article under a deception. While it might be a question of very doubtful power as to whether the Congress of the United States could go to that extent, yet I am not sure but that for the purpose of getting clear of any fraud in that which enters into the consumption of mankind I might not even strain a point to protect the community against imposition in this regard. But when you add to that taxation merely for the purpose—for that is the design—of using the taxing power of the Government to protect one interest against other interests without accomplishing any beneficial effect to the interest sought to be protected, to that feature of the bill I am utterly opposed.

If I would vote for any tax it would be a tax to the extent that would accomplish the object which was proposed to be accomplished, but we ought not in my opinion to exercise unnecessarily the power of taxation for any purpose. It seems to me that we are departing far from the original ideas of the taxing power as conferred upon the Government. Whatever taxation is required for the maintenance and support of the Government is a legitimate object for which the taxing power may be exercised, but I do not concur in the views expressed this morning by the Senator from New York [Mr. EVARTS] that the taxing power has been conceded in the most ample manner by the States of this Union to the General Government. I believe that the objects for which it should be used are specifically defined in the Constitution, and that we ought to maintain the Constitution as it was made in letter and in spirit.

I did not rise to enter into any discussion of this bill. I am paired upon it and can not vote on it, but I wanted to have it understood and let it be known where I stand upon this as upon all other questions. I will not, however, detain the Senate with any further remarks.

The bill was reported to the Senate as amended.

Mr. MILLER. I shall ask for a yea-and-nay vote upon what I think was the first amendment made as in Committee of the Whole in regard to the rate of taxation, and then see as to the rest.

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

The CHIEF CLERK. In section 8, line 3, the Senate, as in Committee of the Whole, struck out the word "five" and inserted the word "two;" so as to read:

SEC. 8. That upon oleomargarine which shall be manufactured and sold or re-

moved for consumption or use, there shall be assessed and collected a tax of 2 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound.

The PRESIDENT *pro tempore*. The question is on concurring in this amendment made as in Committee of the Whole.

Mr. PLATT. I understood the Senator to say that he would ask a yea-and-nay vote.

The PRESIDENT *pro tempore*. The yeas and nays are demanded.

The yeas and nays were ordered.

Mr. HOAR. I desire to say that in my judgment this bill will be more effective and more likely to last and remain a permanent protection to the interest that it is designed to protect and a permanent obstruction to the fraud that it is designed to extirpate with the lower tax. I am in favor of the tax of 2 cents rather than 5, and although a friend of the bill I have entertained that opinion from the beginning. If the reduction to 2 cents, however, were to depend upon my vote, if the alternative were presented to me of having the bill go through without any amendment or run the risk of sending it back to the House, I would hesitate to take the responsibility; I think I would follow the committee; but I am very clear that if the amendment is to be adopted I shall vote for it according to my opinion.

Mr. HALE. I rise now, as I may have no other opportunity, to correct the Senator from Kansas [Mr. INGALLS], whose attention I desire for a moment.

I have been informed that the Senator from Kansas, in the course of the debate upon this bill, alluded to some remarks which I had made in the Senate with reference to the sardine industry prosecuted in the State of Maine. I am told that he referred to those remarks as if I had stated that it was the practice of the people in the State of Maine engaged in catching small fish to put them up and label them with a foreign label, thereby making it a cheat and a fraud.

The Senator from Kansas was mistaken if he so stated. No such thing occurs in this trade, and of course I made no such statement with reference to it.

These small fish are caught in Canadian waters largely by Canadian fishermen; they are sold to the American manufacturer from the boats by the fishermen upon the other side, are bought upon this side of the line to Eastport and are there put up regularly and openly as an American product and not as a French or Italian product. In fact it would add nothing to them or their value, because I estimate, and others who have tried them both estimate the American sardine as a better article of food than the European article, and it is sold in the market as an American product and labeled as such, and I never heard it claimed or suggested that fraud was engaged in by putting any foreign mark upon the production or the box, for such is not the case.

I do not know that I have been correctly informed as to what the Senator from Kansas said. I was not here. My attention has been called to what he said, and I wish simply, without engaging in any controversy, to put this industry right, and that it shall not go upon the record as having been said or admitted here by not denying it that there is any fraud in this industry.

Mr. INGALLS. I understood the Senator from Maine to state that in a debate which occurred here some weeks ago——

Mr. HALE. June 3.

Mr. INGALLS. That the action of the Canadian authorities had interfered with an important industry at Eastport, which I understood him to say consisted in buying the small herring that were taken in Canadian waters and put up and sold as sardines. I may be mistaken, but if I am it was an error of my hearing. If the Senator has it here I should be glad if he would repeat his statement.

Mr. HALE. The statement is as follows:

Under the ruling of the Treasury Department, that these fresh fish brought into our market for immediate use or consumption are not subject to duty, they come in free and the New Brunswick fisherman gets the benefit of our market duty free. He sells his fish to our citizen who puts up the herring or sardines.

That is all. It is an article, as I said, well-known in the market as an American sardine, so put up, and it is not claimed that it is a foreign product.

Mr. INGALLS. Put up as sardines?

Mr. HALE. Sardines or herring. It is a great question whether the fish are not precisely the same. It is put up as an American product purely.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE].

The roll-call was concluded.

Mr. VAN WYCK. I am paired with the Senator from Nevada [Mr. FAIR] on the passage of the bill. As I do not know how he would vote on this amendment I withhold my vote.

Mr. HARRISON. I desire to announce my pair with the Senator from Nevada [Mr. JONES]. If he were here, I should vote "nay."

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from Alabama [Mr. PUGH]. My colleague would vote "nay" if present.

The result was announced—yeas 33, nays 28; as follows:

YEAS—33.

Aldrich,	Coke,	Ingalls,	Vance,
Beck,	Colquitt,	Jones of Arkansas,	Vest,
Berry,	Eustis,	Manderson,	Voorhees,
Brown,	Gibson,	Maxey,	Walthall,
Butler,	Gray,	Payne,	Whitthorne,
Call,	Hampton,	Platt,	Wilson of Md.
Camden,	Harris,	Ransom,	
Chace,	Hearst,	Riddleberger,	
Cockrell,	Hoar,	Stanford,	

NAYS—28.

Allison,	Dolph,	Kenna,	Plumb,
Blackburn,	Edmunds,	Logan,	Sawyer,
Blair,	Evarts,	McMillan,	Sewell,
Cameron,	Frye,	Mahone,	Sherman,
Conger,	Gorman,	Miller,	Spooner,
Cullom,	Hale,	Mitchell of Oreg.,	Teller,
Dawes,	Hawley,	Palmer,	Wilson of Iowa.

ABSENT—15.

Bowen,	Jones of Florida,	Morgan,	Sabin,
Fair,	Jones of Nevada,	Morrill,	Saulsbury,
George,	McPherson,	Pike,	Van Wyck.
Harrison,	Mitchell of Pa.,	Pugh,	

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The question recurs on the remaining amendments made as in Committee of the Whole, which will be put together unless a separate vote be demanded.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. HARRIS, Mr. MILLER, and others called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "nay."

Mr. HARRISON (when his name was called). I have been paired on some of the amendments to this bill with the Senator from Nevada [Mr. JONES]; but I understand in the present shape of the bill he would vote for its passage. I therefore vote "yea."

Mr. KENNA (when his name was called). I am paired on this question with the Senator from Minnesota [Mr. SABIN], who is absent ill. The Senator from Minnesota, if present, would vote "yea" and I should vote "nay."

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

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Nevada [Mr. FAIR] on the passage of the bill. He is opposed to the bill, and I favor it.

The roll-call having been concluded, the result was announced—yeas 37, nays 24; as follows:

YEAS—37.

Aldrich,	Dawes,	Logan,	Sawyer,
Allison,	Dolph,	McMillan,	Sewell,
Blackburn,	Edmunds,	Mahone,	Sherman,
Blair,	Evarts,	Manderson,	Spooner,
Camden,	Gorman,	Miller,	Stanford,
Cameron,	Hale,	Mitchell of Oreg.,	Teller,
Chace,	Harrison,	Palmer,	Wilson of Iowa.
Cockrell,	Hawley,	Payne,	
Conger,	Hoar,	Platt,	
Cullom,	Ingalls,	Plumb,	

NAYS—24.

Beck,	Colquitt,	Hearst,	Vance,
Berry,	Eustis,	Jones of Arkansas,	Vest,
Brown,	Gibson,	Maxey,	Voorhees,
Butler,	Gray,	Pugh,	Walthall,
Call,	Hampton,	Ransom,	Whitthorne.
Coke,	Harris,	Riddleberger,	Wilson of Md.

ABSENT—15.

Bowen,	Jones of Florida,	Mitchell of Pa.,	Sabin,
Fair,	Jones of Nevada,	Morgan,	Saulsbury,
Frye,	Kenna,	Morrill,	Van Wyck.
George,	McPherson,	Pike,	

So the bill was passed.

Mr. MILLER. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MILLER, Mr. VAN WYCK, and Mr. GEORGE were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I desire to call up for consideration House bill 9478.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The motion was agreed to.

OHIO SENATORIAL ELECTION.

Mr. PUGH. I move that the consideration of that bill be laid aside temporarily with a view of asking that the Senate proceed to the consideration of the report of the Committee on Privileges and Elections in relation to the election of Senator PAYNE, of Ohio.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the pending bill be laid aside informally with a view to proceed to the consideration of the report of the Committee on Privileges and Elections in the case of Senator PAYNE, of Ohio. The question is on that motion.

The motion was agreed to.

Mr. HOAR. Does that lay aside the bill?

Mr. PUGH. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Alabama is recognized as entitled to the floor.

Mr. HALE. Nobody can understand what is going on.

The PRESIDENT *pro tempore*. The Chair will again repeat the motion of the Senator from Alabama.

Mr. HALE. What is that motion?

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the pending bill be laid aside informally with a view to proceed to the consideration of the report of the Committee on Privileges and Elections in the case of Senator PAYNE, of Ohio.

Mr. HALE. That requires unanimous consent, of course.

Mr. HARRIS. To lay it aside informally does, but to postpone it does not.

The PRESIDENT *pro tempore*. The Chair thinks the motion is in order; it is for a majority of the Senate to decide.

Mr. HOAR. What is the effect of laying aside a measure informally?

Mr. HALE. That can not be done except by unanimous consent.

Mr. HOAR. I understand that the Senate unanimously agree sometimes to have a matter considered as before the Senate and take up another matter informally.

The PRESIDENT *pro tempore*. The Chair understands that if a measure is postponed in that way it is the pleasure of the Senator having the bill in charge to call it up at any time.

Mr. EDMUNDS. But that requires unanimous consent. The motion in the book is——

The PRESIDENT *pro tempore*. The Chair will ask unanimous consent of the Senate. Does the Senator from Alabama modify his request so as to ask unanimous consent of the Senate to proceed to the consideration of the report referred to?

Mr. VOORHEES. Did not the Senate vote a while ago and was not the vote announced to postpone the consideration of the sundry civil bill?

The PRESIDENT *pro tempore*. The Chair is of the opinion that under a request of that kind the Senator from Iowa could at any time call up the sundry civil bill.

Mr. HARRIS. Certainly, if the effect of that motion be not to postpone the consideration of the appropriation bill until the matter proposed to be taken up is disposed of, the motion was wholly out of order, and certainly it could have no such effect as to give the right of way at the call of the Senator from Iowa.

The PRESIDENT *pro tempore*. The Chair understands that to be the effect of it. A mere request to lay aside a bill informally allows the Senator having that bill in charge at any time to call it up.

Mr. HARRIS. That requires unanimous consent; it is never done by a vote of the Senate.

The PRESIDENT *pro tempore*. The Chair will again submit the request of the Senator from Alabama.

Mr. LOGAN. As I understand it when the reports were made from the Committee on Privileges and Elections last week the Senator from Alabama [Mr. PUGH] gave notice that on this morning he would call up as a privileged question the resolution reported by the minority of the Committee on Privileges and Elections pertaining to the seat of the Senator from Ohio. There was no objection made. It was agreed by the Senate that that should be done. If there is any question that ought to be at all times ready to be considered by a Senate or a House of Representatives it is that pertaining to the seat of a member against whom charges have been made such as are made in this and many other instances. I did not dream then that there was going to be opposition to taking this question up. I did not dream that there would be anything interposed that would in the slightest degree defer it for a moment. There have been quite a number of cases discussed here, but I have never before known opposition made in the Senate to the taking up of a case that pertained to the seat of a Senator—never before.

I stated yesterday that I was going away and that I was very desirous to have this case disposed of before I left. I am desirous that it shall be disposed of for many reasons. In the first place, I believe that the majority report of the committee is correct. In the next place, any man charged with an offense in obtaining his seat in the Senate has the right to be heard. Further, the three Republicans who had the temerity, if I may use such a term, to make a report here saying there was no evidence of a legal character to justify an investigation, have a right to show before this country that they have reported the facts and that they have been guided by the rules of the Senate and precedent after precedent that has been settled.

Now, sir, I do not believe in this attempt to postpone this case, so that men who have been charged before this country for the reason that they made a report which they believed to be just shall be prevented at this late day of the session expressing themselves and have no opportunity of being heard before the Senate and before the country. I demand that we shall be heard. I do not make that demand in any spirit except that which is guided and governed by the rules of the Senate in cases of a similar character; but just at the time when a Senator has notified the Senate that he is under obligation to leave the Senate Chamber within, perhaps, forty-eight hours this attempt is made to prevent this case from coming before the Senate.

Sir, I am ready to meet this charge that has been made against Senators here on legal grounds and on the grounds of the evidence that has been furnished to the Senate, and I challenge gentlemen to the controversy, and we will see whether or not we have maintained ourselves under the law and the rules of the Senate and the evidence that has been produced. I ask the gentlemen who desire a postponement—for what reason I do not know—to let this case come before the Senate and before the country, and let us see who has been guided by the law and by the evidence; or if anybody has been guided by any other motive than that which is to do justice in the premises, let it demonstrate itself. Now, sir, I ask that this case shall not be postponed, but that it may be discussed and decided by the Senate.

Mr. PUGH. Mr. President, I was informed that it was the wish of the Senator from Iowa who has charge of the sundry civil appropriation bill to get it before the Senate, and that he would yield to me to make a motion to lay aside the bill temporarily and take up the reports that I have mentioned. I am very much surprised that there is any opposition to having these reports placed before the Senate for consideration, and that they should be the order of business.

Mr. HOAR. Why should not the Payne case be now here in its own right in regular order, so as not to stand with any single Senator in this whole body having a right to come down upon it and thrust it out? It seems to me that the true way is to move to proceed with this highly privileged question.

Mr. ALLISON. Mr. President, I moved to take up the sundry civil bill with the understanding and expectation that it would be informally laid aside for the purpose of allowing the Senator from Illinois [Mr. LOGAN], who I understand desired to go away to-morrow morning, to address the Senate. That was my understanding. Now it seems that it is the desire of the Senator from Illinois and other Senators that this case shall be taken up and disposed of.

Mr. LOGAN. Yes, sir; that is my desire.

Mr. ALLISON. Of course I do not object to that if it can be disposed of in any reasonable time.

Mr. HOAR. Disposed of to-morrow.

Mr. LOGAN. I do not mean to dispose of it to-night; I mean to take it up.

Mr. ALLISON. I understood that the Senator did not desire to go on this evening, and I supposed we could make considerable progress with the appropriation bill to-night, and that to-morrow a motion would be made to informally lay it aside. I am perfectly willing that the election case should be disposed of, but Senators will readily see that if this case be interposed and occupy any very considerable length of time it will greatly inconvenience Senators in reference to the appropriation bills. That is all I desire to say about it.

Mr. PUGH. I have a reasonable expectation that it will be disposed of to-morrow and not take longer than that.

Mr. HARRISON. May I ask the Senator from Alabama a question? Is it his intention to proceed with the matter that he has now called up to-night?

Mr. PUGH. Certainly.

Mr. HARRISON. If so, I see no objection to going on with it.

Mr. ALLISON. I hope we shall have an understanding that this matter will be concluded to-morrow.

Mr. HOAR. I desire to say that there are nine members of the Committee on Privileges and Elections, and I have been informed as to six of those members that they desire to speak on this question, counting myself as one of the six. I have been informed that one other member of the Senate desires to speak, and it is desirable to have the reports read. It seems to me, therefore, that probably it would occupy, in addition to reading the reports if we can do that to-night, all of to-morrow. I have no choice whether the reports are read to-night, but I suppose it would be more convenient to the Senator from Illinois to have that done to-night, so that he may have the way clear to-morrow if he wishes to get away to-morrow night.

Mr. LOGAN. No, I do not want to put it on the ground of the Senator from Illinois. I want it put on the ground of the right of the case, because the Senator from Illinois is going to remain here if this case is taken up until it is disposed of unless——

Mr. HOAR. I was speaking only of the question of reading the reports.

Mr. LOGAN. I will correct that. I said until it is disposed of. I mean by that if it is disposed of in any reasonable time. I expect to leave here to-morrow, but I shall not do so, and shall postpone going until the next day. We can certainly get through with it to-morrow if it is taken up.

Mr. HOAR. It seems to me if we read these reports to-night——

Mr. COCKRELL and others. That is right.

Mr. HOAR. And then we can go on.

Mr. CULLOM. The reports are on our table. Why take up the time of the Senate in reading the reports in full?

Mr. PUGH. We can have the three reports read this evening, and I suppose that would take us to the hour at which we usually adjourn, and the debate can take place to-morrow. So far as I am concerned I do not believe it will take longer than to-morrow to reach a final vote.

Mr. FRYE. I should like to inquire what the Senator means by reports. Does he mean all the testimony and everything of that kind?

Mr. PUGH. No, sir; only the three reports signed by members of the committee. We can not take up time to read the exhibits.

Mr. HALE. Let me make a suggestion to the Senator, that he ask unanimous consent, or I will, that the reports be printed in the RECORD of to-morrow and dispense with the reading of them. If we start in now with an agreement that the reports shall be read and nothing else done to-night there will be a general emptying of the Senate. Nobody will stay here to hear the reports read, the time will be consumed, nobody will get any benefit from it; and it is much better if there is anything to be said upon the case as it is going on, and there are before the Senate nine speeches, to begin to-night. Otherwise the Senate may just as well know and realize that with this matter started out and launched on the sea of general debate the whole of this week will be taken up by this case. Therefore let the reports go into the RECORD and let the discussion begin to-night. I ask unanimous consent——

Mr. PUGH. I have no authority to make any such arrangement.

Mr. HALE. I will ask unanimous consent.

Mr. VOORHEES. To what extent did the Senator from Maine intend that discussion should proceed to-night?

Mr. HALE. I ask unanimous consent, first, that the reports presented by the different members of the committee, three in all, be printed, without the testimony, in the RECORD of to-morrow morning.

Mr. VOORHEES. To that I think there will be no objection.

Mr. HALE. I presume there will not be any.

Mr. VOORHEES. Now as to the next proposition for the debate to-night, what was that?

Mr. HALE. That the Senator from Alabama, who has charge of the matter, must take care of it.

Mr. VOORHEES. I thought the Senator had made a proposition about to-night.

Mr. HALE. Let this proposition be settled first, so that we get the reports out of the way.

Mr. VOORHEES. Very well.

Mr. HALE. That will save an hour.

Mr. HOAR. I do not see why the reports need be read in full. I think the suggestion of the Senator from Maine is a wise one.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent of the Senate that the three reports made by members of the Committee on Privileges and Elections in this matter be printed in the RECORD.

Mr. EDMUNDS. And that the reading be dispensed with.

The PRESIDENT *pro tempore*. And that the reading be dispensed with. Is there objection? The Chair hears none.

Mr. HOAR. Now I wish to make a request for another unanimous consent in connection with that. I made to the committee a report upon a document referred to the Senate by the Ohio house of representatives, which was in writing. That report is referred to by the Senator from Alabama, and he supposed it would be printed with the minority report; I supposed that it would be printed with my remarks when I came to make them in the Senate; but it will be more convenient undoubtedly to all the members who have not got a copy of this in their possession to have it printed. I ask leave that this paper may be appended to my report—may follow it.

Mr. EDMUNDS. In the printing in the RECORD?

Mr. HOAR. In the RECORD.

Mr. LOGAN. I desire to make an inquiry.

Mr. HOAR. Let this be settled first.

Mr. LOGAN. There is no objection to that.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will please repeat his request.

Mr. HOAR. I request that the document which I hold in my hand, which is a report made by me to the Committee on Privileges and Elections in regard to the testimony furnished by the Ohio Legislature, may be appended to the minority report signed by myself and the Senator from Maine [Mr. FRYE], may follow that in the RECORD.

The PRESIDENT *pro tempore*. Is there objection to the request made by the Senator from Massachusetts that the paper referred to by him may be added as part of his minority report?

Mr. SAULSBURY. That is nothing but the report made to the committee?

Mr. HOAR. The report I read to the committee.

The PRESIDENT *pro tempore*. There being no objection, that order will be made.

Mr. LOGAN. Now, when consent is given that the reports be printed in the RECORD, I want it understood by the persons who print the RECORD what "the reports" are, what is meant by "the reports." I presume it does not mean that all the matter that has been thown in there which does not belong to a report at all, unsigned, is to be printed, but merely the reports signed by the different Senators.

The PRESIDENT *pro tempore*. The Chair understood it to be only that part of this document which is signed by respective members of the committee.

Mr. LOGAN. That is what I wanted understood.

Mr. HOAR. It seems to me that a document referred to, though not signed, which is made an appendix and part of the report, should be printed with it. It is part of the case.

Mr. TELLER. It is on the table of every Senator.

Mr. LOGAN. The objection to that is that it is composed of speeches made before the committee, and I do not know that the Government necessarily is required to pay for the printing of speeches of gentlemen made before the committee to go into the RECORD and put in as part of this report, when it is no part of the report at all, and is merely thrown in as a kind of makeweight. The reason I asked the question was that the reports should be printed and not the mass of matter that is thrown in at the tail end, having no connection with the report whatever.

The PRESIDENT *pro tempore*. The Chair can not construe the order except in the way he has done.

Mr. EVARTS. I understood the original motion and the agreement was that the three reports down to the signatures, with the signatures, should be printed and nothing more. Now the chairman has asked that a certain memorandum, which is referred to in the report of the Senator from Alabama [Mr. PUGH], may be appended as a part of his. To that I think there is no objection. That, I believe, is all. I think that is understood.

Mr. HOAR. There has been no such qualifications as that referred to by the Senator from New York.

Mr. EVARTS. I so understood it to be made at the time.

Mr. HOAR. I do not deny that the Senator so understood it. I only say that it was not so stated by the Chair, and no such qualification has been made anywhere in any unanimous consent that I have heard.

Mr. HARRIS. Will the Senator from Massachusetts allow me to call his attention to the fact that either the Senator from Alabama asked the Senator from Maine, or the Senator from Maine asked the Senator from Alabama to what extent this proposition to print would go, and the answer was distinctly made, "the reports down to and including the names of the signers."

Mr. HOAR. I did not hear that. It may be so. Then the Senator from New York is right.

Mr. TELLER. There was a limit to the order of the Senate; and it was to print the reports and only the reports. The reports consist simply of what has been signed and not what somebody may have added. There is much stuff added here that never ought to have been added to any public document. It may be possible that the Senate wants to print a great lot of newspaper clippings. That could not have been the suggestion, even if it had not been confined to the documents signed. The order of the Senate itself is confined to those.

Mr. HOAR. I understand that when a report is submitted to the Senate with exhibits or appendices, with papers marked A or B, they are a part of the report, and that it is not customary to put the signature at the bottom of those papers. The signature is put at the bottom of the report proper in every election case, and in almost every report that is made to the Senate, in every case of a claim, the committee sign the report, and the documents which they refer to in the report come in and are printed as a part of it as a matter of course.

Now, if one reason among others for ordering an inquiry into a public question is the unanimous opinion of the press of a great State, I differ with the honorable Senator from Colorado in thinking that that should not be brought to the attention of the Senate. I think it is a very pregnant and important fact. That we will debate before we get through.

I wish to say, however, that it does not seem to me, as this has been printed in this document which is on every Senator's table, that it is a question of the smallest earthly consequence whether this addenda be or be not printed in the RECORD, and therefore if any single Senator states, as the Senator from New York has stated and as one Senator on the other side of the Chamber has, that they understood the unanimous consent to apply only to the part of the report which is signed, I hope it will go so and be so printed and understood without any further question.

Mr. HALE. That is the better way.

The PRESIDENT *pro tempore*. The Chair understood distinctly that the order applied to the reports signed by members.

Mr. PUGH. The paper submitted by the Senator from Massachusetts is referred to in the report signed by four members of the majority as having been copied in the minority report, and I desire the report made by the chairman to the committee to become a part of the minority report and to be printed in the RECORD.

Mr. EDMUNDS. That has been agreed to.

The PRESIDENT *pro tempore*. There is no question before the Senate except the report of the committee.

The reports of the Committee on Privileges and Elections ordered to be printed in the RECORD are as follows:

Mr. PUGH, from the Committee on Privileges and Elections, submitted the following report:

The Committee on Privileges and Elections, to whom were referred the resolutions of the senate and of the house of representatives of the General Assembly of the State of Ohio, asking an investigation into the charges affecting the election of Hon. HENRY B. PAYNE as a Senator from that State, report:

(1) On April 27, 1886, the Senate referred to your committee—

"The testimony taken before the select committee of the house of representatives of Ohio, and the report of said committee, as to charges against the official integrity and character of certain members of said house of representatives, in connection with the election of Hon. HENRY B. PAYNE as United States Senator."

(2) On May 20, 1886, the Senate also referred to your committee the following copy of the resolutions of the house of representatives of the State of Ohio in respect to the election of Hon. HENRY B. PAYNE as a Senator from that State, namely:

"Whereas it is the precedent in the United States Senate that charges of bribery must be directly made to warrant a committee of said body in proceeding to investigate the title of any United States Senator to his seat: Therefore,

"*Be it resolved by the house of representatives of Ohio*, That in the investigation made under house resolution No. 28 ample testimony was adduced to warrant the belief that the charges heretofore made by the Democratic press of Ohio are true, to wit, that the seat of HENRY B. PAYNE in the United States Senate was purchased by the corrupt use of money; and

"*Further resolved*, That the honor of Ohio demands, and this house of representatives request, that the said title of HENRY B. PAYNE to a seat in the United States Senate be rigidly investigated by said Senate."

(3) The Senate also referred to your committee the following resolution of the senate of Ohio:

"Whereas by common report, suggested and corroborated by the public press of the State without respect to party, and by a recent investigation of the house of representatives, the title of HENRY B. PAYNE to a seat in the United States Senate is vitiated by corrupt practices and the corrupt use of money in procuring his election; and

"Whereas it is deemed expedient, in order to secure a thorough investigation of his said election as Senator by the United States Senate, that the belief of the General Assembly in this regard be formulated in a specific charge: Therefore,

"*Be it resolved*, That in the opinion of the General Assembly, and it so charges, the election of HENRY B. PAYNE as Senator of the United States from Ohio in January, 1884, was procured and brought about by the corrupt use of money paid to or for the benefit of divers and sundry members of the Sixty-sixth General Assembly of Ohio, and by other corrupt means and practices, a more particular statement of which can not now be given.

"*Resolved*, That the Senate of the United States be, and the same is hereby, requested to make a full investigation into the facts of such election, so far as pertains to corrupt means used in that behalf."

(4) The Senate also referred to your committee the following resolutions of the Republican State central committee of Ohio:

REPUBLICAN STATE COMMITTEE ROOMS,
Columbus, Ohio, May 5, 1886.

Whereas it has been shown to our satisfaction by the testimony taken by the committee of the Ohio house of representatives, under house resolution No. 28, and from other sources so strongly as to induce us to believe and charge that the election of HENRY B. PAYNE to the Senate of the United States was secured by bribery, fraud, and corruption; and

Whereas the testimony so taken has been by the house of representatives reported to the Senate of the United States for such action as that body may see fit to take on account thereof; and

Whereas the facts so established reflect upon the good name of the State of Ohio, and affect in morals, as well as in law, the validity of the title of Mr. PAYNE to his seat in the Senate: Now, therefore,

Be it resolved by the Republican central committee of Ohio, That in the name of all honest people in the State of Ohio, and for the credit of the hitherto unsullied name and reputation of our State, the Senate of the United States be, and hereby is, respectfully requested to prosecute such investigation into the matters suggested by said report, and the charges herein preferred, and to take such action thereon as may be necessary to relieve our State from the disgrace which it now rests under, and to do equity and justice to all concerned; and

Resolved further, That the chairman of this committee is directed to forward an authenticated copy of this resolution to Hon. GEORGE F. HOAR, chairman of the Committee on Privileges and Elections of the United States Senate.

We hereby certify the foregoing to be a true copy of the preamble and resolution adopted by the Republican State central committee of Ohio, at a regular meeting held in the city of Columbus, Ohio, this 5th day of May, 1886.

JAS. E. LOWRY, *Chairman*.

JOSHUA K. BROWN, *Secretary*.

The testimony given before the select committee of the house of representatives of Ohio was taken under the authority of the following resolution adopted by the house January 13, 1886:

"Whereas the Cincinnati Commercial-Gazette of January 12, 1886, contains a printed statement, on the authority of S. W. Donavin, alleging grave charges against the official integrity and characters of members of this house, namely, Hon. D. Baker, Hon. P. Hunt, Hon. W. A. Schultz, and Hon. Mr. Ziegler, so definite and precise in statement as to call for immediate action in order to vindicate the reputation of members of this house: Therefore,

"*Resolved*, That a select committee of five be appointed to inquire into all the facts of the charges so alleged, and report their conclusions to this house at as early a date as possible; and in the prosecution of this inquiry said select committee are empowered to send for persons and papers and to examine witnesses under oath."

The extent and character of the investigation made by the select committee, under the above house resolution, is described by the select committee in their report as follows:

"Although but four persons, and they members of the present house, are named in the resolution, and the committee is required by its terms to investigate and report concerning them only, it was found necessary to extend the inquiry beyond this limit, in order to gain something like a comprehensive view of the situation pertaining to said election."

* * * * * * *

"Whenever our attention was called to anything which indicated the probable employment of improper means to gain support, we followed the clews presented, on the theory that we were not only authorized, but in duty bound, to pursue any matter that promised, even remotely, to show the use of such means in connection with the election, because the discovery of one important fact, although having no immediate bearing upon the charge against the person named in the resolution, might lead to the discovery of facts having such bearing. And furthermore, and upon the same theory, our inquiries were not confined to the technical rules of legal proof, but the committee availed itself of any source of information—admitted hearsay statements, and even the opinions of witnesses. But we consider in making this report no facts should be stated which are not sustained by testimony upon which a legislative body might base further action."

* * * * * * *

The conclusion reached by the select committee after the examination of the fifty-five witnesses, is also stated in their report as follows:

"Although, as stated in the outset, the testimony developed nothing of an inculpating character concerning the members of this house named in the resolution of inquiry, we believe that circumstances surrounding the election of HENRY B. PAYNE, as one of the Senators to represent the State of Ohio in the Congress of the United States, as presented by the testimony, are such as to warrant us in recommending that an authenticated copy of the testimony and report be transmitted to the President of the United States Senate for the information of the body of which Senator PAYNE is a member, and for such action as it may deem advisable."

Upon the presentation of the above report the house of representatives of Ohio adopted the following resolution, on the 16th of April, 1886:

"*Resolved by the house of representatives of the Sixty-seventh General Assembly of the State of Ohio*, That the clerk of the house be, and he is hereby, directed to transmit a copy, duly authenticated, of the testimony taken by the select committee appointed in pursuance of house resolution No. 28, and of the report of said committee, to the President of the United States Senate, to be by him presented to that body."

The testimony taken by the select committee is contained in Senate Miscellaneous Document No. 106. It is not denied that the investigation was had, and the testimony taken in secret session of the select committee with closed doors, and that the house of representatives refused to print the testimony. If any examination was made of the testimony by the members of the house, except those on the select committee, no expression of any opinion, conclusion, or judgment thereon was made by the house, by resolution or otherwise, and it was resolved by the house, in accordance with the recommendations of the select committee, to transmit the testimony to the Senate for its consideration and action without the formulation of any charge.

On May, 18, 1886, over a month after the adoption of the resolution directing the transmission of the testimony without any conclusions thereon, and requesting nothing but the consideration of the Senate and such action as it thought proper, the same house of representatives, composed of the same members, after reciting that—

"Whereas it is the precedent in the United States Senate that charges of bribery must be directly made to warrant a committee of said body in proceeding to investigate the title of any United States Senator to his seat:

"*Resolved*, That in the investigation made under house resolution No. 28 ample testimony was adduced to warrant the belief that the charges heretofore made by the Democratic press of Ohio, that the seat of HENRY B. PAYNE in the United States Senate was purchased by the corrupt use of money, are true."

The select committee who had confronted and examined the fifty-five witnesses failed to discover that the testimony was "ample" or strong enough to create the "belief" that any such charges were true; and all the committee could say, and all the house could concur in saying, on the testimony, when it was fresh in their recollection (if it had ever been read by any member), was, "we believe that circumstances surrounding the election of HENRY B. PAYNE as United States Senator, as presented by the testimony, are such as to warrant us in transmitting to the Senate an authenticated copy of the testimony, without recommendation, or the expression of any opinion or belief as to what the testimony established.

The charge made by the house for the first time on the 18th of May, 1886, nearly two years and a half after the election of Senator PAYNE, that his seat was purchased by the corrupt use of money, is founded expressly and solely on the testimony taken under house resolution No. 28.

The resolution of the senate of Ohio adopted on May 14, 1886, states:

"That in the opinion of the General Assembly, and it [the General Assembly] so charges, the election of HENRY B. PAYNE as Senator of the United States from Ohio, in January, 1884, was procured and brought about by the corrupt use of money paid to or for the benefit of divers and sundry members of the Sixty-sixth General Assemby of Ohio, and by other corrupt means and practices, a more particular statement of which can not now be given."

The above resolution was not a "joint," but a "senate," resolution, although it undertakes to express the opinion of the General Assembly of Ohio four days prior to the passage by the house of its own resolution on the same subject. The resolution of the Ohio senate is based expressly and solely on "common report suggested and corroborated by the public press of the State without respect to party, and by a recent investigation of the house of representatives." It nowhere appears that the testimony taken by the select committee of the House was ever reported to the Senate, or otherwise subjected to its examination.

The Republican State central committee of Ohio, at a regular meeting held in the city of Columbus on the 5th day of May, 1886, preferred the charge "that the election of HENRY B. PAYNE to the Senate of the United States was secured by bribery, fraud, and corruption," and such charge is made on "the testimony taken by the committee of the Ohio house of representatives under house resolution No. 28, and from other sources."

Your committee are fully aware of the transcendent importance of throwing around the Senate of the United States the highest safeguards against seating or allowing any man to occupy a seat in that body whose title thereto was procured by bribery, fraud, or corruption. It is an undeniable public fact, causing general and serious apprehension among patriotic and thoughtful people, that in all representative governments founded on popular suffrage the indiscriminate and frequently the corrupt use of money by political parties, without exception, and their candidates, has become one of the most powerful and dangerous instrumentalities in elections. In the United States especially the power inseparable from great wealth in the hands of individuals and corporations has been, and we fear will always be, improperly and often corruptly exerted to produce successful results in elections. All parties invite, and as a rule demand, the contribution of money to control elections, and its influence has been found to be so potential that its use is generally accepted by public opinion as being indispensable and permissible to insure the success of parties and their candidates.

The charge in the case before us is made by the two houses of the General Assembly of Ohio, acting separately, and by the Republican State central committee of Ohio, that HENRY B. PAYNE obtained the seat he now occupies in the Senate of the United States by the corrupt use of money, or, to be more specific, by bribery of members of the Legislature. The gravity of the charge and the respectability and responsibility of those who make it are conceded, and your committee are deeply sensible of the obligation they are under to examine and decide the question referred to them as one of momentous public importance.

It is manifest that the charge as it comes to the Senate has its origin and support in the testimony taken by the Ohio house, under resolution No. 28, and forwarded to the Senate and printed in Miscellaneous Document No. 106.

It is equally manifest to a majority of your committee that no consideration of duty, law, justice, public policy, or propriety requires the Senate to authorize an examination into the title of a Senator to his seat upon the naked charge of the Legislature of his State that his election was procured by bribery of the members by whom he was elected, without informing the Senate of any fact or evidence or witness to establish or create reasonable ground to support the charge.

It would be unprecedented and inexplicable if any Legislature were to make such a grave charge without any preliminary examination into its truth or justification, and your committee feel constrained to believe that it is absolutely

certain that no such charge will ever be made by any Legislature without an investigation and without evidence to verify the charge; and that it is equally certain that no Legislature would request the Senate to enter upon such examination without furnishing the facts and witnesses to create a reasonable belief that the charge could be established by legal evidence if the Senate were to order an investigation. The sitting member was seated on credentials under the seal of his State showing that he had been legally and regularly elected by the Legislature of his State. These credentials were read in the hearing of the Senate and remained on the files of the Senate sufficient time to allow those who now assail the validity of the election to make their charges and ask for an investigation by the Senate.

The main facts and circumstances to which so much importance has been attached to create belief and excite suspicion that money was corruptly used in the election, and that the Senate should make the investigation, were as public and well known when Senator PAYNE was seated as they are to-day. Why were two years and over allowed to pass without question or action by those who seem now to be so confident and persistent in charging foul play in the election of Senator PAYNE? The Legislature of Ohio exercised its constitutional power of electing HENRY B. PAYNE to the Senate of the United States. The Legislature that elected him had unquestioned jurisdiction of that subject, and when the evidence of that election in the manner prescribed by the law and the Constitution is presented in the credentials under the seal of the State every presumption in favor of the validity of the election must be indulged by the Senate.

But it may be, and has been, urged that the two houses, acting separately, of another Legislature of Ohio, send us resolutions, passed in due form, in which the specific charge is made that the members of the Legislature that elected Mr. PAYNE, or some of them, were bribed with money by his friends, and that his election was produced by the corrupt use of money. It must be conceded that the two houses of the Sixty-seventh General Assembly of Ohio had no power or authority over the election or the title of HENRY B. PAYNE as United States Senator. The two houses having no jurisdiction over the subject, it is manifest that as a matter of right or authority they had no more claim upon the consideration of the Senate as to the charge contained in their resolutions than the State Republican central committee. The only difference is in the number and position of the members of the several bodies who present the charge and request an investigation. The Sixty-sixth General Assembly of Ohio had power and jurisdiction to confer upon HENRY B. PAYNE his title as a United States Senator. The only power that exists anywhere to try the validity of that title and to annul it is vested in the Senate of the United States. Would the Senate order an investigation of the title of a Senator to his seat on a charge made by any body of men, whatever might be their dignity or respectability, wholly unsupported and unaccompanied by any fact, evidence, or reason to make out the charge or to create a reasonable belief that the charge can be established and the sitting member deprived of his seat by an investigation?

A majority of your committee are constrained to believe that if such naked, unsupported charges by one man or any number of men could involve the Senate and any Senator in a trial of his right to his seat, such a precedent and practice would become an agency of persecution by the political and personal enemies of any Senator, and seriously impair the independence and standing of the Senate. No expectation was entertained by those who make the charges in the present case that they would receive a moment's consideration if presented without being accompanied by the testimony upon which the charge is founded. Then the question is, has enough proof been adduced to justify the Senate in going into a trial of the right of Senator PAYNE to his seat?

In the case before your committee an investigation was ordered as to charges against four members of the Ohio house of representatives, and although the authority of the select committee was limited to the four inculpated members, yet the select committee enlarged the scope of its examination and explored the whole field of inquiry the Senate is now requested to enter for the discovery of evidence of which your committee has no information upon which they can act, as having any real existence or legality, to make out reasonable ground for belief that the charge can be sustained by authorizing another investigation.

Your committee are of the opinion that to deprive a sitting member of the Senate of his seat, the Senate must be satisfied by legal evidence that he was personally guilty of bribery, or that he was personally connected with the bribery or the corrupt use of money to procure his election, or that he had personal knowledge of such corrupt use of money and personally sanctioned or encouraged such use thereof to insure his election. The legal effect of such personal guilt of the sitting member on his election your committee do not decide, some members being of opinion that whether it extended to the corruption of the majority of the nominating caucus or the majority of the Legislature of the State which secured his election is immaterial on the trial of the validity of his title or on the question of his expulsion, as the single personal act of bribery or other corrupt use of money by the sitting member, as stated, to procure his election, would be sufficient in the opinion of some of us to invalidate the title he claims to have acquired, and would justify his expulsion from the Senate.

Your committee are also of the opinion that, if the evidence fails to show that the sitting member was guilty of the bribery of any member of the caucus or the Legislature, or had any personal knowledge or agency in the bribery, or the corrupt use of money to secure his election, then the Senate must be satisfied by legal evidence that a sufficient number of the members of the Legislature were bribed by the friends of the sitting member to secure the votes of enough members of the Legislature to insure his election, and that without the votes thus corruptly obtained the sitting member would not have been declared elected.

It is conceded that the Democrats had a majority in the Sixty-sixth General Assembly of Ohio of thirty-six members, and that HENRY B. PAYNE was the only Democrat voted for by the members of the Legislature when he was elected to the Senate.

The charge was preferred against HENRY B. PAYNE by the senate and house acting separately in the Sixty-seventh Legislature of Ohio, which was a different Legislature from that which elected HENRY B. PAYNE, and was composed at the time the charges were made of a majority of Republicans in each house.

It is also conceded that prior to the day when the law required the Sixty-sixth General Assembly of Ohio to vote for the election of a United States Senator a caucus of the Democratic members of the Legislature was held to nominate some person for whom the Democratic members were to vote in the General Assembly, and in such caucus HENRY B. PAYNE received 46 votes, Durbin Ward received 17, and George H. Pendleton received 15 votes; and that Mr. PAYNE having received over a majority of the 79 Democrats in the caucus, he was declared nominated. The charge is that money was corruptly used by being paid to or for the use of divers members of the caucus to secure their votes, in the caucus, for Mr. PAYNE's nomination.

When your committee met to consider the matter referred to them, the first act of the committee was to comply fully with the first request of the Ohio house, and that was to make an examination of all the testimony taken by the select committee of the Ohio house of representatives under its resolution No. 28, the report of that select committee being all that was then before your committee. After several days' examination of the testimony the chairman of your committee, at our next meeting, made his report as copied in the minority report, which is, in effect, after careful reading of the testimony contained in Mis. Doc. No. 106, no evidence, opinion, or statement whatever was found personally inculpating HENRY B. PAYNE in any way in any bribery or the corrupt use of money in his election to the Senate. Neither did such examination show that enough had been found in the testimony to justify the charge that the election of Mr. PAYNE was procured by the corrupt use of money, or that there was anything in the testimony taken under the Ohio house resolution No. 28 to justify your committee in reporting in favor of a further investigation by the Senate. On the contrary, it was agreed that the testimony was insufficient to support the charge and insufficient to justify the committee in reporting to the Senate that the title of Senator PAYNE to his seat ought to be investigated. This action met the entire demand first made by the Ohio house of representatives.

About the time that your committee considered its labors terminated, the supplemental resolutions of the two houses of the Ohio Legislature and of the Republican State central committee made their appearance in the Senate and were referred to your committee, and soon after this last reference a request was made by Hon. Mr. LITTLE, an able and distinguished lawyer and Representative of Ohio in Congress, that he be permitted to appear in person before your committee in behalf of the State Republican central committee to make known to your committee by argument and evidence that the title of Senator PAYNE to his seat in the Senate ought to be investigated. Permission was granted and full time allowed for the hearing of Mr. LITTLE. Then came another request from Hon. Mr. BUTTERWORTH, another able and distinguished lawyer and Representative from Ohio in Congress, that he be permitted to appear before your committee for the same purpose, which was granted, and full time given for the hearing of Mr. BUTTERWORTH. These distinguished Representatives explored all the sources of information that promised any supply of fact, argument, or speculation, whether the evidence was legal or mere rumor, or hearsay, found in the report of the special committee or elsewhere, to convince your committee that another investigation of the right of Senator PAYNE to his seat should be authorized by the Senate.

The able and plausible arguments of Mr. LITTLE and Mr. BUTTERWORTH were founded confessedly and almost entirely upon the evidence taken by the select committee of the Ohio house of representatives, which had been pronounced by the select committee itself as wholly insufficient to establish in the least degree any charge that had been made against the four members of the Ohio house named by the correspondent of the Cincinnati Commercial-Gazette, and which your committee had also decided was insufficient to support the charges preferred by the two houses of the Ohio Legislature on that testimony, notwithstanding the confident opinion expressed in their supplemental resolution that the testimony taken by their select committee was "ample" to establish the charge as to how Senator PAYNE's election was procured.

A majority of your committee report that the testimony taken by the select committee, under resolution No. 28, was not supplemented or strengthened by any additional legal evidence, and no new information, not contained in Miscellaneous Document No. 106, was brought to the attention of your committee that any court would not hold to be merely cumulative and speculative and of like character with that taken by the select committee of the Ohio house, and insufficient by itself, or in connection with the other testimony, and all treated as true, just as it might be shown to be if another investigation were ordered by the Senate, to justify your committee in reporting in favor of directing a trial by the Senate of the right of Mr. PAYNE to his seat.

Your committee having made a protracted and exhaustive examination of the matters referred to them, report.

First. That HENRY B. PAYNE has not been charged with having anything to do personally, or with having any personal knowledge of, connection with, or participation in any act, or anything that may have been done, or charged as having been done, that was wrong, criminal, immoral, or reprehensible in his election; that no member of your committee, and no witness, representative, or other person, has expressed the opinion or intimated any belief or suspicion that HENRY B. PAYNE is or was connected in the remotest degree, by act or knowledge, with anything that was or may have been wrong, or criminal, or immoral in his election.

Second. A majority of your committee report that on the whole case as presented to them they recommend that the Senate make no further investigation of the charge involving the right of HENRY B. PAYNE to his seat.

Your committee ask to be discharged from further consideration of the matters referred to them, and that the whole subject be indefinitely postponed.

JAMES L. PUGH.
ELI SAULSBURY.
Z. B. VANCE.
J. B. EUSTIS.

VIEWS OF MR. TELLER, MR. EVARTS, AND MR. LOGAN.

Upon undisputed facts it appears that of the General Assembly of Ohio, as in session and constituted in January, 1884, each house contained a majority of members of the Democratic party; that at a joint caucus of that party held on Tuesday, January 8, upon the first ballot, votes were cast, for Mr. Booth, 1 vote; for Mr. Pendleton, 15 votes; for Mr. Ward, 17 votes; and for Mr. PAYNE, 46 votes; thus showing a majority in the caucus of 13 for Mr. PAYNE over the united vote of all the other candidates. In regular conduct of the election of Senator by the Legislature, Mr. PAYNE was elected, and his credentials were received by the Senate of the United States at the session of March, 1885, and Mr. PAYNE since then has held, and now holds, a seat as Senator from Ohio in this body. No action was taken by or before the Legislature which elected Mr. PAYNE calling in question the validity of his election or the conduct of the same in the canvass, the caucus, or the Legislature itself.

A new Legislature, as in session and constituted in January in the present year, showed a majority of the General Assembly of the Republican party, and on the 13th day of January the house of representatives adopted the following resolution:

"Whereas the Cincinnati Commercial-Gazette of January 12, 1886, contains a printed statement, on the authority of S. K. Donavin, alleging grave charges against the official integrity and characters of members of this house, namely, Hon. D. Baker, Hon. P. Hunt, Hon. W. A. Schultz, and Hon. Mr. Zeigler, so definite and precise in statement as to call for immediate action in order to vindicate the reputation of members of this House: Therefore,

"*Resolved*, That a select committee of five be appointed to inquire into all the facts of the charges so alleged, and report their conclusions to this House at as early a date as possible; and in the prosecution of this inquiry said select committee are empowered to send for persons and papers, and to examine witnesses under oath."

The select committee commenced the taking of testimony, under this inquiry, on the 20th January, and concluded the same on the 6th April last. Two reports were made to the house, one presented by a majority of 3, and the other by the minority of 2. On April 16 the House adopted the following resolution:

"*Resolved by the house of representatives of the Sixty-seventh General Assembly of the State of Ohio*, That the clerk of the house be, and he is hereby, directed to transmit a copy, duly authenticated, of the testimony taken by the select committee appointed in pursuance of house resolution No. 28, and the report of said committee to the President of the United States Senate, to be by him presented to that body."

The President *pro tempore* of the Senate laid before the Senate the testimony and reports, and the same were referred to the Committee on Privileges and Elections.

The majority report of the committee of the Ohio house presented as their "conclusion" the following statement:

"Although, as stated in the outset, the testimony developed nothing of an inculpating character concerning the members of this house named in the resolu-

tion of inquiry, we believe that circumstances surrounding the election of HENRY B. PAYNE as one of the Senators to represent the State of Ohio in the Congress of the United States, as presented by the testimony, are such as to warrant us in recommending that an authenticated copy of the testimony and report be transmitted to the President of the United States Senate for the information of the body of which Senator PAYNE is a member, and for such action as it may deem advisable."

The minority report presented as their conclusion the following statement:

"The minority of your committee therefore find, in conclusion, that there has been no testimony going to show that any unusual or improper methods were resorted to by any person with any member of the Sixty-sixth General Assembly to induce them to support, or that any member was unduly influenced to support, Hon. HENRY B. PAYNE for either his nomination or election to the United States Senate."

It appears that when the select committee of the Ohio house of representatives was entering upon the inquiry before them the following correspondence took place between Mr. PAYNE and Mr. Cowgill, the chairman of the select committee, and that Mr. PAYNE was never advised by the committee that "any testimony tending to inculpate him in any degree with any questionable transaction" had been received or any opportunity was afforded him of appearing before the committee:

UNITED STATES SENATE,
Washington, D. C., January 22, 1886.

SIR: As one branch of the General Assembly has appointed a special committee, of which you are the chairman, to investigate the conduct of the Democratic caucus which in January, 1884, nominated a candidate for United States Senator, and as the matter is thus raised to the plane of respectability, and placed in charge of intelligent and honorable gentlemen, I propose to give it appropriate attention. For myself, I invite and challenge the most thorough and rigid scrutiny. My private correspondence and books of account will be cheerfully submitted to your inspection if you desire it. I only insist, in case any testimony is given which in the slightest degree inculpates me, I may be afforded an opportunity of appearing before the committee.

I am, very respectfully, your obedient servant,

H. B. PAYNE.

Hon. THOMAS A. COWGILL,
Chairman, Columbus, Ohio.

COLUMBUS, OHIO, *January* 25, 1886.

SIR: I acknowledge the receipt of your favor of the 22d instant, wherein you note the fact that a special committee of the Ohio house of representatives has been appointed to investigate the conduct of the Democratic caucus which in January, 1884, nominated a candidate for United States Senator, and you also declare that you propose to give the investigation appropriate attention.

In reply, I have to say that the resolution to which you refer recites the fact that allegations of bribery, published on authority of S. K. Donavin, are of so grave and positive character as to call for immediate action in order to vindicate the reputation of members of the present General Assembly. It directs the special committee to "inquire into all the facts of the alleged bribery, and report their conclusions thereon to the house."

If in the prosecution of this inquiry any testimony tending to inculpate you in any degree with any questionable transaction be received, I assure you that your request to appear before the committee in such event will be most cordially and fully acceded to.

Very respectfully,

THOMAS A. COWGILL,
Chairman.

Hon. H. B. PAYNE,
United States Senate, Washington, D. C.

Instead of attempting a selection or summary of the testimony transmitted to the Senate by the Ohio house of representatives, for the illustration or support of our views and conclusions as to the proper disposition of the matter referred to the Committee on Privileges and Elections, we have thought it eminently just to accept as the basis of our observations the two careful and intelligent presentations of the testimony to the Ohio house of representatives by the majority and minority reports of the select committee.

Your committee were addressed by two honorable members of the House of Representatives from Ohio, Mr. LITTLE and Mr. BUTTERWORTH, in exposition and enforcement of the testimony, and of the just rules and principles which should govern your committee in their disposition of the matter before them. Subsequently, and while the committee was deliberating upon the case, as submitted to them, these honorable gentlemen placed before your committee certain suggestions in the nature of corroborative or cumulative evidence, which we append, with the majority and minority reports to which we have referred, to accompany our report. These supplementary suggestions we have justly given this prominence to, as indicating in nature, if not in substance, what might be shown in testimony if an investigation should be entered upon by the Senate.

The only constitutional rights, powers, and duties which can sustain, or properly induce, an investigation such as is presented for the consideration of the Senate by the honorable house of representatives of the State of Ohio, arise from two separate and independent clauses of the Constitution:

By the first clause of section 5 of Article I of the Constitution each House of Congress is made "the judge of the elections, returns, and qualifications of its own members."

By the second clause of the same section each House may, "with the concurrence of two-thirds, expel a member."

As these two ends alone limit the basis and object of any investigation proposed, either for invalidating the election of a Senator or expelling from the Senate a duly elected and qualified member of it, a scrutiny of the grounds, in fact, upon which such action is demanded, in any case arising, from the Senate, requires an ascertainment whether the scope of the proposition and the testimony, presented or reasonably assured, would justify the ultimate action of the Senate under one or the other of these clauses of the Constitution. We do not understand that the house of representatives of Ohio presents any case upon the testimony taken or imagined to be accessible to any investigation by the Senate, or upon any allegation of the existence of facts suspected, though not probable, as would affect Mr. PAYNE with such personal delinquency or turpitude as would invite or tolerate his expulsion from the Senate for his participation in the transaction which resulted in his election. The examination of the testimony suggests no support for such an imputation, and the course of the select committee in not giving Mr. PAYNE an opportunity to be heard before them precludes any intimation that such a notion was entertained for a moment by that committee or the Ohio house of representatives.

We do not understand that any member of the Committee on Privileges and Elections has harbored or expressed the idea that the testimony taken, or suggested as accessible or possible, touches the subject of this personal inculpation of Mr. PAYNE. We shall, therefore, confine our further discussion of the matter, as presented for the investigation or action of the Senate, to the question arising upon the validity of Mr. PAYNE's election and the declaration of his seat in the Senate vacant for such cause.

It is, no doubt, supposable that an election may be vitiated by fraud, corruption, and bribery without the member unseated being accused even of personal participation in the fraud, corruption, or bribery, by which his election was compassed. If the election is thus vitiated, the member's seat can not be saved by his personal exculpation and vindication. The integrity of the election, and not of the member, is in question under this clause of the Constitution.

But, on the same reason, the investigation, which now deals with the election as vitiated, and not the member as innocent, must reach the proof that the fraud, corruption, or bribery embraces enough in number of the voting electors to have changed, by these methods, the result of the election. If these corrupted votes gave the innocent member his seat, the deprivation of these corrupted votes vacates his seat, however innocent he is. But, if the uncorrupted votes were adequate to his election, and he is purged from complicity in the fraud, corruption, or bribery, his seat is not exposed to any question of validity in the election.

Upon a reference to the testimony presented by the Ohio house of representatives, and sifted and emphasized by the select committee's majority and minority reports, we are able to ascertain the number of members of the General Assembly of Ohio that have been brought into inculpation, the degree and weight of evidence affecting each of them, and the conclusions of these two committees as to what had been proved, or could be expected to be proved, as bearing upon each of these members.

As to four members, namely, Messrs. Baker, Hunt, Schultz, and Ziegler, being the members of the house of representatives of 1886 upon charges against whom the general investigations were set on foot, we find the committee, by the majority report, declare that "the testimony developed nothing of an inculpating character concerning the members of this house named in the resolution of inquiry." The minority report express their conclusions to the same effect, as follows:

"That there has been absolutely nothing found in any way compromising the four members charged, and they are wholly exonerated from the charges made, and stand to-day without the shadow of a suspicion attaching to them in regard to conduct unbecoming members of this house."

As to two members of the house, namely, Mr. Kahle and Mr. Hull, the majority report names them as "two instances in which attempted bribery in the Senatorial canvass was reported by members of the Sixty-sixth General Assembly," and sets forth, as the report expresses it, "the testimony taken as to what those members reported" "in brief." Both Mr. Kahle and Mr. Hull were active and earnest supporters of Mr. Pendleton in the canvass, and so continued to the end, voting for Mr. Pendleton in the caucus and in the Legislature. The evidence respecting these two members, as given or commented upon by the majority and minority reports, we refer to, conformably to our declared purpose, without attempting any observations of our own upon the testimony. For the immediate consideration now presented, it is sufficient to say, that no diversion from Mr. Pendleton's support to Mr. PAYNE's was effected as to these two electors.

The select committee names in the majority report two senators and two representatives, and speaks of them as follows:

"Rumors as to suspected bribery with which were connected the names of Messrs. Mooney and Roche, members of the house, and Messrs. White and Ramey, members of the senate, of the Sixty-sixth General Assembly, all of whom voted in caucus for HENRY B. PAYNE for United States Senator, were traced by the committee until developments, which were regarded as important, were reached, as follows"—

Giving the testimony bearing upon each, as viewed by the majority of the committee. The minority report takes up the case of each of these members, and comments upon the evidence which it adduces from the testimony, and declares as to each of them that the testimony justifies no imputation upon any one of them. We again, without any observations of our own on the evidence, refer to the majority and minority reports on this topic.

It is proper that we should call the attention of the Senate to the very explicit and candid statement of the majority report, as to the reach and scope which were given to the investigation, and of the distinction drawn between the testimony at large and the report itself, as the latter containing "no facts" "which are not sustained by testimony upon which a legislative body might base further action." This report says:

"Whenever our attention was called to anything which indicated the probable employment of improper means to gain support, we followed the clews presented, on the theory that we were not only authorized but in duty bouud to pursue any matter that promised even remotely to show the use of such means in connection with the election, because the discovery of one important fact, although having no immediate bearing upon the charge against the persons named in the resolution, might lead to the discovery of facts having such bearing. And furthermore, and upon the same theory, our inquiries were not confined to the technical rules of legal proof, but the committee availed itself of any source of information—admitted hearsay statements, and even the opinion of witnesses. But we consider that in making this report no facts should be stated which are not sustained by testimony upon which a legislative body might base further action."

The minority report thus speaks of the completeness of the investigation instituted by the committee:

"Your committee, in its anxiety that nothing, however trivial and remote, that might have, either directly or indirectly, any possible bearing on the matter under consideration, have exercised the greatest liberality possible in the taking of testimony, which has extended the scope of its inquiry far beyond the limits that could be given the most liberal construction of the resolution."

As the result of this wide investigation it does not appear that the select committee recommended any action by the Legislature looking to a further investigation, or to the incrimination or punishment in the courts of law of any persons named in the report, nor that the Legislature itself has proposed any action in such directions or either of them. Indeed, the whole recommendation of the committee to the House of Representatives is in these words:

"That an authenticated copy of the testimony and report be transmitted to the President of the United States Senate for the information of the body of which Senator PAYNE is a member, and for such action as it may deem advisable."

In pursuance of this recommendation the house of representatives communicated to the Senate the testimony taken and the reports of the committee, which are before the Committee on Privileges and Elections. The only action taken by either house of the General Assembly of Ohio since, that has been brought to the attention of the Senate or of its committee, is shown in a resolution of the senate of Ohio, and one of the house of representatives, as follows:

Senatorial election in Ohio.

[Senate resolution—Mr. Hardacre—No. 58.]

Whereas by common report, suggested and corroborated by the public press of the State without respect to party and by a recent investigation of the house of representatives, the title of HENRY B. PAYNE to a seat in the United States Senate is vitiated by corrupt practices and the corrupt use of money in procuring his election; and

Whereas it is deemed expedient, in order to secure a thorough investigation of his said election as Senator by the United States Senate, that the belief of the General Assembly in this regard be formulated in a specific charge: Therefore,

Be it resolved, That in the opinion of the General Assembly, and it so charges, the election of HENRY B. PAYNE as Senator of the United States from Ohio, in January, 1884, was procured and brought about by the corrupt use of money, paid to or for the benefit of divers and sundry members of the Sixty-sixth General

Assembly of Ohio, and by other corrupt means and practices, a more particular statement of which can not now be given.

Resolved, That the Senate of the United States be, and the same is hereby, requested to make a full investigation into the facts of such election so far as pertains to corrupt means used in that behalf.

Resolved, That the governor be, and is hereby, requested to forward a copy thereof to the President of the Senate of the United States.

I hereby certify that the foregoing is a true and correct copy of said resolution, as the same appears upon the senate journal of Friday, May 14, 1886, after being changed from a "joint" to a "senate" resolution, and adopted by the senate.

C. N. VALLANDIGHAM,
Clerk Ohio Senate.

[H. R. No. 89.—Mr. Brumback.]

Whereas it is the precedent in the United States Senate that charges of bribery must be directly made to warrant a committee of said body in proceeding to investigate the title of any United States Senator to his seat: Therefore,

Be it resolved by the house of representatives of Ohio, That in the investigation made under house resolution No. 28 ample testimony was adduced to warrant the belief that the charges heretofore made by the Democratic press of Ohio are true, to wit: That the seat of Henry B. Payne in the United States Senate was purchased by the corrupt use of money; and

Further resolved, That the honor of Ohio demands, and this house of representatives requests, that the said title of HENRY B. PAYNE to a seat in the United States Senate be rigidly investigated by said Senate; and

Further resolved, That the governor of Ohio be requested to forward a copy of this resolution to the President of the United States Senate.

IN HOUSE OF REPRESENTATIVES.

Adopted May 18, 1886.
Attest: DAVID LANNING, *Clerk.*

Upon the whole matter as presented, in evidence and argument, to the Committee on Privileges and Elections, we are of opinion that there is no evidence which purports to prove that fraud, corruption, or bribery was employed in the election of Mr. PAYNE affecting the votes, given either in the caucus or in the Legislature, whereby the election was carried by corrupt votes to the effect of his election. Nor, in our opinion, is there any allegation that proof exists or would be forthcoming to the extent that would vitiate the election of Mr. PAYNE by reason of the necessary votes, in caucus or in the Legislature, for his election, having been obtained by fraud, corruption, or bribery.

We are of opinion, therefore, that under the first clause of the fifth section of Article I of the Constitution the testimony and other considerations placed before the Senate do not warrant the Senate in instituting by itself an investigation looking to the unseating of Mr. PAYNE as a member of the Senate.

We have, in our conclusions, made no distinction between the use of fraud, corruption, or bribery in a caucus vote or in the legislative vote for a Senator. Although a caucus, or what proceeds in it, has no constitutional or legal relation to the election of a Senator, yet, by the habit of political parties, the stage of determination as to who is to be elected Senator, and the influences, proper or improper, that produce that determination, is that which precedes and is concluded in the caucus. So far as the question of personal delinquency or turpitude is concerned, no moral distinction should be taken between corrupt proceedings in caucus and those in the Legislature. How far any such distinction would need to be insisted upon, in any case, on the question of unseating a Senator, where he himself was not affected with any personal misconduct or complicity with the misconduct of others, we have no occasion, in the immediate case or present attitude of the subject, to consider or suggest.

At the outset of our observations we stated the limits which properly should control the action of the Senate, under the applicable clauses of the Constitution, and by the same reason the ends which should be proposed in its investigations and to which they should be confined. It is obvious that the province and duty of a State, in its investigations of fraud, corruption, and bribery in an election of Senator, are much more extensive. A State is not confined at all to the question whether the actual election brought in question involves the Senator personally in misconduct, or whether enough votes for him were affected by fraud, corruption, or bribery that would require his seat to be vacated, although himself free from imputation.

The State should execute its laws respecting the purity of Senatorial elections, by the indictment and conviction of a single person who bribes or is bribed, whether the election is affected or not. The State should investigate as well to the end of better laws and surer execution of the laws. The State, too, is charged with the maintenance of "the honor of Ohio," and its vindication rests with its own legislation, its own judiciary, and its own people, but it can not demand this vindication at the hands of the United States Senate, except as that may flow from investigations by that body within the limits of its constitutional powers and duties.

That State has conducted and concluded its investigations into the election of Mr. PAYNE, and has placed the result before the Senate of the United States. It has attempted no further investigations either by the plenary power of its Legislature, or through the functions of the courts of law. If, upon further examinations made by the State, through its Legislature or its courts, a case should be presented for renewed consideration by the Senate, within the rules and principles we have stated as governing the action of the Senate, the further action of the Senate will be governed by what may then appear. As the whole matter now stands before the committee, we concur in its judgment that an investigation should not be instituted by the Senate, and the committee be discharged from the further consideration of the subject, and for the reasons which we have thus given.

H. M. TELLER.
WM. M. EVARTS.
JOHN A. LOGAN.

VIEWS OF MR. HOAR AND MR. FRYE.

The undersigned can not concur with the report of the majority.

The senate and house of representatives of the State of Ohio and the Republican State committee, representing the political party which for much the larger portion of the last thirty years has contained a majority of the voters of that State, have each addressed a memorial to the Senate charging that the election of the sitting member was procured by bribery and corruption and praying the Senate to cause an investigation into said charges. Two gentlemen of high character and position, Messrs. LITTLE and BUTTERWORTH, both now members of the other House from the State of Ohio, the former lately attorney-general of that State, appeared before the committee, declared their personal belief in the truth of the charge, asserted that in their opinion the belief is entertained by a large majority of the people of Ohio of both political parties, and asked to be permitted to lay before the committee evidence to support it. Besides Messrs. LITTLE and BUTTERWORTH eight of the Ohio delegation in the House add their earnest request to the same effect, affirm that the investigation is demanded by a large majority in number and influence of the press of the State, say that additional testimony is in the possession of Messrs. LITTLE and BUTTERWORTH, and express their belief that "if opportunity is offered the charges of the Ohio senate will be sustained by testimony to your full satisfaction."

Before the memorials above referred to were presented, there had been presented to the Senate for its information the evidence taken by a committee of the house of representatives of Ohio, who were directed to investigate charges of corruption in said election against four members of the present house of representatives of Ohio, being the only members of the Legislature who made the election against whom allegations of bribery were made who have been continued in the public service, and the conclusions of the committee upon said evidence. Messrs. LITTLE and BUTTERWORTH also produced certain affidavits and letters stating confessions of persons implicated, and pointing out other sources where evidence would probably be obtained if lawful authority should be given by the Senate to procure it.

We think this presents a case where it is the duty of the Senate to permit the petitioners to present their evidence and to authorize the issue of proper process to aid them in procuring the attendance of witnesses.

The Constitution declares that "each House shall be the judge of the elections, returns, and qualifications of its members." The Senate is the only court which has, or under the Constitution possibly can have, jurisdiction of this question. There can be no trial, inquiry, or adjudication anywhere else to which this inquiry is not totally foreign and immaterial." The courts in Ohio may exercise jurisdiction of the offense of bribery of or by an individual. But the question whether the result of an election of Senator was thereby changed can never be before those courts. Either house of the Legislature may inquire as to the personal turpitude of its own members. But the action which may result from such investigation must be precisely the same, whether other persons also were or were not corrupted, and whether the choice of Senator were or were not affected.

As the Senate is the only court that can properly try this question, so the charge is made, if not in the only way it can be made, yet certainly in the way beyond all others in which it can be made with most authority. The Legislature of Ohio is the representative of the dignity, interest, and honor of the State. It appoints the Senators of the United States, and if a vacancy in the office exists it must fill it. It is supported in this charge by the committee who are, under our political customs, the organ of more than half the voters of the State concerned.

For the Senate to refuse to listen to this complaint so made would, it seems to us, be, and be everywhere taken to be, a declaration that it is indifferent to the question whether its seats are to be in the future the subject of bargain and sale, or may be presented by a few millionaires as a compliment to a friend. No more fatal blow can be struck at the Senate or at the purity and permanence of republican government itself than the establishment of this precedent.

But the case does not rest alone upon the charge and the character of the parties who make it, and who ask to be permitted to produce evidence in its support. If it did, it in our judgment would be enough. It is surely a strange answer to be given by a court to a suitor to say that it has already considered the question and decided the case before it is presented.

But the petitioners adduce strong reasons to show probable cause that they can establish their case. The testimony taken by the committee in Ohio has been referred to us. Our attention has also been called to evidence pointing to a large mass of additional testimony. The committee of the Ohio house had power only to inquire into the conduct of four members of that body. They report that—

"A number of clews furnished were not followed, because we were convinced that they could lead only to points at which further pursuit would become necessary, but which could not be passed without authority to reach beyond the limits of the State for witnesses, and much anonymous information was ignored by the committee chiefly for the same reason."

We have examined the evidence taken by that committee. It does not support the charges as to the four members implicated; it does not connect Mr. PAYNE with the transactions; it does not show that the result was changed or effected by corrupt means. But it does show that Mr. PAYNE'S name was not publicly suggested as a candidate for Senator until after the State election; that it was not very prominently suggested until shortly before his election in January; that many persons who had been supposed to favor Pendleton voted for PAYNE; that there was a widespread belief that corrupt means were used to procure the result; that one member was offered a large sum of money by another member to vote for PAYNE; that there were hearsay statements charging corruption as to several others; that two members of the Legislature received large sums of money about the time of the election, of which they, being called as witnesses, gave no satisfactory account; that the prominent managers of Mr. PAYNE'S canvass, namely, Paige, McLean, Huntington, and Oliver H. Payne, did not testify before the committee. There was no evidence tending to show the bribery of any particular member, except as above stated.

When we say it was not shown that the result was changed or effected by corrupt means we are speaking of direct testimony. But the consideration should not be forgotten that where persons familiar with the whole case would be quite sure to know whether such means were needful to change the result, or whether their candidate would be elected without it, if they are found expending large sums of money corruptly the fact alone affords strong reason for the inference that the result was thereby controlled. But the result of the investigation in Ohio seems to the undersigned absolutely unimportant. That committee, while they took a wider range of inquiry than the matter committed to them, neither had, nor conceived they had, any power to inquire into Mr. PAYNE'S title to his seat. They issued no process extending beyond the limits of Ohio. They report no conclusion, except as to the four members. When witnesses refused to answer they did not press them. They went beyond the scope of the resolution appointing them only, as they say, "to gain something like a comprehensive view of the situation."

The Ohio senate of 1883-'84 contained 33 members. Of these 22 were Democrats and 11 Republicans. The house contained 105 members, of which 60 were Democrats and 45 Republicans. The members entitled to vote on joint ballot were 138 in all, 82 Democrats and 56 Republicans. Eighty-two persons were entitled to vote in the Democratic caucus, of whom 42 were a majority. Seventy-nine persons actually attended that caucus, of which 40 were a majority. Is there fair reason for instituting an inquiry whether the result of the election was procured by bribery? We think that the character of the persons making the charge is of itself sufficient to require the Senate to listen to it. But they produce a great body of evidence all pointing in the same direction.

We are not now to consider whether the case is proved, or even whether there be a *prima facie* case. There has as yet been no evidence laid before us addressed to either of these considerations. That can not be done without the issue of process for the attendance of witnesses. Messrs. LITTLE and BUTTERWORTH now offer, on their personal responsibility, to establish to the satisfaction of the Senate, largely by witnesses who were not within the reach of the Ohio committee, and partly by evidence which strengthens, supplements, and confirms that which was before that committee, the following among other propositions:

First. That of the Democratic members elected to the Sixty-sixth General Assembly more than three-fourths were positively pledged to Mr. Pendleton and General Ward, and more than a majority pledged to Mr. Pendleton. This they offer to prove by Mr. Pendleton himself, by Col. W. A. Taylor, and others.

Second. That in these pledges these members represented the opinion and desire of their constituents.

Third. That Mr. PAYNE was nowhere spoken of or known as a candidate during the popular election or until a very short time before the appointment of Senator.

Fourth. That just before the legislative caucus, where the nomination was made, which was one week before the election, large sums of money were placed

by Mr. PAYNE's son and other near friends of his at the control of the active managers of his canvass in Columbus. This they allege can be shown by the books of one or more banks.

Fifth. Mr. PAYNE's near friends declared that his election has cost very large sums.

A gentleman whose name is offered to be given will testify that David R. Paige declared to him that he had handled $65,000.

Oliver B. Payne stated to the same person that it had cost him $100,000 to elect his father.

Sixth. That the members of the Legislature who changed from Pendleton to PAYNE did so after secret and confidential interviews with the agents who had the disbursement of these moneys.

Seventh. That members of the Legislature who so suddenly changed their attitude can be proved to have, at about the time of the change, acquired large sums of money, of which they give no satisfactory account.

Eighth. Respectable Ohio Democrats affirm that just before the caucus the room of Mr. PAYNE's manager, Paige, "was like a banking house," that "the evidence of large sums of money there was abundant and conclusive," that Paige's clerk declared in the presence of a gentleman of integrity that "he had never seen so much money handled in his life."

Ninth. That the public belief that the choice of Senator was procured by the corrupt use of money prevails almost universally in Ohio among persons of both parties, which finds very general expression in the press.

Tenth. That there is specific proof leading with great force to the conclusion that each of ten members will be shown to have changed their votes corruptly, and thereby that the result was changed.

The Senate has also recently referred to the committee certain resolutions adopted by a convention of the Republican editors of Ohio, held at Columbus July 8, 1886, praying the Senate to investigate these charges. The newspaper reports of the convention show that the governor of the State was present at the convention and declared his concurrence in said prayer. There have also been communicated to us extracts from the Democratic newspapers of Ohio, showing that a majority of those papers have declared their opinion that the election was procured by corruption. Copies of these extracts are appended.

What is the effect upon an election of Senator of bribery of voters in a caucus of the legislators who are to make the choice, is a question upon which we prefer not to form an opinion until the evidence is before us. The members of a caucus ordinarily deem themselves bound in honor to vote in the election for the person whom it nominates, by the vote of a majority, on condition that such person belong to their party, and is fit for the office in point of character and ability. Bribery, therefore, which changes the result in the caucus, would ordinarily determine the election.

If B, C, and D have promised to vote as A shall vote, if A be corrupted four votes are gained by the process, although B, C, and D be innocent. In looking, therefore, to see whether an election by the Legislature was procured or effected by bribery, it may be very important to discover whether that bribery procured the nomination of a caucus whose action a majority of the Legislature were bound in honor to support. Seventy-nine persons attended the Senatorial caucus and voted on the first ballot. Of these Mr. PAYNE had the votes of 46, Ward 17, Pendleton 15, Booth 1. If 6 only of Mr. PAYNE's votes in the caucus were procured by bribery, the result of the election of Senator was clearly brought about by that means. Now, Messrs. LITTLE and BUTTERWORTH tender specific proof, part of which was before the Ohio committee and part here offered for the first time, directly and very strongly tending to create the belief as to each of 10 of the members of the Ohio Legislature that his vote for Mr. PAYNE was purchased, and that proper process and inquiry will establish the fact by competent and sufficient evidence.

One member, after the caucus, deposited $2,500 in two amounts, and being charged that it was the price of his vote did not persist in a denial.

Another, who changed to PAYNE, just before the caucus stated to a colleague that he was offered $5,000 to vote for PAYNE, and intended to accept it, and tried to induce his colleague to do the same. That person's wife just afterward deposited $2,500 in a bank in Toledo, took a certificate therefor, which she transferred to her husband.

Another who is claimed to have changed suddenly from Pendleton to PAYNE is found making, soon after, expenditures amounting to $1,600 with his own money on land, the title to which was taken in the name of his father, who paid $2,000 for it about the same time. The father and son lived together in the same house. The son testified that he did not know where the father got the money to pay the $2,000. The father refused to state where he got his $2,000, and said he did not know where the son got the $1,600, and if he did he would not tell. The same member also made other large payments of money about the same time.

Another, who had to borrow money when he went to Columbus, and changed suddenly from Pendleton to PAYNE, was shown just after the election to be in possession of money to purchase property, refurnish his house, &c. He was denounced by another member as having sold his vote. He turned exceedingly sick, made no denial, and was taken away. Two others, elected as anti-monopolists, became supporters of Mr. PAYNE and were heard discussing together the amount of money each had received. Another, who had before been for another candidate, but voted for Mr. PAYNE, received from Oliver B. Payne $3,500, which he said was a loan. Another, according to affidavits produced by Mr. LITTLE, was declared by a fellow-member to be claiming $3,500 for his vote. Another, who had been very earnest in support of Pendleton, visited the room of Mr. PAYNE's managers, where the large sums of money are alleged to have been seen, and immediately afterward voted for Mr. PAYNE.

The committee received this communication from Messrs. Little and BUTTERWORTH in addition to the statements made by them at the hearing:

DEAR SIR: Since our appearance before your committee the last time, we have received information, deemed by us important, bearing upon the question of investigation, and desire to indicate its general character.

First. We have information, regarded trustworthy, that a member of the Sixty-sixth General Assembly, one of the sudden converts to PAYNE, with meager means and without financial credit prior to January, 1884, was able to and did deposit in bank to his own credit shortly after the election, to wit, February 13, 1884, $1,350, besides showing other signs of prosperity not accountable for in ordinary ways.

Second. We can show by a witness whose credibility will not be questioned that just prior to the meeting of the caucus at which Mr. PAYNE was nominated he (witness) was, in the interest of PAYNE, summoned by telegraph to Columbus. He went, and was asked by PAYNE's managers what sum of money would be required to withdraw the vote of the representative of his (witness') county from Pendleton and give it to PAYNE. The question was squarely and seriously addressed to witness: "How much money does he (the representative) want?"

Third. We have from reliable sources additional information of a convincing nature pointing to bribery, consisting of conversation, statements, and admissions of implicated members and others, which we are not at liberty to state more explicitly in this communication, owing to the conditions under which the information is imparted, but which, with the other matters referred to, we can verbally communicate to you in more particular form if desired.

In the line of matter heretofore submitted we deem it worth while to give this additional instance:

Fourth. We quote from a letter in our possession from a responsible person in Ohio, omitting names:

"Our representative, ——, had been elected as a Pendleton man, and had agreed —— to support Pendleton. A few days before the caucus it was whispered that '—— *had been seen*,' and that he would vote for PAYNE. A telegram was at once sent from here to —— (the member) by leading Democrats, warning him against such a course, and —— and others at once went to Columbus and saw the member. He hooted at the idea that he would vote for PAYNE. —— assured Pendleton that the member would support him. —— then came home feeling confident that the member would not disappoint him."

This member was interviewed in the presence of a friend of Mr. Pendleton, and asserted his devotion to him, but was suspected and watched. As the hour of the caucus approached it was noticed that he was not present. The friend of Mr. Pendleton went to his room for him. We quote further:

"He found him in company with one of the men who handled the 'boodle,' and he was much embarrassed by ——'s presence. But he went to the caucus with ——, and on the way again asserted his allegiance to Pendleton. If I remember correctly, —— said they had printed ballots for both candidates, and that he gave —— (the member) a Pendleton ticket. But when the vote was taken —— (Pendleton's friend) observed that —— (the member) wrote something on a piece of legal-cap and then tore it off. He afterward discovered that —— (the member) put in the hat the same piece of paper; and then —— (Pendleton's friend) went to ——'s (the member's) desk and tore off a piece of the legal-cap large enough to include the small piece torn off by —— (the member). I think —— (Pendleton's friend) was one of the tellers. At any rate, he got the ballot which fitted the piece of legal-cap, and which —— had voted, and found that PAYNE's name was on the ballot."

This member was thereupon charged by the Democratic county paper of his county with betrayal, &c.

We do not question that the facts can be shown substantially as indicated with respect to the member referred to.

Should this information not be used names and means of identity placed on record would or might lead to annoyances for no purpose. They are, therefore, not here given.

Your committee, we will venture to add in conclusion, will not overlook the fact that our showing, made in the face of a most persistent and powerful opposition of unlimited means and expedients, has been one for an investigation, and not final action following an investigation.

Very respectfully,

JOHN LITTLE.
BENJ. BUTTERWORTH.

Hon. GEORGE F. HOAR,
Chairman of the Committee on Privileges and Elections, United States Senate.

It is said that much of this is hearsay and that taken together it is insufficient to establish a case which will overcome the presumption arising from the certificate of election. We are not now dealing with that question. The Senate is to determine whether there is probable cause for an inquiry. Any man who lays a claim to any property, real or personal, may institute his process at pleasure, and compel the courts to hear and try the cause. Even a criminal accusation requires only the oath of the accuser, who is justified, if he have probable cause.

It will not be questioned that in every one of these cases there is abundant probable cause which would justify a complaint and compel a grand jury or magistrate to issue process and make an investigation. Is the Senate to deny to the people of a great State, speaking through their Legislature and their representative citizens, the only opportunity for a hearing of this momentous case which can exist under the Constitution? We have not prejudged the case, nor do we mean to prejudge it. We sincerely trust that the investigation, which is as much demanded for the honor of the sitting member as for that of the Senate or the State of Ohio, may result in vindicating his title to his seat and the good name of the Legislature that elected him.

But we can not consent to be accomplices in denying justice to either. We do not believe the American people will be satisfied that the Senate should refuse to hear this case either on the ground that some other tribunal has tried some other case, or on the ground that it has already been decided without hearing or evidence, or on the ground that a bribe paid for a vote in a legislative caucus is not understood by both parties to include a vote in the Legislature for the candidate of that caucus.

How can a question of bribery ever be raised or ever be investigated if the arguments against this investigation prevail? You do not suppose that the men who bribe or the men who are bribed will volunteer to furnish evidence against themselves. You do not expect that impartial and unimpeachable witnesses will be present at the transaction. Ordinarily, of course, if a claim like this be brought to the attention of the Senate from a respectable quarter that a title to a seat here was obtained by corrupt means, the Senator concerned will hasten to demand an investigation. But that is wholly within his own discretion, and does not affect the due mode of procedure by the Senate. From the nature of the case the process of the Senate must compel the persons who conducted the canvass and the persons who made the election to appear and disclose what they know; and until that process issue, you must act upon such information only as is enough to cause inquiry in the ordinary affairs of life.

The question now is not whether the case is proved—it is only whether it shall be inquired into. That has never yet been done. It can not be done until the Senate issues its process. No unwilling witness has ever yet been compelled to testify; no process has gone out which could cross State lines. The Senate is now to determine, as the law of the present case and as the precedent for all future cases, as to the great crime of bribery—a crime which poisons the waters of republican liberty in the fountain—that the circumstances which here appear are not enough to demand its attention.

It will hardly be doubted that cases of purchase of seats in the Senate will multiply rapidly under the decision proposed by the majority of the committee. The first great precedent to constitute the rule under this branch of law is to be this:

Held, by the Senate of the United States, that a charge made by the Legislature of a State, and by the committee of the political party to which the larger number of its citizens belong, and by ten of its Representatives in Congress, that an election of Senator was procured by bribery, accompanied by the offer to prove the fact, does not deserve the attention of the Senate, and this, although it also appear—

That there is a general and widespread public belief in the truth of the charge; that there was a sudden and unexpected and unaccounted for change to the sitting member from another candidate to whom a majority of the electing body had been previously pledged; that large sums of money were brought to the place of election just before the choice by the managers of the canvass for the person elected; that there is evidence tending to show the bribery of several members, and the acquisition by others, who so changed their support, of considerable sums of money immediately after such change, affect at least ten members of said legislature; that a change by corrupt means of the votes of six persons would have changed the result in a legislative caucus, and thereby bound and committed the vote in the Legislature of eighty-two persons, who wer a large majority of such Legislature.

Provided it also appear that one branch of a subsequent Legislature of the same State have, in investigating charges against four of their members, incidentally inquired into charges against other persons so far as they could without compelling unwilling witnesses to answer, without use of process extending beyond their State, and "without following out many clews which they did not follow because they were convinced that they would lead only to points of which further pursuit would become necessary."

We recommend the adoption of the accompanying resolution:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to investigate the charges affecting the title to the seat of the Hon. HENRY B. PAYNE, and to send for persons and papers, administer oaths, and employ a clerk and stenographer, and to sit during the recess of the Senate; and that the expenses of the investigation be paid out of the contingent fund of the Senate.

GEORGE F. HOAR.
WM. P. FRYE.

Report made by Mr. HOAR, chairman of the committee to the Committee on Privileges and Elections.

I have examined the evidence forwarded by the house of representatives of Ohio.

The investigation was under a resolution directing an inquiry as to the charges that four members of the present Legislature, being also members of the last, were guilty of being induced by corrupt means to vote for Mr. PAYNE.

These charges were not sustained, and the committee so report.

But the inquiry took a wider range. There was evidence tending to show—

That Mr. PAYNE's name was not publicly suggested as a candidate for Senator until after the State election;

That it was not very prominently suggested until shortly before his election in January;

That many persons who had been supposed to favor Pendleton voted for PAYNE;

That there was a widespread belief that corrupt means were used to procure the result;

That one member was offered a large sum of money for his vote by another member;

That there were hearsay statements charging corruption as to several others;

That two members of the Legislature received large sums of money about the time of the election, of which they being called as witnesses gave no satisfactory account;

That the principal managers of Mr. PAYNE's canvass, namely, Paige, McLean, Huntington, and Oliver H. Payne, did not testify before the committee, but there is not evidence tending to show the bribery of any member unless as above stated;

There is no evidence to connect Mr. PAYNE, the sitting member, with these transactions;

And none tending to show that the result was changed or affected by such means;

Informed that Mr. Little wishes to be heard;

That these persons kept out of State and reach of process.

RECESS.

Mr. ALLISON. Now, if this matter is disposed of, I move that the Senate take a recess until 8 o'clock, and that this evening we devote what time is possible to the examination of the sundry civil bill, so that to-morrow may be devoted to this matter of which gentlemen have spoken, as I suppose there is no desire to go on with the Payne case to-night.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate take a recess until 8 o'clock this evening.

Mr. COCKRELL. I appeal to the Senator not to force a night session. We can readily transact all the business in proper time without night sessions. Night sessions are not productive of good results.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on the motion of the Senator from Iowa.

Mr. CONGER. I ask what the proposition before the Senate is?

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate now take a recess until 8 o'clock.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 20; as follows:

YEAS—35.

Allison,	Frye,	Logan,	Riddleberger,
Berry,	Gorman,	McMillan,	Sawyer,
Blair,	Gray,	Manderson,	Sewell,
Colquitt,	Hale,	Maxey,	Sherman,
Conger,	Harris,	Miller,	Spooner,
Cullom,	Harrison,	Mitchell of Oreg.,	Teller,
Dawes,	Hoar,	Palmer,	Van Wyck,
Edmunds,	Ingalls,	Pugh,	Wilson of Iowa.
Evarts,	Kenna,	Ransom,	

NAYS—20.

Blackburn,	Cameron,	Gibson,	Plumb,
Brown,	Cockrell,	Hampton,	Vance,
Butler,	Coke,	Hawley,	Vest,
Call,	Eustis,	Mahone,	Walthall,
Camden,	George,	Platt,	Whitthorne.

ABSENT—21.

Aldrich,	Hearst,	Morgan,	Stanford,
Beck,	Jones of Arkansas,	Morrill,	Voorhees,
Bowen,	Jones of Florida,	Payne,	Wilson of Md.
Chace,	Jones of Nevada,	Pike,	
Dolph,	McPherson,	Sabin,	
Fair,	Mitchell of Pa.,	Saulsbury,	

So the motion was agreed to; and (at 5 o'clock and 33 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate resumed its session at 8 o'clock p. m.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, as is the usual custom, and also that the amendments may be considered in their order, first considering the amendments reported from the Committee on Appropriations as they are reached in the reading of the bill.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the formal reading of the bill be dispensed with, and that the bill be proceeded with and the amendments of the Committee on Appropriations be considered as reached in the reading. That order will be made if there be no objection. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. INGALLS. What is the intention of the chairman of the committee concerning this bill to-night? I ask for information to ascertain whether there is any design of proceeding further than the Committee of the Whole.

Mr. ALLISON. No, sir. I will say that I do not expect to finish the bill to-night in the Committee of the Whole. I have agreed with some Senators who desire to debate at some length one or two amendments to pass them over.

Mr. INGALLS. There are some amendments which are of considerable importance, and about which there is likely to be debate, and if they are all to remain open, notwithstanding the action of the Senate to-night, of course the discussion will not be concluded.

Mr. ALLISON. Of course the amendments will all remain open for action in the Senate.

Mr. INGALLS. Everything will remain open.

Mr. ALLISON. I do not expect to finish the bill as in Committee of the Whole to-night.

The PRESIDENT *pro tempore*. The reading of the bill will be resumed.

The Secretary proceeded to read the bill.

CALL OF THE SENATE.

Mr. COCKRELL. Mr. President, what has been done, I should like to ask? No quorum is here. I should like to find out what we have done.

The PRESIDENT *pro tempore*. The bill is being read now.

Mr. COCKRELL. As I have come here, I should like to have the rest come here too. I ask for a call of the Senate.

Mr. ALLISON. I think the Senators will come in in a few moments. I hope the Senator from Missouri will not insist on a call of the Senate.

Mr. COCKRELL. It is not fair nor right to transact important business without a quorum.

Mr. INGALLS. The Senator from Iowa has just advised me, before the Senator from Missouri came in, that this is a purely formal proceeding.

Mr. ALLISON. No, I did not say that.

Mr. INGALLS. Well, in effect it is. He said that the amendments are all to remain open, and that this is a reading of the bill for the purpose of going through the amendments *pro forma* as in Committee of the Whole, and that there is no design of finishing the bill at all as in Committee of the Whole this evening. So I suppose that nothing will be lost by proceeding in the absence of a quorum.

Mr. COCKRELL. Is it the right way to transact public business with only eight or ten Senators? I have heard the distinguished Senator from Vermont [Mr. EDMUNDS] so often appeal to the Senate not to do business unconstitutionally and out of order, and without having notice that he had omitted that duty which he has always been in the habit of performing I involuntarily called attention to the fact that there is no quorum here, and that I did not think we ought to transact business.

Mr. EDMUNDS. We probably, for aught the Senator knows, had a quorum when we began, and perhaps Senators have gone out to smoke. We did not have the presence of my friend from Missouri when the recess expired.

Mr. COCKRELL. I only missed two or three minutes. If we had a quorum when we commenced, a call of the Senate will bring Senators back out of the cloak-rooms.

Mr. EDMUNDS. I do not object to the call, and there must be one now that the Senator says there is no quorum, and it is the duty of the Chair to order the call.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary proceeded to call the roll; and the following Senators answered to their names:

Allison,	Cockrell,	Hoar,	Teller,
Beck,	Edmunds,	Ingalls,	Vance,
Berry,	Evarts,	McMillan,	Whitthorne,
Blair,	Hampton,	Palmer,	Wilson of Md.
Brown,	Harrison,	Sherman,	
Butler,	Hawley,	Spooner,	

Mr. EDMUNDS. Read the names of those present.

Mr. ALLISON. I think in a moment Senators will be in.

The Secretary read the list of those present.

The PRESIDENT *pro tempore*. Twenty-two Senators have answered to their names.

Mr. EDMUNDS. No quorum is present. Call the list of absentees.

The PRESIDENT *pro tempore*. The list of absentees will be called.

The Secretary read the list of absent Senators, as follows:

Messrs. Aldrich, Blackburn, Bowen, Call, Camden, Cameron, Chace, Coke, Colquitt, Conger, Cullom, Dawes, Dolph, Eustis, Fair, Frye, George, Gibson, Gorman, Gray, Hale, Harris, Hearst, Jones of Arkansas, Jones of Florida, Jones of Nevada, Kenna, Logan, McPherson, Mahone, Manderson, Maxey, Miller, Mitchell of Oregon, Mitchell of Pennsylvania, Morgan, Morrill, Payne, Pike, Platt, Plumb, Pugh, Ransom, Riddleberger, Sabin, Saulsbury, Sawyer, Sewell, Stanford, Van Wyck, Vest, Voorhees, Walthall, and Wilson, of Iowa—54.

Mr. TELLER. My colleague [Mr. BOWEN] is not in the city. He is paired with the Senator from Alabama [Mr. MORGAN], who is also absent from the city.

Mr. MITCHELL, of Oregon, appeared, and answered to his name.

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] left a few moments before adjournment this evening, and I think he does not know there is a session to-night.

Mr. WHITTHORNE. My colleague [Mr. HARRIS] was called down the city on some important business and requested me to say that he would be here by 9 o'clock.

Mr. CULLOM, Mr. COLQUITT, Mr. MAHONE, Mr. MANDERSON, Mr. SEWELL, and Mr. WALTHALL appeared, and answered to their names.

Mr. ALLISON. May I ask how many Senators are now present?

The PRESIDENT *pro tempore*. Twenty-nine Senators have answered to their names.

Mr. ALLISON. I ask that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Sergeant-at-Arms be requested to notify the absent Senators.

Mr. EDMUNDS. That he be directed to request the attendance of absent Senators. That is the phrase.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators. If there is no objection that order will be made.

Mr. CALL and Mr. PAYNE entered the Chamber and answered to their names.

Mr. VANCE. Would it be in order to inquire where those patriots are who moved for this recess?

The PRESIDENT *pro tempore*. That is hardly a parliamentary inquiry.

Mr. VANCE. Whether it is a parliamentary inquiry or an unparliamentary one, I voted against the recess myself, because I thought I knew the frame of Senators and remembered that they were dust; and sure enough we are here now waiting half an hour after the time, and we have not a quorum.

Mr. BUTLER. I think it is very obvious that we shall not have a quorum to-night, and I move that the Senate adjourn. ["No!" "No!"]

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate do now adjourn.

Mr. ALLISON. On that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays are demanded.

Mr. ALLISON. I do not insist on the yeas and nays at this moment. Let us take a division first.

The question being put, there were on a division—ayes 3, noes 19.

The PRESIDENT *pro tempore*. The Senate refuses to adjourn.

Mr. BUTLER. How many do we lack of a quorum?

The PRESIDENT *pro tempore*. Thirty-one Senators have responded to their names.

Mr. CHACE, Mr. DOLPH, Mr. PLATT, Mr. WILSON of Iowa, and Mr. MILLER entered the Chamber and answered to their names.

Mr. COCKRELL. I see that the chairman of the Committee on Agriculture in charge of the oleomargarine bill that passed so successfully is present. That makes a quorum I know, and I think we can now proceed to the consideration of business.

Mr. EDMUNDS. We can not do it now until the record itself discloses the presence of a quorum. Until that time we can not go on.

Mr. SAWYER entered the Chamber and answered to his name.

Mr. ALLISON. I believe there is a quorum now.

The PRESIDENT *pro tempore*. Thirty-seven Senators have answered to their names.

Mr. GORMAN and Mr. KENNA entered the Chamber and answered to their names.

The PRESIDENT *pro tempore*. Thirty-nine Senators having answered to their names, the Chair will receive a message from the House of Representatives.

ENROLLED BILLS SIGNED.

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

A bill (S. 1666) granting a pension to Edward Corning;

A bill (S. 2192) granting a pension to Abby L. Burbank;

A bill (S. 2233) granting a pension to John P. McElroy;

A bill (S. 2163) granting a pension to Powhattan B. Short;

A bill (S. 2759) to remove the political disabilities of William H. F. Lee;

A bill (S. 2160) granting a pension to Mary J. Hagerman;

A bill (S. 2113) granting a pension to Mrs. Sarah Young;

A bill (S. 1853) granting a pension to Isabella Jessup;

A bill (S. 1766) granting a pension to William Brentano;

A bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys;

A bill (S. 1289) granting a pension to Thomas J. Owen;

A bill (S. 1112) granting a pension to Phœbe H. Meech;

A bill (S. 57) for the erection of a public building at Oshkosh, Wis.;

A bill (S. 2322) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government;

A bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops;

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

Joint resolution (S. R. 62) authorizing the publication of an edition of A Digest of International Law, edited by Francis Wharton.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HAWLEY, from the Committee on Coast Defenses, reported an amendment intended to be proposed to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EVARTS submitted an amendment intended to be proposed by him to the fortification appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations.

Mr. MAHONE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill.

The first amendment reported by the Committee on Appropriations was, in the appropriations for "public buildings," after the words "New York," at the end of line 19, to strike out "for approaches complete, exclusive of iron fence, $5,000" and insert "for repairs to building and sidewalk, $16,000;" so as to make the clause read:

For custom-house and post-office at Buffalo, N. Y.: For repairs to building and sidewalk, $16,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 23 to line 25 inclusive, as follows:

For post-office at Brooklyn, N. Y.: For completion of building under present limit, $165,000.

Mr. MILLER. I should be glad to have the chairman of the committee give the Senate the reasons for striking out the appropriation for the Brooklyn post-office. It may be all right, but I desire to know the views of the committee.

Mr. ALLISON. This appropriation for the Brooklyn post-office stands as several other appropriations do with reference to the limit of cost. The original limit of cost of the Brooklyn post-office was $800,000. They have already expended $462,000 for a site. That may not be the exact sum, but as I remember it it is $462,000 for a site. It is manifestly impossible to complete a suitable building at Brooklyn with the remaining appropriation. It is equally unnecessary to begin the erection of that building until a suitable law is passed with reference to the limit. This hundred thousand dollars if appropriated could not be expended until the limit is removed, and so the committee report to strike it out.

Mr. MILLER. Was not the work commenced?

Mr. ALLISON. I think the foundation has been laid for the building, but they desire, I think, to purchase a still further piece of ground to enlarge the foundation, and the building can not progress further without an additional appropriation and the removal of the present limit.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, in line 26, after the word "Illinois," to strike out:

That the unexpended balance of the appropriation of $20,000 made by the act

approved March 3, 1885, for "filling and grading" is hereby made available for completion of the approaches and completion of the buildings.

And in lieu thereof to insert:

For completion of the approaches and buildings, $4,279.63.

So as to make the clause read:

For marine hospital at Cairo, Ill.: For completion of the approaches and buildings, $4,279.63.

Mr. CULLOM. I should like to inquire of the Senator from Iowa whether the amendment is a reduction of the amount appropriated by the House.

Mr. ALLISON. It is the exact sum remaining unexpended.

Mr. CULLOM. I had that impression, but I was not sure of it.

The amendment was agreed to.

The next amendment was, after line 33, to insert:

For court-house and post-office at Carson City, Nev.: For approaches and heating apparatus complete, $17,000.

Mr. BROWN. I desire to inquire whether any amendments to the amendments of the committee are now in order.

The PRESIDENT *pro tempore*. Amendments are not in order until the amendments of the committee are acted upon.

The amendment was agreed to.

The next amendment was to strike out lines 37 and 38, as follows:

For custom-house at Charleston, S. C.: For completing wharf, $40,000.

Mr. BUTLER. I trust that that amendment of the committee will not be adopted. I should be very glad if the chairman of the committee would consent to have it non-concurred in, and I move without further remark that the Senate do not concur in the amendment of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. ALLISON. I desire to say one word as to the reason which operated upon the committee in striking out this item. This is for the completion of a wharf at this point. It so happens that the custom-house at Charleston is near the harbor, and I believe, what I did not thoroughly understand before, that the Government owns not only the building and the grounds about it, but also has purchased the open space between that and the harbor.

Mr. BUTLER. Yes, sir.

Mr. ALLISON. Now this is an appropriation for the building of a wharf.

Mr. BUTLER. For the completion of it.

Mr. ALLISON. Well, it is for the completion of a wharf, and an appropriation of $35,000 having already been made, the committee did not believe it a wise thing for the Government to undertake the building of wharves, because there will be difficulty respecting what shall be charged for the use of those wharves. They will have to be maintained in connection with private wharves, and it seemed to the committee wiser for the Government to dispense with this wharf rather than to build it, maintain it, and dredge out the harbor in front of it, and be at a continual expense with reference to it.

That was the motive which the committee had. It may be wise or otherwise; I do not know.

Mr. BUTLER. I think the Senator is not correctly informed as to the situation of the wharf, for I have been there personally and have seen its very lamentable condition. The custom-house faces the harbor of Charleston, and I do not suppose it is more than 40 or 50 yards from the front of the custom-house to the water. All the Government vessels land there, or should land there, the revenue-cutter and the tugs for the completion of the jetties, and in fact every Government vessel, and it is in a very dilapidated and unsightly condition. A part of the improvement has been completed. It was repaired by palmetto logs after destruction by a storm some years ago. The storm of 1880 and 1881 very seriously damaged that again.

The proposition now is to put a concrete wharf there, so as to be free from the effect of the toredo, the worm which was destructive of former structures. A great deal of the material is lying there. Some of the granite has been gotten out, and really the Government is suffering great loss by not having the work completed.

The House after a full investigation put the appropriation in the bill, and I submit that there is every reason in the world why this wharf should be completed. I therefore make the motion that the Senate do not concur in this amendment. I do not know exactly what form of motion is the proper one to make.

The PRESIDENT *pro tempore*. The form of the question is, Will the Senate agree to the amendment reported by the committee? The question is on the amendment.

Mr. BECK. There are some estimates in regard to this improvement which I should like to see. The estimate of the Department is only $10,000.

Mr. HAMPTON. I have a letter addressed to a colleague in the other House by Mr. Bell, Supervising Architect of the Treasury, which I will read. It is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
February 16, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant in relation to the appropriation asked for the completion of the custom-house wharf at Charleston, S. C.

The latest examination of the work established the fact that it will not be practicable to proceed with the construction of the wharf as originally contemplated. The crib foundation upon which it was proposed to place the granite superstructure is found to be insecure and can not be made permanent except at such an expense as to exceed the present limit of cost. To construct the wharf as it should be, with a concrete-block foundation that will secure a depth of water at the wharf of not less than 12 feet at mean low tide, an appropriation of $40,000 will be required instead of $10,000, as contemplated by the estimate of appropriation submitted in November last. I feel assured that a continuation of the work under the original plan of operations would result unsatisfactorily, and that a permanent piece of work can be secured only by the use of a concrete-block foundation.

Respectfully, yours,

M. E. BELL,
Supervising Architect.

Hon. SAMUEL DIBBLE,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

I have before me, but I will not detain the Senate by reading them, letters from the collector of the port of Charleston and others calling attention to the dilapidated condition in which the wharf has been placed by the storms which have occurred there in recent years. There have been no improvements on the wharf since 1871, and there will be no difficulty in the world in securing any depth of water, for the whole water frontage of Charleston in that portion by the Coast Survey is 43 feet. The wharf frontage fills up by drift on account of the wharf having been destroyed.

I have here also a petition from the chamber of commerce, from the cotton exchange, and the merchants' exchange, or rather a telegraphic dispatch, saying that a petition has been mailed and is on the way here, asking for the completion of the wharf. I think that it is a matter of great consequence to the Government that this wharf should be put in proper condition. The Signal Service, the revenue-cutter, the light-house service, and the jetty service all land there, or ought to land there, and the collector writes to say that it is impossible for them to land there now in the condition of the wharf.

A large amount of money has already been expended, and I think it would be true economy to go on and make this small appropriation to complete the work.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Appropriations. [Putting the question.] The noes appear to have it.

Mr. ALLISON. I can not permit this to go without saying one word further. The estimate is $10,000. The House appropriated $40,000. It is not a question of building this wharf precisely. It is a question of maintaining it, whether the Government of the United States shall maintain wharves in harbors, because the Government has no use for this wharf except as was said a tug now and then may land there or a revenue-cutter may now and then land there.

In addition to building this wharf, the moment it is built there must be a large amount of dredging done for the purpose of preparing this slip or harbor for use, and that dredging must be done in connection with private parties and private owners of wharves.

I submit this statement to the judgment of the Senate that it may determine whether this is a wise thing for the Government to go into.

Mr. BUTLER. The Senator is mistaken about that. If the Government does not complete this wharf it must pay wharfage elsewhere at private wharves. I know there is the greatest depth of water right in front of the custom-house. Perhaps immediately along the shore there may be some dredging required, but the private wharves have nothing to do with it. The Government has nothing whatever to do with private wharves. The Senator is entirely mistaken. I stated upon my own information that I have been there myself and have seen the condition of the wharf; and therefore I trust the Senator will not insist upon the amendment when the House after full investigation have put the amount of $40,000 in the bill.

The PRESIDENT *pro tempore*. The Chair will again submit the question to the Senate.

Mr. HAMPTON. I was just calling the attention of the chairman of the committee privately to the fact that in the estimate which came in from the Architect only yesterday the amount required for dredging is $3,000. There is no private wharf that will be at all concerned so far as this one is. There is plenty of water within a few feet of this wharf as it now stands, and it has only been filled up because it has been so neglected that the *débris* of the wharf and the washings of the streets are carried down into it and have filled it up. But the report of the Coast Survey will show that along that whole front there is from 40 to 43 feet of water.

Mr. BUTLER. Certainly there is; there is 40 feet of water right in front of it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 41, to insert:

For custom-house and post-office at Chicago, Ill.: For extraordinary repairs, $65,000.

The amendment was agreed to.

The next amendment was to strike out from line 46 to line 48, as follows:

For court-house and post-office at Denver, Colo.: For completion of building under present limit, $97,000.

Mr. TELLER. I desire to correct the text and to offer an amendment to that clause. I suppose it is the proper time to do that now. I move to strike out the words in line 47, "for completion of building under present limit" and to insert what I send to the desk.

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

The CHIEF CLERK. It is proposed to strike out the words "for completion of building under present limit" and to insert after the word "dollars:"

That the act entitled "An act for the erection of a public building at Denver, Colo.," approved May 8, 1882, be amended by making the limit for said building $575,000, and that sum is hereby fixed as the limit of cost thereof. And the Supervising Architect and the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making plans and contracts for the erection of said building.

Mr. ALLISON. I make the point of order on that. If the Senator will allow me one moment, as it may have some significance, and it is an entirely different proposition from the clause proposed to be stricken out by the committee, I hope the Senator will allow the committee amendment to be agreed to now and go back to the clause afterward.

Mr. TELLER. That is exactly the amendment proposed by the committee.

Mr. ALLISON. What committee?

Mr. TELLER. Of course it is an entirely different amendment from what is proposed by the Committee on Appropriations, which is to strike out the appropriation altogether. The amendment I have offered was referred to the Committee on Public Buildings and Grounds and reported favorably from that committee. Consequently the point of order, as I understand, does not lie against it.

Mr. ALLISON. It changes existing law.

Mr. TELLER. It is indorsed by the proper officers of the Department in addition.

The PRESIDENT *pro tempore*. The Chair is of opinion that it is not in order at this time, at any rate.

Mr. TELLER. Why not at this time?

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations are alone to be considered in this reading of the bill.

Mr. TELLER. If the amendment of the committee is adopted and the whole clause goes out, I should have to move hereafter to restore that which is stricken out by the Senate. That can not be. I do not know much about parliamentary rules, but it seems to me that it can hardly be possible that before the Senate votes on the question to strike out it will not be in order for me to move to perfect the text. I think I am entitled to perfect the text before the Senate votes on striking out.

Mr. ALLISON. It changes the existing law.

The PRESIDENT *pro tempore*. The Chair is of opinion that the amendment of the Senator from Colorado is not in order under the rule.

Mr. TELLER. In the first place I want to say that the amendment was referred to the Committee on Public Buildings and Grounds, and so is brought strictly within the rules. Besides that, it is indorsed by the Treasury Department, which brings it within the rule. If it is not within the rule it is not possible to make any amendment of this character to an appropriation bill. I have seen this done a hundred times in the Senate, and I am confident it is not out of order.

Mr. HOAR. I suggest to the chairman of the Committee on Appropriations and the Senator from Colorado that both the amendment of the committee and the other amendment be passed over for the present until we get to the end of the bill.

Mr. ALLISON. I will agree to that.

Mr. TELLER. I have no objection to that.

The PRESIDENT *pro tempore*. The amendment will be passed over informally.

The next amendment of the Committee on Appropriations was to strike out lines 49 and 50, as follows:

For court-house and post-office at Detroit, Mich.: For continuation of building, $50,000.

Mr. ALLISON. I ask that that may be passed over for the present. I want to see further in respect to it.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, after line 50, to insert:

For custom-house and post-office at El Paso, Tex.: For procuring site and commencing the erection of building, $50,000.

The amendment was agreed to.

The next amendment was, after line 56, to insert:

For court-house and post-office at Fort Smith, Ark.: For approaches and heating apparatus complete, $21,000.

The amendment was agreed to.

The next amendment was, after line 59, to insert:

For court-house and post-office at Fort Wayne, Ind.: For heating apparatus, elevator, and approaches complete, $20,000.

The amendment was agreed to.

The next amendment was to strike out from line 63 to line 69, as follows:

For custom-house at Galveston, Tex.: That the sum of $25,000 appropriated by the sundry civil appropriation act approved July 7, 1884, for continuation of the court-house and post-office, be, and the same is hereby, reappropriated and made available for the completion of the custom-house at Galveston, Tex.

Mr. COKE. I hope this amendment will not be concurred in. The act of August 7, 1882, provided for the erection of a custom-house building at Galveston, Tex., and appropriated $62,500. The act of March 3, 1885, appropriated $37,500 for this purpose, making in all $100,000. The limit prescribed by the act of 1882 providing for the erection of the building was $125,000. One hundred thousand dollars has been properly appropriated of that amount. An attempt was made in 1884 to appropriate the other $25,000, but there was a mistake, and it was designated "For court-house and post-office; continuation of building $25,000." It was intended to be for this custom-house, because there was no court-house and post-office being built at Galveston. The custom-house building was the only building being constructed there.

I have before me the correspondence of the Assistant Secretary of the Treasury, calling on the Attorney-General, stating this mistake, and asking to know if he could use this $25,000 for the construction of the custom-house, that being evidently and certainly the building for which it was intended. The Attorney-General replies that he can not. The House, in view of these facts, makes the appropriation in these words:

For custom-house at Galveston, Tex.: That the sum of $25,000 appropriated by the sundry civil appropriation act approved July 7, 1884, for continuation of the court-house and post-office, be, and the same is hereby, reappropriated and made available for the completion of the custom-house at Galveston, Tex.

It is simply the correction of a mistake made in 1884, when Congress instead of making the appropriation for the custom-house made it for the court-house and post-office.

Mr. HARRIS. It was a mistake in the name of the house; that is all.

Mr. COKE. That is all. Now this appropriation is stricken out by the committee. I hope the committee amendment striking it out will not be concurred in. All I desire is an appropriation of the money for the building.

Mr. BECK. I think the Senator from Texas would get along better to let this money, which was wrongly appropriated, remain in the Treasury, as it now is, and let the amendment of the Committee on Appropriations striking it out stand, and insert:

For the completion of the custom-house at Galveston, Tex., $25,000.

Making a clean appropriation and letting the whole matter correct itself.

Mr. COKE. That is the amount needed for that purpose, and that form would suit just as well.

Mr. ALLISON. I wish to make a brief explanation before that is done. There are two public buildings at Galveston, a custom-house and a court-house and post-office. In 1884, or whenever it was done, an appropriation was made for one of these buildings. Then Congress authorized the construction of an entire new building at Galveston, and limited the cost to $100,000. If this appropriation can be switched over upon the new building Galveston will stand in a better relation in reference to this bill than other people who have appropriations without a limit. The object of this transfer of an appropriation which has gone into the Treasury is to add to the limit of the Galveston building $25,000. It should be done directly, if done at all. I think the suggestion of the Senator from Kentucky is the true suggestion.

Mr. COKE. Will the Senator allow me to correct him? There is a court-house and post-office building at Galveston. It has been there many years. No appropriation has been asked for it; no work has been done on it; no work is contemplated being done on it. All that has been asked for since 1882 has been for the new custom-house now in process of erection. In 1882 the law provided for the erection of that custom-house, fixing the limit for the site of the building at $125,000. It was in 1884, two years after that, that this $25,000 appropriation was made in which the mistake occurred. It makes it exactly. Without that $25,000 there is $100,000 appropriated for the custom-house at Galveston. With it there is $125,000 appropriated, which is the limit fixed by the act of 1882.

Mr. ALLISON. Does the Senator say that when this appropriation is transferred, with all the other appropriations which have been made, the limit then will only be reached?

Mr. COKE. That is what appears from the letter of the Assistant Secretary of the Treasury.

Mr. ALLISON. If that is true, then the point I make would not lie.

Mr. BECK. It was because I believed that to be true that I made the suggestion I did.

Mr. COKE. It was $62,500 in one appropriation and $37,500 in another, making $100,000, and this $25,000 now asked for simply comes up to the limit of the law of 1882.

Mr. EDMUNDS. When was the first appropriation for the custom-house at Galveston?

Mr. ALLISON. In 1882.

Mr. COKE. The law was passed August 7, 1882.

Mr. ALLISON. I will say to the Senator from Texas that the committee was fortified somewhat in this view of the question from the fact that there is $89,000 of the appropriation still unexpended.

Mr. COKE. Here is a letter to the Solicitor of the Treasury from the Assistant Secretary of the Treasury.

Mr. ALLISON. What is the date of that letter?

Mr. COKE. February 18, 1886. He put down the limit for the site and building under the act providing for the erection of the building at $125,000. He says.

The act of August 7, 1882, appropriates $62,500 for custom-house and other Government offices. The act of July 7, 1884, appropriates for court-house and post-office, for continuation of building, $25,000.

Mr. ALLISON. If the Senator is correct in his statement, I should have been obliged if he had handed me that letter, because it is new.

Mr. COKE. Do you desire to see the letter?

Mr. ALLISON. I do not desire to see it now. I ask that the amendment may be passed over in order that I can examine it. I call the Senator's attention to the fact that the reason why we struck the clause out was because we understood the limit had been exceeded. Now that he says the limit is not exceeded I am in favor, and I think the committee would be in favor, of appropriating specifically $25,000 more for this work.

Mr. COKE. I am willing to let the amendment go over, because I am satisfied that it is just as I have stated, and the committee will find it so.

Mr. ALLISON. I ask that the amendment be passed over for the present.

The PRESIDENT *pro tempore*. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 69, to insert:

For post-office at Hannibal, Mo.: For approaches and heating apparatus complete, $13,500.

The amendment was agreed to.

The next amendment was, after the word "fencing," at the end of line 74, to strike out "seven thousand five hundred" and insert "eleven thousand;" so as to make the clause read:

For court-house and post-office at Jefferson City, Mo.: For approaches complete, exclusive of iron fencing, $11,000.

The amendment was agreed to.

The next amendment was, in line 90, after the word "fence," to strike out "five thousand" and insert "four thousand five hundred;" and after the words "in all," at the end of line 92, to strike out "five thousand" and insert "four thousand five hundred;" so as to make the clause read:

For court-house and post-office at Leavenworth, Kans.: For approaches complete, exclusive of iron fence, $4,500; for connection to city sewer, $14.03; in all, $4,514.03.

The amendment was agreed to.

The reading of the bill was resumed and continued to the following item:

For post-office at Minneapolis, Minn.: For continuation of building, $125,000.

Mr. McMILLAN. Would an amendment to the text in this instance be in order now?

The PRESIDENT *pro tempore*. It would not be in order.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "fence," at the end of line 107, to strike out "seven thousand five hundred" and insert "five thousand;" so as to make the clause read:

For court-house and post-office at Nebraska City, Nebr.: For approaches complete, exclusive of iron fence, $5,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 109 to line 112, inclusive, as follows:

For marine hospital at New Orleans, La.: For laundry building and apparatus, $2,500; and approaches complete, $7,500; in all, $10,000.

The amendment was agreed to.

The next amendment was, after line 112, to insert:

For mint building at New Orleans, La.: For extraordinary repairs absolutely necessary, $23,000.

The amendment was agreed to.

The next amendment was, after line 115, to insert:

For post-office at New Bedford, Mass.: For the purchase of land adjoining and additional to that authorized to be purchased by the act of February 20, 1885, $30,000.

The amendment was agreed to.

The next amendment was, in line 127, after the word "complete," to strike out "exclusive of iron fence, five" and insert "ten;" so as to make the clause read:

For court-house and post-office at Pensacola, Fla.: For approaches complete, $10,000.

The amendment was agreed to.

The next amendment was, after line 131, to insert:

For custom-house and post-office at Port Townsend, Wash.: For approaches and heating apparatus complete, $17,000.

The amendment was agreed to.

The next amendment was, in line 138, after the word "complete," to strike out "exclusive of iron fence, five," and insert "nine;" so as to make the clause read:

For post-office and court-house at Quincy, Ill.: For approaches complete, $9,000.

The amendment was agreed to.

The next amendment was, after line 145, to insert:

For court-house and post-office at Saint Paul, Minn.: To enable the Secretary of the Treasury to purchase the ground, consisting of two lots, adjoining the United States court-house and post-office building in the city of Saint Paul, in the State of Minnesota, fronting not to exceed 100 feet on Wabash street and extending back to the depth of the said lots, $40,000, or so much thereof as may be necessary.

Mr. McMILLAN. The Senator from Iowa has an amendment which I submitted to him that had better be added there.

Mr. ALLISON. The committee authorize me to move to insert, after the word "lots," in line 152:

Or in his discretion ground adjoining the said premises of the United States and fronting not to exceed 100 feet on Fifth street, and extending back the depth of said Government premises.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. It is suggested that the name of the street is wrong. It should be "Wabashaw."

Mr. McMILLAN. Yes, Wabashaw.

Mr. ALLISON. That ought to be changed.

The PRESIDENT *pro tempore*. That change will be made. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after line 153, to insert:

For post-office at Springfield, Ohio: For approaches and heating apparatus complete, $12,000.

The amendment was agreed to.

The next amendment was, in line 178, after the word "dollars," to insert "for approaches and heating apparatus complete, $13,000; in all, $93,000;" so as to make the clause read:

For court-house and post-office at Winona, Minn.: For completion of building under present limit, $80,000; for approaches and heating apparatus complete, $13,000; in all, $93,000.

The amendment was agreed to.

The next amendment was, after line 183, to insert:

To put the Treasury building in a proper sanitary condition by improved plumbing, sewerage, and drainage, $67,000, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, after line 187, to insert:

For the purchase of land, and buildings thereon, being lots numbered 11 and 12 of the subdivision of square numbered 689 on the original plat of lands in the city of Washington, bounded north by South B street, east by New Jersey avenue, and west by South Capitol street, $275,000, or so much thereof as may be necessary; said purchase to be made by the Secretary of the Treasury, for the use of the Treasury Department.

Mr. ALLISON. I ask that that amendment may be passed over.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "light-houses, beacons, and fog-signals," after the word "for," in line 208, to strike out "continuing" and insert "completing;" and in line 210, after the word "Florida," to strike out "thirty" and insert "fifty;" so as to make the clause read:

Mosquito Inlet light station, Florida: For completing the construction of the light-house at Mosquito Inlet, Florida, $50,000: *Provided*, That the entire cost of this work shall not exceed the original estimate of $200,000.

The amendment was agreed to.

The next amendment was, in line 221, after the word "California," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

Northwest Seal Rock light station, California: For continuing the construction of a light-house on Northwest Seal Rock, off Point Saint George, California, $100,000: *Provided*, That the entire cost of this light-house shall not exceed $450,000.

The amendment was agreed to.

The next amendment was, after line 238, to insert:

Dutch Gap Canal light station, Virginia: For the purchase of additional land for the Dutch Gap Canal light station, James River, Virginia, $150.

The amendment was agreed to.

The next amendment was, after line 248, to insert:

San Luis Obispo light-house and fog-signal, California: For the establishment and completion of a light-house and fog-signal, together or on separate sites, as may be found most advantageous, at or near San Luis Obispo, at the entrance to Port Harford, San Luis Obispo Bay, California, $50,000.

The amendment was agreed to.

The next amendment was, after line 254, to insert:

Point Sur light-house and fog-signal, California: For commencing the construction of a light-house and fog-signal at or near Point Sur, on the coast of California, $50,000.

The amendment was agreed to.

The next amendment was, after line 258, to insert:

Castle Hill light-house and fog-signal, Rhode Island: For the establishment and completion of a light-house and fog-signal on Castle Hill, Rhode Island, at the entrance to Newport Harbor, $10,000: *Provided*, That a suitable site for the same can be obtained without expense to the Government, upon terms and conditions to be agreed upon by the Light-House Board with the owner of the land at Castle Hill.

The amendment was agreed to.

The next amendment was, after line 266, to insert:

Whitehall Narrows light station, New York: For the establishment and completion of a light above Pulpit Point, Whitehall Narrows, New York, $200.

The amendment was agreed to.

The next amendment was, after line 270, to insert:

Light on the bridge between New Bedford and Fairhaven, Mass.: For the establishment and completion of a light on the bridge between New Bedford and Fairhaven, Mass., $200.

Mr. EDMUNDS. That is already in.

Mr. ALLISON. That amendment should be disagreed to.

The amendment was rejected.

The next amendment was, after line 274, to insert:

Gull Rocks light-house and fog-signal, Rhode Island: For the establishment and completion of a light-house and fog-signal on one of the Gull Rocks, opposite the United States Naval Training-School, in Upper Newport Harbor, Rhode Island, $10,000.

The amendment was agreed to.

The next amendment was, after line 279, to insert:

Crabtree's Ledge light-house, Maine: For the establishment and completion of a light-house on Crabtree's Ledge (so called), between Bean Island and the mainland of Crabtree's Neck, in Frenchman's Bay, Hancock County, Maine, $25,000.

The amendment was agreed to.

The next amendment was, after line 284, to insert:

Deer Island light-house and fog-signal, Massachusetts: For the establishment and completion of a light-house and fog-signal at or near Deer Island, in Boston Harbor, Massachusetts, $35,000.

The amendment was agreed to.

The next amendment was, after line 289, to insert:

Lubec Narrows light-house, Maine: For the establishment and completion of a light-house at or near Lubec Narrows, Maine, $40,000.

The amendment was agreed to.

The next amendment was, after line 292, to insert:

Cape Orford light station, Oregon: For the purchase of a right of way from Cape Orford light station to the town of Cape Orford, Oreg., $2,000.

Mr. ALLISON. That amendment should be disagreed to. The law which was passed covers an appropriation for that service.

The amendment was rejected.

The next amendment was, after line 296, to insert:

Two Harbors light-house, Minnesota: For the establishment and completion of a light-house at Two Harbors, Minn., $10,000.

The amendment was agreed to.

The next amendment was, after line 299, to insert:

Gould Island light-house, Rhode Island: For the establishment and completion of a light-house on Gould Island, Narragansett Bay, Rhode Island, $10,000.

The amendment was agreed to.

The next amendment was, after line 303, to insert:

North Point light station, Wisconsin: For the establishment and completion of a light station at or near North Point, to take the place of the old one near Milwaukee, on Milwaukee Bay, Lake Michigan, Wisconsin, $15,000.

The amendment was agreed to.

The next amendment was, after line 308, to insert:

Cape Meares light-house, Oregon: For the purchase of a site and completing the construction of a first-order coast light-house at Cape Meares, Tillamook Bay, Oregon, $60,000.

Mr. MITCHELL, of Oregon. I move to strike out "sixty," before "thousand," and insert "seventy-five." I will say to the chairman of the committee that that is the recommendation of the Department. Unless my friend is satisfied, I will ask to have the amendment go over until to-morrow, when I shall produce the papers.

Mr. ALLISON. We have inserted a large number of lights here in view of the fact that Congress recently passed a law directing these lights to be constructed; and for Cape Meares, Tillamook Bay, Oregon, the law limits the cost of construction to $60,000.

Mr. MITCHELL, of Oregon. That is true, but at the same time the Department insists that it ought to be $75,000; that is, $15,000 more.

Mr. HALE. Congress has settled that.

Mr. ALLISON. The law must be changed next year, if at all.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 312, to insert:

Steam-tender for the fourth light-house district: For building and completing a new steam-tender for service in the fourth light-house district, $68,300.

The amendment was agreed to.

The reading of the bill was continued to line 326.

Mr. EDMUNDS. I should like to call the attention of the chairman to line 322, about life-saving stations:

On the coasts of Rhode Island and Long Island, one, at $1,800.

That means one each, I suppose. They are separate coasts.

Mr. ALLISON. No, sir; that is one superintendent for both.

Mr. EDMUNDS. How can that be?

Mr. ALLISON. Rhode Island and Long Island are very closely allied. These are superintendents; they are men who have charge of a number of these stations.

Mr. EDMUNDS. One person has charge on the mainland and on Long Island also?

Mr. ALLISON. I understand so.

Mr. EDMUNDS. That will not work.

Mr. ALLISON. It has worked for many years, I will say to the Senator. He has an assistant superintendent provided for right below.

Mr. EDMUNDS. Oh, well; that may be.

Mr. ALLISON. I will say with reference to these life-saving stations that they are the stations which have been in existence for a number of years, and it is found to work very well in the service in which they are engaged.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment was, under the head of "Revenue-cutter service," after line 388, to insert:

For the construction or purchase of a steam revenue-vessel for use on the Mississippi River between New Orleans and the passes, $10,000.

The amendment was agreed to.

The next amendment was, in the appropriation for "Engraving and printing," after the word "Treasury," in line 429, to insert the following proviso:

Provided, That hereafter receipts for miscellaneous work performed by the Bureau of Engraving and Printing for the several Departments of the Government, and the amounts properly chargeable to national banks for engraving their plates, shall be deposited and covered into the Treasury as miscellaneous receipts.

So as to make the clause read:

For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, $141,820, to be expended under the direction of the Secretary of the Treasury: *Provided*, That hereafter receipts for miscellaneous work performed by the Bureau of Engraving and Printing for the several Departments of the Government, and the amounts properly chargeable to national banks for engraving their plates, shall be deposited and covered into the Treasury as miscellaneous receipts.

Mr. EDMUNDS. I should like to ask the chairman to explain what classes of miscellaneous work other than the regular work of the bureau are lawfully performed at the Bureau of Engraving and Printing for the several Departments of the Government, as distinguished from the Government Printing Office.

Mr. ALLISON. There are quite a number of things which the Bureau of Engraving and Printing do for the Government, such as printing Treasury drafts, Treasury checks, that are not enumerated in this list. The practice hitherto has been to pay for this work out of different appropriations, but the present Chief of the Bureau of Engraving and Printing asks for a single appropriation covering all the work to be done in the bureau. He stated in his letter, which will be found in the report of the House committee, that he would continue to do this miscellaneous printing or engraving as hitherto, and would collect the sums from the various Departments and would cover the money into the Treasury under the head of miscellaneous receipts. But on examination of the law we found there was no law requiring him to do that, and so we thought we would take him at his word and give him the necessary authority.

Mr. EDMUNDS. I agree to the propriety of that, only I am a little afraid that this language would authorize that bureau to set up a rival establishment in some respects to the Government Printing Office.

Mr. ALLISON. No, there is no conflict; these are small items; for instance, engraving post-office cards, engraving drafts of the Treasury and various others.

Mr. EDMUNDS. You think the law now authorizes that to be done at the Bureau of Engraving and Printing?

Mr. ALLISON. I have no doubt of it. It has been done there for a good many years.

Mr. EDMUNDS. Then in order to be sure that we are not enlarging the scope of that bureau as to work that now must be done somewhere else, I suggest to amend in line 430 by inserting, after the word "work," the words "authorized by law to be," so as not to enlarge the authority.

Mr. ALLISON. There may be no special provision authorizing some of this special work.

Mr. HALE. I do not think there is any provision providing for the finer engraved work. It is not a thing that has given rise to any abuse.

Mr. EDMUNDS. I have heard of some abuses in the way of printing, &c., that have been going on in that Department, and with the language of the clause, without my amendment, it would seem to be a general authority for all Departments of the Government to have any amount of engraving and printing done that they chose to have done, or printing without engraving, at the bureau rather than at the Government Printing Office, where the law now requires them to have it done.

Mr. ALLISON. If the Senator will turn to the Book of Estimates, page 283, he will see a detailed statement of the character of work that is done, pension checks, interest checks, transfer checks, drafts, or warrants, &c.

Mr. EDMUNDS. That is all right, and that I have no doubt the law does authorize.

Mr. ALLISON. I do not think it does specifically.

Mr. EDMUNDS. I think you will find in respect of all this proper Treasury work, in the way of fixing up their own work, they may do that; but my point is to prevent the implication that arises from this language of general authority to any of the Departments to have printing work done there because they may think it may be done a little nicer or finer than at the Government Printing Office. I want to keep it within the present limits of practical application.

I hope my amendment will be agreed to, and then if found between now and the time we get into the Senate that there is any trouble about it we can take it out of the bill.

Mr. HALE. There is no need of it whatever.

Mr. EDMUNDS. I think there is.

The PRESIDING OFFICER. The amendment of the Senator from Vermont to the amendment of the committee will be stated.

The CHIEF CLERK. In line 430, after the word "work," it is proposed to insert the words "authorized by law to be;" so as to read:

That hereafter receipts for miscellaneous work authorized by law to be performed by the Bureau of Engraving and Printing, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. The amendments from line 435 to line 454, inclusive, relating to the silver question, I ask may be passed over.

The PRESIDING OFFICER. The amendments will be passed over if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 464, after the word "therewith" to insert the words "and erecting necessary structures for employés at existing light stations;" so as to make the clause read:

Repairs of light-houses: For repairing, rebuilding, and improving light-houses, and buildings and grounds connected therewith, and erecting necessary structures for employés at existing light stations; for establishing and repairing pier-head lights; for illuminating apparatus and machinery to replace that already in use, and for incidental expenses relating to these various objects, $300,000.

The amendment was agreed to.

The next amendment was, in line 481, to increase the appropriation "for expenses of establishing, replacing, and maintaining buoys, spindles, and day-beacons, and for incidental expenses relating thereto," from $300,000 to $320,000.

The amendment was agreed to.

The next amendment was, in line 485, to increase the appropriation "for establishing, replacing, duplicating, and improving fog-signals and buildings connected therewith, and for repairs and incidental expenses of the same," from $50,000 to $60,000.

The amendment was agreed to.

The next amendment was, in line 494, after the word "Georgia," to insert the words "Saint John's River, Florida; Columbia and Willamette Rivers, Oregon;" and in line 497, after the word "rivers," to strike out "one hundred and seventy" and insert "two hundred;" so as to make the clause read:

Lighting of rivers: For establishing, supplying, and maintaining post-lights on the Hudson River, New York; Cape Fear River, North Carolina; Savannah River, Georgia; Saint John's River, Florida; Columbia and Willamette Rivers, Oregon; at the mouth of Red River, Louisiana; Mississippi, Missouri, and Ohio Rivers, $200,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the "Coast and Geodetic Survey," after the word "authority," in line 523, to strike out the words "and including traveling expenses of officers and men of the Navy on duty; for actual subsistence to officers of the field force while on field duty, at not exceeding two dollars per day each;" so as make the clause read.

For every expenditure requisite for and incident to the survey of the Atlantic, Gulf, and Pacific coasts of the United States, including the survey of rivers to the head of tide-water or ship navigation; deep-sea soundings, temperature and current observations along the coasts and throughout the Gulf Stream and Japan Stream flowing off the said coasts; tidal observations; the necessary resurveys; the preparation of the Coast Pilot; a magnetic map of North America; and including compensation not otherwise appropriated for of persons employed on the field-work, in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury; for special examinations that may be required by the Light-House Board or other proper authority; outfit, equipment, and care of vessels used in the Survey, and also the repairs and maintenance of the complement of vessels, to be expended under the following heads: *Provided*, That no advance of money to chiefs of field parties under this appropriation shall be made unless to a commissioned officer or to a civilian officer, who shall give bond in such sum as the Secretary of the Treasury may direct.

The amendment was agreed to.

The next amendment was, in the appropriations for "party expenses of Coast and Geodetic Survey," in line 539, to increase the appropriation "for examination of reported dangers and changes on the eastern coast" from $500 to $1,000.

The amendment was agreed to.

The next amendment was, in line 545, to increase the appropriation "for continuing examination of changes and resurveys on the seacoast of New Jersey" from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was, in line 553, to increase the appropriation "for continuing the survey of the western coast of Florida from Estero Bay southward and from Saint Joseph's Bay northward, and hydrography of same," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 560, to increase the appropriation "to make off-shore soundings along the Atlantic coast and current and temperature observations in the Gulf Stream" from $6,000 to $9,000.

The amendment was agreed to.

The next amendment was, in line 567, to increase the appropriation "for determinations of geographical positions (longitude party)" from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 569, to increase the appropriation "to continue the primary triangulation from Atlanta toward Mobile" from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was, after line 569, to insert:

To continue the primary triangulation between Charleston, S. C., and the northwest corner of the State, to connect with the oblique arc along the Blue Ridge, $2,000.

The amendment was agreed to.

The next amendment was, in line 577, to increase the appropriation "for continuing an exact line of levels from the Gulf to the transcontinental line of levels between the Atlantic and Pacific Oceans, and for continuing the transcontinental line of levels," from $1,000 to $2,500.

The amendment was agreed to.

The next amendment was, in line 600, to increase the appropriation "for continuing explorations in the waters of Alaska, and making hydrographic surveys in the same" from $4,000 to $9,000.

The amendment was agreed to.

The next amendment was, after the word "For," in line 602, to strike out the words "traveling expenses of officers and men of the Navy on duty, and for any;" so as to read:

For special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto.

Mr. ALLISON. That and the following amendment in the same clause should be disagreed to.

Mr. EDMUNDS. Why? I should like to have it explained.

Mr. ALLISON. The House provision is the correct one. This is to cover traveling expenses of naval officers who are connected with the survey and who travel from one position to another, and it is the only method whereby they can be paid.

Mr. EDMUNDS. That is very forcible, but I see on line 523 an amendment striking out a similar clause was agreed to. I do not see the distinction.

Mr. ALLISON. There is a very wide distinction.

Mr. EDMUNDS. I hope the Senator will explain it.

Mr. ALLISON. On line 523 the words stricken out were intended to limit the subsistence of officers to a certain amount, $2 per day. They now receive, under the Treasury regulations, $3 per day; and the committee did not think it wise to disturb that.

Mr. EDMUNDS. But striking it out does not seem to make any provision for their traveling expenses at all. In this appropriation for the Coast and Geodetic Survey you strike out the words "including traveling expenses," which is distinct from the limit of $2 per day——

Mr. ALLISON. But the Treasury regulations, which are referred to above, cover all these items. It is not necessary to repeat them.

Mr. EDMUNDS. If the committee is sure of it, very well.

Mr. ALLISON. The provision just above is in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury.

Those are specific things well understood. I will say that the accounting officers have decided that officers of the Navy assigned to the Coast Survey can not receive traveling pay as they can while on duty in the Navy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the same clause after the word "thereto," in line 605, to insert "including traveling expenses of officers and men of the Navy on such duty."

Mr. ALLISON. That ought not to be agreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the end of the same clause, in line 605, before the word "thousand," to strike out "three" and insert "five;" so as to make the clause read:

For traveling expenses of officers and men of the Navy on duty, and for any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, $5,000.

The next amendment was, in line 609, to increase the appropriation "for continuing tide observations on the Pacific coast" from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, in line 610, to increase the appropriation "for magnetic observations on the Pacific coast" from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, after line 611, to insert:

For traveling expenses of the superintendent and his party on duty of inspection, $600.

The amendment was agreed to.

The next amendment was, in line 615, to increase the appropriation "for objects not hereinbefore named that may be deemed urgent" from $1,000 to $4,000.

The amendment was agreed to.

The next amendment was, in line 618, to increase the total amount of the appropriation "for party expenses of Coast and Geodetic Survey" from $95,300 to $125,600.

The amendment was agreed to.

The next amendment was, after line 619, to insert:

For furnishing points for State surveys, $10,000.

The amendment was agreed to.

The next amendment was, after line 627, to insert:

For continuing physical hydrography of New York Bay and Harbor, including East River to Throg's Neck, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "pay of field officers," Coast and Geodetic Survey, to strike out from line 639 to line 664, inclusive, and in lieu thereof to insert from line 665 to line 707, inclusive.

Mr. HALE. Let that be treated as one amendment.

Mr. ALLISON. The striking out and insertion of a long list there should be treated as one amendment. I desire to say that the Committee on Appropriations found a very considerable reduction of the number of officials here and also a considerable change in the pay, some increased and some reduced, and the committee have carefully examined the whole subject and inserted the number and pay allowed in last year's appropriation bill.

Mr. EDMUNDS. Without any change?

Mr. ALLISON. Without any change as to number or as to pay.

Mr. HALE. With the proviso on page 30.

Mr. ALLISON. That provides that when vacancies occur there shall be no new appointments until the number of assistants, &c., is reduced to fifty-two, the number now being sixty-one.

Mr. EDMUNDS. Let the amendment be read.

The SECRETARY. It is proposed, after line 638, to strike out the following:

For pay of the Superintendent, $6,000.
For pay of three assistants, at $3,500 per annum each, $10,500.
For pay of three assistants, at $2,500 per annum each, $7,500.
For pay of five assistants, at $2,250 per annum each, $11,250.
For pay of four assistants, at $2,000 per annum each, $8,000.
For pay of six assistants, at $1,800 per annum each, $10,800.
For pay of eight assistants, at $1,500 per annum each, $12,000.
For pay of two assistants, at $1,400, $2,800.
For pay of five assistants, at $1,200 per annum each, $6,000.
For pay of twelve aids, at $900 per annum each, $10,800.
Total pay in field, $85,650.

And in lieu thereof to insert:

For pay of Superintendent, $6,000.
For pay of two assistants, at $4,000 per annum, $8,000.
For pay of one assistant, at $3,600 per annum.
For pay of one assistant, at $3,200.
For pay of two assistants, at $3,000 per annum, $6,000.
For pay of two assistants, at $2,800 per annum, $5,600.
For pay of four assistants, at $2,400 per annum, $9,600.
For pay of three assistants, at $2,300 per annum, $6,900.
For pay of six assistants, at $2,200 per annum, $13,200.
For pay of six assistants, at $2,000 per annum, $12,000.
For pay of ten assistants, at $1,800 per annum, $18,000.
For pay of nine assistants, at $1,500 per annum, $13,500.
For pay of three subassistants, at $1,400 per annum, $4,200.
For pay of two subassistants, at $1,300 per annum, $2,600.
For pay of four subassistants, at $1,100 per annum, $4,400.
For pay of six aids, at $900 per annum, $5,400.
For pay of one aid, at $720 per annum.
Total pay in field, $123,120: *Provided*, That no new appointments shall be made to the above force until the whole number of assistants, subassistants, and aids shall be reduced to fifty-two.

Mr. ALLISON. In line 671 I will add the words "per annum;" so that the clause will read:

For pay of one assistant, at $3,200 per annum.

Mr. EDMUNDS. And those words should be added in line 665, "For pay of Superintendent, $6,000," as well, to make it harmonious.

Mr. ALLISON. I do not know that that is necessary, but it may as well be inserted.

The PRESIDING OFFICER. The question is on this amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. I will say that the same rule prevails from line 709 to line 809, inclusive, and then from line 810 to 984. I wish that to be treated as one amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Under the head of "Pay of office force, Coast and Geodetic Survey," it is proposed to strike out from line 709 to line 809, inclusive, as follows.

For one auditing clerk and one accounting clerk, at $2,000 each, $4,000.
For one librarian, at $1,800.
For one general office assistant, at $2,000.
For three clerks, at $1,600 each, $4,800.
For two clerks, at $1,400 each, $2,800.
For three clerks, at $1,200 each, $3,600.
For one clerk, at $1,000.
For one clerk, at $900.
For two writers, at $840 each, $1,670.
For seven writers, at $720 each, $5,040.
For two computers, at $1,850 each, $3,700.
For one computer, at $1,500.
For two computers, at $1,400 each, $2,800.
For two computers, at $1,300 each, $2,600.
For two computers, at not exceeding $1,000 each, $2,000.
For two engravers, at $2,000 each, $4,000.
For one engraver, at $1,800.
For two engravers, at $1,500 each, $3,000.
For one engraver, at $1,200.
For one engraver, at $900.
For one draughtsman, at $2,400.
For one draughtsman, at $2,200.
For two draughtsmen, at $2,000 each, $4,000.
For three draughtsmen, at $1,800 each, $5,400.
For one draughtsman, at $1,500.
For three draughtsmen, at $1,400 each, $4,200.
For two draughtsmen, at $1,300 each, $2,600.
For one draughtsman, at $1,200.
For one draughtsman at $1,100.
For one draughtsman at $900.
For one electrotypist and photographer, at $1,600.
For two electrotypist's helpers, at $550 each, $1,100.
For one janitor, $1,200 per annum.
For two watchmen, at not exceeding $894 per annum each, $1,780.
For two messengers, at $840 each, $1,680.
For three messengers, at $820 each, $2,460.
For one driver, at $840.
For one packer and folder, at $820 per annum.
For one packer and folder, at $620.
For two laborers, at $620 each, $1,240.
For two laborers, at $550 each, $1,100.
For one laborer, at $1 per working day, $313.
For one laborer, at $1 per day, $365.
For one fireman, at $720.
For one fireman, at $550.
For one map-mounter, at $1,000.
For one map-colorist, at $720.
For one carpenter, at $1,500.
For one carpenter, at $700.
For one mechanician, at $1,600.
For one mechanician, at not exceeding $1,400.
For two mechanicians, at $1,200 each, $2,400.
For one mechanician, at $900.
For one mechanician, at $600.
For three copper-plate printers, at $1,300 each, $3,900.
For one copper-plate printer's helper, at $700.
Total for pay of office force, $108,236.

And in lieu thereof to insert:

For one disbursing agent, at $2,000.
For one accountant, at $1,800.
For one accountant, at $1,400.
For one general office assistant, at $2,200.
For one draughtsman, at $2,350.
For one draughtsman, at $2,100.
For one draughtsman, at $2,050.
For two draughtsmen, at $2,000, $4,000.
For one draughtsman, at $1,800.
For one draughtsman, at $1,500.
For three draughtsmen, at $1,400, $4,200.
For one draughtsman, at $4.25 per working day, $1,330.25.
For one draughtsman, at $1,260.
For two draughtsmen, at $1,200, $2,400.
For one draughtsman, at $3.50 per working day, $1,095.50.
For one draughtsman, at $3 per working day, $939.
For two computers, at $1,850, $3,700.
For one computer, at $1,420.
For one computer, at $1,300.
For one computer, at $1,260.
For one computer, at $1,100.
For one tidal computer, at $2,000.
For one tidal computer, at $1,250.
For one engraver, at $2,060.
For one engraver, at $6.39 per working day, $2,000.
For one engraver, at $6.25 per working day, $1,956.25.
For two engravers, at $5.75 per working day, $3,600.
For one engraver, at $5 per working day, $1,565.
For one engraver, at $4.75 per working day, $1,486.75.
For one engraver, at $4.50 per working day, $1,480.50.
For one engraver, at $3 per working day, $939.
For one contract engraver, contract not to exceed $2,400 per annum.
For one contract engraver, contract not to exceed $2,100 per annum.
For one contract engraver, contract not to exceed $1,800 per annum.
For one contract engraver, contract not to exceed $800 per annum.
For one electrotypist, at $2,000.
For one electrotypist's helper, at $3.75 per working day, $1,173.75.
For one copper-plate printer, at $5.50 per working day, $1,721 50.
For two copper-plate printers, at $4.25 per working day, $2,660.50.
For one copper-plate printer, at $4 per working day, $1,252.
For two plate-printers' helpers, at $2.25 per working day, $1,410.50.
For one chief mechanician, at $2,000.
For one mechanician, at $5 per working day, $1,565.
For one mechanician, at $4.25 per working day, $1,330.25.
For one mechanician, at $4 per working day, $1,252.
For one mechanician, at $3.75 per working day, $1,173.75.
For one mechanician, at $2.82 per working day, $882.66 cents.
For one mechanician, at $1.75 cents per working day, $547.75.
For one carpenter, at $5 per working day, $1,565.
For one carpenter, at $2.25 per working day, $704.25.
For one carpenter, at $1.82 per working day, $569.66 cents.
For one map-mounter, at $3.25 per working day, $1,017.25.
For one librarian, at $1,800.
For one clerk, at $1,650.
For two clerks, at $1,500, $3,000.
For one clerk, at $1,400.

For one clerk, at $1,350.
For two clerks, at $1,200, $2,400.
For one clerk, at $1,000.
For one clerk, at $900.
For one clerk, at $3.75 per working day, $1,173.75.
For one map-colorist, $720.
For one writer, at $900.
For one writer, at $840.
For six writers, at $720, $4,320.
For one writer, at $600.
For one messenger, at $2.40 per day, $876.
For one messenger, at $840.
For three messengers, at $2.25 per day, $2,463.75.
For three messengers, at $1.75 per day, $1,916.25.
For one fireman, at $2 per day, $730.
For one fireman, at $1.50 per day, $547.50.
For one packer and folder, at $2.25 per day, $821.25.
For one packer and folder, at $2 per working day, $626.
For two laborers, at $2 per working day, $1,252.
For two laborers, at $1.75 per working day, $1,095.50.
For one laborer, at $1 per working day, $313.
For one laborer, at $1 per day, $365.
For one janitor, at $1,200.
For three watchmen, at $2.45 per day, $2,682.75.
Total for pay of office force, $127,178.82.

The amendment was agreed to.

The next amendment was in the appropriations for "office expenses," Coast and Geodetic Survey, in line 991, after the word "electrotyping," to strike out "engravers' and printers'" and insert "and photographing; engraving, electrotyping, and photographing;" in line 994, after the word "charts," to insert "and printing from stone;" and in line 995, after the word "use," to strike out "ten thousand" and insert "eleven thousand five hundred;" so as to make the clause read:

For copper-plates, chart-paper, printer's ink; copper, zinc, and chemicals for electrotyping and photographing; engraving, electrotyping, and photographing supplies; for extra engraving; and for photolithographing charts and printing from stone for immediate use, $11,500.

The amendment was agreed to.

Mr. ALLISON. On line 1004 I ask consent to offer an amendment. "Twenty-eight thousand five hundred dollars" should be struck out as the total amount of the appropriation for general expenses of the office of the Coast and Geodetic Survey and "$30,000" inserted, to make the totals correct.

The PRESIDING OFFICER. If there be no objection that correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1017, after the words "publishing observations," to strike out:

For one computer, $1,800; one computer, $1,600; and three copyists, at $720 each; in all $5,560.

And in lieu thereof to insert:

For continuing the publication of observations and their discussion, made in the progress of the Coast and Geodetic Survey, including compensation of civilians engaged in the work, the publication to be made at the Government Printing Office, $6,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the appropriations for "miscellaneous objects under the Treasury Department," in line 1040, after the word "superintendent," to insert "counters;" and in line 1041, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

Paper and stamps: For paper for internal-revenue stamps, freight, and salaries of superintendent, counters, messengers, and watchmen, $60,000.

The amendment was agreed to.

The next amendment was after line 1041 to insert:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, $50,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 1053 to line 1076, inclusive, as follows:

That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, in the city of Philadelphia, Pa., to the highest bidder, after thirty days' notice in four of the principal newspapers published in the city of Philadelphia, in one or more lots, the land and premises known as the old court-house and post-office in said city, lying upon Chestnut street and extending back to Library street, and between Fourth and Fifth streets, and adjoining the present custom-house site in said city; the time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than ninety days after the passage of this act, and at a price not less than $300,000, with power to reject any or all bids, and to readvertise and offer the said property in like manner as often as may be necessary to secure the value thereof, and the cost to be paid from the proceeds of sale; and it shall be the duty of the Secretary of the Treasury to cause inquiry to be made as to the value of this property, and if it shall appear that the price above named is inadequate he is authorized and directed to appoint a board of three persons in the employ of the United States to assess the value of the said property, and report the same to the Secretary of the Treasury, when the sum fixed by this board shall be the minimum price at which the property may be thus sold.

Mr ALLISON. The same provision is in the law passed in 1884 and is a continuing provision. It is not necessary to repeat it.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the clause from line 1112 to line 1124, inclusive, as follows:

Mint at Philadelphia: For the removal of the steam-power plant to the northwest corner of the mint property, locating the boiler-room outside of the walls of the main building, for underpinning, new walls, girders, brick-work, new boilers, engine, steam pipes, and shafting, $54,639.20; and for construction of vault for the storage of silver dollars out of the present boiler-room, $60,000; in all, $114,639.20; to be expended under the immediate supervision of the superintendent of the Mint at Philadelphia, on contract, subject to the approval of the Director of the Mint.

Mr. ALLISON. I ask that that amendment may be passed over.

The PRESIDING OFFICER. It will be passed over if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1164, after the word "carpets," to insert "and awnings where necessary;" and in line 1168, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

Furniture and repairs of furniture: For furniture and repairs of furniture, including carpets, and awnings where necessary, for all public buildings under the control of the Treasury Department, including marine hospitals, and for furniture, carpets, chandeliers, and gas-fixtures for new buildings, $175,000. And all furniture now owned by the United States in other buildings shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not.

The amendment was agreed to.

The next amendment was, after line 1209, to insert:

Fish-hatchery at Duluth, Minn.: For the establisment of a fish-hatchery on Lake Superior, at or near Duluth, Minn., $10,000.

The amendment was agreed to.

The next amendment was, after line 1226, to insert:

Steamer Albatross: For the construction and introduction of new boilers for the steamer Albatross, and other necessary general repairs, $20,000; for expenses of journey from New York to San Francisco, including cost of coal and other necessary supplies, $7,500; in all, $27,500.

Mr. EDMUNDS. I suggest to strike out the word "journey," in line 1230, and insert the word "voyage."

Mr. ALLISON. I did not know but they might want to go across some canal. [Laughter.]

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 1259, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs-revenue laws, $40,000.

The amendment was agreed to.

The next amendment was, in line 1286, after the word "Alaska" to strike out "twenty" and insert "thirty;" so as to make the clause read:

For the protection of sea-otter hunting-grounds and seal-fisheries in Alaska: To enable the Secretary of the Treasury to use revenue-steamers for the protection of the interests of the Government on the seal-islands and the sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska, $30,000.

The amendment was agreed to.

The next amendment was, after line 1287, to insert:

National Board of Health:
For salaries and expenses of the National Board of Health, $10,000.

The amendment was agreed to.

The reading was resumed and continued to the end of the clause from line 1291 to line 1299 inclusive, as follows:

Prevention of epidemics:
The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated therefor by the act approved March 3, 1885, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger.

Mr. EDMUNDS. I should like to inquire how much balance there is unexpended that is put at the command of the President respecting the prevention of epidemics?

Mr. ALLISON. The amount is $275,000.

Mr. EDMUNDS. He has plenty then.

Mr. GIBSON. I have an amendment to offer at that point.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Louisiana that an amendment is not in order until the committee amendments have been disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations "under the Navy Department," in line 1303, after the word "dollars," to insert "for completion of iron crane, $22,000; in all, $213,595;" so as to make the clause read:

Navy-yard, Mare Island, California: For completion of stone dry-dock, $191,595; for completion of iron crane, $22,000; in all, $213,595.

The amendment was agreed to.

The next amendment was, after line 1306, to insert:

Navy-yard, Brooklyn, N. Y.: For repairing and preserving granite dry-dock, $125,000.

The amendment was agreed to.

The next amendment was, after line 1309, to insert:

Naval training station, Coaster's Harbor Island, Rhode Island: For extending wharf and dredging, repairs to main causeway, sea-wall, roads, buildings and grounds, and the necessary labor and implements required for the proper preservation of the same, $10,000.

The amendment was agreed to.

The next amendment was, after line 1315, to insert:

For repairs and improvements on buildings: Heating, lighting, and furniture for same; books and stationery; freight and other contingent expenses; facing building with Portland cement; purchase of food and maintenance of horses, and mail-wagon, and attendance on same, $8,000.

Mr. EDMUNDS. Does that mean the naval training station at Coaster's Harbor Island?

Mr. ALLISON. Yes, sir.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1324, to insert:

STATE DEPARTMENT.

French spoliation claims: To enable the Secretary of State to complete the preliminary search already made in France for records and other documents affecting the rights or claims of American citizens under the act of Congress approved January 20, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801," and to make a similar search in Spain or elsewhere, and to procure the records and documents already found or that may hereafter be found, or certified copies or abstracts thereof, to be used by the claimants or the Attorney-General of the United States before the Court of Claims, $10,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, after line 1341, to insert:

Statue of "Liberty Enlightening the World:" To defray the expenses incident to the landing, housing, protecting, and inaugurating upon Bedloe's Island of Bartholdi's statue of "Liberty Enlightening the World," and for construction of platforms, repairs of wharf, clearing grounds of unsightly structures, and other incidental expenses, and for incidental expenses of the ceremony of inauguration, $56,500.

The amendment was agreed to.

The next amendment was, in the appropriations "Under the Department of the Interior," after line 1351, to insert:

Interior Department building: For reconstruction of the east wing of the Interior Department building, $160,000.

The amendment was agreed to.

The next amendment was, after line 1354, to insert:

For constructing a passenger and freight elevator in the west wing of the Interior Department building, $12,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1364 to line 1377, inclusive; as follows:

That the Secretary of the Interior is hereby authorized to expend from any balance of the appropriation for "Contingent expenses office of the Secretary of the Interior," and so forth, for the fiscal year 1886, that may not be required for other purposes or remain unexpended, not, however, to exceed $20,000, or so much thereof as may be necessary, for the introduction in the Interior Department building of an electric-light plant, including dynamos, engines, boilers, pumps, wires, lamps, and such other material, and also labor, as may be required for the introduction of said plant; and the said sum of $20,000, or so much thereof as may be necessary, is hereby appropriated and made available for the purposes herein specified.

The amendment was agreed to.

The next amendment was, in line 1379, after the word "building," to strike out:

For occupancy by the Pension Office, the General Land Office, Indian Office, Bureau of Education, Office of the Commissioner of Railroads, Bureau of Labor, the office of the agent for the payment of pensions in the District of Columbia, and Office of the Geological Survey, namely: For extending the fourth floor around the whole building, to extend the wrought-iron gallery, and to provide light, heat, and ventilation for the new fourth-story rooms, for record-rooms, and for clerical work, $61,000.

Mr. HAWLEY. It would strike one who did not know so much about this subject as the Committee on Appropriations that this was a very reasonable provision of the bill, so that the already overcrowded buildings in the Interior Department may be relieved. I should like to hear the objections to it.

Mr. ALLISON. The Senator will observe that we do propose to complete the building by the remaining portion of this paragraph, but not to enlarge it The proposition just read is a provision to build another story on the Pension building, and it so appears on its face, to make a fourth story. It is in fact a proposition to cut the third story in two, and make a story above the present third story, which will be lighted from the roof by little circular holes just under the roof. It is perfectly manifest, it seems to me, that such a place would be uninhabitable during a portion of the year at least in this city.

Mr. HALE. Would it not be exactly as if the top of this Chamber was cut off and another story made around the lower part of the gallery?

Mr. ALLISON. It would be, I think, a great deal worse than that, if anything could be worse.

Mr. HALE. But that is the idea.

Mr. ALLISON. And therefore the committee believed, after a thorough examination so far as they could make an examination, that this scheme was wholly impracticable, and the Secretary of the Interior, after very careful examination, coincided with us.

The third story of this building ought to be utilized as a hall of records, when we get it finally completed. It is a story 31 feet high, with a circuit of windows around it, and it can be utilized for public records because it is a fire-proof building. The committee think it would be a waste of money to put another story there with a view to having it occupied by a clerical force.

Mr. EDMUNDS. Why is it 31 feet high?

Mr. ALLISON. That is the height the architect thought necessary to give the building the beautiful appearance it now has. I submit to the Senate that it would not be wise to divide this story into two parts in the way proposed.

Mr. HALE. I hope that no Senator will ask any questions about that remarkable and wonderful monstrosity that stands on the north side of Judiciary Square known as the new Pension Office building. The ingenuity of man, that has heretofore been devoted to the erection of structures that offend the eye and result in a total failure in almost every particular, has never gone as far as has been done in this building as it stands to-day before our eyes. It is a reproach in every way. It is unsightly and inconvenient. The room in it is wasted, and it is a total and complete abortion and failure. The less that is said about it the better.

Mr. HAWLEY. And it has no right to be on Judiciary Square.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 1395, to strike out:

In all, $150,000. And as soon as completed as herein provided for the Secretary of the Interior shall, within the fiscal year 1887, cause to be removed to the said building the General Land Office, Indian Office, Bureau of Education, Office of Commissioner of Railroads, Bureau of Labor, and the office of the agent for the payment of pensions in the District of Columbia, and office of the Geological Survey, and vacate the buildings rented for and now occupied by said offices and bureaus, or portions thereof; and the said Pension Office building shall be under the control of the Secretary of the Interior and subject to such rules and regulations as he may prescribe.

So as to make the clause read:

Pension building: For completing the Pension office building, renewing roof covering injured during construction of superstructure, and painting inside and out, plastering and decorating walls of hall and office rooms, wood flooring in office-rooms, tiling and other pavements, vault lights, hall and cellars, sky-lights, ventilating towers, entrance gate and gateways, supervision, foremen, superintendent, office expenses, and contingencies, $89,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after the words "Capitol terraces," in line 1416, to strike out:

For continuing the work upon the terraces of the Capitol, sections marked K, D, and J, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, and for reconstructing boiler-vaults connected with sections C and K, $150,000.

That the unexpended balance of the appropriation for continuing the construction of the terrace and grand stairways of the Capitol made in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," is hereby reappropriated or rendered available for the continuation of that work during the fiscal year 1887.

And in lieu thereof to insert:

All work upon the Capitol terraces shall be suspended till a further plan shall be submitted to Congress providing for committee-rooms upon the western front of said terraces, with proper ventilation and light from windows in the outer western wall.

Mr. ALLISON. That amendment may be passed over.

The PRESIDING OFFICER. It will be passed over if there be no objection.

Mr. VEST. I suggest to the chairman of the committee that we have this document I hold in my hand printed in the RECORD.

Mr. ALLISON. I have no objection.

Mr. SEWELL. What document is that?

Mr. VEST. Mr. Olmsted's letter to the chairman of the Committee on Appropriations.

Mr. HALE. If it was before the Committee on Appropriations I want it read to show how weak a case it makes.

Mr. ALLISON. Let it be printed in the RECORD.

Mr. HALE. Yes; let it be printed where it will be seen.

The PRESIDING OFFICER. It will be printed in the RECORD if there be no objection. The Chair hears none.

The paper is as follows:

Hon. WILLIAM B. ALLISON,
Chairman of Committee of Appropriations,
United States Senate.

DEAR SIR: I respectfully ask that the attention of your committee may be invited to certain considerations affecting the question of opening windows in the outer wall of the terrace of the Capitol.

The essential purpose of the Capitol is provided for in a range of halls for legislative assemblies with connecting corridors, ante-rooms, and side rooms, and this range is manifested exteriorly by colonnades and other decorative features carried around the entire building. It is set well above ground, and is held up and made more conspicuous and notable by a very plain basement story.

Below this basement story there are foundation walls, and between these foundation walls a cellar. It is not customary in buildings of any importance to make a show of the foundation walls or of the cellar. It would detract from the dignity of such buildings to do so. That the cellar may be lighted and ventilated it is usual to make what in common city buildings is called an area, within which windows are opened through the foundation walls into the cellar

in such a manner that they can not be seen in a general view of the building from the outside.

This is essentially what has been done in building the Capitol, the area on the west side being a very large one. There are rooms of some importance in the cellar story, but these rooms are not designed to be presented to view, nor can they be presented to view with propriety any more than the coal vaults or any domestic offices in the cellar of ordinary fine, large town houses.

The original design of the Capitol has thus been sufficiently explained. Now, as to the construction that is being added to it, called the terrace, it must not be supposed that this has been designed with the slightest idea of amending or reorganizing or overruling the original design of the building. It has not been intended to make a more important feature of the cellar part of the building, to bring it out of ground or to light it. Had there been any such purpose, had Congress asked for a plan for any such purpose, a very different plan would have been devised for it from that of the terrace. Nothing whatever of what has thus far been built of the terrace would have been proposed.

What, then, was the object of the terrace? The answer may be given in this way:

Here is a great and costly building, the greater part of the cost of which has been directed to the purpose of producing a certain impression on the minds of those looking toward it, and an impression that should be associated with ideas of the strength and majesty of a great nation.

There is nothing more necessary to a successful realization of such a purpose in a building than that it should seem to stand firmly; that its base should seem to be immovable. There is a difficulty in making as strong an impression in this respect as is desirable when an extraordinarily massive structure is placed, as in the case of the Capitol, hanging upon the brow of a hill.

The object of the terrace was to more effectually overcome this difficulty. How was it to be accomplished?

It was proposed to be accomplished by setting a strong wall into the face of the hill in front of the foundations of the building; that is to say, in front of its cellar walls. Such an outer wall, it was calculated, would have the effect upon the eye of a dam holding back whatever on its upper side looked liable to settle toward the down-hill side. Every dollar thus far spent on the terrace, and on the grounds in connection with it, has been spent on the supposition that this calculation was soundly made. If it was soundly made, then it will appear that the opening of holes in this wall would leave the same effect as the opening of holes in a dam. It would make the building behind it look less secure in its foundations, less firmly based on the down-hill side.

Another way of stating the intended effect of the wall is that it would seem to overcome all tendency of the upper part of the hill to be squeezed out by the weight of the great mass of masonry above it.

Now, such a wall being seen a short distance in front of the cellar wall of the Capitol, it is of no consequence, with reference to the purpose stated, whether the space between the two is occupied by solid earth, or whether the earth is excavated, and in its place cross-walls built, by which any tendency of the cellar walls to slip out would be resisted. The result must be the same, a firmly reinforced base. In this case the arrangement of cross-walls has been adopted, and it has been thought that an advantage would be gained by making the spaces between these cross walls available for storage vaults, and in those parts where, under the old arrangement, a sunken area had been provided for the lighting of the cellar of the main building, that the spaces so gained should be prepared in a manner making them equally suitable with the best of the present cellar rooms in respect to the requirements of light and air. But the advantages to be gained in this way have always during the ten years in which the scheme has been under discussion been presented as incidental advantages simply, not as the main purpose.

With reference to this incidental purpose, and more specially to the requirement of additional committee-rooms, the Committee on Public Buildings and Grounds was asked to say how many additional well-lighted and ventilated rooms were desirable. The answer was that twenty would be enough. As the plan stands now, twenty-eight rooms are provided for. Their average area is 25 by 15 feet. Each has at least one window opening upon the area, and the smallest of these windows measures 8 by 11 feet. There is a large door opposite the window of each room opening from a spacious corridor, through which a thorough draught can be carried. The rooms would be large, lofty, airy, and well lighted.

Respectfully,

FRED'K LAW OLMSTED,
Landscape Architect.

WASHINGTON, *July* 15, 1886.

The reading of the bill was resumed. The next amendment of the Committee on Appropriation was, under the head of "Hot Springs Improvement," in line 1444, after the word "for," to strike out "continuation" and insert "completion;" so as to make the clause read:

For completion of improvement of Hot Springs Creek, $20,000.

The amendment was agreed to.

The next amendment was, in line 1463, after the word "lands," to strike out "seventy-five" and insert "sixty;" so as to make the clause read:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $60,000.

Mr. ALLISON. I asked that lines 1462 to 1467, inclusive, be passed over.

The PRESIDING OFFICER. The amendments in those lines will be passed over without action, if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1476, before the word "thousand," to strike out "fifteen" and insert "twenty;" and in line 1481, after the word "exceeding," strike out "two dollars and fifty cents" and insert "three dollars;" so as to read:

Settlement of claims for swamp land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp lands and for indemnity for swamp lands, $20,000: *Provided*, That agents and others employed under this and the appropriations for "depredations on public timber" and "protecting public lands," while travelling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $3 per day, and for actual necessary expenses for transportation.

The amendment was agreed to.

The next amendment was, in line 1487, after the word "same," to strike out "five" and insert "ten;" so as to make the clause read:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file, and other plats constituting a part of the records of said office, and also to furnish local land officers with the same, $10,000.

The amendment was agreed to.

The next amendment was, in line 1493, to insert the word "of" before the words "the sum;" after the word "appropriated," at the end of the same line, to strike out "as far" and insert "$10,000, or so much thereof;" in line 1496, after the word "field," to insert "made under this appropriation;" so as to make the clause read:

For surveying the public lands, $50,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines; and of the sum hereby appropriated, $10,000, or so much thereof as may be necessary, may be expended for the examination of surveys in the field made under this appropriation, to test the accuracy of the work and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and inspecting mineral deposits, coal-fields, swamp-lands, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. ALLISON. I ask that lines 1489 to 1503, inclusive, be passed over.

Mr. COCKRELL. I was just going to ask that myself; and I want to give notice of an amendment which I ask to have printed in the RECORD. I shall move at the proper time at the end of line 1488, on page 61, to insert these words:

And the moneys received at the General Land Office as fees for furnishing transcripts of records and patents, shall be deposited in the Treasury and be deemed an appropriation to pay for making such copies; and the Commissioner of the General Land Office shall be authorized to use any portion of this appropriation for piecework or for temporary clerk-hire, by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a thousand dollars a year.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1503, to insert:

For surveying the public lands in the State of Nevada, $30,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines.

The amendment was agreed to.

Mr. MITCHELL, of Oregon. I wish to ask the chairman of the committee whether the provision in line 1490, appropriating $50,000 "for surveying the public lands," is the sum total of the appropriations for surveys of the public lands, except the special appropriations?

Mr. ALLISON. It is, but that amendment has been passed over for further consideration.

The PRESIDING OFFICER. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1522, after the word "for," to strike out "necessary expenses of survey, appraisal, sale, and pay of custodians" and insert "care and preservation;" and in line 1527, before the word "thousand," to strike out "ten" and insert "two;" so as to make the clause read:

For care and preservation of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, $2,000.

Mr. ALLISON. I ask that the clause from line 1522 to 1527, inclusive, be passed over.

The PRESIDING OFFICER. The amendments in that part of the bill will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1527, to insert:

For the survey of the grant known as the Hanson grant, in the State of Florida, $400, the said sum to be expended under the direction and discretion of the Secretary of the Interior.

Mr. EDMUNDS. I move to amend that by putting before the word "grant" the word "alleged." I have been trying to look that matter up in the records of the Committee on Private Land Claims, and I am not absolutely sure that there is any such valid grant, and I do not want any implication that there is. I want to put the word "alleged" before "grant," in line 1528; so as to read:

For the survey of the alleged grant known as the Hanson grant, in the State of Florida, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1533, after the words "protection and improvement of the Yellowstone National Park," to strike out:

For the construction and improvement of suitable roads and bridges within the park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose, $20,000.

And in lieu thereof to insert:

For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $40,000; $2,000 of said amount to be paid annually to a superintendent of said park, and not exceeding $900 annually to each of ten assistants, all of whom shall be appointed by the Secretary of the Interior and reside continuously in the park, and whose duty it shall be to protect the game, timber, and objects of interest therein; the balance of the sum appropriated to be expended in the construction and improvement of suitable roads and bridges within said park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose.

Mr. HOAR. Is the effect of that language to make a permanent appropriation?

Mr. ALLISON. No, sir; it is not so intended.

Mr. VEST. That is the language of the former appropriation.

Mr. ALLISON. Forty thousand dollars is the amount of the appropriation.

Mr. HOAR. But the language is "$2,000 of said amount to be paid annually to a superintendent." Does not that involve a continued appropriation of a particular amount to be paid annually? If you said "$2,000 per annum to be paid to the superintendent" it would not be, but you say "to be paid annually."

Mr. ALLISON. I accept the criticism of the Senator from Massachusetts, and move to insert the words "per annum" instead of "annually" where the word "annually" twice occurs in that clause.

The PRESIDING OFFICER. The question is on the amendment to the amendment, to strike out "annually" and insert "per annum" in line 1541.

Mr. HOAR. That would be the same thing. Strike out the words "of said amount to be paid annually" and put in "$2,000 per annum."

Mr. ALLISON. That is what I proposed.

Mr. EVARTS. Would not this be the proper amendment:

Two thousand dollars of said amount to be paid as a year's compensation for a superintendent of said park.

Mr. HALE. Or "for the fiscal year."

Mr. ALLISON. If Senators will agree on it I shall be satisfied.

The PRESIDING OFFICER. The amendment suggested by the Senator from New York will be stated.

The SECRETARY. In line 1541, after the word "paid," it is proposed to strike out "annually" and insert "as a year's compensation."

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Line 1543 ought to be amended in the same way.

The PRESIDING OFFICER. The change will be made there if there be no objection. The question is on the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of line 1585, to the close of the provision relating to the United States Geological Survey.

Mr. HALE. I suggest to the chairman of the committee that here is a poor, forlorn branch of the Government that seems to have no friends in either House; nobody has even offered an amendment for it; and that it be allowed to go over until to-morrow. The Geological Survey nobody seems to take any interest in, and no amendments have been offered. I think it had better go over.

Mr. ALLISON. You mean the amendments we propose?

Mr. HALE. I ask that they go over until to-morrow.

Mr. ALLISON. The amendment beginning on line 1586?

Mr. HALE. Yes, sir, the whole part of the bill in regard to the Geological Survey.

The PRESIDING OFFICER. If there is no objection the amendments to that part of the bill will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "miscellaneous objects," in the appropriations for "Government Hospital for the Insane," after line 1619, to insert:

For the erection of a hospital building for convict and homicidal insane, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Columbia Institution for the Deaf and Dumb," in line 1627, after the word "improvements," to strike out the words "fifty-two thousand five hundred" and to insert "fifty-five thousand;" in line 1628, after the word "than," to strike out the words "twenty-five thousand" and insert the words "twenty-six thousand five hundred;" so as to make the clause read:

Current expenses of the Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, and for books and illustrative apparatus, for general repairs, and improvements, $55,000: *Provided*, That no more than $26,500 of said sum shall be expended for salaries and wages.

The amendment was agreed to.

The next amendment was, in line 1640, after the word "building," to strike out the word "five" and insert the word "eight;" so that the clause will read:

For the extension of the buildings of the institution for the purpose of providing additional school-room accommodation, and also room for the instruction of the pupils in industrial labor, and for furnishing and fitting up said additional building, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "Freedmen's Hospital and Asylum," in line 1654, after the word "surgeon-in-chief," to insert the words "not to exceed $3,000;" in line 1665, after the word "mangle," to strike out the words "two hundred" and to insert "three hundred and twenty-five;" in line 1667, after the word "hundred," to insert the words "and fifty;" and in the same line, after the word "thousand," to strike out the words "four hundred" and insert "five hundred and seventy-five;" so as to make the clause read:

For subsistence, $22,000; for salaries and compensation of the surgeon-in-chief, not to exceed $3,000, two assistant surgeons, engineer, clerk, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $13,600; for rent of hospital buildings and grounds, $4,000; for fuel and light, clothing, bedding, forage, transportation, medicines and medical supplies, repairs and furniture, and other absolutely necessary expenses, $10,500; erecting one two-story building, to be used as bath-rooms and water-closets for wards 1 and 2, $900; one mangle, $325; two washing-machines, $850; in all, $52,575.

The amendment was agreed to.

The next amendment was, in line 1672, after the word "Museum," to strike out the word "building;" so as make the clause read:

Heating and lighting the National Museum: For expense of heating, lighting, and electrical and telephonic service for the National Museum, $11,000.

The amendment was agreed to.

Mr. SEWELL. Is this the appropriate time to call for an explanation in relation to the expenditures for the National Museum as connected with the Smithsonian Institution? I have yet to know under what committee of the Senate these expenditures are arranged. I ask the chairman of the Committee on Appropriations whether any committee of the Senate has any jurisdiction over these expenditures? Here is a large appropriation of $106,500.

For the preservation, exhibition, and increase of the collections received from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employés.

Mr. ALLISON. I do not know that any special committee has charge of these expenditures, unless it be the Committee on Appropriations. They are very carefully estimated for in the Book of Estimates.

Mr. SEWELL. The National Museum and Smithsonian Institution seem to report their proceeding directly to the Committee on Appropriations, and their appropriations are granted as estimated for in that way without going through any committee of the Senate, as all other expenses of the Government do.

Mr. HALE. What committees do the salaries of the employés of the Departments come under in any case except the Committee on Appropriations?

Mr. SEWELL. They come regularly to the Committee on Appropriations, but the interests of the Treasury Department are in charge of the Finance Committee.

Mr. HALE. The Finance Committee do not deal with the salaries of employés.

Mr. SEWELL. But here is a lump sum for the preservation, exhibition, and increase of collections in the National Museum amounting to $106,500.

Mr. HALE. It is the same as the Fish Commission.

Mr. SEWELL. I grant the Fish Commission is of the same character.

Mr. HALE. There are thirty other items in the bill of the same kind.

Mr. SEWELL. There are very few others, if any. There is a Committee on Fisheries of the Senate to-day that has not a particle of control over the expenditures of the Fish Commission, as it ought to have.

Mr. ALLISON. So far as the National Museum is concerned, for the number of employés and the character of work done the compensation of the persons who perform the work is less than in any other department of this Government. They are employed at very small compensation and are generally highly intelligent and educated men.

Mr. SEWELL. I do not find any fault with the compensation or with the intelligence of the gentlemen employed in those bureaus. I merely criticise the mode of doing business. Take the Army matters; they are referred to the Military Committee, and naval matters to the Naval Committee, and finance matters to the Committee on Finance. It seems that the Smithsonian Institution, the Fish Commission, and the National Museum deal directly with the Committee on Appropriations, without supervision on the part of any other committee.

Mr. ALLISON. The Smithsonian Institution is not a Government institution. It is controlled by regents appointed, two by the President of the Senate and two by the Speaker of the House of Representatives, and the others are *ex officio* members; and the expenditures of the Smithsonian Institution are not even under the control of Congress, I think. The Smithsonian fund is perpetually in the Treasury, drawing a fixed rate of interest, and the income is under the control of the regents.

Mr. SEWELL. Does the chairman of the Appropriations Committee say that no appropriation is made for the Smithsonian Institution?

Mr. ALLISON. I think not.

Mr. SEWELL. Are none of the officers' salaries paid by Congress?

Mr. ALLISON. Not that I know of.

Mr. HOAR. It seems to me that it might be very well at the beginning of the next session of Congress to have a slight amendment to the rules by which all questions relating to the National Museum and the Smithsonian Institution, and perhaps some kindred matters, so far as a change in their work is proposed, should be referred to the Committee on the Library. But I do not say that that would justify the present criticism, because I suppose that committee would no more look into the question of the number of clerks to carry out the ordinary work than the Committee on the Judiciary would look into the same question in regard to the Department of Justice.

Mr. SEWELL. I will say to the Senator from Massachusetts that

I did not intend to make any criticism at the present time; but at some future time I shall ask that matters in relation to the National Museum and also the Fish Commission shall be referred to or placed under the jurisdiction of the appropriate committees of the Senate.

Mr. HOAR. That would require a change of the rules.

Mr. ALLISON. If the Senator from New Jersey desires that some other committee shall overhaul these bureaus in respect to their appropriations, of course I have no objection to that. If the Committee on Appropriations have not carefully scrutinized the amounts of these appropriations, I trust the Senator will point out where the committee has been negligent.

Mr. SEWELL. I did not intend to make any reflection of that kind. In the end we all have confidence in the Committee on Appropriations for running the Government, but I did intend to call the attention of the Senate to the fact that these bureaus were being run without any supervision by a committee of Congress. I shall take occasion hereafter to bring the matter before the Senate.

Mr. BLAIR. I ask the indulgence of the chairman of the committee to introduce an amendment to this bill to be referred to the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. It will be received and so referred.

Mr. EVARTS. I offer an amendment to this bill, to come in after line 1349, in connection with the control of Bedloe's Island, and ask that it be printed.

The PRESIDING OFFICER. It will be printed and referred to the Committee on Appropriations.

Mr. VEST. I submit an amendment to this bill to be printed.

The PRESIDING OFFICER. It will be received, printed, and referred to the Committee on Appropriations. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1684, to insert:

Growth of Industrial Art:

That the provision of the act of March 3, 1885, authorizing the reproduction of the Growth of Industrial Art, hertofore prepared by and under the supervision of Benjamin Butterworth, be modified and amended to the extent and as herein provided; that the said Growth of Industrial Art may be reproduced of a size not less than 13 by 17 inches, and bound in one volume. Such reproduction shall be under the direction or supervision of the said Benjamin Butterworth, and he is authorized to add any additional statistics and historical matter which may have been prepared for said work, provided the same can be done and the entire cost of such reproduction, including the binding, which shall be done by the Public Printer, shall not exceed the amount heretofore set apart and designated for that purpose by the aforesaid act.

Mr. EDMUNDS. I should like to have that explained.

Mr. ALLISON. This is a matter already provided for in the act of March 3, 1885, and it is proposed to reduce the size of these illustrations and to print them in one volume instead of two. We have in our committee-room illustrations of the system.

Mr. TELLER. Congress made an appropriation for the Interior Department to make an exhibit at New Orleans. The then Commissioner of Patents gathered what he called a "growth of industrial art," showing the various improvements in all kinds of machinery. Taking for an illustration the machinery for cutting grass and grain, he started in the upper corner of a large volume with a man with a scythe mowing grass. Then the next machine that was patented for the cutting of grass and grain, which was a crude affair, followed, and so on down to the improved harvesters and binders, and the same with the printing-press and various other things.

It is one of the most interesting publications that can be imagined. It shows all the industrial art growth in this country, as exemplified by the patents in the Patent Office. Ten thousand dollars, I think, is the appropriation to duplicate a large number of them. I do not remember the expense that the Department went to. The work attracted a great deal of attention at New Orleans, not only from the people of this country but from foreigners. It is the most complete exhibit of the growth of this country, with all the statistics added, that can be made; and there is nothing, I think, that would go so far to give the people a ready and comprehensive idea of the growth of industrial art in this country as the publication of this work.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Under the War Department," in the appropriations for armories and arsenals," in line 1717, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For general care, preservation, and improvement; for building new roads; for care and preservation of the water-power; for painting and care and preservation of permanent buildings, bridges, and shores of the island; for building fences, grading grounds, and repairs and extension of railroad, $15,000.

The amendment was agreed to.

Mr. EDMUNDS. I wish to submit an amendment to this bill to be printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER. The amendment will be received, printed, and referred to the Committee on Appropriations.

The next amendment was, in the appropriations for Springfield arsenal, Springfield, Mass., after line 1727, to insert:

For construction of a fire-proof building to be used as a milling-shop, $30,000.

The amendment was agreed to.

The next amendment was, in the appropriations for Frankford arsenal, Philadelphia, Pa., after line 1739, to insert:

For building a boiler-house, dry-house, and coal-shed, $5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "buildings and grounds in and around Washington," in line 1818, after the word "dollars," to strike out:

To be expended under the direction of the officer in charge of public buildings and grounds, by contract or otherwise, as may be most economical and advantageous to the Government.

So as to make the clause read:

For care, repair, and refurnishing the Executive Mansion, $16,000.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 1861 to line 1869 inclusive, as follows:

Washington Monument: For completion of the Washington Monument, namely: For earth filling and grading around the monument, filling pond just north of monument, office expenses, including rent of necessary office rooms, and for each and every purpose connected with the completion of the monument, $57,000, to be expended under the direction of the joint commission created by the act of August 2, 1876.

Mr. ALLISON. Mr. President——

Mr. EDMUNDS. Why do you strike that out?

Mr. ALLISON. I think we have made substantial progress to-night. It is now 11 o'clock, and I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, July 21, 1886, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 20, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

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

PERSONAL PRIVILEGE.

Mr. HATCH. I rise to a question of personal privilege. I ask to have read from the Clerk's desk the paragraph in the RECORD which I have marked.

The Clerk read as follows:

Mr. President, as I said, I did not invite this controversy; I did not make any reference to the Senator from New York; but if he desires or thinks it advisable in a matter of this kind to pursue this subject upon personal grounds, he will find that I never decline the invitation. I say that a more shameful spectacle was never presented to the American people than this measure supported in the other House under the leadership of the chairman of a committee who is himself engaged in the dairy business, who has a herd and a farm whose product he sells in the market and upon which he relies for his support, and re-enforced in this body by the chairman of the Committee on Agriculture, who is engaged in the same business, and who is to profit, if this bill can by any means whatever be passed through this body, directly by the legislation that he is seeking here to promote.

We have heard, Mr. President, something about attorneys at law in this body not being permitted to take fees against the Government of the United States in cases where land-grant railroads were involved; and the impropriety and the indecency of a member of this body availing himself of his position to take fees and swell his income as an attorney at law against the interests of the United States have been dwelt upon, and dwelt upon properly. But, sir, if that is improper, how much more improper is it, how much more indefensible is it, for the chairmen of the committees of the two Houses to present measures here in which they have direct personal interest, and whenever any argument is made against them to descend into the arena of vulgar personality and denunciation in order to make the passage of the measure less obnoxious.

Mr. HATCH. Every gentleman upon this floor will agree with me that this reference to myself as chairman of the Committee on Agriculture in the House of Representatives by a Senator in the discussion of a bill that passed this House is a violation of every parliamentary rule as well as of every manly and decent instinct that ought to actuate a member of either House. The respect I have for this House and its members alone deters me from characterizing this attack as it ought to be characterized.

I simply desire to say, when this gentleman connects my name with that of the Senator from New York, who was present, had the rights and privileges of the floor of the Senate, and could defend himself—when he seeks to connect my name with that of the Senator from New York in the statement that I am personally interested in the passage of that bill, or that I derive my support or any part of it from the product of a herd of cows upon my farm, it is simply a complete and gratuitous falsehood. There is no truth in it, and no foundation for it.

As a farmer, I am the owner of a little herd of Jersey cows that I raise for the profit of the increase, and I would be proud of owning a dairy farm in the State of Missouri and of being a dairy farmer. I wish I had had the good fortune to have saved enough in my past life to have been classed among the dairy farmers of Missouri. But when the gentleman attempts in my absence to insinuate, and in a forum where I have no rights, that I have any more personal interest in the passage of that bill than the ten millions of farmers and sixty millions of consumers of butter in the United States, he simply utters a falsehood. And when the gentleman goes further, and says I have in any part of this

discussion descended into the arena of vulgar personality and denunciation, he utters the greatest falsehood of his life; and that is the hardest thing I can say about him. I have never on this floor descended, and I am not in the habit of descending, to personality and vulgarity. I leave that to flow from the mouth of the Senator from Kansas, "that teeming gangrened womb of slander and detraction."

HOUSE BILLS WITH SENATE AMENDMENTS

The SPEAKER laid before the House the following House bills with Senate amendments; which were referred as indicated:

The bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—to the Committee on Rivers and Harbors.

The bill (H. R. 5003) for the relief of Mary E. Casey—to the Committee on Private Land Claims.

The bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of the general-service clerks and general-service messengers in the Army—to the Committee on Military Affairs.

BRIDGES OVER THE TENNESSEE AND THE CUMBERLAND.

The SPEAKER also laid before the House the bill (S. 2800) to authorize the construction of bridges over the Tennessee and Cumberland Rivers by the Ohio Valley Railway Company.

Mr. STONE, of Kentucky. Mr. Speaker, the House Committee has reported a bill similar to that, and I ask unanimous consent that the Senate bill be now considered.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That the Ohio Valley Railway Company, organized under act of the General Assembly of the Commonwealth of Kentucky, be, and is hereby, authorized to construct and maintain bridges, and approaches thereto, over the Tennessee River at any point below Aurora, in the State of Kentucky, and the Cumberland River at any point below Canton, on said river. Said bridges shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That all railroad companies desiring the use of said bridges shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridges, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 4. That any bridges authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said rivers as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridges, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the rivers, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridges are approved by the Secretary of War the bridges shall not be built, and should any change be made in the plan of said bridges during the progress of construction, such changes shall be subject to the approval of the Secretary of War.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STONE, of Kentucky, 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.

PENSIONERS ON THE ROLL BY SPECIAL ACTS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior in response to a resolution of the House stating the number of original pensioners on the pension-rolls placed there by special act; which was referred to the Committee on Invalid Pensions.

Mr. BROWNE, of Indiana. Mr. Speaker, I hope that the House will consent that that statement may be printed in the RECORD.

There was no objection, and it was so ordered.

The statement is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July* 12, 1886.

SIR: In response to a resolution of the House of Representatives, under date of the 22d ultimo, requesting information as to the number of persons now drawing original pensions from the Government of the United States by reason of special acts passed in their behalf and the amount of money required annually to meet the obligations incurred by the Government to this class of pensioners, I have the honor to transmit herewith a copy of a letter from the Commissioner of Pensions, dated the 10th instant, containing the desired information.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The SPEAKER *of the House of Representatives.*

DEPARTMENT OF THE INTERIOR, *Washington, July* 19, 1886.

SIR: In compliance with the request contained in your letter of the 17th instant I have the honor to transmit herewith a copy of the letter of this Department, dated the 12th instant, and the inclosure therein referred to, in answer to the resolution of the House of Representatives calling for the number of special-act pensioners and the amount required to pay such pensions.

Very respectfully,

H. L. MULDROW, *Acting Secretary.*

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE.
Washington, July 10, 1886.

SIR: I have the honor to return herewith a copy of the resolution of the House of Representatives, dated June 22, 1886, which was referred to me for report by Department reference of the 23d ultimo, as to the number of persons now drawing original pensions from the Government of the United States, by reason of special pension acts passed in their behalf, and what amount of money is required annually to meet the obligations incurred by the Government to this class of pensioners.

A careful examination of the records of the various pension agencies shows that there are now upon the pension-rolls one thousand four hundred and seventy-four persons by virtue of special acts passed in their favor, and that there is required to pay said pensioners the sum of $359,395.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

TRUST FUNDS IN THE INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in response to a resolution of the House, furnishing a full and complete schedule of all trust funds held by the chiefs of bureaus in the Department of the Interior; which was referred to the Committee on Ways and Means, and ordered to be printed.

RICHARD C. RIDGWAY & CO.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asked the other day to have the Senate bill (S. 1839), an act for the relief of Richard C. Ridgway & Co., put upon its passage, and the bill was read, after which objection was made. The Chair thinks the gentleman from Tennessee [Mr. MCMILLIN] called for the regular order. If the objection is not insisted upon, the Chair now desires to dispose of the bill in some way.

Mr. MCMILLIN. I called for the regular order at that time merely for the purpose of getting at the regular business. I did not wish to stand in the way of the passage of this bill.

The SPEAKER. Is there objection to the present consideration of the bill? If not, the question is on ordering the bill to be read a third time, unless some gentleman desires to have it again read in full.

There was no objection.

The bill was ordered to the third reading; and it was accordingly read the third time, and passed.

Mr. KELLEY 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.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over Menominee River; when the Speaker signed the same.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. Mr. Speaker, I rise to present a privileged report. I am instructed by the Committee on Naval Affairs to report back the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, with the recommendation that the Senate amendments be non-concurred in, and that the House ask a conference.

The SPEAKER. The question is upon non-concurring in the amendments of the Senate.

Mr. DUNHAM. Mr. Speaker, is it in order to have those amendments read?

The SPEAKER. It is.

Mr. DUNHAM. Well, let us have them read.

Mr. HERBERT. Mr. Speaker, this is the unanimous report of the committee. There are quite a number of amendments, in several of which we shall probably ask the House to concur; but the committee think it desirable to have a conference with the Senate conferees in order to ascertain what their views are.

The amendments were read.

Mr. HERBERT. By instruction of the Committee on Naval Affairs I move that the amendments of the Senate be non-concurred in.

Mr. HOLMAN. It occurs to me that at this stage of the session it might be advisable that the amendments be considered in detail upon their merits by the Committee on Naval Affairs and by the House.

Mr. HERBERT. I am satisfied we can arrive at a conclusion much more readily in the manner proposed by the committee. As to quite a number of these amendments the Committee on Naval Affairs would doubtless concur; but we think it desirable, in order to expedite business, that there be a consultation with conferees on the part of the Senate as early as possible, in order to ascertain the motives with which some

of these amendments were adopted. I hope therefore the House will non-concur.

Mr. HOLMAN. There are some of those amendments—3, 5, 11, 22, and several others—which I think ought to be concurred in. But I will waive the point.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. HERBERT], that the House non-concur in the amendments of the Senate and ask a conference with that body thereon.

The motion was agreed to.

Mr. HERBERT moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. HERBERT, Mr. HEWITT, and Mr. HARMER as conferees on the part of the House.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I rise to a privileged question. By the unanimous instruction of the Committee on Rivers and Harbors I report back the bill known as the river and harbor appropriation bill, and ask that the House non-concur in all the amendments of the Senate and agree to the request of that body for a conference.

Mr. HEPBURN. Mr. Speaker, should not these amendments receive their first consideration in Committee of the Whole on the state of the Union?

The SPEAKER. The Chair thinks so, if the point is raised.

Mr. HEPBURN. I make that point.

Mr. WILLIS. I hope the gentleman will not insist on the point. I will state to him that there are only seven or eight amendments of the Senate embracing new matter, the remainder consisting merely in scaling down matters which have been already fully considered in committee and in the House.

Mr. HEPBURN. I think I understand the situation. I desire to make the point that the bill must go to the Committee of the Whole on the state of the Union.

Mr. WILLIS. But I am appealing to the gentleman to withdraw that point. Of course I know he understands the situation.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] insists on his point of order. Under the twentieth rule of the House these amendments must have their first consideration in Committee of the Whole House on the state of the Union; and the bill and amendments will be so referred.

Mr. WILLIS. I will call the matter up, then, as soon as possible.

ORDER OF BUSINESS.

Mr. DAVIS. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill No. 1730, with amendments, and that it be put on its passage.

Mr. HENLEY. I call for the regular order.

Mr. DAVIS. This will take but a moment. I hope the gentleman will not insist. I think he will agree with me as to the importance of promptly passing this bill. It is in regard to the yellow fever commission.

The SPEAKER. Does the gentleman from California insist on the regular order?

Mr. HENLEY. I have no volition in the matter, because I am acting under the instructions of my committee.

RECIPROCITY CONVENTION WITH MEXICO.

Mr. HEWITT, from the Committee on Ways and Means, reported back favorably a resolution, which was read, as follows:

Resolved, That the President be, and he is hereby, requested to communicate to this House, if in his opinion not incompatible with the public interest, copies of any correspondence, reports, or other information in possession of any Department or the Executive, relating to the probable advantages or disadvantages to accrue to the United States by the operation of the reciprocity commercial convention signed between the United States and Mexico on the 20th of January, 1883.

Mr. HEWITT. I am instructed by the Committee on Ways and Means to report that the information which this resolution proposes to call for is deemed desirable, and the committee recommend the adoption of the resolution.

The resolution was adopted.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CLARDY. I ask unanimous consent——

The SPEAKER. The regular order is insisted upon, which cuts off all requests for unanimous consent. The regular order is the call of committees for reports.

SAMUEL NOBLE.

Mr. OATES, from the Committee on the Judiciary, reported back favorably the bill (S. 2475) for the relief of Samuel Noble; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GENERAL SERVICE CLERKS AND MESSENGERS.

Mr. BRAGG, from the Committee on Military Affairs, reported back, with a recommendation that the amendments of the Senate be concurred in, the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of general-service clerks and general-service messengers in the Army.

The SPEAKER. Do these amendments require that the bill go to the Committee of the Whole on the state of the Union?

Mr. BRAGG. They do not.

The SPEAKER. The bill, with the amendments, will be referred to the House Calendar.

HENRY EAST.

Mr. FINDLAY, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8922) for the relief of Henry East; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES ROACH.

Mr. WOLFORD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 228) for the relief of James Roach; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FOURTEENTH KANSAS CAVALRY.

Mr. NEGLEY, from the Committee on Military Affairs, reported back favorably the bill (S. 387) to define the status and for the relief of the heirs or legal representatives of certain recruits of the Fourteenth Kansas Cavalry Volunteers, who were killed at Lawrence, Kans., August 21, 1863, by guerrillas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALVIN A. AYRES.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 6142) to correct the military record of Alvin A. Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 7525) for the relief of Alvin A. Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK GATES.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 6591) for the relief of Frederick Gates; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASHER W. FOSTER.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 5180) for the relief of Asher W. Foster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEVI GUY.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 3590) to relieve Levi Guy from the charge of desertion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM A. BENEFIELD.

Mr. NEGLEY, from the Committee on Military Affairs, also reported favorably, as a substitute for the bill H. R. 3798, a bill (H. R. 9917) for the relief of Hiram A. Benefield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 3798 was laid on the table.

ADVERSE REPORTS.

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

A bill (H. R. 5898) for the relief of Richard Facion;
A bill (H. R. 4825) for the relief of J. H. Thornburg;
A bill (H. R. 6435) for the relief of Silas D. Bailiff; and
A bill (H. R. 2708) for the relief of Catherine Brennan.

CONDEMNED CANNON, AVOCA, IOWA.

Mr. WHEELER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 5608) granting condemned cannon to U. S. Grant Post, No. 123, Grand Army of the Republic, at Avoca, Iowa, for monumental purposes; 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.

NATIONAL CEMETERY, DANVILLE, VA.

Mr. WHEELER, from the Committee on Military Affairs, also reported favorably, as a substitute for the bill H. R. 2510 a bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery at Danville, Va.; 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.

PUBLIC BUILDING, CAMDEN, N. J.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 228) for the erection of a public building at Camden, N. J.; 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.

GRANT E. Q. LATHERMON.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY MERICLE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2998) granting a pension to Henry Mericle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SAWYER, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 1743) for the relief of Thomas Russell; and the same was referred to the Committee on Pensions.

CLARA M. TANNEHILL.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 9672) granting a pension to Clara M. Tannehill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID B. CALDWELL.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7390) granting a pension to David B. Caldwell; which was referred to the Commi tee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET CASHIN.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5398) granting a pension to Mrs. Margaret Cashin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY CANODE.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1903) granting a pension to Henry Canode; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SETH WELDY.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 8227) granting a pension to Seth Weldy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (S. 1950) granting an increase of pension to Merritt Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

H. B. WILSON.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POST & M'CORD.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4130) for the relief of Post & McCord; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MISS EULA E. HENRY.

Mr. SPRINGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 2414) for the relief of Miss Eula E. Henry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 2335) for the relief of the heirs of Malitty Rose, and the same was referred to the Committee on Pensions.

B. S. JAMES.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 1042) to pay B. S. James for transporting the United States mails; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. G. HUSTON.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 2529) for the relief of R. G. Huston & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORVILLE HORWITZ.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 618) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SURETIES OF DENNIS MURPHY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4811) for the relief of the sureties of Dennis Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SNOWDEN & MASON.

Mr. GEDDES, from the Committee on War Claims, reported, as a substitute for H. R. 5759, a bill (H. R. 9919) for the relief of Snowden & Mason; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5759 was laid on the table.

LUTHER M. BLACKMAN.

Mr. RICHARDSON, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2350) for the relief of Luther M. Blackman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPRESENTATIVES OF RICHARD F. WASSON.

Mr. RICHARDSON, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 4732) for the relief of the legal representatives of Richard F. Wasson, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with report hereafter to be filed, ordered to be printed.

REPRESENTATIVES OF JAMES A. TORBERT.

Mr. ELY, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 3856) for the relief of the legal representatives of James A. Torbert, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. TRIGG, the Committee on Accounts was discharged from the further consideration of the claim of Henry Brock; and it was referred to the Committee on Appropriations.

WILBER H. GRAEF & CO.

Mr. McMILLIN, from the Committee of Ways and Means, reported a bill (H. R. 9920) for the relief of Wilber H. Graef & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TALLAPOOSA SUFFERERS.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 702) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE AT NEBRASKA CITY.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back the bill (H. R. 1411) to amend an act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr., approved June 4, 1872;

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

GENERAL-SERVICE CLERKS IN THE ARMY.

Mr. BRAGG. Mr. Speaker, I ask unanimous consent that the amendments of the Senate to House bill 7191, to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army, be concurred in.

The SPEAKER. The regular order has been demanded.

Mr. HENLEY. Mr. Speaker, I desire to make a report from the Committee on Public Buildings and Grounds.

A MEMBER. I hope the demand for the regular order will be withdrawn.

Mr. HENLEY. I withdraw the demand for the regular order for a few moments.

Mr. PRICE. I renew the demand for the regular order.

Mr. WILLIS. Mr. Speaker, the gentleman from California proposed to make a report from the Committee on Public Buildings and Grounds.

The SPEAKER. The Chair perhaps misunderstood the gentleman from California. What was his statement?

Mr. HENLEY. I do not antagonize the gentleman from Kentucky.

Mr. PRICE. I withdraw the demand for the regular order, Mr. Speaker.

The SPEAKER. The gentleman from California [Mr. HENLEY] and the gentleman from Wisconsin [Mr. PRICE] both withdraw the demand for the regular order, and the request of the gentleman from Wisconsin [Mr. BRAGG] can now be considered.

Mr. BRAGG. Then, Mr. Speaker, I ask unanimous consent that the House concur in the Senate amendments to the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army.

The SPEAKER. The Clerk will report the amendments, after which the Chair will ask for objections.

Mr. BRAGG. Unless some gentleman desires to hear the amendments in detail I think I can state their substance very briefly. The amendments of the Senate simply conform the bill to the provisions of the Army appropriation bill, in which the appropriation of the money has been already made.

Mr. HOLMAN. Does it increase or diminish the expenditure provided for in the law?

Mr. BRAGG. Neither.

The amendments were concurred in.

Mr. BRAGG moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES JUDGE FOR SOUTHERN DISTRICT OF ALABAMA.

Mr. OATES, from the Committee on the Judiciary, reported back the bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama with the recommendation that the Senate amendments be non-concurred in and that the request of the Senate for a conference be agreed to.

Mr. OATES. I ask unanimous consent that the report be considered now.

Mr. DIBBLE. I object.

Mr. WILLIS. Mr. Speaker——

PUBLIC BUILDING, PORTLAND, OREG.

Mr. HENLEY. Mr. Speaker, I desire to make a report from the Committee on Public Buildings and Grounds.

The SPEAKER. The report which was withdrawn?

Mr. HENLEY. Yes, sir.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (S. 86) to provide for the construction of a public building at Portland, Oreg.; 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.

PUBLIC BUILDING, EAST SAGINAW, MICH.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 1224, a bill (H. R. 9921) for the erection of a public building at East Saginaw, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the river and harbor appropriation bill with the Senate amendments thereto.

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 House is now in Committee of the Whole for the consideration of the amendments of the Senate to the river and harbor bill.

Mr. WILLIS. I ask unanimous consent that the first section be considered as read. As a preliminary to that, I will call attention to the fact that there is but one amendment of the Senate in which, under the instructions of the Committee on Rivers and Harbors, I ask that the House non-concur.

Mr. BROWNE, of Indiana. I understand the chairman of the Committee on Rivers and Harbors to say that there is but one amendment.

Mr. WILLIS. That is the report from the Senate. If the gentleman will refer to the bill he will find it stated:

July 16, 1886. Passed the Senate with an amendment.

That amendment consists in striking out the enacting clause and inserting matter in the form of a new bill. Now, I am instructed by the unanimous action of the Committee on Rivers and Harbors to ask that the House non-concur in that amendment and agree to the conference asked by the Senate.

Mr. BROWNE, of Indiana. My recollection from an examination of the RECORD is that there were various amendments by the Senate increasing the amount of the bill some $2,000,000 or $3,000,000; and after these amendments had been separately acted on another amendment was adopted by which the aggregate amount of the bill as amended was reduced 25 per cent.

Mr. WILLIS. I will state to the gentleman that after that was done the Senate adopted one amendment striking out all after the enacting clause and inserting a new bill. Therefore the final action of the Senate was—

July 16, 1886. Passed the Senate with an amendment.

Mr. BROWNE, of Indiana. But is it not true that this "amendment" adds many items which do not appear in the bill as it left the House?

Mr. WILLIS. There is no question about that; but the unanimous recommendation of the Committee on Rivers and Harbors is that the House non-concur.

Mr. BROWNE, of Indiana. That is to say, you want us to vote on the one amendment covering about one hundred pages.

Mr. WILLIS. I shall be very much obliged if the House will do it. I think it will facilitate matters.

Mr. BROWNE, of Indiana. I should be very glad to consider these amendments in the ordinary way, in the hope that we might not reach the end of their consideration before Congress adjourns, so that the bill itself might ultimately fail.

Mr. WILLIS. I do not share that hope with the gentleman. For the purpose of raising the question, I move non-concurrence in the amendment of the Senate striking out all after the enacting clause and inserting certain new clauses and sections.

Mr. HOLMAN. I rise to a question of order. We are now in Committee of the Whole for the consideration of this Senate amendment, and each paragraph of the amendment of the Senate is, as we reach it, open for consideration. The fact that the Senate adopts as a substitute for the House bill a measure containing a large number of paragraphs does not make the case different from what it would be if the Senate had simply amended each successive paragraph of the House bill. Here is an amendment sent from the House to the Senate, containing many paragraphs. Under the rule of the House these paragraphs are subject to consideration in the first place in Committee of the Whole. I submit that it is not in order to move to non-concur in all these amendments in a body, but each of them comes before the House separately for consideration. Each successive amendment may be concurred in or non-concurred in. For the purpose of raising the point more distinctly I call for a division of the question. That raises the question on each successive paragraph of the entire body of amendments.

Mr. BROWNE, of Indiana. But, Mr. Chairman, the House being in Committee of the Whole for the consideration of this "amendment," must not the "amendment" be read?

The CHAIRMAN. Any member has the right to call for the reading of the amendment.

Mr. BROWNE, of Indiana. Is it not the regular order of proceeding without a call from any member? We are in Committee of the Whole; these amendments have not been read; the gentleman from Kentucky has asked to dispense with the reading. The Chair did not put that request for unanimous consent, and it has not been granted.

The CHAIRMAN. The Chair did not hear the request of the gentleman from Kentucky for unanimous consent, and did not put the request to the committee.

Mr. BROWNE, of Indiana. Then I submit the first thing in order is for the Clerk to read the amendments.

The CHAIRMAN. The gentleman from Texas [Mr. REAGAN] is recognized on the question of order.

Mr. REAGAN. I think the position of the gentleman from Indiana, that because the amendment embraces several items those items are to be treated as separate amendments, is not tenable. We have before us one amendment. When the necessary steps are taken to bring about a conference upon the bill before the House then the items of the amend-

ment can be considered, but not now. No division of the question is admissible. There is but one question. A single amendment is presented; and the question is whether we shall concur or non-concur.

Mr. WILLIS. The gentleman from Indiana [Mr. HOLMAN] has asked for a division of the question. I call the attention of the Chair to page 333 of the Manual.

Mr. RANDALL. Not a division of the question, but a division of the amendment.

Mr. WILLIS. The amendment of the Senate is an entirety. It is to strike out all after the enacting clause and insert certain words. I call the attention of the Chair to the decisions heretofore rendered. It has been decided that upon a Senate amendment no division of the question is admissible. The single amendment is to strike out all after the enacting clause and insert certain other clauses, making a new bill. This is sent here as an amendment, not as amendments. I grant that if the Senate had taken up each item of the House bill, one after another, and thus scaled it down or otherwise changed it, the motion of the gentleman from Indiana would have been in order. But the Senate, instead of doing that, has presented the amendment as an entirety—an amendment striking out all after the enacting clause and inserting a new bill. It is this single amendment which the gentleman now asks to have divided.

Mr. RANDALL. Rule XX provides:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

I maintain in obedience to that rule this bill has gone to the Committee of the Whole.

I maintain further, Mr. Chairman, it is susceptible of division, because it contains many separate and distinct propositions.

Several MEMBERS. And new ones.

Mr. RANDALL. Yes; entirely distinct propositions and many new ones, any one of which, if the point of order is raised, would be sent to the Committee of the Whole House on the state of the Union for its first consideration. It contains many propositions which never yet have been considered by the House or by the Committee of the Whole House on the state of the Union at all, and must, therefore, be open to division, to separate and distinct discussion, to amendment, to concurrence with amendment, or to concurrence or non-concurrence.

It is, Mr. Chairman, in all respects like an original bill coming here and subject to the rules of the House.

Mr. DIBBLE. I would call the attention of the Chair to the Journal of the House, second session Thirty-second Congress, page 401:

The Speaker having again stated the question to be on agreeing to the said amendment—

Mr. Alexander H. Stephens asked a division of the question, so that a separate vote might be taken upon the different sections comprised in the amendment.

The Speaker decided that the question was indivisible, and that the vote must be taken upon the entire amendment.

Mr. RANDALL. Was not that in reference to the Kansas and Nebraska bill?

Mr. DIBBLE. No; it was a bill making appropriations for the naval service. That was the bill. Mr. Chairman, shall I proceed?

The CHAIRMAN. The gentleman has the floor, and will proceed.

Mr. DIBBLE. The Speaker decided the question was indivisible, and the vote must be taken on the entire amendment. From this decision of the Chair an appeal was taken, and on motion of Mr. Dean the appeal was laid on the table.

The amendment consisted of several sections. It was the forty-second amendment of a bill providing for the reorganization of the Navy. I have only the Journal of the House before me, and therefore am not able at this moment to present the items in the various sections.

Mr. Alexander H. Stephens asked for a division, so that a separate vote might be taken upon the different sections comprised in the bill. It was precisely such a case as the present one. This amendment has several sections. The question was whether that could be divided, and the Speaker decided it was indivisible; that the vote must be taken on it as an entire amendment. It is a case exactly like this. I found it by reference to the Digest. I found it cited as one of the authorities in the last edition of the Rules and Digest.

The CHAIRMAN. Will the gentleman be kind enough to give the Chair the page of the Digest?

Mr. DIBBLE. It is page 333. It is there cited as one of the authorities in reference to the division of questions. It is there cited as an authority against a division on a Senate amendment, Journal 2, 32, page 401.

Now, Mr. Chairman, here is the information coming to us from the bill itself.

Passed the Senate with an amendment July 16, 1886.

Resolved, That the Senate request a conference with the House of Representatives on the said bill and amendment.

The amendment is put in the singular number. Then we find the following:

Ordered, That Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM be the conferees on the part of the Senate.

Attest:

ANSON G. MCCOOK, *Secretary*.

Mr. BLOUNT. Will the gentleman from South Carolina yield to me for a question?

Mr. DIBBLE. I will.

Mr. BLOUNT. The gentleman from South Carolina has cited a decision in 1853, at a time when the rule was not in existence which we now have requiring the Senate amendments to have their first consideration in the Committee of the Whole House on the state of the Union just as an original bill would have to go to that committee. The gentleman's citation is not applicable, therefore, to the present case.

Mr. DIBBLE. The principle is precisely the same. The object of the conference which the Senate asks on this bill is not to defeat it but to facilitate legislation. The Senate have made an amendment to this bill. They have sent it here. They have asked for a conference on that amendment. Those who are hostile to this bill and do not desire to send it back at all and are willing that the great works of public improvement in this country shall not be carried on by the Government but left as they are—in effect, that all the money heretofore expended upon them shall be lost—of course those who are opposed to this and all like meritorious bills would naturally antagonize any mode for the purpose of bringing the two Houses into conference and agreement.

This bill, as the committee will remember, occupied a long time in its first discussion. The Senate amendment, while it strikes out the original bill and substitutes another bill, really contains only a few items of difference. The general substance of the bill is the same, and embodies the same general principle that is applicable to the House bill. Of course, as I have said, there are some few other items of change, but they are not such changes as require the House now at this stage of the session to go over again, as it has already done in the Committee of the Whole, this whole question. The rule is a salutary one. This very case is an illustration of its being a salutary rule. All the requirements of the rule of the House will have been complied with, and legislation will be furthered, and the interest of these great public improvements will be advanced by a decision in accordance with the precedents already had on this question.

Mr. GROSVENOR. Mr. Chairman, there is a cardinal principle in the construction of the rules of a parliamentary body which is sought to be violated by the assertion of this point of order. The principle to which I allude is that the rules of a parliamentary body shall be so construed as to carry the business of such body forward and not backward. This construction is in the interest of the dispatch of public business and not in the direction of the obstruction and defeat of business, and all doubtful questions ought to be construed by the Chair in the light of that principle.

Here it is sought, in support of this question of order, that the Chair shall insert language into this rule that is not already there. In opposition to this point of order it is claimed, upon the other side, that the Chair shall give only a literal construction to the language. Therefore we are asking a construction based upon the literal language without interpolation or addition when our construction is in the direction of progress and an intelligent solution of the pending question. They ask upon the other side for the introduction into this rule of language which is not there, but to be put there by the Chair by inference or by construction for the purpose of doing a vain thing, and for the purpose of making the rule an impedement rather than a facility to the transaction of business.

In the consideration of this rule of the House the Chair will look at the whole bill. This bill has been considered heretofore item by item in the House, excepting that it is said upon the other side that there are certain items which have been introduced into it by the Senate and which were not specifically, one by one and item by item, passed upon by the House in Committee of the Whole, as its rules require. Now, what have we before us? A single amendment to the bill. And it is said that the House ought not to be compelled to vote upon that single amendment to the bill because there are certain other items in that single amendment which change the whole attitude of the bill itself, and that while a member of the House might be willing to vote for the bill without the new item he would not be willing to vote for it with the new item, and therefore the House ought to be permitted at this stage of the bill to examine the items for the purpose of striking them out.

But this is not all their argument; it is only a part of it; and in point of fact that is not what they are claiming. They are claiming to go over the items one by one, not only those which have been inserted by the Senate as an amendment to the bill, but those which have already been passed upon by the House as well as by the Senate. Now, my proposition is that so far as there are new items in the bill they go to settle the question pro or con whether or not we will agree to the amendment of the Senate or refuse to agree to the amendment of the Senate; but that by no possibility of means affects the parliamentary question as to whether this is one or several amendments. Now, I will not claim to be as familiar with the rule as the gentlemen who make the point of order, and I would not be apt to put my judgment against theirs, for necessarily there is involved a history of the adoption of the rule, the construction which has been given to it and the scope of its applicability through the parliamentary proceedings of the House from time to time in years past, and on the ground of familiarity with the rule I

would not undertake to argue the proposition; but in the light of the general principle involved I submit, as being a cardinal point, as being a canon of construction in all questions of this kind, that the business of parliamentary bodies is intended to be carried forward not backward, and there is no construction of this rule to justify the reconsideration of the items of this bill which have been already passed upon by the House.

Let us take a single item by way of illustration of this point. Take the item "A," for instance. It appropriated when it left the House $100,000 for a specific purpose. By the Senate amendment the appropriation is $75,000. Does anybody undertake to say that the original question shall be passed upon by the House again in Committee of the Whole because of this change? Most certainly not. Nobody would undertake to say that. We have passed forward, if the principle of parliamentary construction is to be held, to another stage. The bill has stages to it under the rules. We are not to go backward to retrace our steps, but constantly forward and meet the new aspect that is presented and that only.

I have no doubt in considering this question—that is to say, the question whether or not the House will agree to the Senate amendment or refuse to agree—that it would be perfectly competent to demand the reading of any item which makes up the amendment, which reading could be called for by any gentleman who desired to discuss, on that basis, the propriety or impropriety of concurrence in the light of that particular amendment to show if he could that the amendment would change the condition of the bill. But to undertake to say that here is not one amendment but a whole series of amendments, each of which must have separate consideration, would be ruling in the direction of restriction; it would be a retrograde movement in legislation; and in my humble judgment—for I can not fully illustrate the point—but in my humble judgment would tend to wholly defeat progress in the House of Representatives upon any one of these bills.

The other day there came back here not one amendment, not an amendment to strike out the entire bill and insert another, but a bill with two hundred and fifty-seven individual amendments. Nobody denied that each was a proper item of consideration, because it was independent and stood upon its own merits. It was but one step in the many changes made by the Senate to the House bill.

So my proposition is this, Mr. Chairman, that originally we have examined all the items that were in the House bill. The Senate takes the bill, and without seeking to amend any one of the items alone, makes a new bill, and submits it to the House in the form of an amendment; and the question whether it ought to be adopted or not turns upon the question as to how each individual item in the bill stands. I agree to that; but I think, in the interest of going forward and not backward, the Chair ought to rule it is one amendment and subject to the same question that could be made on a single item of the bill.

Mr. JOHNSTON, of Indiana. I desire to ask the gentleman a question. I see the Senate amendment has reduced the appropriation for improvements on the Wabash River from $80,000 to $60,000. That is an item which is in the original bill. Now, the Senate adds new features to this bill and inserts improvements that were not in the original bill. Under those circumstances does the gentleman say they are all one amendment?

Mr. GROSVENOR. I can not answer the gentleman's question more fully than I have done already. If I have not answered it my remarks have been a failure.

Mr. RANDALL. In every parliamentary body designed for intelligent legislation the organization of the Committee of the Whole House is to give greater latitude of discussion and amendment. Now, can it be possible that the Senate proposition, which is in every item an alteration from the bill that was considered in the House, can be considered to be a single amendment and the House have no opportunity to discuss or amend any proposition involved, when it is perfectly well known that many of those propositions were not considered in the House? In other words, it is asking this House to delegate to three of its members not only the adjustment of differences between the two Houses, but the whole consideration as to matters which have never been discussed in the House.

I am at a loss to conceive how it can possibly be held that a division is not allowable in such a case. Now, suppose that the question of non-concurrence in this amendment as it is described is negatived. That vote is equivalent to concurrence and immediately passes the bill; passes a bill in fact containing matters which the House has never even considered.

Mr. BAYNE. There are two principles of construction which dominate our rules; whether they are right or whether they are wrong is not the question now. What the practice of the House has been under them is the question.

One principle is that there are certain bills that have to be considered by clauses and by paragraphs, and all other bills are subject to consideration by sections. The bills which are to be considered by clauses and paragraphs are enumerated on page 314 of the Digest:

General appropriation, tariff, and tax bills are considered by clauses; other bills by sections.

Mr. CUTCHEON. This is not a general appropriation bill.

Mr. BAYNE. Now, Mr. Chairman, I call your attention to page 441 of the Digest:

The river and harbor bill not being a general appropriation bill its paragraphs or clauses are treated and considered as sections.

The bill which we have now before us, however, comes from the Senate, and in what form? I ask the attention of the chairman of the committee to page 137 of the bill. Immediately under line 8 are these words:

Passed the Senate with an amendment.

Not with amendments but "with an amendment," thus showing the construction which the Senate itself put upon the amendment which it has passed to the river and harbor bill that went from the House to the Senate. That is in the singular number; and what has come to us from the Senate is not a number of amendments but an amendment, and only an amendment.

Now, Mr. Chairman, it is plainly laid down by numerous decisions that an amendment coming from the Senate to the House is not divisible; I care not what the subject-matter may be, how multiform it may be, it is not divisible, and I call the attention of the chairman of the committee to page 333 of the Digest:

But it has been decided on appeals that on motions to commit with instructions or on the different branches of instructions—on a Senate amendment—on an amendment reported as a single amendment from a Committee of the Whole, on a series of resolutions proposed to be inserted in lieu of other matter—

Much like this amendment coming from the Senate. A series of resolutions containing a variety of subjects is analogous to this amendment which comes from the Senate with a great variety of subjects embraced in it. And with reference to every one of those cases I have enumerated—

a division of the question can not be had.

My colleague from Pennsylvania [Mr. RANDALL] says he does not see any good reason why this should not be divisible, because it contains a variety of subjects. His logic may be good; his reason may be good. But the fact is the parliamentary law excludes the theory upon which he advocates a division of the amendment, because we have here a single amendment from the Senate, and although it does embrace, as set forth here, a variety of matters, it is not divisible and must be voted on as an entirety.

Now, is there any logical reason for that? There is. The whole conference system grows out of that. The House is protected. The theory upon which my colleague proceeds is that if this entire amendment be disposed of by one vote many individual items might go through to which the House might dissent. But as the House intrusted the preparation of this bill to the Committee on Rivers and Harbors, so it intrusts to that committee the management of it; and if the bill is sent to a conference committee, and that committee reports, separate votes may be had on the items on which they disagree. So there is a perfect protection; and there is no reason for assuming that the House may do that which it ought not to do if this amendment of the Senate be voted upon as an entirety. It would be a violation of parliamentary law and of correct principles to divide the question, and would lead to endless complications, while the theory of parliamentary law, which is clearly applicable to this case, entitles us to have one vote upon the entire Senate amendment, and thus dispose of the bill and send it to a committee of conference.

Mr. BROWNE, of Indiana. Mr. Chairman, I shall detain the committee but a few moments. There is no question but that Rule XX provides that an amendment which if it had been in the nature of a bill would have required its first consideration in Committee of the Whole must, when the point is made, be considered in that committee. It is assumed that this entire revision of the bill of the House by the Senate is but a single amendment. Why is it so assumed? Simply because the Senate has said so. I apprehend that it will be the duty of the Chair to look at what has been returned to us from the Senate and determine by inspection whether it is an amendment or a series of amendments. For instance, we sent to the Senate a bill containing divers sections. That which is returned in the shape of an amendment, as is assumed, contains a great number of sections, or, if you please, a great number of independent clauses, each of them having reference to a separate subject-matter.

Suppose the two bills are entirely dissimilar in their provisions, will it be insisted that this legislation, treating of a large number of harbors and rivers and creeks and streams, is but a single indivisible amendment? Then, if any of the propositions contained in the amendment have been considered in the first instance in the House, and we may not now have a division of those questions, that constitutes the committee of conference, the congress, the supreme legislative body. The committee of conference absorbs the entire power of giving original consideration to a series of amendments or clauses that were never considered in the House of Representatives at all or in Committee of the Whole. I want to make myself understood. If it be true that these amendments, these clauses in this bill, in whole or in part, have never been considered in the House of Representatives at all, and if we are compelled now to vote upon them as a whole, upon a mere motion to reject or approve, and then to commit the bill to a committee of conference, there is no use in the rule which requires the consideration of

them in the first instance in the Committee of the Whole, because the whole power of original consideration is given to a committee of conference.

Mr. BUCHANAN. Will the gentleman permit a question? If this amendment is one and indivisible, so that the House can not divide it, how can a committee of conference divide it?

Mr. BROWNE, of Indiana. I can not answer the question. Now, Mr. Chairman, it is said, in the next place, that this amendment is but a small departure from the original bill. I ask the Chair how this committee knows that to be true? How does the Chair know it? How can it be ascertained, except by reading each clause and comparing what has been sent to us by the Senate with the original bill passed by the House? The very statement of the proposition involves the necessity of reading all these amendments and the consideration of each separate clause. It seems to me that in the interest of the expedition of business these amendments ought to be considered separately, and if we come to any clause upon which we concur in the action of the Senate, then as to that there is no necessity of a conference, and by eliminating from the conference such of the amendments as are in accord with our judgment we facilitate the final consideration and disposition of the bill. As I said before, I hope we shall be compelled to consider it by paragraphs, for the purpose of eliminating from it a number of obnoxious provisions that have been interpolated by the Senate into the bill as it passed the House.

Mr. WILLIS. Mr. Chairman, I ask the attention of the committee for three or four minutes. Let us stand face to face with the proposition involved here. The House passed a bill with so many paragraphs and sent it to the Senate. The Senate could have taken those paragraphs and amended them separately one by one. Had that been done, then I grant that it would have been the right of any member on this floor, had he seen fit to exercise it (although it would have been a departure from the usage that prevails here), to call for a vote upon each and every paragraph. But the Senate did not deal with the bill in that way. Upon other appropriations the Senate has taken that action, but not upon this. When, this morning, the naval appropriation bill was reported to this House with a motion to non-concur in the amendments of the Senate, I did not hear my friend from Indiana [Mr. BROWNE] lift his voice in indignation because he was not aware what those amendments were. Appropriation bill after appropriation bill has come here in that way, and my friend has made no complaint. When a committee of the House have reported back a bill with a unanimous recommendation to non-concur in the amendments of the Senate, the House, looking to the right and the courtesy of the matter, has usually accepted their statement and united with them in non-concurring in the action of the Senate, reserving to itself the right to vote upon the propositions when the committee of conference come in with their report.

Now the only difference between this bill and other bills which have come before this Congress is that it stands in a peculiar position not occupied by them. It stands in the position of being brought before this House as a single amendment, not as twenty, or thirty, or forty different propositions. Waiving the question of courtesy, waiving the question of right, we are shut up to the conclusion that the House can act only on this single proposition.

"But," says some gentleman, "Rule XX provides that we shall consider all these appropriations in the Committee of the Whole." Where are we now? We are in that committee; and the sole proposition urged by gentlemen who oppose this measure is that the majority of this House shall be deprived of its right to do what it desires to do—to dispose of this question by one vote, instead of having three or four gentlemen gratified by having each distinct matter embraced in the bill voted on separately. That is the whole proposition.

"But," says the gentleman from Pennsylvania [Mr. RANDALL], "does the House intend to abdicate its rights?" When can a majority abdicate its rights? If we pass this vote of non-concurrence, who does it? Is it the Senate that does it? It is the House of Representatives acting by a majority vote—ay, acting, I undertake to say, by a four-fifths vote. Is that an abdication of our rights? Do we thereby surrender any of our privileges? If we want to do this, we shall do it by our own voluntary votes, and we shall do it under the rules.

But the gentleman from Indiana [Mr. HOLMAN] says, "I want a division." The attention of the Chair has been called to the decisions affirming that a Senate amendment can not be divided. Only as lately as yesterday when a House bill in regard to the timber-culture law came from the Senate with several new sections—a new bill—the gentleman from Kansas [Mr. PERKINS] moved to take up the first section and dispose of it separately; and his motion was promptly ruled out by the Chair, because the measure as an entirety was a single Senate amendment and could not be divided. So that as lately as yesterday from that very chair this point was decided. And no evil can result from the course which I am advocating. The House by a majority vote, accepting this action of the Senate as an entirety, rejects it and sends it into conference. I respectfully ask the Chair to put the question.

Mr. BLOUNT. Mr. Chairman, the gentleman from Kentucky [Mr. WILLIS] who has just taken his seat cites a ruling which, I take it, is the same ruling cited by the gentleman from South Carolina [Mr. DIBBLE]. I ask the attention of the Chair to the case cited by the gentleman from South Carolina from the House Journal, second session Thirty-second Congress. It appears from an examination of the Journal that when this question was raised this forty-second amendment had already been considered in Committee of the Whole and had been reported to the House. There had been a motion to suspend the rules and limit debate in Committee of the Whole upon it. After the measure had got out of the Committee of the Whole, and before the demand made by Mr. Stephens, there was a motion to suspend the rules so as to omit even the reading of the proposition. It was being proceeded with in the House, having actually passed from the committee under a special order fixed by a suspension of the rules; and the House was not at that time considering it under the rules.

Mr. DIBBLE. Will the gentleman yield for a question?

Mr. BLOUNT. Certainly.

Mr. DIBBLE. I will ask the gentleman whether that amendment of which he is speaking was not an entire bill, containing nine sections?

Mr. BLOUNT. That is true. But the question which we are now discussing is as to proceedings in Committee of the Whole. It does not appear from the record whether or not the bill was considered in Committee of the Whole by paragraphs; there is no light upon that question. When it came into the House it came as the forty-second amendment, and the rules were suspended so as to omit the reading of the whole of that amendment, and it was in the House that this ruling was made; therefore it has no application to proceedings in Committee of the Whole.

Mr. DIBBLE. If the gentleman will permit a further interruption, I will state that I have examined the Globe, and found that the measure was considered in Committee of the Whole as an entirety; and the question raised was not whether an amendment coming from the Committee of the Whole should be——

Mr. BLOUNT. Now the gentleman is undertaking——

Mr. DIBBLE. I will not take the gentleman's time if he objects.

Mr. BLOUNT. My friend has had his time, and I am now occupying mine.

Mr. Chairman, I ran over the record with the gentleman at the Clerk's desk, and it did not appear, so far as I could see, that there was any question raised such as is raised here.

But we need not go back to those times when the rules were different from our present rules. At that time debate in Committee of the Whole was limited under a suspension of the rules. It would seem that whatever was done in Committee of the Whole was preceded in the House by a motion to suspend the rules. We have now no such proceedings. I have not before me those old rules, but it is very manifest that the mode of procedure at that period was entirely different from our present methods of proceeding. Since the war we have adopted a rule intended to prevent the bad results which had followed from too hasty consideration of Senate amendments. A rule has been adopted declaring that Senate amendments containing appropriations shall receive their first consideration in Committee of the Whole.

Now, here is a measure coming from the Senate, containing not one proposition involving a single expenditure, but scores of propositions relating to different public works and each requiring special investigation, the consideration of different classes of facts—propositions just as different as they possibly can be. Now, because the Senate sees fit for its own convenience, or perhaps for the very purpose of preventing proper consideration under the rules of the House, to adopt language declaring these various propositions to be one amendment, is it possible that this House will violate its own practical common sense and declare that these scores of amendments, these scores of paragraphs containing different propositions, shall be considered as a single proposition because the Senate sees fit to treat them as such?

It seems gentlemen need but look at it. Here is House bill 7480, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. After the bill has been sent to the Senate it has been returned to us with an entirely new scheme. I do not imagine any one will say that the House bill as it was passed was one proposition. By the Senate amendment that whole bill has been stricken out. In that Senate amendment are used about the same terms. It provides in the beginning just as the House bill did:

> That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works herein named.

The next paragraph is for improving the harbor at Rockland, Me.; and the next for improving the breakwater at the mouth of Saco River, and so on through that State.

The amendment is divided into paragraphs identically as the House bill was, and when that House bill was under consideration in the committee it was considered paragraph by paragraph, and not in its entirety. Now, a bill constructed on the same principle, precisely as the House bill, you will undertake by the use of the language of the Senate to avoid the purpose of the House that these paragraphs shall be considered separately.

Gentlemen say the House is not taken advantage of by this vote;

that the majority of the House may refuse to do it; that is, refuse to substitute the Senate amendment for the House bill. The House has not thought it right to get the attention of the House in that way. It has thought it to be wise and prudent to prescribe a rule for the Committee of the Whole, so that no strong impulse of the House shall be able to turn it away from that wise course of procedure.

I trust this House, when we consider this House originates the appropriations to pay the expenditures of this great Government, will not, prompted by a desire to pass this bill in this hurried way, evade a rule which has been observed for years and sanctioned by the wise judgment of every House from the time when it was first adopted until now. Let us make no temporary expedient. Let us adhere to the mode of procedure we have adopted in reference to every other like proposition. Do not let us sanction such a deviation from the well-known rule of this House simply because the Senate has chosen to offer a single amendment to the House bill, when it is from beginning to end constructed of separate sections precisely like the House bill itself.

Mr. HEPBURN. . Mr. Chairman, I desire to call the attention of the Chair to Rule XX:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union if, originating in the House, it would be subject to that point.

The Chair, in sending this amendment to the Committee of the Whole House, held this proposition if it had originated in the House would have had to go there.

Let us inquire for a moment why should it go there. Why should this proposition be sent to the Committee of the Whole House on the state of the Union? We find an answer to that in the third clause of Rule XXIII:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. WILLIS. If my friend will permit me I will say this motion does not come exactly within that rule. It is only a question of a lump vote or a separate vote.

Mr. HEPBURN. I will try to show it does. This proposition is required to go to the Committee of the Whole House for the purpose of consideration. If considered, how is it to be considered? It is to be considered as every other appropriation bill is to be considered, and in no other way. We have had ruling after ruling on this proposition. The action of the House itself has established the rule. How have we considered every other appropriation bill? Always by paragraphs. We have always considered an appropriation bill in that way and in no other. Each paragraph has been read. No one has claimed it should be considered by sections, but by paragraphs, each one open to amendment and discussion.

We have here an amendment, so called, a single amendment. Admit for the sake of argument that it is; but it is made up of more than three hundred distinct clauses, each one providing an appropriation of money. Is it not true then that this should be considered now just as it was originally? Does it change its status in any manner to call it a single amendment? When we were considering the original bill one single section contained hundreds of clauses. No gentleman then contended that the entire section should be considered as a whole. All admitted that it was to be considered in separate and distinct clauses, and that was done.

Now, what is there in the rules of the House, what is there in our mode of procedure here, that changes the character of this amendment in gross, if you choose to call it so? It seems to me that this is an important question, one that the Chair ought to give grave consideration to. We spent weeks of time in the consideration of this bill, and the Senate has done the same thing. It has carried at different times $18,000,000. Now it is proposed that this new bill, for it is new in view of its various clauses—not one of them appears before the House now as when we considered it; not one of them was before the Committee of the Whole when we considered the bill some two or three months ago—but it is proposed that all the legislation with regard to this new and important bill shall be turned over to six gentlemen, members of this House, in order that they may engage in trade and traffic in regard to their different measures, or those of which they approve. I say, sir, it is not a wise procedure. There is no propriety in taking from the aggregate membership of this House their power and vesting it in three, or four, or six other gentlemen, no matter how wise or judicious they may be. Their wisdom and judiciousness is not equal to the aggregate wisdom of the entire House, and it is infinitely better for us in the consideration of this important measure that it should be before the House in its aggregate capacity rather than turned over to two, or three, or any other number of gentlemen, where in their haste, in their anxiety to secure some kind of action, they will be prevailed upon to give their assent to things their better judgment at other times would condemn.

I am utterly opposed to that kind of legislation. We might just as well remit the whole duty of making appropriations of this character, not to the Committee on Appropriations of the House, not to the fifteen gentlemen who compose that committee in the House and the gentlemen who compose the committee at the other end of the Capitol, but to six gentlemen selected from the House, and allow them to engage indiscriminately in this important legislation. The purpose now is to take this matter out of the hands of the House and put it in their hands. I do not regard that as wise. To my mind it would be a most obnoxious procedure, and I hope the conclusion of the Chair will be in opposition to such a dangerous principle in legislation.

Mr. DUNN. Mr. Chairman, the rules of the House provide that the Senate amendments to these appropriation bills may be required under the point of order to have their first consideration in Committee of the Whole. But, as has been well said by the chairman of the Committee on Rivers and Harbors, the House is now, in Committee of the Whole, dealing with one amendment, and it is certainly within the province of the committee to determine just how it will deal with that one amendment, and the chairman should allow the committee to do it.

The question pressed by the opposition to this bill is that the committee should not determine for itself how it will deal with that amendment of the Senate, but that the chairman of the Committee of the Whole shall determine for the committee how the committee shall deal with it.

Now the gentleman from Iowa says that he is opposed to allowing a committee of conference to deal with so important and momentous a question as this; that it ought not to be allowed that liberty. I want to congratulate him and the gentleman from Indiana and others on their recent reform, if it be true that they are opposed to trusting a committee of conference with that power. I remember, sir, in the Forty-seventh Congress that the House was called to consider a tariff bill. A little bill to amend the internal-revenue laws went from this House to the Senate. The Senate struck out the House bill and sent a tariff bill back here as an amendment with seven times seventy distinct items. That bill was never read in the House or in the Committee of the Whole. The whole tariff with its schedules annexed, all of the items, hundreds and thousands of articles, and it never was read in this House, but was licked into form in the conference by these virtuous and careful gentlemen who are straining so at this gnat but who swallowed that camel without oiling at one great gulp, and it was fully and perfectly digested by them. While the distinguished gentleman from Pennsylvania [Mr. RANDALL], though he may not have approved of the process by which the progeny of that conference was brought forth, yet he was so delighted with the measure that he has voted steadily and uniformly against all interference with it from that day to this. Why, if a conference committee can be trusted to coddle and nourish and fix up such a wonderful young one as that progeny proved to be, might it not be also trusted with a little river and harbor bill?

May it not be trusted to deal with these questions of improvement of public works which the people believe to be of great importance in the interest of cheap transportation. That went to the extreme length of the power of taxation, while this only involves a moderate measure of appropriations? The Committee of the Whole refused there, with the sanction of the chairman, to consider all those items of a tariff bill and sent it into conference; and those gentlemen have "pointed with pride" to that delightful piece of work ever since. Consistency is indeed "a jewel."

Now, the question simply is: Shall this committee be permitted to do what it has the right to do? I am gratified that the gentleman from Indiana [Mr. BROWNE], who is always frank and straightforward and who has no concealments, has served such prompt notice on the friends of this measure that it is to be lost. We know it has been an open secret here for more than three weeks that this bill is to be lost. It is to be adjourned upon. That is understood.

Mr. BROWNE, of Indiana. I am credibly informed it will be lost, whether we adjourn upon it or not.

Mr. DUNN. I do not know when the gentleman became the confidant of the President, nor how far he is authorized to speak for him; but let me inform the gentleman that if my voice can reach the friends of this measure, the enemies of it will have to find some way to adjourn this Congress without the consent of a majority of this House if it be done before this bill goes into conference and is finally voted upon by each House. I call upon the friends of the measure here and now to serve notice upon the managers who have preordained the defeat of this bill that no adjournment resolution can be voted upon in this House nor carried by a majority of this House till this bill is finally acted upon.

I am ready to sit here all summer; and we will promise you a better piece of work, too, than that monstrosity of the tariff of the Forty-seventh Congress which you swallowed whole without the oiling from a Committee of the Whole. It will be a much better piece of work than that; and I hope the friends of this measure will stay here and firmly demand fair play.

I hope the chairman of this committee will permit the committee to determine whether it will consider this amendment as an entirety and send it to a conference, instead of being compelled to go through it item by item, for every item in the bill is in dispute.

The CHAIRMAN. If the proposition raised by the point of order

was an original one the Chair would have no hesitation in deciding upon it. But the precedents and rulings of the House to which the Chair will adhere are to the effect that this amendment of the Senate is one amendment and must be so considered by the House or the Committee of the Whole.

The amendment will be read at length; and after it is read, pending the motion of the gentleman from Kentucky [Mr. WILLIS] to non-concur in the Senate amendment, the Chair holds that a motion by any member to amend the amendment in any particular, to concur with an amendment, or to concur by striking out any paragraph in the amendment, is in order and takes precedence of the motion of the gentleman from Kentucky to non-concur.

Mr. DUNN. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUNN. What will be the rule of debate governing the consideration of those propositions?

The CHAIRMAN. The ordinary rule of debate, five minutes for and five minutes against.

Mr. BROWNE, of Indiana. I desire to ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. The Chair, as I understand, holds this is one amendment and must be treated as an entirety. But before the question is put on the motion to non-concur and ask a committee of conference the Chair will entertain a motion to amend. I want to know if the right to offer amendments will be extended to each independent proposition in the amendment.

The CHAIRMAN. Each and every paragraph in the bill the Chair thinks is subject to the motion of any member to concur with an amendment, or to concur in the amendment of the Senate with an amendment striking out any paragraph.

Mr. RANDALL. Has the Chair stated that general debate is cut off?

The CHAIRMAN. No limit to general debate has yet been fixed. The debate which has been allowed has been on the point of order.

Mr. WILLIS. I ask unanimous consent to limit general debate to one minute.

Mr. McADOO. I would like to amend that by making it two hours.

Mr. RANDALL. In Committee of the Whole debate can be limited only by unanimous consent.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. WILLIS] to limit general debate to one minute?

Mr. BROWNE, of Indiana. I object.

Mr. WILLIS. What time does the gentleman from Indiana propose?

Mr. BROWNE, of Indiana. I am willing to agree to the proposition of the gentleman from New Jersey [Mr. McADOO].

Mr. WILLIS. I rise for the purpose of speaking on the bill.

Mr. RANDALL. The bill has not yet been read.

The CHAIRMAN. The Clerk will first read the Senate amendment, after which the Chair will recognize the gentleman from Kentucky [Mr. WILLIS].

Mr. BAYNE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. If the bill be now read through will another reading be necessary?

The CHAIRMAN. It will not.

Mr. REED, of Maine. It will, I should think, unless dispensed with.

Mr. BAYNE. That is what I apprehended—that another reading might be necessary.

Mr. REAGAN. I ask unanimous consent that the first reading of the bill be dispensed with, so that it may be read by paragraphs.

The CHAIRMAN. The Chair will state to the gentleman from Texas, in the judgment of the Chair there will be but one reading of the amendment. It is one amendment; but when it has been read once it will not be necessary to again read it by paragraphs. But it is open and subject to amendment by paragraphs.

Mr. DUNN. As the reading proceeds?

The CHAIRMAN. No. The Clerk will report the Senate amendment.

The Clerk proceeded to read the amendment.

Mr. REAGAN. I rise to a parliamentary inquiry. Did I understand the Chair to refuse to put the request for unanimous consent that the first reading of the bill be dispensed with?

The CHAIRMAN. The Chair did not.

Mr. REAGAN. Then are we to understand that when it is read once it is to be indiscriminately open to amendment everywhere?

The CHAIRMAN. After the amendment of the Senate has been read it will be competent for any member of the House to offer an amendment to any paragraph.

The Clerk resumed and concluded the reading of the Senate amendment.

Mr. WILLIS. Mr. Chairman, I do not intend to occupy more than a minute or two in the statement of the status of this bill. The Senate has amended the House bill in only five or six important particulars. It has, however, applied a scaling process to the remaining paragraphs of the bill as it left the House. Now, all the paragraphs of this bill except some half a dozen have already been considered, first by the Committee on Rivers and Harbors of this House, second by the Committee of the Whole of this House, and third by the House itself. Then on the passage of the bill and its transmission to the Senate, these various paragraphs have received full consideration in the Senate Committee on Commerce, then in the Senate as in Committee of the Whole, and finally in the Senate itself. The final vote in the Senate as to all of these paragraphs except some half dozen resulted, as I have stated, in scaling down the House appropriations some 25 per cent.

The House committee upon receiving the Senate bill has thought proper, pursuing the customs and usages which have always prevailed in this House, to report in favor of a formal non-concurrence in each and every one of the Senate amendments, with a view to having a conference thereon. This is the sole question now pending before this Committee of the Whole—whether we shall non-concur in the whole of the Senate amendment or not.

Now, I submit in good faith to the members of this Committee of the Whole that even disregarding the fact that the Senate has adopted but one amendment, and has coupled with that a request for a conference, which it was hoped could be acceded to at once without referring the bill again to the committee of this House—waiving that, I say, in view of the usages which have prevailed and in view of the lateness of the hour at which this bill comes to us from the Senate, I think good judgment and good parliamentary proceeding will require that we take the same steps in reference to this bill that we took in regard to the naval bill, and which, I presume, we shall take in regard to the sundry civil bill, which may soon be over here with probably one hundred and fifty amendments, the fortification bill, and other general appropriation bills. In other words, the Committee on Rivers and Harbors respectfully request this House to have enough confidence in them to believe that they will protect the House, and allow a vote upon matters which have been put on by the Senate and which may be in dispute between the two Houses.

With this view, Mr. Chairman, after this brief statement I now ask the Committee of the Whole to agree to some time within which general debate may be limited, if any gentleman has any suggestion to make upon that point. [A pause.] If no one desires general debate I ask unanimous consent that general debate be now closed.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that general debate upon the Senate amendment may be now closed. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIS. I have nothing further to say.

The CHAIRMAN. The Senate amendment is now before the House for consideration.

Mr. BRECKINRIDGE, of Arkansas. I move to amend by substituting for the first section of the Senate bill what I send to the desk, which is simply the first section of the bill as it passed the House. My object is simply as each section comes up to introduce as an amendment exactly what the House adopted on the same subject, so that we may get back to our original bill and let the matter go into conference. This amendment covers over one thousand lines.

The CHAIRMAN. The gentleman from Arkansas moves to amend section 1 of the Senate amendment in the manner which will be read.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that the proposition be submitted to a vote without being read. It is simply the corresponding provision of the House bill which we have already adopted. [Addressing Mr. WILLIS.] Do you want to make a motion?

Mr. WILLIS. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. Then I withdraw my proposition.

Mr. WILLIS. As the gentleman from Arkansas withdraws his amendment, I now renew my motion for non-concurrence in the Senate amendment.

Mr. RANDALL. I move to amend the Senate amendment by striking out lines 1195 to 1234 inclusive, being what is known as the Hennepin Canal provision. I make this motion because the House in Committee of the Whole——

Mr. CANNON. Let us have the amendment reported.

The Clerk read as follows:

Strike out the following:

"The grant of the Illinois and Michigan Canal, its rights of way and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the general assembly of the State of Illinois approved April 28, 1882, be, and is hereby, accepted on the terms and conditions specified in the act of the General Assembly of the State of Illinois.

"For the construction of a canal from the Illinois River at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at or above the mouth of Rock River, in said State, together with such feeders and other works that may be necessary to supply said canal with water, $225,000. Said canal shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such route as may be determined by the Secretary of War: *Provided*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and feeders, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be gov-

erned by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use: *Provided further*, That said canal shall be 80 feet wide at the water-line and 7 feet deep, with a capacity for vessels of at least 280 tons burden, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and feeder as specified in said survey."

Mr. HENDERSON, of Illinois. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENDERSON, of Illinois. I make the point of order that it is not proper for the House to strike out a Senate amendment. It is in order to amend a Senate amendment, provided the amendment offered be strictly germane to the Senate amendment. A motion to non-concur or to concur is the motion properly in order; but an amendment germane to the Senate amendment may be submitted. Now, what would be the effect if the House should strike out the amendment?

Mr. RANDALL. It would not be there.

Mr. HENDERSON, of Illinois. The amendment was put there by the Senate; it would be there just as much as it is now, even if the House should adopt the gentleman's motion to strike out that portion of the bill.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the motion of the gentleman from Pennsylvania was not to strike out the Senate amendment. The Chair has already held that the amendment upon which the committee is acting is an entirety. The gentleman from Pennsylvania [Mr. RANDALL] simply moves to strike out a single paragraph in that amendment. The Chair overrules the point of order.

Mr. CANNON. I hope the Chair will not rule on that for a moment.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I would be glad to know just what position that ruling would leave this bill in. Here is a Senate amendment that comes to us as an entirety. There is but one way to disagree to a Senate amendment, namely, to non-concur, and the gentleman from Kentucky [Mr. WILLIS] has made that motion. If the House refuses to non-concur, then concurrence necessarily follows. I read from the Digest, page 318:

The question which first arises on a resolution, amendment, or conference report is on concurrence. And, as the negative of concurrence amounts to the affirmative of non-concurrence, no question is afterward put on the latter motion.

Now, suppose this House refuses to non-concur, then it concurs. I fail to see how this motion can be in order on a Senate amendment.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois [Mr. CANNON] to take the position that the House has not the right to non-concur in a Senate amendment with an amendment?

Mr. CANNON. No; the House has a right to non-concur or rather concur in a Senate amendment with an amendment, but a motion to non-concur is the proper motion by which to disagree with the Senate.

Mr. ROWELL. The motion of the gentleman from Pennsylvania [Mr. RANDALL] is made as an amendment to the motion to non-concur, and the substance of it would be to non-concur in all the amendments of the Senate, but especially to non-concur in this Hennepin Canal amendment. It is simply adding non-concurrence in the whole and non-concurrence in a part, and that certainly can not be in order.

Mr. CANNON. I do not know any way except non-concurrence in which you can disagree to an amendment of the Senate. I will grant that if this whole matter went to conference upon a motion to non-concur in all the Senate amendments when it returned upon the report of the conference committee it would be in order for the House to recede or to insist as it might determine. But I will ask the Chair to think a minute and see what shape this bill will be in when it returns to the Senate. Suppose it were amended by striking out this part of the Senate amendment, will the Chair tell me how the report would be made to the Senate, or, in the first place, how it would be made to the House from the Committee of the Whole?

Mr. RANDALL. Mr. Chairman, the matter is plain. I make a motion to amend the amendment of the Senate, which takes precedence of the motion to non-concur.

Mr. MURPHY. Mr. Chairman, it seems to me that if we give this matter a moment's impartial examination we shall have no difficulty in arriving at a correct, and, as I believe, a true conclusion. The Representative from Pennsylvania [Mr. RANDALL], I grant you, may make a motion to non-concur, but he does not seem to draw the distinction between a motion to non-concur and a motion to strike out. Let us look at the effect. If I make a motion that we do not concur and it prevails, that is one thing; but if I make also a motion to strike out, what is the consequence? There is nothing then to be considered. The bill is absolutely killed. It is disposed of. We would take up then this river and harbor bill and commence at the first appropriation and move to strike that out. Very well. We would go to the second and we would move to strike that out. Very well. So we would go on until we had struck out each and every one of these provisions; and then what would there be to concur in?

Mr. WARNER, of Ohio. Nothing.

Mr. MURPHY. Nothing. Then I ask, in all candor and sincerity, what are we here for [laughter] if it is not to accomplish something? I admit that some gentlemen here have just expressed, perhaps for the first time in their lives, a candid truth, but I am frank to say that I believe that my people sent me here for something, and did not send me here to be a nobody, for a nothing. I rose to call attention to the distinction between the motion to strike out and the motion to non-concur, and I hope the Chair will see the point.

Mr. CANNON. A word more, Mr. Chairman.

The motion of the gentleman from Kentucky [Mr. WILLIS] covers every line of this amendment and is a proposition on the part of the House to dissent entirely from the amendment of the Senate and every part of it. The gentleman from Pennsylvania comes and makes a motion, as my colleague well said, which in effect, if sustained, will non-concur by striking out this part of it.

Mr. RANDALL. The House sent the bill to the Senate and the Senate non-concurred in every part of it.

Mr. CANNON. Precisely.

Mr. RANDALL. Do you undertake to say when that amendment comes back it is not competent for this Committee of the Whole to amend that amendment?

Mr. CANNON. Certainly it is competent to amend.

Mr. RANDALL. That is all I have done.

Mr. CANNON. But your motion is of the same effect to that part of the Senate amendment as the motion of the gentleman from Kentucky.

Mr. RANDALL. The motion to amend is prior to the motion to non-concur. The motion to non-concur is a mere recommendation to the House at best.

Mr. CANNON. Precisely.

Mr. RANDALL. It is the House that non-concurs, it is the Committee of the Whole that amends.

Mr. CANNON. I may be mistaken about this matter. Let me inquire of the gentleman from Pennsylvania what will be the effect if the gentleman's motion prevails?

Mr. RANDALL. It will leave out this part of the amendment of the Senate——

Mr. CANNON. But would not this part of the amendment of the Senate go nevertheless back to the Senate?

Mr. RANDALL. It would not.

Mr. CANNON. Would it not be in conference?

Mr. RANDALL. It would be left out and it would be equivalent——

Mr. CANNON. Equivalent to what?

Mr. MURPHY. The conference would have to consider the whole Senate amendment just as it is.

Mr. RANDALL. When gentlemen get through and will talk one at a time I will try to answer them.

Mr. CANNON. If the Chair will allow me I will proceed.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Illinois when the committee comes to order.

Mr. CANNON. The effect of the amendment of the gentleman from Pennsylvania, or that which he calls an amendment, to strike out would be a disposition of this provision of the Senate so as not to place it in conference, as he states. I undertake to say there is no mode of action by the House that would have that effect unless we concur with the Senate.

Mr. RANDALL. We are in Committee of the Whole and not in the House.

Mr. CANNON. Certainly we are in the Committee of the Whole; but what is competent to be done in the committee by way of recommendation to the House is competent to be done in the House when the bill is reported back.

Mr. RANDALL. There is no rule of the House which debars the Committee of the Whole amending the Senate amendment, whether in entirety by a single amendment or by a number of amendments.

Mr. CANNON. What rule?

Mr. RANDALL. Whether this is a single amendment or many amendments, each one of these appropriations is a distinctive, substantive proposition which the committee has the right to pass upon.

Mr. CANNON. Ah, but the Chair has just held that this Senate amendment must be treated as a whole. Suppose it is a single proposition. The Chair takes that view of it, and his decision stands. Let us see how that works. The gentleman from Kentucky proposes to non-concur in the Senate amendment. Then the gentleman from Pennsylvania moves to strike out a part of that Senate amendment. Suppose it pleases the committee to strike out and also to sustain the motion to non-concur and the House agrees to the amendments recommended. That lets in a motion not known to parliamentary law, and we would have non-concurrence in the whole of the Senate amendment and in effect non-concurrence in a part of the Senate amendment.

Mr. SCOTT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. I do not know much about parliamentary law, but I am interested in this bill. As I understand, it originated in the House and contains some thirty or forty pages. It was passed in this body and sent over to the Senate. It was returned from the Senate to this

House with the enacting clause stricken out. The Chair has decided what the Senate put in, which in substance is the entire House bill only scaled down, is in fact but one amendment.

Now, sir, as I understand parliamentary law as embodied in the rules and practice of this House, if we should amend that amendment of the Senate in any particular way it would not go to the Senate again. That is to say, I do not understand that by an amendment we can send it back to the Senate. On the other hand, if it was referred to a committee of conference, and thus pass out of the control of the House, when that committee reported it back again whether it would be in our power to amend it or not is a question; and what I want to know is whether, if the bill gets to a conference committee, and the committee of the House and Senate, having met, shall agree to report the bill back to the House—whether any gentleman on this floor will have an opportunity to disagree with that committee by offering the amendments he deems necessary to the bill?

Mr. REAGAN. I take it for granted that no one will assume we are considering this bill now as we were considering the original bill in the House, where it is competent to move to strike out any particular clause of the bill. This bill has already passed the House and has been sent to the Senate, where it was amended. We can not now strike out a clause of the bill, because if we strike it out we have nothing to return to the Senate in lieu of it. It drops the whole matter out of the bill and leaves no mode of conferring between the two Houses upon the disagreement. An amendment would be in order, of course, to move to non-concur with an amendment; but a motion to strike out would violate parliamentary law and the usage of the House, and would leave the bill, if it could be tolerated here, in such a shape that a member of either the House or the Senate could reintroduce the proposition in either body, and so the two Houses might be interminably striking out and putting in. There would never be a conclusion upon any legislation.

But what would be the effect of this motion to strike out if adopted? You could not expect the Senate to accept our work without question, to strike out the amendment without giving them the privileges of a conference; and so I take it we are not going to commit the folly of striking out the clause when the question, and the only question, is upon concurrence, non-concurrence, or concurrence with an amendment.

These are the only three motions, as I suppose the gentleman from Pennsylvania knows, in this condition of the bill that can be entertained at this time—that is, to non-concur, to concur, or to concur or non-concur with an amendment.

Now in relation to the inquiry of the gentleman from Pennsylvania [Mr. SCOTT] last on the floor, as to whether if this goes into conference it would be in the power of the House to control the question as to the shape in which the bill shall finally pass, let me say to him that the conference reports as they are submitted to the House are always subject to its control; and I am very free to say if upon a conference a portion of the amendment of the Senate is not stricken out I will not vote for the bill. While I am anxious to have a proper bill, yet I do not propose to engage in the folly of undertaking here in this manner to strike out an amendment of the Senate, the result of which would be that the Senate would put it in again, if indeed (the House acting in such a discourteous manner), the Senate would consider the action of the House at all. And they would be perfectly justifiable, because if we strike this out and then send the bill back to the Senate with such an amendment as that, I take it they will treat it as a discourtesy, and in that respect further proceedings between the two Houses on this question would terminate.

Mr. RANDALL. Why, the Committee of the Whole on the state of the Union might strike out various paragraphs so as to make the Senate amendments acceptable to the House.

Mr. REAGAN. I understand the gentleman from Pennsylvania treats this as one amendment, and that his motion would be an amendment to the amendment. Now, I believe the gentleman from Pennsylvania himself and certainly some other gentlemen on the floor contended that we must consider this bill in Committee of the Whole by clauses as we did the original bill, but not with the power to strike out the particular clauses. I do not think we could do that. I defer, of course, to the superior parliamentary knowledge of the gentleman from Pennsylvania, but I do not wish to take a course which, in my opinion, is unjustified by parliamentary law, and which will induce the Senate to regard as a great discourtesy this action on the part of the House, an action which I apprehend they will not be likely to tolerate. If there is an amendment to a clause, why propose that amendment to it; but do not undertake to strike out the whole clause inserted by the Senate, for it seems to me that is not the way in which we ought to proceed; and I have no doubt if we attempt to do so it will lead to unpleasant consequences.

I think all these questions should go into conference, and that is the only proper way to dispose of them.

Mr. SPRINGER. Mr. Chairman, it seems to me that this controversy is more as to the form of expression than as to the substance of the matter. By reference to Jefferson's Manual, page 273 of our Digest, it will be seen that this subject of amendment between the two Houses is very simple and easily understood. For instance:

> When either House, the House of Representatives for example, sends a bill to the other, the other may pass it with amendments.

That is just what has been done here. The chairman holds that it is but one amendment.

> The regular progression in this case is: that the House disagree to the amendment; the Senate insist on it; the House insist on their disagreement; the Senate adhere to their amendment; the House adhere to their disagreement.

Which, of course, produces a disagreement between both Houses and a consequent loss of the bill. We have not reached that stage yet. But further:

> A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree. A bill originating in one House is passed by the other with an amendment. The originating House agree to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the second and not in the third degree, &c.

Now the condition is just this. The House passed this river and harbor bill and sent it to the Senate. The Senate struck out all after the enacting clause and inserted practically a new bill. The chairman regards this as one amendment. The House, to have a text to build upon, must predicate its amendment on the fact that we agree to something the Senate has done with an amendment thereto. The proper motion of the gentleman from Pennsylvania [Mr. RANDALL] is to move to agree with the Senate amendment with the following amendment thereto, to strike out the lines he has indicated. That brings the question before the Senate. Another amendment will be offered that we agree to the amendment of the Senate with an amendment thereto striking out so many dollars and inserting so many dollars, being an intimation to the Senate that we want to raise or lower the amount in their amendment. It is simply a matter of form. What we want to get is an expression of the opinion of the two Houses as to each of these items.

Mr. REAGAN. I would ask the gentleman how many times can we agree to the Senate amendment with an amendment? Can we do it three hundred times?

Mr. SPRINGER. We are now in Committee of the Whole House. When our report is made by the chairman of the committee it will be that the Committee of the Whole recommend that the House concur with the Senate amendment with the following amendments thereto; and that brings the whole subject before the House.

Mr. REAGAN. I submit that we have to follow the rules. According to the theory of the gentleman from Illinois you can attach three hundred and odd amendments to a single amendment of the Senate.

Mr. RANDALL. What I have submitted provides a plainer and more direct mode of arriving at what is desired.

The CHAIRMAN. The Chair is ready to decide. The motion of the gentleman from Pennsylvania [Mr. RANDALL] is the ordinary motion to amend the Senate amendment. The Senate amendment is open to amendment under the rules of the House, and if it be amended, either by striking out certain words or by inserting certain other words, that sends the entire proposition to a conference if one be ordered, including, of course, the amendments of the House to the amendment of the Senate. It is simply an expression of the House for the first time on the new matter inserted in that amendment which has been sent to the House by the Senate. The Chair holds the amendment of the gentleman from Pennsylvania is in order.

Mr. RANDALL. I do not wish to detain the committee with debate on this proposition. All of us understand what it is for, what it means, and the amount involved. So far as I am concerned I am content with asking a vote.

Mr. WILLIS. I especially ask the gentleman from Pennsylvania not to make this motion. The motion I have made, I think, with all due deference to him, includes that motion; the whole includes the part. The motion I am instructed unanimously by the committee to make is that we non-concur; and I respectfully request him to allow this matter to go with the others non-concurred in to the committee of conference, and the House will at a later period have a better opportunity than now for a fair and full expression of opinion. I hope he will not press that motion at this time.

Mr. RANDALL. The House by a very marked vote declined to insert this paragraph. Now if the House has changed its mind in this particular I do not know why it should not have that right of expression which a vote on this amendment will give.

Mr. HENDERSON, of Illinois. The gentleman from Pennsylvania is laboring under a mistake. The House has not declined to insert this paragraph.

Mr. RANDALL. The committee did.

Mr. BROWNE, of Indiana. The House refused to consider the proposition.

Mr. WILLIS. I will state that this was not in the river and harbor bill. The gentleman from Pennsylvania is thinking of the action in a prior session.

Mr. RANDALL. Perhaps.

Mr. WILLIS. At this session the proposition was brought in by the Committee on Railways and Canals, and had a day for its consideration.

Mr. MURPHY. And received a majority of 14.

Mr. WARNER, of Ohio. Only a majority for consideration.

Mr. BROWNE, of Indiana. I raised the question of consideration myself on the Hennepin Canal bill.

Mr. MURPHY. That vote showed it had a majority on this floor.

Mr. BROWNE, of Indiana. Let us see whether it has now or not.

Mr. BAYNE obtained the floor.

Mr. NEECE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. NEECE. The gentleman from Kentucky [Mr. WILLIS] moves to non-concur in the entire Senate amendment. The gentleman from Pennsylvania [Mr. RANDALL] moves to strike out a certain item, which in effect is a non-concurrence. Therefore the motion of the gentleman from Pennsylvania does not have priority over the motion of the gentleman from Kentucky. I insist the motion of the gentleman from Kentucky has priority.

The CHAIRMAN. The Chair has already decided that.

Mr. BAYNE. The attack made upon the Hennepin Canal is the attack made upon the bill. It is intended to involve the bill in difficulties and prevent its passage. It is perfectly known to my colleague from Philadelphia who has made this attack that he can have an opportunity of voting on the Hennepin Canal. When this bill comes from the conference it is perfectly well known if it be the desire to strike out the Hennepin Canal it can be stricken out.

Mr. RANDALL. No, sir. When it comes from a conference committee it is voted upon as a whole.

Mr. BAYNE. It comes back here and the items of the report of the committee of conference will be taken up and considered *seriatim*, and a vote can be taken upon this if the House chooses to take it.

Several MEMBERS. No, no.

Mr. BAYNE. Now, the purpose is to attack this bill and to involve it in difficulties so as to prevent the passage of any river and harbor bill. Therefore, in my opinion, the friends of this bill should stand by the Committee on Rivers and Harbors. The committee intend to ask for a vote of non-concurrence in the Senate amendments thereto, then put the bill into the hands of a committee of conference, and let that committee report to the House.

Mr. RANDALL. Yes; and when that committee reports you will have to take the report as a whole.

Mr. BAYNE. Very well. If the Hennepin Canal is objectionable to a majority of the members of the House they can vote the report down; or the conference report can be sent back to the committee by a vote of the House with instructions to strike out the Hennepin Canal.

Mr. RANDALL. There are other objectionable items in the bill.

Mr. BAYNE. There are other ways by which a vote can be reached if that be the purpose in view, but the real purpose is to involve this bill in difficulties and prevent its passage. Therefore I again ask the members of the House who are in favor of a river and harbor bill to stand by the Committee on Rivers and Harbors, which is going to move to non-concur, put the bill into the hands of a conference committee, and get it back here upon their report within a few days.

Mr. RANDALL. Mr. Chairman, I have only to say that this is the only time I see when we can have a vote upon the Hennepin Canal distinct from other propositions. The result of the action that is proposed here is to put this in with the rest of the propositions in this bill and make the others carry the Hennepin Canal.

Mr. WILLIS. The gentleman has no more authority to make that statement than he would have to make a like statement about the items in any other appropriation bill.

Mr. RANDALL. Well, it is generally so with these appropriation bills. What I want is to get a distinct vote upon the Hennepin Canal, and I do not see any other mode of getting it than the one I have suggested.

Mr. WILLIS. There is a mode provided by the rules which has been already suggested.

Mr. O'NEILL, of Pennsylvania. I wish to ask my colleague whether the Committee on Rivers and Harbors has jurisdiction over canals.

Mr. BAYNE. We have, over a number of them.

Mr. MURPHY. Will the gentleman allow me to answer his question?

Mr. O'NEILL, of Pennsylvania. Yes, sir.

Mr. MURPHY. There are only nine canals in this river and harbor bill.

Mr. O'NEILL, of Pennsylvania. The River and Harbor Committee have no jurisdiction over that subject, and they did not put the Hennepin Canal into the bill, because they had not jurisdiction. Now, I believe the sense of this committee is to have a direct vote upon such propositions as this one, but I do not see how we can ever get a vote upon the Hennepin Canal unless we get it now. I have always favored the river and harbor bill, but I have always voted against the Hennepin Canal scheme, and I propose, if I can get a chance, to vote against it again; and if it goes into this bill in this way, and we are obliged to vote ay or no upon the bill as a whole, although for years I have voted for river and harbor bills, yet I may feel it in my conscience a duty to vote against this bill.

Mr. GROSVENOR. I move to strike out the last word. Mr. Chairman, I am very much surprised at the attitude of the opponents of the Hennepin Canal. I do not count the gentleman from Pennsylvania [Mr. RANDALL] as specially an opponent of the Hennepin Canal, because he did all he could to defeat this bill when that project was not in it at all, and therefore I assume that he assails this outwork because he thinks that is the easiest way to breach the main line of the bill. I say I am very much surprised that members here are afraid to vote in favor of the proposition submitted by the chairman of the Committee on Rivers and Harbors. That motion is a motion against the Hennepin Canal; it is a motion to non-concur. Is not that enough?

Mr. REED, of Maine. Oh, yes; but we know what it means.

Mr. GROSVENOR. Yes; we know what all the other schemes here mean. We know what the scheme means to throw this bill into general debate, and, strangely enough, it happens to be proposed and supported by gentlemen who opposed the bill all the way through.

Mr. RANDALL. I will say to the gentleman I am not attempting to embarrass this bill by debate. On the contrary, I ask for a vote. [Laughter.]

Mr. GROSVENOR. I understand; but if the gentleman's proposition be agreed to, it at once alienates a large vote upon this floor from the proposition of the chairman of the committee to non-concur and send the bill to a committee of conference; not that it will ultimately harm the bill.

I am glad to see gentlemen who pride themselves upon their record at home, and who put into their platform upon which they seek reelection to Congress the high proposition that they have voted always against this river and harbor bill, now suddenly interesting themselves in trying to bring the bill back to the same place where it was when they voted against it.

The proposition of the Committee on Rivers and Harbors is to let this whole proposition—without committing the committee at all, for they have not considered the Hennepin Canal, have had nothing to do with it one way or another—to let the whole subject of this bill go to a committee of conference. For what purpose? That we may get along with our business, that we may not project the question here into a debate in Committee of the Whole, which may last for the next two weeks.

Mr. CANNON. Mr. Chairman, at this time, under the five-minute rule and with debate soon to be cut off, I do not propose to discuss the merits of the Hennepin Canal; and I should not have said one word but for what struck me as the unkind and uncalled-for words of the gentleman from Pennsylvania [Mr. O'NEILL]. Of course I have decided views about the propriety of the Hennepin Canal improvement. I believe that no friend of this bill can make an argument for it that will not apply in every respect in favor of this proposed improvement. There is but one ground on which to place these river and harbor improvements, and that is that they are instrumental in affording the necessary competition to secure a proper regulation of freight charges upon the products of the West and the East, the North and the South.

At a proper time, if I should have opportunity, I will discuss the merits of that question. I desire only to say now to the gentleman from Pennsylvania, representing in part that great commercial and manufacturing center Philadelphia, who has appealed to me as well as to all other members on behalf of the interests of his State in favor of wise and statesmanlike legislation affording appropriations for the water ways and other improvements of this country and for the merchant marine and for the Navy of the nation, that in my opinion he does not do himself justice when he rises here in his place and instead of seeking to produce argument showing the unwisdom of this appropriation uses that stale, common, ordinary term, which anybody can cry out against any measure, by denouncing it as a "steal." The cheapest man who pretends to statesmanship, or would even make a vain essay toward it, can daily and hourly indulge in that kind of characterization of any or all appropriations.

I hope, Mr. Chairman, that this bill with these amendments will take the ordinary course. What is that? That the House at this stage of the session non-concur in the whole of this Senate amendment in all its paragraphs; let the conferees meet and see wherein they can agree, and so far as they can agree, with or without amendment, make report to this House for approval or disapproval in whole or in part. All we ask for the Hennepin Canal proposition is the same treatment that other portions of the bill receive. If the enlightened representatives of sixty million people do not believe that this is a wise proposition, then let it be rejected; but let it be accorded the poor courtesy which is habitually accorded to every other measure.

Mr. RANDALL. The gentleman from Illinois [Mr. CANNON] will allow me to call his attention to the fact that if my amendment should prevail in Committee of the Whole there is no reason why a vote should not be taken upon it in the House.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, my friend from Illinois [Mr. CANNON] has been talking about something that he did not understand.

Mr. CANNON. I thought I listened to the gentleman carefully.

Mr. O'NEILL, of Pennsylvania. If he or any other member of this House ever heard me use such a word as "steal" in any discussion in which I have taken part in this House I should like to know it. I

spoke of this proposition as a "scheme;" and I did not in that mean anything offensive to the friends of the proposition.

Mr. CANNON. The gentleman will allow me to say that I was close to him when he spoke, and understood him to use the other word. I am very glad to learn that he did not, and withdraw all that I said touching that point.

Mr. O'NEILL, of Pennsylvania. I am very glad the gentleman has withdrawn it. Now, if he is so anxious to have the sense of the House upon the question of appropriating money for the Hennepin Canal, let him have the vote here and now. That is the statesmanlike way to meet the question. If the majority of this House should vote that this proposition is properly in the bill, let it remain there. I am sure I will yield to the decision of the majority. But, sir, it is not for the gentleman to give me a lecture as to what I should or should not do as a representative of the commercial city of Philadelphia. I represent a commercial city; he represents an inland community of a great and powerful State. I do not know whether by voting for the appropriation for the Hennepin Canal he is helping to solve the question of freights from the West to the seaboard. Another proposition involving that question will come up in a few days, and he can then be heard. Why, sir, this day the water ways of the country settle the question of the freight on railroads. That is a well-known proposition.

Mr. DUNHAM. The liberality of the gentleman's constituents should induce him to vote for this proposition.

Mr. BROWNE, of Indiana. We shall see how that is when we come to a vote.

The CHAIRMAN. The Chair understands the *pro forma* amendment of the gentleman from Ohio [Mr. GROSVENOR] as withdrawn.

Mr. SOWDEN. I renew the *pro forma* amendment.

Now, Mr. Chairman, it has been confidently asserted that if the House non-concur in the Senate amendment and the bill goes to a committee of conference, when the same is reported back to this House we can have a separate vote upon this proposition. This is a mistake. We can not have a separate vote upon it. It will be too late. My colleague from Pennsylvania [Mr. RANDALL] has stated the matter correctly. In the Thirty-ninth Congress it was decided that a separate vote could not be taken upon different propositions contained in a conference report, but that it must be adopted or rejected as a whole. (Congressional Globe, volume 1, Thirty-ninth Congress, page 4287.) The only way out of this dilemma is in the manner suggested by my colleague from Pennsylvania [Mr. RANDALL], and therefore I ask for a vote on his amendment. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

Mr. SOWDEN, by unanimous consent, withdrew his *pro forma* amendment.

Mr. HENDERSON, of Illinois, addressed the committee. [See Appendix.]

The question recurred on Mr. RANDALL'S amendment.

Mr. RANDALL demanded a division.

The committee divided; and there were—ayes 89, noes 93.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. RANDALL and Mr. HENDERSON, of Illinois, were appointed.

The committee again divided; and there were—ayes 93, noes 109.

The CHAIRMAN. So the amendment is rejected. [Applause on the Republican side.]

Mr. HOLMAN. I move to strike out the paragraph beginning with line 1098 and ending with 1120.

The Clerk read as follows:

For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point, from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation, $262,500, or so much thereof as may be necessary: *Provided*, That before said moneys shall be expended the Secretary of War shall cause an examination to be made by a board of three engineers to ascertain and report upon the importance and value of the free use of said two harbors of refuge and the water communications across Keweenaw Point to the commerce and navigation of the Lakes, and the reasonableness of the price thereof, and shall have received from said board a report favorable to such purchase by the United States, and also upon full and absolute conveyance to the United States of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to and connected with said works, or either of them.

Mr. HOLMAN. Mr. Chairman, the canal here designated as the Portage Lake and River Improvement Company, or rather the Portage Lake and Lake Michigan Canal, was a work constructed under an act of Congress which was passed in 1865, by which 200,000 acres of land were appropriated to the State of Michigan with which to construct the work.

The canal was constructed and the other enterprises named in the pending amendment. It was equivalent to a grant, as estimated at that time, of a million dollars for the construction of the canal alone. It is now proposed, inasmuch as the purposes of the work have been in a large degree accomplished, as I understand, to transfer it back to the Government at a cost of $265,000; a work constructed by a public grant, a private estate in the State of Michigan, and yet it is now proposed, notwithstanding its origin, that the sum of $265,000 shall be paid out of the public Treasury, and the Government shall go on and take charge of the work. I do not think, sir, that this ought to be done.

The State of Michigan, I should have said, transferred these lands to a corporation; the corporation constructed the canals and now owns the works. Whether this subject was considered by the House Committee on Rivers and Harbors I am not able to say.

Mr. WILLIS. Let me inform the gentleman that it was considered and was not put into the bill.

Mr. HOLMAN. I am glad to hear it. I am informed by the chairman of the committee that the subject was considered and not deemed proper to be inserted in the bill. It is a barefaced transaction, where a work constructed principally by the Government, with its resources, is to be made the source of large profit to the gentlemen to whom the bounty of the Government was transferred.

Mr. MOFFATT. Mr. Chairman, I do not wish at this time to go into a discussion of the merits of this question. If the gentleman from Indiana would ask the committee to pursue the same course with this proposition that was pursued with the other, namely, to let it go into conference, then when it comes back before the House I shall be perfectly willing to go with him in detail over the subject and point out what I believe to be its merits. I should be glad to have an opportunity to give to this House, as I believe I can, a full statement of what I regard as the most meritorious proposition in this bill as embodied in this clause of the Senate amendment. But I do not wish to detain the committee at this time; and I think that upon further investigation, in fact I have no doubt of it, the gentleman will agree to take that position himself. I ask the committee now, without detaining it further, not to strike out the provision, but to give it fair play and let it take its course in the committee of conference with the rest of the bill.

Mr. REAGAN. I object, Mr. Chairman, to these motions to strike out particular portions of the Senate amendment, for the reason that they are subject to the objection that they do not take these things out of the conference one way or the other. The motions are misleading; and I shall vote against motions to strike out. And yet I may be permitted to say that if this provision is retained in the bill, or the one which was just voted upon a few moments ago, I should vote against the whole bill when it comes back to the House. But because these propositions to strike out are misleading and make men vote against their judgment one way or the other I am opposed to them. The chairman of the Committee on Rivers and Harbors proposes to non-concur in all of the amendments. That brings the whole subject into a conference. If there is a separate motion upon each item it simply means non-concurrence, and I do not think it is the proper way to get at the consideration of the subject.

Mr. WILLIS. The Senate put some four or five very important amendments on this bill; and I am sure that I express the unanimous opinion of the Committee on Rivers and Harbors when I say that they have no desire, and if they had the desire they would not dare to exercise it, to accomplish through a conference committee anything that could not be accomplished formally and openly upon the floor of the House. We not only will not decline a vote on these several matters, but I believe I express the opinion of every member of the committee when I say we will invite a vote.

Mr. RANDALL. In the House?

Mr. WILLIS. Yes, sir.

Mr. RANDALL. When?

Mr. WILLIS. After the conference.

Mr. HOLMAN. When did I understand the gentleman to say?

Mr. WILLIS. After we have reported the result of the conference.

Mr. HOLMAN. But then the gentleman knows a separate vote could not be had.

Mr. WILLIS. The gentleman understands the fact that the committee can come back into the House and a separate vote be taken upon each one of these propositions.

Mr. BLANCHARD. We have no other purpose in view.

Mr. WILLIS. We want a majority of the House to act upon these matters in detail. The Committee on Rivers and Harbors would not dare to put anything into the bill or take anything out except by a fair untrammeled vote of the House.

Mr. RANDALL. Will you consent to a separate vote as to the Washington flats?

Mr. WILLIS. There will be no objection to a separate vote as to all of these four or five Senate amendments.

Mr. WARNER, of Ohio. How as to the changes in reference to the Mississippi River Commission?

Mr. WILLIS. As to that I am not prepared to speak.

Mr. HOLMAN. With the understanding that as to all the new matters put in this bill by the Senate, the Portage Canal, the Hennepin Canal, and the other three measures which are the most important—with the understanding they are to be all reported to the House for action as separate and independent measures, so that votes can be taken in the House instructing the conferees on the part of the House, it seems

to me the better plan would be to acquiesce in what is desired by the gentleman from Kentucky.

Mr. DUNN. Does not that result necessarily follow anyhow? Even if you strike out the item here, it goes into conference anyhow.

Mr. HOLMAN. But it is an instruction to the conferees.

Mr. DUNN. Then when the committee of conference reports an agreement or disagreement the House must pass on that.

Mr. HOLMAN. There is no legislation so subject to severe condemnation as that forced on the two Houses of Congress by conference committees. It is the most pernicious of all species of our legislation; and I am always glad to see conferees distinctly instructed. And I am surprised that so old and wise a legislator as the gentleman from Texas [Mr. REAGAN] should not himself have seen the importance of a frank expression on the part of the House as to each one of these important Senate amendments.

Mr. REAGAN. I want that expression; but I want it to be in a form that would be effective. I do not want it to go through a blank form that does no good and takes time.

Mr. HOLMAN. It would do good to instruct the conferees as to the sentiment of the House in regard to the Hennepin Canal.

Mr. BURLEIGH. You have done that.

Mr. HOLMAN. You have not. The gentleman from Texas [Mr. REAGAN] voted against striking that out, but says he would vote against the bill if it finally contained that proposition; and other gentlemen have acted on the principle by which the gentleman from Texas is governed. These votes are misleading. They do not represent the sentiment of the House, and do a vast amount of injury to the conferees on the part of the House.

Mr. WILLIS. It is for that reason I wish the question taken on non-concurrence.

Mr. HOLMAN. With the understanding that each of these several important amendments attached to the bill by the Senate shall come back to the House in the only way they can properly come—upon reports from the conference committee showing disagreement between the two Houses, so that a vote can be taken here—I suggest the true plan is to adopt the motion of non-concurrence. Otherwise the conferees would be put at a disadvantage.

Mr. KING. The motion made by the gentleman from Kentucky covers that. That is what we have been wanting to do all the time.

Mr. HOLMAN. I withdraw the amendment.

Mr. WILLIS. I renew my motion.

Mr. SPRINGER. I wish to understand if any agreement has been arrived at. If so, I want to except one proposition. It was understood we were going to pass separately upon each of these propositions and settle them so far as the conference was concerned between the two Houses. We have now acted upon one of them and settled it by removing it from conference. If the action of the committee is ratified by the House that takes Hennepin out of the conference.

Mr. HOLMAN. Not at all.

Mr. SPRINGER. Then what is the use of this vote? I thought we were testing the sense of the committee and of this House so as to instruct the conferees when they went to deliberate. If that is not what we are doing, what are we doing?

Mr. WILLIS. We are trying to non-concur in the Senate amendments.

Mr. SPRINGER. But the House has agreed to that much of the Senate bill and taken it out of conference.

Mr. RANDALL. So far as the Hennepin Canal matter is concerned the battle has only begun.

Mr. BROWNE, of Indiana. I renew the amendment of my colleague [Mr. HOLMAN].

I have not occupied the attention of the House or the committee for, I believe, a single minute in the discussion of the river and harbor bill, and I now renew the amendment of my colleague that I may have the opportunity of talking upon this subject only for the brief term of five minutes. It strikes me that this legislation is anomalous. It presents some extraordinary features. The House passed the river and harbor bill appropriating for a very large number of rivers and harbors and breakwaters, and I believe for the improvement of some existing canals. That bill went to the Senate. It has been returned from the Senate with an amendment striking out every line of the original bill and returning to us, in the shape of an amendment, an entirely new proposition. The Senate has added some subjects not contained in the original bill.

It has added something to the amount of appropriations contained in the bill. It has taken off, I believe, in some instances a portion of the appropriations made in that bill. And after it has considered patiently, considered maturely, deliberated upon the necessities of this kind of service, only appropriating in each particular instance so much as that body supposed was demanded by the exigency of the case—for I take it for granted that in the judgment of that body it appropriated no more for any particular river or harbor than was needed by it for the purpose of making the proposed improvement—but after having gone over this whole field, embracing three hundred and fifty-five subjects, it then proposes to reduce the whole lump by reducing the appropriations 25 per cent. It is an acknowledgment, it seems to me, that in the original appropriations as they were considered there is an extravagance of at least 25 per cent.

And it is because of these extravagances that I have at all times refused to vote for river and harbor appropriations. I have, however, another serious objection to this bill. It proposes to buy from private corporations some old canals that have ceased, I presume, to be profitable to their owners; it proposes to buy breakwaters from private corporations. It not only proposes to improve the three hundred and fifty-five subjects of the bill, natural water ways as I suppose, but it proposes to enter into the purchase of old improvements and also to inaugurate some new ones. I do not mean the inauguration of improvements upon the natural water ways, but the inauguration of a system of internal improvements. Gentlemen talk about the necessity of having a competitor with the railroad corporations in the matter of freight. I remember that a few years ago Indiana entered upon a system of internal improvements which came very near bankrupting the State, and, rich as this nation is, great as are its revenues and its sources of wealth, you are entering upon a system which, if not arrested, may bankrupt this magnificent Republic of ours. You are introducing that system upon this bill. This is the beginning of it, and what we do here is to be used as a precedent for what is to come hereafter.

It is not the Hennepin Canal that I am opposed to; it is the system under which it is to be built; it is the precedent that will be established; for when you have made the Hennepin Canal, Indiana will come here and ask that its old canal across to the Ohio River shall be purchased and that the contents of the national Treasury shall be emptied out to pay for the construction of that important highway for the commerce of that State and of the Northwest. And so with other States.

Mr. HOLMAN. Does my colleague [Mr. BROWNE] withdraw his motion?

Mr. BROWNE, of Indiana. I withdraw it.

Mr. HOLMAN. Mr. Chairman, the committee seem to acquiesce in the suggestion of the gentleman from Kentucky [Mr. WILLIS] in regard to the important amendments put upon this bill by the Senate, which are entirely new propositions; but as to the propositions which are not new, but simply amended by the Senate, they seem to stand upon a different ground. Now, the Senate has made very important changes in the provisions of the House bill in regard to the improvements of the Mississippi River from the head of the passes to Cairo. It seems to me, therefore, that the Committee on Rivers and Harbors, or rather the conferees on the part of the House, will wish instructions upon that subject, and I hope that they will have the benefit of instructions. I think the sentiment of the House is that the Mississippi River Commission shall be dispensed with, and that a part of the works in progress on the river shall be completed so as to test the efficiency of the plan. I, therefore, submit an amendment to the Senate amendment.

The Clerk read as follows:

It is proposed to concur in the Senate amendment with the following amendment, to wit: Strike out all of the Senate amendment after the word "war," in line 1405, down to and including the word "banks," in line 1435, and insert the following:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio: Continuing improvement, $2,250,000; which sum shall be expended under the direction of the Secretary of war."

Mr. HOLMAN. In order that the meaning of this amendment may be fully understood, I ask that the portion of the Senate amendment which it is proposed to strike out be read for the information of the House.

Mr. BUTTERWORTH. Will the gentleman state whether it leaves the proposition just as it stood in the House bill?

Mr. HOLMAN. It does, except in this: The House expressly provided that the work should not be done under the supervision of the Mississippi River Commission, while the Mississippi River Commission is entirely omitted from the amendment.

Mr. DUNN. Mr. Chairman, I suppose the gentleman's statement will obviate the necessity of reading the portion of the amendment that is to be struck out.

Mr. HOLMAN. Not at all, because the committee will see when it is read that the Senate have gone entirely away from anything that was germane to that portion of the bill.

Mr. KING. The Senate have simply restored the clause as it has always been in the river and harbor bill.

The portion of the amendment proposed to be struck out was read, as follows:

In accordance with the plans, specifications, and recommendations of the Mississippi River Commission: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel: *And provided further*, That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881,

volume 2, part 3, page 2733: *And provided further*, That no works of bank protection or revetment shall be executed in said reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks.

Mr. HOLMAN. Mr. Chairman, it has been suggested that this proposition of mine is not in proper form, and I therefore withdraw the proposition "to concur with the following amendment," and offer what I now send to the desk as an amendment, simply striking out and inserting. I ask that the amendment be read as modified.

The Clerk read as follows:

Strike out all of the Senate amendment after the word "war," in line 1405, down to the word "banks," in line 1435, and insert the following:

"*Provided*, That the money appropriated by this act for the improvement of the Mississippi River from the head of the passes to the mouth of the Ohio River, except so much thereof as shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river now in progress of improvement, as established by the Mississippi River Commission, to the end that the proposed improvement of said two reaches of the river on which the works are in progress shall be completed at an early day and the plan of said commission for the improvement of the navigation of the river fully tested."

Mr. HOLMAN. It will be seen that the last provision inserted by the Senate is not interfered with by the proposed amendment; the improvements provided for at Vicksburg, Memphis, Columbus, Ky., New Orleans, and other points are left as proposed by the Senate.

Mr. DUNN. Mr. Chairman, it is strange to me that the gentleman from Indiana [Mr. HOLMAN] and others who are opposed to this bill and who are seeking to destroy it, after they have found they were about to be "hoist by their own petard" on the plan of procedure which they had adopted, should have surrendered everything else to the suggestion of the chairman of the Committee on Rivers and Harbors except this item in relation to the Mississippi River. I do not know whether the Mississippi River is too little for improvement or too big for improvement. It is clear at all events that it is to be strangled.

Now, the committee is a little confused as to the effect of these votes which we are taking. We must keep in mind that we have but one Senate amendment before us; that if all these different items are amendments, then a failure to change one or a vote of the House agreeing to it, as we voted on the Hennepin Canal, takes that out of conference. The gentleman from Indiana [Mr. HOLMAN] shakes his head. I think perhaps it will go to the conference anyhow; and then the vote amounts to nothing.

The gentleman from Indiana says that he wants the committee of conference instructed. That would violate all the proprieties of a conference. Senators coming to confer with the managers on the part of the House would refuse to confer in such a case, because by instruction the freedom of conference is destroyed. Our managers should go into conference free, untrammeled, uninstructed. They should meet the Senatorial managers in a free conference.

The House passed a bill with certain provisions; the Senate amended it. All that is to be done is to concur or non-concur with or without amendment; and this effort here to throttle and strangle and smother the Mississippi River item is not fair or just or right. The motion of the chairman of the Committee on Rivers and Harbors to send the whole mass into conference non-concurred in is the only proper, logical, sensible course. I call upon the friends of the bill to stand by the chairman of the committee and absolutely vote down any and all amendments, thus sending the whole bill into conference.

I have confidence in the chairman of the committee and those who may be chosen as managers with him on the part of the House. I know that they understand, after the ten days or two weeks' consideration which we had of this bill, what the sense of the House is; or if they have forgotten it, all they have to do is to refer to that debate; for substantially all the items sent here by the Senate as amendments were considered in Committee of the Whole in the form of amendments offered to the House bill. The House voted upon nearly or quite all of them. There is but one logical course; and that is to stand by the chairman of the committee and vote down every amendment offered, and send the whole measure into conference. I have no doubt that the chairman of the committee and his co-managers will bring back to the House all that they are satisfied does not meet the concurrence of the House.

Mr. WARNER, of Ohio. I move *pro forma* to amend by striking out the last word. The Senate has amended materially the bill as it went from the House. It has made a radical change in the provision relating to the Mississippi River. Now, in order that the bill may get into conference as soon as possible, I suggest that this amendment take the same course adopted with reference to other amendments.

I want an opportunity to vote upon it. I may be mistaken, but my impression and belief are that if the work of constructing these levees could be done for nothing it had better not be done at all. It will cost at least $100,000,000 to construct them, and probably $10,000,000 annually thereafter to maintain them.

Mr. DUNN. There is no authority for that estimate of their cost. No estimate ever exceeded $20,000,000.

Mr. WARNER, of Ohio. I have only stated my opinion. I want a chance to vote on this question, and I prefer that it take the same course that has been adopted with the other amendments, with the understanding that we shall have an opportunity to vote upon it when the question comes back.

Mr. HOLMAN. With the understanding that this subject shall come to the House in such a form as to give the House a vote on this proposition, I do not insist upon a vote now.

Mr. WILLIS. The great body of this amendment of the Senate—two thirds of it—is identical with what the House passed. It therefore does not stand upon the same footing with the four or five other matters which have been mentioned. I beg the gentleman to let the matter go, assuring him that the committee will endeavor to reach an adjustment satisfactory to the House.

Mr. HOLMAN. My friend from Kentucky [Mr. WILLIS] must see that here there is a proposed application of money directly and immediately to the building of levees.

Mr. DUNN. For the improvement of navigation.

Mr. WILLIS. So there is in the House bill.

Mr. HOLMAN. I know; but that is conditional; here it is direct. It is this new matter which I am proposing to strike out; I am not proposing to interfere with the remainder. If the gentleman from Kentucky [Mr. WILLIS] will consent that this subject be reported back in such a form that an expression of the House can be had upon it, I will of course withdraw my amendment with great pleasure.

Mr. WILLIS. I think the gentleman, on examining the bill, will find that he is entirely mistaken; that this proposition in regard to levees is identical, "upon all fours," with the proposition as passed by the House. I ask him to turn to page 46 of the bill as passed by the House and compare it with page 121 of the bill as sent from the Senate. If I am not mistaken he will find that the two bills in this respect are indentical.

Mr. HOLMAN. The words to which I desire to call the gentleman's attention are these:

That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881, volume 2, part 3, page 2733.

It is this portion of the amendment to which I especially object and which I am seeking especially to strike out.

Mr. KING. You object to everything that improves the Mississippi River.

Mr. HOLMAN. I have more interest in the work than you have and my constituents have more interest than you have.

Mr. KING. I move to strike out the last word. [Cries of "Vote!"] I wish to correct the statement made by the gentlemon from Ohio [Mr. WARNER], and I call his attention—— [Cries of "Vote!"] He says to get these new banks would require one hundred millions of money. There are no official figures to that effect in any report made by the Government.

Mr. WARNER, of Ohio. I think General Comstock has so reported.

Mr. KING. Allow me a moment. The highest figure of any commission having this matter in charge is $11,000,000. Why do you then try to prejudice the minds of the House by making these extravagant statements when there is no foundation for them?

Mr. WARNER, of Ohio. Did not General Comstock report that it might cost that?

Mr. KING. No; he does not state anything of the kind.

Mr. DUNN. Nowhere can anything of the kind be found.

Mr. KING. It comes from your own mind.

Mr. BRECKINRIDGE, of Arkansas. It has been stated it might cost $7,000,000. I would also correct the statement of the gentleman from Ohio [Mr. WARNER] that $8,000,000 have already been spent. It should be less than $2,000,000.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry.

Mr. KING. I withdraw my *pro forma* amendment.

Mr. WARNER, of Ohio. Is it not understood that this is submitted to the conference committee?

Mr. HOLMAN. No; the gentleman from Kentucky declines to have this go before them.

Mr. WILLIS. The gentleman from Kentucky neither declines nor accepts the proposition.

Mr. KING. It will be governed by the rules of the House.

Mr. WILLIS. I hope the gentleman will not force us to a vote which may instruct the conference committee.

Mr. HOLMAN. When conference reports come in during the last days of the session there will be no difference.

Mr. WARNER, of Ohio. Let this take the same course.

Mr. WILLIS. Does he want a vote on the Hennepin Canal to be considered as an instruction to the conference committee as it is by the friends of that measure?

Mr. SPRINGER. It is an instruction to the committee of conference and is so regarded, and rightly so regarded.

Mr. WILLIS. I hope the gentleman will not force another vote

which may embarrass the committee by its being insisted upon as an instruction to the committee of conference.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. PAYSON. Let it be read again. [Cries of "No!" "No!"]

The amendment was again read.

Mr. HOLMAN demanded a division.

The committee divided; and there were—ayes 62, noes 106.

Mr. HOLMAN demanded tellers.

Tellers were not ordered, 30 only voting in favor thereof.

So the amendment was disagreed to.

Mr. HEWITT. I move to strike out of the Senate amendment the following.

The Clerk read as follows:

Improving New York Harbor, New York: Continuing improvement to secure a 30-foot channel at mean low water at the Sandy Hook entrance of the harbor, upon such plan as the Secretary of War may approve, $750,000.

Mr. HEWITT. Mr. Chairman, the estimates contain the recommendation of $42,000,000. Among them I do not find any recommendation for improvement of the depth of water in the Sandy Hook channel. If the engineers had known of any practicable mode by which that improvement could be executed there is no question when they recommended $42,000,000 they would have put in a loose million for New York Harbor. But the truth is, they did not know how to do it, and they did not recommend it. The New York delegation, when this was under consideration, made no recommendation of any amendment on that subject.

The Senate have inserted an amendment in the bill providing an expenditure of $750,000, with a single provision that it shall be expended under the direction of the Secretary of War.

Two years ago when I brought this matter to the notice of the House I secured, or rather the House adopted, an amendment by which $30,000 was appropriated to survey the harbor of New York. In this bill as it left the House $8,000 is appropriated in order to complete that survey. Until that survey is done no living man can tell how or where to spend the money in the harbor of New York. It is a problem that must be determined in advance. Of course we want a 30-foot channel. The steamboats built during the last year could load down 4 feet deeper than they do now if we had a 30-foot channel for that harbor; but the only effect of devoting this money at this time in the manner contemplated by the Senate amendment will be to put it in the hands of men to be expended without any definite plans or without any positive knowledge of the needs of that great harbor.

This is the view taken by the Chamber of Commerce of the City of New York. They do not ask for the money. They do ask that the channel be deepened, but first that a competent board shall be created to determine how the amount of money shall be expended; how the improvement may be best made, and then they will come and ask an appropriation to carry it out.

Such a bill is now pending or has actually passed the other body and is coming to the House; and I entreat the House not to put this amount of money at the disposal of officers who are not clear as to how they would expend it, although they would be compelled, under the terms of the law, to do so. Therefore I have moved to strike out this portion of the Senate amendment and trust it will be concurred in by the House.

Mr. BAYNE was recognized.

Mr. KING. May I ask the gentleman from New York a question?

Mr. HEWITT. Certainly.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to the floor.

Mr. HEWITT. Has my time expired?

The CHAIRMAN. The Chair thought that the gentleman had yielded the floor. He has one minute of his time remaining.

Mr. HEWITT. Then I yield cheerfully for a question.

Mr. KING. Is it not contemplated that the present appropriation shall not go into effect until that commission has reported on the plan?

Mr. HEWITT. On the contrary, there is no such commission whatever. If there had been such a commission it would have changed my views as to the character of the proposition.

Mr. BURLEIGH. Has not the gentleman confidence in the Secretary of War and his ability to spend the money to good advantage?

Mr. HEWITT. The Secretary of War does not know anything about the best mode of improving the harbor, and without the report of such a board would not know how to expend the money.

Mr. BURLEIGH. I think he is as competent to give an opinion upon the matter as the gentleman from New York.

Mr. HEWITT. I do not pretend to be competent. Do not make any mistake. No, I am not competent; and do not assert that I am. But to put that money in the hands of the present officers, who have not submitted to this House any definite plan for its expenditure, would in my opinion be just a waste of so much money.

[Here the hammer fell.]

Mr. BAYNE. Mr. Chairman, the harbor of New York belongs to the whole country. All our people are interested in it. The people of the Far West and the Middle States and all over the world in fact are interested in the great harbor of New York. Complaint came before our committee of the inefficiency of the water channel for vessels of large draught floating into that harbor. It was made manifest to the Committee on Rivers and Harbors that there should be an improvement of the harbor. It was doubtless made manifest also to the Committee on Commerce of the Senate that an appropriation should be made to give a 30-foot channel into that harbor. That is the reason the appropriation was inserted. We put in as well as we knew how, in the bill as it passed the committee, a large appropriation for New York Harbor. The Senate saw fit to go a step farther and appropriate $750,000 upon a plan to be approved by the Secretary of War; and it is to be presumed, with the assistant engineers of the Army and with responsible and trustworthy officers, and with such an official at the head of the Department as the Secretary of War, that the money will be judiciously expended in the interests of the commerce of the country.

I am surprised that a Representative from the city of New York should undertake, by objecting to such an appropriation, to do away with an improvement in his own State for the benefit of his own city as well as for the benefit of the commerce of the whole country. I do not know what it means unless it be to relieve the President of the United States from an obligation which this would impose upon him when he comes to consider this bill. The President himself is likely to realize the importance of the harbor of New York. He is likely to know that a 30-foot channel there would afford sufficient draught of water for large vessels, and that it is a matter of importance to the people of this country; and I am disposed to think if he came to consider that proposition it would probably influence favorable action upon this bill, because this appropriation, if any appropriation in the bill is justified by the facts, is warranted by the importance of the harbor on account of the commerce that comes in and out of it.

MESSAGE FROM THE SENATE.

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

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate further insisted upon its amendments to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, all laws allowing entries for timber culture, and all laws authorizing the sale of desert lands, and for other purposes, disagreed to by the House of Representatives, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DOLPH, Mr. PLUMB, and Mr. COCKRELL the conferees on the part of the Senate.

The message also furnished the House of Representatives, in compliance with its request, an engrossed copy of the bill (S. 1042) to pay B. S. James for transporting the United States mails.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District; and

A bill (S. 2855) to authorize a change of location of a certain Indian school building in Washington Territory.

The message also announced that the Senate had passed without amendment the bill (H. R. 6337) for the relief of James D. Wood.

The message further announced that the Senate insisted upon its amendments to the joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two House thereon, and had appointed Mr. HALE, Mr. LOGAN, and Mr. BECK to be the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

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

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

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 57) for the erection of a public building at Oshkosh, Wis.;

A bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State troops;

A bill (S. 1112) granting a pension to Phœbe H. Meech;

A bill (S. 1289) granting a pension to Thomas J. Owen;

A bill (S. 1666) granting a pension to Edward Corning;

A bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys;

A bill (S. 1766) granting a pension to William Brentano;
A bill (S. 1853) granting a pension to Isabella Jessup;
A bill (S. 2113) granting a pension to Mrs. Sarah Young;
A bill (S. 2160) granting a pension to Mary J. Hagerman;
A bill (S. 2163) granting a pension to Powhattan B. Short;
A bill (S. 2192) granting a pension to Abby L. Burbank;
A bill (S. 2233) granting a pension to John P. McElroy;
A bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government;
A bill (S. 2759) to remove the political disabilities of William H. F. Lee; and
Joint resolution (S. R. 62) authorizing the publication of an edition of A Digest of International Law, edited by Francis Wharton.

CHARLES D. SWIM.

Mr. TAULBEE, by unanimous consent, introduced a bill (H. R. 9922) for the relief of Charles D. Swim; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISLANDS IN PLATTE RIVER, NEBRASKA.

Mr. LAIRD, by unanimous consent, introduced a bill (H. R. 9923) to provide for the sale of islands in the Platte River, in Nebraska, containing less than 80 acres of land; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HENRY WENHOLZ.

Mr. LAIRD, by unanimous consent, also introduced a bill (H. R. 9924) for the relief of Henry Wenholz; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

T. D. SCHOFIELD.

Mr. LAIRD, by unanimous consent, also introduced a bill (H. R. 9925) granting a pension to T. D. Schofield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HETTIE K. PAINTER.

Mr. LAIRD, by unanimous consent, also introduced a bill (H. R. 9926) granting a pension to Mrs. Hettie K. Painter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISS JULIET G. HOWE.

Mr. LAIRD, by unanimous consent, also introduced a bill (H. R. 9927) granting a pension to Miss Juliet G. Howe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HEWITT. I move to strike out the last word.

The gentleman from Pennsylvania [Mr. BAYNE] says he is not able to understand how a member from New York could get up here in his place and refuse to take money which is to be expended in his district and in his State. I can understand how the gentleman from Pennsylvania comes to such a conclusion; for he was never known to resist any measure which proposed to spend money in the State of Pennsylvania and in his district. When I rose in my place in this House and resisted his proposition to buy out the Monongahela navigation he denounced me then for going into his district and interfering with the interests of the State of Pennsylvania. Now he has come into my district and is interfering with the interests of the State of New York and of the people of New York. He proposes to thrust $750,000 down our throats, which may ruin our noble harbor by the expenditure of that amount in ignorance of all the conditions of the problem.

This is no new matter. It is a curious fact that nature has been more powerful than man in preserving the entrance to the harbor of New York. There is to-day in the channel 1 foot more water than there was in the time of the Revolutionary war. It is due to the fact that three great currents have steadily scoured out the channel, in spite of the shoaling in spots produced by the dumping of garbage in places where it is forbidden by municipal law.

But nature has not kept up with the size of the steamships. We want 30 feet. There are three channels: Gedney's, the longest; the Swash Channel; and the third, the East Channel. No man can say to-day which of those channels can be best improved to accommodate ships carrying 30 feet of water. It is that information we want. We do not want to stop the improvement. It is necessary for the interests of the gentleman's constituents; it is necessary for the commerce of this country. But in view of the fact that great harbors have been ruined by injudicious expenditures, I think I voice the opinion of the Chamber of Commerce and the shipping merchants of New York not to allow injudicious appropriations to be made before we get the knowledge that is necessary for the improvement of the harbor, and then put the work under a competent board, as was done thirty years ago when the works now in existence for New York Harbor were devised and carried out by a board composed of Totten, Bache, and Davis, the most eminent engineers of their day.

This meets with the approbation of the Navy Department. I have here a letter from the Secretary of the Navy which states the whole case, and which I read as a portion of my remarks:

NAVY DEPARTMENT, *Washington, July* 9, 1886.

GENTLEMEN: I have received your letter of June 22, concerning the bill (S. 2157) now before Congress for the preservation of New York Harbor, and requesting an expression of opinion from me on that important subject.

The Navy Department naturally takes a great interest in questions which affect the port of New York, believing these questions to be national rather than local in their character. The commerce of the port of New York is in a great measure the commerce of the nation, and whatever affects that port can not fail to be felt by that Department of the General Government whose ships and fleets must in peace and war use and defend its channels and entrances.

In 1855, to supply a need similar to the present, a board of harbor commissioners, appointed by the President of the United States, served with great efficiency at New York. This board was composed of Totten, of the United States Engineers, Davis, of the Navy, and Bache, of the Coast Survey. Its decisions, made after careful examination and deliberation, gave thorough satisfaction to those interested in the future of New York, and have been the principal guides in the management of the physical features of the harbor during the thirty years which have elapsed since that board was dissolved. As a result of their careful consideration of harbor questions, these eminent officers left on record this significant declaration, as follows:

"Accordingly we unite with the memorialists of the Merchants' Exchange and the majority of the committee on commerce and navigation in condemning the irresponsible course which has hitherto been pursued in relation to the harbor, and in approving the appointment of a responsible body like the present commission, to the end that what remains of the harbor may be preserved for the benefit of the increasing commerce of the port."

Time has only shown the justice of this board's conclusions. The port, needing constant improvement to accommodate more and larger vessels, has, on the contrary, been steadily injured by the various artificial causes, against which nature has struggled in vain. Tidal lands have been unwisely reclaimed, injudicious dumping laws have succeeded others as injurious, and even these unwise laws have been largely evaded by the lazy and dishonest.

The Army engineers in charge of the improvements of the harbor have during these thirty years worked with their well-known ability; the pilot commissioners have striven earnestly to arrest the downward progress of affairs; while the merchants of New York have on more than one occasion sought relief from Congress; but the divided jurisdiction of the harbor, the lack of Congressional interest, and, above all, the absence of any permanent board or commission have rendered all efforts useless.

The Navy Department, having kept itself advised at all times of the maritime value of New York Harbor, is convinced that the only hope for maintaining and increasing that value lies in the immediate establishment of a harbor board, which shall combine the expert knowledge of the Army engineers, the Navy and the Coast Survey, together with a proper representation of the New York and New Jersey citizenship. This board, established permanently, would have a weight with the cities and States bordering upon New York Bay and with Congress the importance of which can not be overestimated.

The Navy Department, therefore, heartily concurs in the wish of New York citizens that the bill (S. 2157) reported from the Committee on Commerce to the Senate by Senator MILLER should become a law.

I am, gentlemen, with much respect, yours, very truly,

W. C. WHITNEY,
Secretary of the Navy.

Hon CORNELIUS N. BLISS,
Hon. A. FOSTER HIGGINS,
Of the Chamber of Commerce, New York City.

So I stand here on behalf of my constituents. I think they know what they want, and I think I know what they ought to have. They have not asked for this money. I do ask that it be withheld, but I ask the House to pass the bill which has come over from the Senate to give us a competent board to determine what we need and what it will cost and how it can best be expended. [Applause.] After that is done, we shall hope to get all the money we need.

Mr. WILLIS. Mr. Chairman, I deem it proper to say in one sentence, that when this matter came before the Committee on Rivers and Harbors we had a communication from the Chamber of Commerce of New York stating that all they wanted was a sufficient sum to survey these three channels, and that sum to the last cent the committee allowed.

Mr. HEWITT. That is true.

Mr. WILLIS. But I am informed that after the bill went to the Senate the Chief of Engineers presented there some facts and views which had not been submitted to the Committee on Rivers and Harbors, and upon his statement that he had arrived at a plan which would give New York a better harbor this appropriation was put in.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. HEWITT] to strike out this provision.

The question was taken, and the Chairman stated that the ayes seemed to have it.

Mr. BAYNE. I ask for a division.

The House divided; and there were—ayes 88, noes 61.

Mr. ANDERSON, of Kansas. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. SPRINGER. We have not time to divide by tellers before the hour for adjournment.

Mr. WILLIS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, from the Committee of the Whole, reported that they had had under consideration the Senate amendments to the river and harbor appropriation bill, and had come to no resolution thereon.

ADJOURNMENT SINE DIE.

Mr. MORRISON. Mr. Chairman, I report from the Committee of

Ways and Means a privileged resolution; giving notice that I shall call it up to-morrow.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 3 o'clock p. m. July 28, 1886.

[Cries of "Vote!" "Vote!"]

Mr. MORRISON. I move the adoption of the resolution.

Mr. REAGAN. Mr. Speaker, I hope the House will not adopt that resolution. It is very clear that we can not be ready to adjourn at the time named.

Mr. WEAVER, of Iowa. Oh, yes, we can.

Mr. REAGAN. I have been very anxious to secure action upon the interstate-commerce bill, and I desire to call it up as soon as this bill is completed.

The SPEAKER. There is not time to consider the resolution now, and it will have to go over till to-morrow morning.

INCREASE OF THE NAVAL ESTABLISHMENT.

Mr. MORRISON, from the Committee on Rules, reported the following resolution:

Resolved, That Thursday, the 22d day of July, immediately after the reading of the Journal, be set apart for consideration of H. R. 6664, entitled "A bill to increase the naval establishment;" and if the consideration of said bill shall not be completed on that day, then Saturday next, immediately after the reading of the Journal, is hereby set apart for the further consideration of the bill.

The SPEAKER. There is no time to read the resolution.

Mr. MORRISON. I will call it up to-morrow.

The SPEAKER. The hour of 5 o'clock having arrived, the House stands in recess until 8 o'clock p. m.; the evening session to be devoted exclusively to the consideration of bills for the construction of bridges, reported from the Committee on Commerce.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. By order of the House the session of this evening is to be devoted exclusively to the consideration of bills reported from the Committee on Commerce authorizing the construction of bridges.

RAILROAD BRIDGES ACROSS WILLAMETTE RIVER.

Mr. CRISP. I call up for consideration the bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses.

The bill was read.

The following amendment reported by the Committee on Commerce was read and agreed to:

After the word "that," in line 3, insert "the consent of the Government is hereby given to."

In lines 5 and 6 strike out "be authorized and permitted."

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

Mr. CRISP 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.

BRIDGE ACROSS FLINT RIVER, GEORGIA.

Mr. CRISP. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9654) to authorize the Americus, Preston and Lumpkin Railroad Company to erect and maintain a bridge across Flint River, in the State of Georgia, and that the bill be now considered in the House.

There being no objection, it was ordered accordingly.

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

Mr. CRISP 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.

BRIDGE ACROSS MISSOURI RIVER AT NEBRASKA CITY.

Mr. WEAVER, of Nebraska. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 1411) to amend an act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr., approved June 4, 1872, and that the bill be now considered in the House.

There was no objection, and it was ordered accordingly.

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

Mr. WEAVER, of Nebraska, 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.

BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. BLANCHARD. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River in Louisiana; and that the bill be now considered in the House.

There being no objection, it was ordered accordingly.

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

Mr. BLANCHARD 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.

BRIDGE ACROSS TENNESSEE RIVER AT OR NEAR CHATTANOOGA.

Mr. CRISP. I call up the bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.

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

Mr. CRISP 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.

BRIDGES OVER WILLAMETTE RIVER, OREGON.

Mr. BYNUM. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon; and that the bill be now considered in the House.

There being no objection, it was ordered accordingly.

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

Mr. BYNUM 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.

Mr. HERMANN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon, and that the House now proceed to consider the same.

There being no objection, it was ordered accordingly.

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

Mr. HERMANN 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.

RAILROAD BRIDGE ACROSS SAINTE MARIE RIVER.

Mr. GILFILLAN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 6104) to authorize the construction of a railroad bridge across the Sainte Marie River, and that the House now proceed to consider the same.

There being no objection, it was ordered accordingly.

The SPEAKER. The bill will be read.

Mr. CRISP. Unless some gentleman desires the reading in full of each of these bills, I suggest that they might generally be passed upon a reading of the title. While they are not of course identical in terms, the committee in each case has sought to protect the interests of navigation and to avoid monopoly by permitting all railroad companies to use the bridge upon reasonable terms. We are not now calling up any bill to which, so far as we know, there is objection. These are bills which, according to the understanding of the committee, are unobjected to.

In every case, Mr. Speaker, where a bill will be called up under this order the provisions are approved by the Secretary of War after report thereon by the Engineer Department. I only make this suggestion in the interest of economy of time and to save the clerks in the reading of the bills.

Mr. HENDERSON, of Iowa. I see no objection to that. Let that rule, however, be applied to each bill as it comes along. If no objection is made the particular bill need not be read.

Mr. CRISP. I desire to be understood if any gentleman desires to have any bill read he can do so.

The SPEAKER. The Chair hears no objection, and unless the reading of a bill is requested it will only be read by the title.

The Chair will state there are several amendments proposed to this bill. At least one is a new section, which perhaps the Clerk had better read.

Mr. GILFILLAN. There is one substantial amendment, and one formal amendment simply changing the number of a section.

The SPEAKER. The Clerk will read the amendments proposed as a new section.

The Clerk read as follows:

SEC. 8. That whereas Congress by an act to authorize the construction of a railroad bridge across the Sainte Marie River, approved July 8, 1882, did authorize the Sault Sainte Marie Bridge Company, a corporation organized under the laws of the State of Michigan, to build a bridge across the said Sainte Marie River at or near the rapids in said river, in said Chippewa County, in the State of Michigan, therefore the provisions of the said act of July 8, 1882, as well as the provisions of this act, are hereby amended and qualified by the following provisions of this act, namely: At any time after the passage of this act the said Sault Sainte Marie Bridge Company may proceed, under said act of July 8, 1882, or the said Minneapolis, Sault Sainte Marie and Atlantic Railway Company may proceed, under this act, or both of said companies may so proceed, to prepare and submit to the Secretary of War for his approval a drawing and description showing the plan and location for its bridge, but the Secretary of War shall in the first instance approve but one such location and plan; and if the company whose location and plan shall be so approved shall proceed with due diligence to enter upon and prosecute to completion the construction of such bridge, no other location or plan shall be approved by the Secretary of War and no other bridge shall be built under either act; but if such construction shall not be so entered upon and prosecuted, then the Secretary of War may withdraw and cancel such approval and approve a second location and plan; it being the intention of Congress that the interests of commerce, including the transportation by water as well as on land, shall be kept in view, and to that end only one bridge shall be constructed at or near said point.

Mr. ADAMS, of Illinois. With regard to that bill I desire to ask whether my colleague [Mr. DUNHAM] was consulted in reference to it?

Mr. GILFILLAN. He is a member of the committee, and gave his consent to it.

Mr. DUNHAM. Yes; I was consulted.

The amendment was agreed to.

Mr. BUCHANAN. I move, in section 3, lines 12 and 13, to strike out the words "except when trains are passing over the same;" so it will read:

And the said draw shall be opened promptly upon reasonable signal for the passage of boats and vessels, but in no case shall unnecessary delay occur in opening said draw during or after the passage of trains.

The bill as drawn provides for the erection of a draw, and that it shall be opened upon reasonable signal "except when trains are passing over the same." Until the Arthur Kill bill was passed by the House those words have not occurred in any bill passed by this or any other Congress. The example there set seems to have been imitated in this bill. It is, in my judgment, a pernicious example. I believe navigation should have the right of way; and therefore I have moved to strike out these words, which have not been included in any other bill this evening.

Mr. GILFILLAN. There is no objection to that amendment.

Mr. WARNER, of Ohio. You can not open a draw when there is a train upon it.

Mr. REAGAN. I wish to say the commerce passing through the Sault Sainte Marie Canal is very great and grows greater every year. The Secretary of War objected to putting bridges there on account of detriment to commerce. He said provision should be made that the draw should be open except when trains are passing. This provision has been embraced on the recommendation of the Secretary. We all understand that it occupies some time to turn a draw. The train dispatchers will always know when trains are approaching. It has been included in the interest of navigation. A very great number of vessels are passing at all times. Therefore I believe it would be a mistake to strike out the words referred to.

The amendment was agreed to.

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

Mr. GILFILLAN 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.

BRIDGES, CUMBERLAND AND CANEY FORK RIVERS, TENNESSEE.

Mr. McMILLIN. Mr. Speaker, by direction of the Committee on Commerce I ask unanimous consent to take up for present consideration the bill (H. R. 9793) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee. I ask unanimous consent to discharge the Committee of the Whole from its further consideration and consider it in the House.

There was no objection, and it was so ordered.

Mr. McMILLIN. I will state briefly, so as to save the time occupied in reading the bill, that the object of this bill is to correct an error in the title of the road to which this privilege was granted by the original bill. The gentleman who wrote me at the close of the last session of Congress failed to give the exact title of the railroad company. This bill amends the former act in that respect. It also authorizes that company, or any other company with which it may consolidate, and also the Nashville and Knoxville Railroad Company, to construct and maintain a bridge over the Cumberland River, near Carthage, Smith County, Tennessee.

It also allows the railroad company, or either of them at its option, to construct a wagon, horse, and foot-passenger bridge, whereas the former act made it mandatory. The committee report unanimously in favor of the passage of the bill.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McMILLIN moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS SAINT AUGUSTINE AND LAZARETTO CREEKS, GEORGIA.

Mr. CRISP. I ask to call up the bill (H. R. 8967) to authorize the building of railroad bridges across Saint Augustine and Lazaretto Creeks, in the State of Georgia.

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. CRISP moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER, MONTANA.

Mr. CRISP. I now call up the bill (H. R. 7851) to authorize the construction of a bridge across the Missouri River in Montana. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of this bill and put it upon its passage.

There was no objection, and it was so ordered.

The committee recommend the adoption of the following amendments:

In line 32 of the second section, after the word "spans," strike out the words "shall not be of less elevation in any case than 50 feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than 200 feet in length, and the main spans shall be over the main channel of the river and not less than 200 feet in length."

And insert the words:

Shall be of such elevation and the spans of said bridge of such length as the Secretary of War may direct.

Also, in the same section, in the forty-fifth line of the printed bill, strike out the words "not less than one hundred feet" and insert the words "such width."

Also, in line 47, after the word "draw," insert "as the Secretary of War may direct."

The amendments were agreed to.

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

Mr. CRISP moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS LAKE CHAMPLAIN.

Mr. CRISP. I now call up the bill (S. 63) from the House Calendar to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont.

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. CRISP 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.

BELLINGHAM BAY RAILWAY AND NAVIGATION COMPANY.

Mr. CRISP. I now call up the bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington.

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. CRISP moved to reconsider the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS YOUNG'S BAY, OREGON.

Mr. CRISP. I now call up the bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State, with Senate amendments.

I am directed by the committee to move concurrence in the Senate amendments.

The SPEAKER. The amendments of the Senate will be read.

The Clerk read as follows:

On page 1 of the printed bill strike out after the word "Oregon," in the third line, the words "(1) and its court and duly authorized officers and agents, in the name of said county and under the authority of said court, are."

Also, in line 7 of the first section of the bill insert, after the word "State" the words "(2) at such point as said county may select and may be approved by the Secretary of War."

Also, in the same section, in the thirteenth line, after the word "prescribe" insert "(3) and also to construct, establish, and maintain a bridge across Skipanon Creek, in the county of Clatsop, in the State of Oregon, by permanent embankment or otherwise, as the Secretary of War may approve."

Also, in the twenty-first line of the first section, strike out after the word "said" the word "bridge" and insert "bridges."

Also, in the second section, in the eleventh and twelfth lines, strike out the word "bridge" where it occurs in each line and insert the word "bridges."

Also, in line 14, in the same section, after the word "bay" insert "and creek."
Also, in line 18 of the same section, insert after the word "bridge" "across Young's Bay."
Also, in the same section, line 31, after the word "floats" insert "also showing the Skipanon Creek to the head of usual navigation."
Also, in section 3, after the word "bay," insert the words "and said creek," and strike out in the same line the word "bridge" and insert "bridges."
Also, strike out in line 5, of section 3, the word "its" before the word "accessory;" and in lines 6 and 7 of the same section strike out the word "bridge" where it occurs in each line and insert the word "bridges."

The amendments of the Senate were concurred in.

Mr. CRISP moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TENNESSEE RIVER BRIDGE AT SHEFFIELD, ALA.

Mr. CRISP. I call up for consideration the bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes. I ask that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be considered in the House.

There was no objection.

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. CRISP 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.

OHIO RIVER BRIDGE AT PADUCAH, KY.

Mr. CRISP. I call up for consideration the bill (H. R. 3768) to authorize the construction of a bridge across the Ohio River at Paducah, Ky.

Mr. TOWNSHEND. I wish to ask the gentleman from Georgia what is the height of the bridge provided by this bill.

Mr. CRISP. This is an act authorizing the construction of this bridge under the general law for bridging the Ohio River, which prescribes the heights, with an amendment to that general law. The only change made in the general law is as to the cities in which the advertisement shall be published of the approval of the plans by the Secretary of War. Gentlemen who are familiar with the general law will recollect and know it provides for an advertisement in the newspapers having a circulation in certain cities of the approval of the plans by the Secretary of War. This reduces the number of cities in which the publication is to be advertised. I am not certain whether the reduction is from six to three or not, but it can be ascertained from the report. That is the only change. There is no change in the general law as to bridging the Ohio River.

The Committee on Commerce recommended the following amendment.

In line 15, after "1872," insert "and the act amendatory thereof, approved February 14, 1883."

The amendment was agreed to.

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

Mr. CRISP 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.

BRIDGE ACROSS TRADEWATER RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 9895) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railway Company.

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. CRISP 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.

OHIO RIVER BRIDGE AT CAIRO, ILL.

Mr. CRISP. I call up for consideration the bill (H. R. 9728) to authorize the Chicago, Saint Louis and New Orleans Railroad Company and the Illinois Central Railroad Company, or either of them, to construct a bridge over the Ohio River at or near Cairo, Ill. I ask unanimous consent to discharge the Committee of the Whole House from its further consideration, and that it be considered in the House.

Mr. PRICE. Before we consent to that I would like to ask the gentleman what is the height of this bridge?

Mr. CRISP. I was about to make a statement.

Mr. TOWNSHEND. I think the bill had better be read.

The SPEAKER. Is there objection to discharging the Committee of the Whole House from the further consideration of the bill?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] asks for the reading of the bill.

The bill was read in part.

Mr. TOWNSHEND (interrupting the reading). As the remainder of the bill consists of details that are not important I withdraw the demand for the further reading of the bill.

Mr. CRISP. I ask the attention of the House for a moment to this bill. The Engineer Department in reporting upon its provisions recommended that the height of this bridge be fixed at 53 feet above high-water mark. The committee authorized me to report the bill some time ago with a provision for a bridge 45 feet above high-water mark and the bill is so reported. On yesterday at a meeting of the committee I was instructed to submit an amendment fixing the height at 53 feet, the height recommended by the engineers and by the War Department. I therefore move to amend in the second section at the ninth line by striking out "forty-five" and inserting "fifty-three."

Mr. TOWNSHEND. That is the height I believe that is prescribed by the general law.

Mr. CRISP. And recommended by the Department in this particular case.

The SPEAKER *pro tempore* (Mr. DUNN). The question is on agreeing to the amendment proposed by the gentleman from Georgia.

Mr. DUNHAM. Mr. Speaker, I am opposed to that amendment, and I desire to give my reasons. It is true, as the gentleman from Georgia [Mr. CRISP] has stated, that the engineers' report upon this proposed bridge was that it should be 53 feet above high-water mark. The Committee on Commerce decided to report in favor of 45 feet above high-water mark, and I will read an extract from the committee's report. They say:

The act above mentioned requires that all bridges over the Ohio below the mouth of the Big Sandy should be 53 feet above the highest water mark, and in this case the committee have concluded that 45 feet above the highest water mark is sufficient to accommodate the commerce of the Ohio River, and is all that should be required of the commerce going over the bridge, for the following reasons.

Then they go on and speak of the lands that have been granted by the States of Kentucky and Illinois for the construction of bridges, railroads, &c.

According to the engineers' report there are now only ten boats running on the Ohio River which can not at any stage of water pass under a bridge 45 feet above the highest water mark at Cairo. Those ten boats can pass every day, except, on an average, twelve days in the year. That has been the case for the last eighteen years; that is, there have been but twelve days on an average in each of the last eighteen years when those ten boats could not have passed under a bridge 45 feet above the highest water mark, and those ten are the only boats running on the river that require so great a height.

For twenty-four days in every year, on an average, for the last eighteen years, these boats could not pass under the bridge at Louisville, which shows that the Louisville bridge is much lower than this proposed bridge at Cairo.

Mr. TOWNSHEND. And yet the Louisville bridge is 53 feet.

Mr. DUNHAM. I think not.

Mr. TOWNSHEND. All bridges below the mouth of the Big Sandy are required by the general law to be 53 feet above high-water mark.

Mr. DUNHAM. I see by reference to the report that the Louisville bridge is 39.56 feet.

Mr. TOWNSHEND. That bridge is at the falls; but they have a canal through which the boats go.

Mr. DUNHAM. That is true. Now, Mr. Speaker, I understand that no boats are being built at this time to run on that river of the height of the ten to which I have referred, and it is reasonable to expect, according to all past experience, that within the next ten years those ten boats will disappear. They will be sunk, or will explode their boilers, or will disappear in some way, and when that comes to pass there will be no boats upon that river that can not go under a bridge 45 feet above the highest water mark.

I am told by good authority here that the difference in cost between building this bridge 45 feet above high-water mark and making it 53 feet will be in the neighborhood of $500,000. Those gentlemen here who know anything about Cairo know that it is a very bad place to build a bridge, one of the worst places anywhere on the river. The Illinois Central Railroad Company are very anxious to build there for the benefit of the western, the southwestern, the northwestern country, and necessarily also for the benefit of the whole eastern country, but they do not wish to be compelled to construct a more expensive bridge than is necessary. As to the business, every man who has examined the question knows that the tendency of the commerce upon the rivers is to decrease and that the tendency of the commerce upon the railroads is to increase. There is no doubt about that. To show how the commerce carried on the railroads is increasing and how the commerce carried on the water is decreasing I will read another extract from the report of the committee. They say:

In the year 1881 the number of all craft touching at Cairo (including the Ohio River craft) was 3,583 with a tonnage of 1,469,151 tons; in 1885 the number was 1,583 with tonnage of 970,702 tons (including Ohio River tonnage). In 1885 1,583 Ohio boats of 482,000 tons landed at Cairo, and 79 boats passed without landing, showing a tremendous decrease in the half decade. The railroad tonnage increased from 1,134,507 tons in 1881 to 1,346,151 tons in 1885. (Wharf-master's reports, Cairo.) In 1884 the Illinois Central Railroad transferred by boat at Cairo 61,723 loaded freight cars and 8,000 passenger cars. These figures show to your committee that the commerce of the Ohio River is fast and steadily decreasing

and the commerce of the railroad as fast and as steadily increasing; the one demanding less and the other greater facilities.

The Secretary of the Senate, Mr. McCook, appeared with a message from that body.

The SPEAKER *pro tempore*. The gentleman from Illinois will suspend to receive a message from the Senate.

Mr. DUNHAM. I rise to a point of order, Mr. Speaker, and I ask the Chair to decide it.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. My point is that, under the order of the House providing for this evening session, nothing is in order but to act upon these bridge bills, and that therefore the receipt of a message from the Senate is not now in order.

The SPEAKER. The Chair thinks that the reception of a message from the Senate or from the President is not the transaction of business; and this has heretofore been held very frequently in the House. For instance, even when the House is operating under an order for a call of the House, no motion being in order except a motion to adjourn or for some matter connected with the call, it has always been held that these messages could be received. The Chair overrules the point of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; that the Senate requested a conference with the House on said bill and amendments, and had appointed as conferees on the part of the Senate Mr. Miller, Mr. Van Wyck, and Mr. George.

Mr. HATCH. I ask unanimous consent that the House non-concur in the amendments——

The SPEAKER. The Chair thinks that could not be done now.

Mr. DUNHAM. I object.

Mr. HATCH (to Mr. Dunham). I supposed you would object.

Mr. DUNHAM. You may depend upon it I will.

BRIDGE ACROSS THE OHIO RIVER AT CAIRO.

The SPEAKER. The gentleman from Illinois [Mr. Dunham] is entitled to the floor.

Mr. DUNHAM. Now, for the reasons which I have stated, on account of the extra expense to which this railroad company would be subjected in building this bridge in accordance with the amendment of the committee, and in order that the bridge may be built as soon as possible, I hope that the House will vote down the amendment of the committee and accept the report as first made by them.

Mr. STONE, of Kentucky. Mr. Speaker, I think it is only necessary for the House to understand the situation of this case in order that this amendment shall be adopted. A general law applying to the whole of the Ohio River below the mouth of the Big Sandy requires that all bridges be built at a height of 53 feet above high-water mark. I understand an argument was made before the Committee on Commerce, which was designed to convince them (and did convince them so thoroughly that they made this report), that 45 feet above high-water mark at Cairo is equal to 53 feet above high water at any other point on the Ohio River. That was the most singular argument I ever heard addressed to intelligent men. I do not see how any man could undertake to convince another that a height of 45 feet is equal to a height of 53 feet; yet a railroad attorney actually went before that committee and attempted to convince them that this was the truth.

Now, Cairo, as gentlemen here understand, is located at the mouth of the Ohio River. Gentlemen are well aware that millions of dollars have been spent in improving the Ohio River and the navigable waters emptying into it. After appropriating money to remove rocks and other obstructions to the navigation of that river, we are now asked to pass a bill authorizing the construction of a bridge across that river which will practically shut it up. This the Congress of the United States can not afford to do, because the owner of every single pound of freight upon the Ohio River and every river emptying into it is interested in having the navigation of the river unimpeded.

We have been told by the gentleman from Illinois that there are only ten boats which can not pass under a bridge 45 feet above high-water, and these ten boats are unable to do so, on the average, only twelve days in the year. He tells us also that the commerce of the river is gradually being reduced. Well, sir, if you build a few more low bridges across the Ohio River and some other rivers of this country, you will practically stop water transportation, and the whole transportation of the country will be in the hands of the railroads. That is exactly what we do not want. So far as I am concerned, I want to see a bridge built at Cairo. It is anticipated that a bridge across the river at Cairo will very largely benefit the people of my district. For this reason I wish to see the bridge built, but I do not wish to see it built at any height which will interfere with navigation.

There is now a bridge, 53 feet above high-water mark, at Henderson, Ky.; yet for nearly a month during this last spring the navigation of the river was very seriously interfered with by that bridge. We can not afford to authorize the construction of a bridge which will be less than 53 feet above high-water mark.

I hope, therefore, that this amendment will be adopted, and that Congress will not countenance any effort to place any obstruction on the Ohio River or in any way to hinder its navigation. The gentleman said that the bridge at Louisville, which is only 39 feet above high-water mark, interferes with navigation. If that is true, why should we be guilty of the folly of authorizing another low bridge across the Ohio River, especially at its mouth, obstructing the navigation of that river and its tributaries, and very largely injuring the commerce of the river below. It would cut off to a very great extent the commerce which would otherwise go out of the Ohio River and down the Mississippi. I hope there will be no further objection to the amendment, and that it will be adopted without further discussion.

Mr. TOWNSHEND. Mr. Speaker, I rise to say a word, as I represent counties fronting on the Ohio River. I am informed that more money has been expended on the Ohio River in the improvement of its navigation than upon any other river in the Union, not even excepting the Mississippi River. The Ohio River bears more commerce upon its bosom annually than any other river west of the Alleghany Mountains except the Mississippi River.

The general law has forbidden any bridge to be constructed below Cincinnati less than 53 feet high. The bridges below Cincinnati have conformed to that general law with the exception of the bridge at the Falls of the Ohio River at Louisville.

If this bridge is allowed to be built at Cairo at a height of 45 feet it will seriously obstruct the navigation of that river and will do injustice to those who have been compelled to construct at greatly increased cost high bridges above Cairo at Henderson and other points below Cincinnati. I am as desirous as my colleague can possibly be to see a bridge thrown across the river at Cairo, but I am not willing any bridge shall be constructed at the mouth of the Ohio which will interrupt the navigation of that river. For that reason I wish the adoption of the amendment reported by the committee. That amendment, as has been stated by the gentleman in charge of the bill, is one which the engineers recommended to be embraced in the bill, so as to avoid all danger of obstructing the important navigation of that river.

Mr. BYNUM. I simply desire, Mr. Speaker, the House shall fully understand this question. I have no special feeling myself in regard to the passage or non-passage of the measure. The gentleman from Kentucky did injustice in stating the committee had been led to believe a bridge 45 feet above high water was as high as one 53 feet above high water. The flood of 1884 was the greatest known, and a bridge constructed 45 feet above the high-water mark of that year would be almost as high as one constructed 53 feet above the high-water mark previous to the flood of 1883 or 1884.

Mr. TOWNSHEND. That flood was phenominal.

Mr. BYNUM. Yes; it was phenominal. I was influenced by that statement of facts. The bank on either side of the Ohio River is low. As the gentleman from Illinois has said it will require greater expense. I can say to the House I know this company would rather have this amendment adopted to fix it at 53 feet than the bill should fail.

Since the bill has been reported the committee have received a communication from the chambers of commerce of New Orleans and Memphis protesting against the construction of this bridge. That is the influence which caused the committee to change its mind.

The Ohio River is the only great river running east and west. The floods in spring are much more likely to raise the water in that river than in rivers running north and south, as the flood enters the river at once. We know as the land is cleared up and drained floods become more frequent and of greater volume. We may not have floods often as great as that of 1883 or 1884, still they will be more frequent than heretofore.

Mr. CLARDY. I agree with the gentleman from Illinois in the statement that while the river traffic has been decreasing the railroad traffic has been increasing. I regret that the information did not come to him before he presented the views of the minority against the Saint Louis bridge bill. It is said he wants a high bridge at Saint Louis and a low bridge at Cairo. Yes, he wants a high bridge at Saint Louis where we want a low one, and a low bridge across the Ohio where we ought to have a low one with a draw.

I wish to say a word in regard to high bridges. We have a high bridge at Saint Louis 50 feet above high water, and for three months and frequently for four months steamers from New Orleans and Memphis can not pass under the bridge by letting down their smoke-stacks. The almost universal sentiment among river-men is that a low bridge with a draw is preferable to a high bridge without one.

There are three low bridges on the Missouri River; my friend from Kansas knows something about them. They are 55 feet high, and yet I assert that they are positive obstructions to the commerce, or at least that they were obstructions when there was any commerce, on that river. Now, unless a bridge is in fact a high bridge——

Mr. ZACH. TAYLOR. Like my bridge that I want to get through.

Mr. CLARDY. I repeat it would be much better to have a low bridge with a draw of 160 or 200 foot span, and that is the opinion and sentiment of the men who are engaged in navigating the river.

Mr. DUNHAM. I want to say, Mr. Speaker, in reply to what the gentleman from Missouri has said, that if I recollect aright, in the first place the report which I made, the minority report, on the Saint Louis bridge, was written before the report on the Cairo bridge.

Mr. CLARDY. Of course it was; it was before you got your information.

Mr. DUNHAM. That is all right; I am stating the exact facts in the case.

I want to say further, that I am advocating a bridge of 45 feet in height above the highest water ever known, and you want a bridge only 10 feet above.

Mr. CLARDY. I favor a draw.

Mr. DUNHAM. That is all I wanted to say.

Mr. BAYNE. I would like to ask the chairman of the committee if the words "ninety-five" ought not also to be changed to "one hundred and three."

Mr. CRISP. In what line?

Mr. BAYNE. In the second section, eighth line.

Mr. TOWNSHEND. That would necessarily follow.

Mr. BAYNE. These words, as now in the bill, might lead to some confusion and would depend altogether upon what construction was given to the words high and low water. It would become necessarily a matter of construction. The height at low water as well as at high water mark should be raised to make the bill correspond in that particular.

The river interests in Pittsburgh, and about it, have spoken to me about this bridge. They have no objection to its going up, but they want it constructed at least 53 feet above high water and the span not less than 500 feet in width. I see the bill provides for that, and if the amendment be adopted making it 53 feet above the high-water mark and 103 above low-water mark there will be no objection to it.

Mr. STONE, of Kentucky. There can be no objection to it in that event.

Mr. BAYNE. The allegation of the gentleman from Illinois [Mr. DUNHAM] that the tonnage on that river is diminishing may be true; or it may be true that the number of craft that touch at Cairo have diminished in the last two or three years.

But the tonnage that is shipped from Pittsburgh, the quantity of coal which has gone down the river, has increased year by year. I do not know where these figures were obtained; I do not know where the committee got that information; but I do know that the quantity of coal running down the Ohio River is increasing each year and year after year, and that it is likely to increase to many more millions of bushels than are now annually sent.

The quantity of coal and coke sent down the Ohio River last year was about 84,000,000 bushels, and the quantity that will probably be sent this year will reach 90,000,000 bushels or upward, and this increase seems to run at from four to five or even as much as eight million bushels a year. It seems to be practically uniform in its increase. There is no doubt that it will send down over 100,000,000 bushels soon, and the best quality of coal there will supply those sections of the country bordering on the Ohio and Mississippi Rivers for centuries to come. There is no reason in the world why that immense body of coal, being a heavy product, should not be shipped exclusively by water, and it will be so shipped as long as there are water ways to transport it.

I take it therefore to be the bounden duty of Congress to protect the navigation of that river, and to require that all bridges constructed over it shall be built with sufficiently wide spans and height above the water to allow craft to go through safely.

I therefore will insist upon the amendment, and hope the chairman of the committee will also amend line 8 by increasing it from 95 to 103 feet, so as to make the two provisions of the bill harmonize with each other in reference to high and low water.

Mr. CRISP. I do not care to discuss to the House the question as to what the height of this bridge should be. In the report is all the information the committee have. You have heard gentlemen who are particularly interested in the matter on both sides of the question; and I take it the House is prepared to vote on the amendment.

I think though the suggestion of the gentleman from Pennsylvania is a proper one. The amendment of the committee is to raise the height 8 feet more than the bill provides above local high water, and I see no reason why the same number of feet should not be added to 95, making it 103 feet above low water.

Mr. WARNER, of Ohio. Why require a given height above both low and high water? That presumes that the difference is constant. There is no harm, of course, but I think when you have fixed a given low-water mark or high-water mark alone, it would give all that is needed.

Mr. CRISP. If no gentleman desires to discuss the amendment further I will ask the previous question on the amendment.

Mr. PRICE. I hope the gentleman will not do that. I wish to be heard for a little while.

Mr. WARNER, of Ohio. That does not shut off other amendments?

The SPEAKER. It would not prevent other amendments, as the Chair understands it is only applicable to the pending amendment.

Mr. CRISP. I yield to the gentleman from Wisconsin a short time, if he wishes to be heard.

Mr. PRICE. Mr. Speaker, I do not apprehend that many of us are so much interested in the height of this particular bridge as in the general principle involved in the construction of low and high bridges on Western waters.

Statements have been made to this House which if uncontradicted would lead to misapprehension. The gentleman from Missouri [Mr. CLARDY] told us on yesterday that the opposition to another and a low bridge arose chiefly or materially from the fact that certain individuals were hiring land at a cheap rent for lumber-yards, and that if the bridge was built they would be compelled to remove their lumber-yards or pay a higher price for their land. I beg to say the gentleman is deceived in his information and his statement would deceive the House if uncontradicted. It is not the case.

We have been told steamboat men, who ought to be considered in this matter, prefer a low bridge to a high bridge unless it be very high. That is barely possible. But I hold in my hand a list of protests by fourteen steamboat companies, running in the aggregate about sixty steamboats, all of them protesting in vigorous and unmistakable terms against the construction of any bridge below the mouth of the Missouri River unless it be a high bridge so that steamboats may pass under them by merely putting a joint into their smoke-stacks.

It is not true, as the information comes to me, that the steamboatmen on the Upper Mississippi River prefer a low bridge. It is true we have above the mouth of the Missouri River seventeen low bridges, and it is true also that every boat or raft that runs below either of them is damaged from $10 to $100. It is one of the inconveniences which commerce must submit to.

If you come to the question of abstract constitutional right no bridge can be authorized on any of the navigable streams of the Northwest. But it is true new interests have arisen which have to be subserved, and the Supreme Court, to meet the exigencies of the times and the altered conditions, decided a bridge was not an obstruction unless it was an impassable barrier; that it was only an impediment to be overcome by additional time or caution or prudence or skill or expenditure. Therefore we all consent to these seventeen bridges where the channels are not shifting and where, by a reasonable outlay of skill or money, we may pass them and thereby the tide of commerce is permitted to flow through. But when you come to the mouth of the Missouri—some have said the mouth of the Ohio—men familiar with these streams know when you come to the mouth of the Missouri the conditions are all changed. The river rolls out great mountains of sand and gravel and *débris* which deposit themselves anywhere, and no engineering skill can prevent it shutting up any channel at any draw which engineering skill may establish. The whole matter of the construction of these bridges below the mouth of the Missouri River is destructive of any principle which justifies any man in voting a dollar for the improvement of these water ways.

Mr. CRISP. I yield five minutes to the gentleman from Illinois [Mr. DUNHAM].

Mr. DUNHAM. I do not wish to detain the House. I simply wish to repeat this: That I believe as much as any gentleman in a high bridge. I believe a bridge 45 feet high above the highest water ever known in the Ohio River at Cairo is enough, especially when the engineers say, as I have stated before, there are but twelve boats on this river that can not go under a 45-foot bridge; and according to all the traditions of the river these boats after a very little time are sure to disappear.

Mr. WEAVER, of Nebraska. What particular height do the engineers recommend in this particular case?

Mr. DUNHAM. They recommend 53 feet for this bridge. The Committee on Commerce differed from the engineers and reported the bill, giving their various reasons for it, providing that this bridge should be but 45 feet above high-water mark. That was done for reasons which the gentleman from Nebraska understands and which it is not necessary for me to repeat. The committee have thought fit to recommend an amendment to make the height 53 feet.

Mr. WEAVER, of Nebraska. That would be in accordance with the recommendation of the engineers.

Mr. DUNHAM. So I stated. But I say that is unnecessarily high; for in ten years' time there will not be a boat on the Ohio River that will not be able to pass under a 45-foot bridge.

Mr. WEAVER, of Nebraska. And what are they going to do during those ten years?

Mr. DUNHAM. It will probably be as in the past ten years. There are only twelve days in the year that they can not go under a 45-foot bridge.

Mr. WEAVER, of Nebraska. And are you going to stop them on those twelve days?

Mr. DUNHAM. We hope not to have those floods which will stop them. I do not think it is necessary to compel the railroad company that seeks to develop the business of the North, the West, the East, and the South at an outlay of $3,000,000 to pay out $500,000 of unnecessary expenditure.

Mr. HENDERSON, of Iowa. Will the gentleman allow me one question?

Mr. DUNHAM. Yes, sir.

Mr. HENDERSON, of Iowa. Would the Illinois Central Railroad

Company rather be authorized to build this bridge with the amendment requiring it to be 53 feet high than to have the bill defeated?

Mr. DUNHAM. Yes, sir. The Illinois Central Railroad Company want to build this bridge, and they propose to build it even if it must be 53 feet high, but it is not reasonable to ask them to make it so high.

Mr. BUCHANAN. You would rather injure the boat-owners.

Mr. DUNHAM. Why, there are not boat-owners enough to injure.

Mr. GLOVER. Mr. Speaker——

The SPEAKER. The gentleman from Georgia [Mr. CRISP] has the floor.

Mr. CRISP. How much time does the gentleman from Missouri desire?

Mr. GLOVER. Five minutes.

Mr. CRISP. I will yield five minutes to the gentleman from Missouri, and then I shall ask a vote.

Mr. GLOVER. Mr. Speaker, I desire to notice in a few words the remarks made by the gentleman from Wisconsin [Mr. PRICE]. Those remarks were really a side blow at a proposition not now before the House, but we have met that gentleman heretofore upon these propositions before the Committee on Commerce, where he had a full hearing, and where it was decided, notwithstanding the objections urged by the gentleman from Wisconsin, that the interests of the world at large would not be prejudiced by the construction of the bridge in question. At that time the gentleman urged an objection on account of the lumber interest, and it transpired that of the lumber which starts at points up the river in Minnesota and Wisconsin and other portions of the Northwest, only 4 per cent. would ever pass under this bridge if it were erected, and I take it that the gentleman from Wisconsin will remember that Mr. Stout, of the Knapp, Stout & Co. company, who appeared before that committee, admitted, in response to a question of mine, that if they would move their lumber-yard up the river a short distance the lumber interest would not be affected at all.

At any rate, gentlemen who set up an objection like that in opposition to the vast interests which would be benefited by relieving the transcontinental commerce which centers at Saint Louis from the arbitrary tax levied on it by Jay Gould—a tax which he levies on the commerce of that whole Western country as the robbers of the Rhine once taxed the commerce of the free cities of the Rhine—gentlemen, I say, who oppose such a measure of relief on such grounds should hardly be considered. I regret very much the misfortune that has happened to the Knapp & Stout lumber company—no man can be pleased to have another suffer—but it is a matter of fact that since the hearing before the committee that lumber-yard has been burned, so that now the owners of it would not be required even to move it up the river a little distance in order to avoid inconvenience from the bridge. So much for the lumber traffic concerned.

Now, Mr. Speaker, the great mass of commerce that crosses the river at that point and that now passes over the bridge which is owned by Jay Gould—and we all know that whatever Jay Gould owns he makes the most of—that great mass of commerce is in magnitude like the volume of the Mississippi itself, and the steamboats that would pass under this bridge are like a few stray geese floating down the stream from time to time, perhaps one or two or three a week.

The gentleman from Wisconsin knows that not a hundred thousand tons of merchandise of any kind go up that river annually by water. The question, then, is simply whether or not the people of that whole country west of the Mississippi shall be taxed arbitrarily at that point on everything they buy and sell. I have always noticed that the gentleman who owns that bridge and who confiscates the property of the people (for it is nothing less than confiscation) by what he calls his bridge "arbitrary"—I have always noticed that, like Proteus, he can disguise himself and appear in may different shapes; that he appears now in the shape of a steamboat transportation company, in which perhaps he owns an interest; that he appears again in the shape of a lumber-yard, and at other times in other shapes, but never with his own face or form or feature, and the truth is—no doubt without suspicion on the part of a great many gentlemen here, for I impugn nobody's motives—the truth is, that the objections to this bridge spring largely from the fact that Mr. Gould owns the existing bridge over which all this commerce has to pass, and that he hesitates to let go.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has one minute.

Mr. GLOVER. In that one minute I desire to say that any gentleman who will read the majority report of the committee on the proposed bridge, and then the minority report, and then the answer of the Merchants' Exchange to the latter, will have all his doubts on the subject removed. I have said so much at this time, Mr. Speaker, simply because I did not want to see a proposition which is not now before the House prejudiced by the ingenious and eloquent blows aimed at it by the gentleman from Wisconsin [Mr. PRICE].

Mr. CRISP. Mr. Speaker, I now ask a vote on the two amendments, one to strike out "ninety-five" and insert "one hundred and three," the other to strike out "forty-five" and insert "fifty-three."

The amendments were agreed to.

Mr. CRISP. I move a further amendment, to insert after the word "notice," in line 2 of section 4, the words "of the proposed construction of said bridge."

The amendment was agreed to.

Mr. WARNER, of Ohio. I desire to propose an amendment to section 2, where it reads "said bridge shall have its axis at right angles to the current at all stages." That implies of course that the current is not the same at all stages. It can hardly be proposed that the axis of the bridge is to be changed to conform to the varying current. I move that the words "at all stages" be stricken out.

Mr. HENDERSON, of Iowa. That amendment is open to debate, I believe, and I would like to make one or two remarks.

Mr. Speaker, I did not intend to participate in this debate which has been indulged in by my friend from Wisconsin and the gentleman from Missouri; but as it touches the underlying principles of this bill I want to say one or two words. I will skip the "robbers of the Rhine" and the erudite tendencies of my friend from Missouri; but when it comes to his robbers of America I want to say a word. He intimates that the Mississippi River interests, the rafting interests, the towboat interests, and the ice interests, which are opposed to low bridges below the mouth of the Missouri, are here in disguise, representing Jay Gould. I want to resent that imputation. It is as small an insinuation as could possibly come from a small source and has no foundation in fact. It only belongs to the fancy that can go and revel with the "robbers of the Rhine."

In opposing low bridges, we are not here at the dictation of Jay Gould or any other money king. We are not opposing the construction of properly constructed bridges on the Mississippi or on the Ohio, and when not the Chamber of Commerce of Saint Louis but a little bevy of gentlemen who are struggling for a charter which means tens of thousands of dollars in their pockets desire to strangle the navigation of the Mississippi River, we do not wait for Jay Gould or for the gentleman from Saint Louis to tell us what our rights on this floor are. As for the gentleman fastening his little fangs in the smoking ruins of the lumber-yards of the Knapp, Stout & Co. company, if his great soul can enjoy that, let him enjoy it. True it is that $400,000 or more of their property have gone up in smoke; but like the plucky men that they have been, growing up with the West and helping to build up its business enterprises, they will plant their lumber there again, and they will carry their rafts, too, in spite of this little bevy of gentlemen from the Chamber of Commerce of Saint Louis.

Mr. CLARDY. Will the gentleman let me ask him a question?

Mr. HENDERSON, of Iowa. With great pleasure.

Mr. CLARDY. If, because of the calamity which has overtaken these gentlemen, you propose to give them cheap rents, what will you do for the insurance companies that have had to pay their losses?

Mr. HENDERSON, of Iowa. That question, Mr. Speaker, comes with bad grace from one of the broad-minded, kind-hearted men of this House; and I will let the man who asked it answer it. He ought to know that the insurance which is paid to these men is but a bagatelle as compared with their loss. If the gentleman intimates that the insurance brought on the fire, let him say so like a man and I will answer him like another. Until he does so I leave him to answer his own question.

Mr. CLARDY. I have not intimated anything of the kind.

Mr. HENDERSON, of Iowa. I did not think you would.

Mr. CLARDY. The idea I meant to convey is this: If you propose to give these people cheap rents, what will you give the insurance companies, that have at least paid some of the losses? The object of that question was to show the absurdity of the argument.

Mr. HENDERSON, of Iowa. We are not asking for your rents; we get our grounds ourselves. We have our leased grounds; our rights are as sacred as those of any member of the Chamber of Commerce of Saint Louis.

Mr. CRISP. I regret, Mr. Speaker, a discussion should arise on the bridge at Cairo in reference to the Saint Louis bridge. That will come up directly, when we dispose of the pending bill.

Mr. HENDERSON, of Iowa. The gentleman will bear me out that I did not bring on that discussion. But for the insinuation made I would not have said a word.

Mr. CRISP. I wish to get through with this bill and get to others. I send up an amendment.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] moved to strike out the words "at all stages."

Mr. CRISP. I thought that amendment was agreed to.

The SPEAKER. It was pending at the time the discussion arose.

The amendment was agreed to.

Mr. CRISP. I now move the following amendment.

The Clerk read as follows:

Section 4, lines 2 and 3, strike out the words "in newspapers having a wide circulation."

In line 4, after the words "Saint Louis," insert the word "Cairo."

In line 5, after the words "New Orleans," insert the words "having a wide circulation."

Mr. CRISP. That amendment is merely for the purpose of correcting the language.

The amendment was agreed to.

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

Mr. CRISP 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.

BRIDGE OVER BIGBEE RIVER, ALABAMA.

Mr. CRISP. I now call up the bill (H. R. 9725) authorizing the construction of a bridge over the Bigbee River at or near Jackson, Ala., and for other purposes.

The SPEAKER. Unless the reading of the bill is demanded the Clerk will read the amendment proposed by the committee.

The Clerk read as follows:

Strike out the sixth section of the bill, and in lieu thereof insert the following: "SEC. 6. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river is hereby expressly reserved, and all changes and alterations so required shall be made at the expense of the parties owning or controlling said bridge."

The amendment was agreed to.

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

Mr. CRISP 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.

BRIDGE ACROSS WEST PASCAGOULA RIVER, MISSISSIPPI.

Mr. CRISP. I call up the bill (H. R. 6114) to require the New Orleans, Mobile and Texas Railroad Company to construct and maintain a suitable draw in said company's bridge across the West Pascagoula River, in the State of Mississippi.

The reading of the bill was not demanded.

Mr. OATES. Mr. Speaker, I wish to submit a motion to recommit this bill to the Committee on Commerce, and desire to state to the House the reason why I make that motion. This is for the construction of a bridge and draw across the west branch of the Pascagoula River, Mississippi; that is the western mouth of that river.

There is now across that branch a substantial iron bridge, without a draw, authorized by Congress and by act of the Legislature of the State of Mississippi. Across the eastern branch or the eastern mouth there is a railroad bridge containing a draw. That branch has been improved by appropriation of money by Congress. Nearly all of the commerce of that river passes along the eastern branch. There are several towns and cities on that branch. There is no village on the western branch above the railroad bridge. There is nothing in the shape of commerce there except one saw-mill. There is at most only 3 feet of water in it, and just below the bridge it is almost impassable by an obstruction in the shape of an immense sand-bar. The commerce of the western branch amounts to little or nothing more than the lumber from this saw-mill.

There is then no necessity for putting the railroad company to the expense of erecting a bridge at this point in lieu of the one already there. The little commerce that floats along the western branch, or which would go along there if the bridge had a draw, is put to only a slight inconvenience by having to go a greater distance along the eastern branch of the river.

Again, it seems that it is not quite fair to this railroad company, inasmuch as an act of Congress authorized them to construct the bridge in the first instance which they are now using across that western branch; and it was also authorized by an act of the Legislature of Mississippi.

This bill seeks to compel them to destroy that bridge, to lose it entirely, and to put a new bridge there with a draw in it. I think the statements contained in the petitions which are being forwarded here by citizens in the county, and the only county which would be interested or benefited by a draw in the bridge across this western branch, are in opposition and show that there is no necessity for it.

I will state as a further reason for the motion that I derive my information from Gaylord B. Clarke, esq., a most reputable gentleman and an able lawyer of Mobile, who is the attorney for this railroad company. He desired to appear before the Committee on Commerce for the purpose of presenting the other side of the question. He wrote to a member of the House, who failed to get for him the information which would have enabled him to appear before the committee in time. He then wrote to me, and when I received the letter I applied to the chairman of the Committee on Commerce, the gentleman from Georgia [Mr. CRISP], and was informed by him that the bill had been already reported to the House. So that but one side has been heard, and the railroad company, through Mr. Clarke, representing them, desire an opportunity to appear before the committee and show the reason why the bill ought not to pass.

I think it is but a reasonable request, the gentleman having failed to get that opportunity through no fault of his own. It is a case where, in view of the facts, I trust the House will adopt the motion I submit, and recommit the bill to the committee merely for the purpose of allowing the railroad company to present its side. If it is not a good presentation, the committee can report the bill back and it can then pass the House.

Mr. CRISP. I merely wish to say, in behalf of the Committee on Commerce, that this bill, as is the case with all bills that the committee report for this purpose, was referred to the War Department for its approval. It is a bill requiring a certain railroad company to construct a draw in its bridge over a river. The Department recommended the passage of the bill in the interest of commerce, and we favorably reported it to the House. After it was so reported my friend from Alabama spoke to me as he has said, but it was then too late.

Speaking for myself and not for the committee, for I have no right to speak for them, I have no objection to its recommittal. If any injustice has been done or is likely to be done, I think the bill ought to be recommitted for further consideration.

Mr. OATES. I wish to say that no fault whatever attaches to the committee. It is one of those misunderstandings that is likely to happen to any person.

The question being taken on the motion of Mr. OATES, it was agreed to; and the bill was recommitted to the Committee on Commerce.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. May I ask the gentleman if he is through with the bills to which there is no objection?

Mr. CRISP. I will state to the gentleman that the next bill I propose to call up is the bill for the erection of a bridge at Saint Louis.

Mr. HENDERSON, of Iowa. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 12 minutes p. m.) the House adjourned.

PETITIONS, ETC.

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

By Mr. W. C. P. BRECKINRIDGE: Memorial of the Evangelical Alliance of the United States, by John Jay (chairman), W. E. Dodge (president), and Merritt Hulburd, committee, asking the protection of Chinese residents in the United States, and transmitting protest of Chinese branch of the Evangelical Alliance against outrages committed on the Chinese—to the Committee on Foreign Affairs.

By Mr. LOVERING: Petition of Thomas B. Gregory, Company E, Forty-fifth Massachusetts Volunteers, asking for the passage of an act granting him a pension—to the Committee on Invalid Pensions.

By Mr. McKINLEY: Petition of Thomas J. McElhenie, of Easton, Ohio, for an appropriation of $202.83 to be paid him for services rendered as postmaster at Easton, Ohio, as readjustment of salary from April 1, 1868, to July 1, 1874—to the Committee on Appropriations.

By Mr. RANDALL: Petition of Aaron Schwenk, of Frederick Township, Pennsylvania, for reimbursement for substitutes furnished for said township during the late war. Also for compensation for services rendered and information given leading to the surrender of General R. E. Lee—to the Committee on War Claims.

By Mr. SPRINGER: Resolution adopted and referred to Congress by claimants having bills on the Private Calendar of the House—to the Committee on Rules.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. ALLEN: Petition of William Leonard and 264 others, of Charles N. Fargous and 50 others, of J. E. Noel and 20 others, of E. A. Weton and 20 others, of D. J. Regan and 77 others, and of Henry O. Walker and 84 others, citizens of eighth Congressional district of Massachusetts.

By Mr. BAYNE: Petition of L. F. Armburst and 78 others and of Samuel McCay and 83 others, citizens of twenty-third Congressional district of Pennsylvania.

By Mr. BUCHANAN: Petition of Henry Lawton and 14 others, of F. W. Santen and 32 others, of S. C. Cook and 175 others, of Owen Benson and 14 others, of J. F. Donnelly and 28 others, of J. S. Wilkinson and 84 others, of John Maguire and 98 others, of George J. Robinson and 19 others, of A. M. Smith and 26 others, of Charles W. Sparks and 71 others, and of Samuel Tomlinson and 145 others, citizens of the second district of New Jersey.

By Mr. BURNES: Petition of Reuben Harris and 209 others, citizens of fourth Congressional district of Missouri.

By Mr. J. M. CAMPBELL: Petition of George Peck and 23 others, citizens of the seventeenth district of Pennsylvania.

By Mr. DORSEY: Petition of G. H. Geddes and 94 others, citizens of the third district of Nebraska.

By Mr. GILFILLAN: Petition of S. W. Stephens and 110 others, of M. J. O'Brien and 19 others, and of Edward Bushot and 138 others, citizens of fourth Congressional district of Minnesota.

By Mr. PARKER: Petition of Louis J. Marrow and 65 others, citizens of the twenty-second district of New York.

By Mr. PIRCE: Petition of Daniel Laughlin and 55 others, N. Clarke and 24 others, and of W. J. King and 68 others, citizens of second Congressional district of Rhode Island.

By Mr. RICE: Petition of R. Donnelly and 75 others, of J. H. Maloney and 85 others, and of George Stevenson and 90 others, citizens of tenth Congressional district of Massachusetts.

By Mr. ROGERS: Petition of J. R. Brown and 225 others, of W. B. Bethel and 160 others, and of W. H. Cutcheon and 150 others, citizens of fourth Congressional district of Arkansas.

By Mr. RYAN: Petition of T. A. Cunch and 270 others, of J. McDonough and 7 others, of John Richardson and 322 others, of N. Beauchamp and 95 others, of E. S. Thompson and 60 others, and of O. W. Meacham and 44 others, citizens of fourth Congressional district of Kansas.

By Mr. CHARLES STEWART: Petition of W. H. Ogden and 54 others, citizens of first district of Texas.

By Mr. WILLIAM WARNER: Petition of George A. Picard and 225 others, citizens of the fifth district of Missouri.

By Mr. WELLBORN: Petition of J. W. Taylor and 54 others, of S. B. Hunter and 84 others, of W. P. Blake and 111 others, and of W. H. Willbank and 387 others, citizens of the sixth district of Texas.

By Mr. WINANS: Petition of John A. Hebbell and 71 others, of J. A. Hamilton and 67 others, of J. E. Holding and 63 others, and of J. O. Rogers and 27 others, citizens of the sixth Congressional district of Michigan.

By Mr. WISE: Petition of Richard Moore and 49 others, citizens of the third district of Virginia.

SENATE.

WEDNESDAY, *July* 21, 1886.

The Senate met at 11 o'clock a. m.

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

The Journal of yesterday's proceedings was read.

Mr. FRYE. I see by the RECORD that I am reported as absent when the vote was taken yesterday on the oleomargarine bill. I was present and voted "yea." I ask that the Journal be corrected accordingly.

The PRESIDENT *pro tempore*. The Journal will be corrected.

Mr. INGALLS. The Journal may not need correction.

The PRESIDENT *pro tempore*. The Chair is advised that the Senator's name is not recorded as voting in the Journal. The correction will be made; and as corrected the Journal stands approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting and asking favorable consideration of a letter from the Director of the Mint, requesting the printing of 3,000 copies of his report on the production of the precious metals for the calendar year 1885; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the Republican central committee of Franklin County, Ohio, favoring investigation of charges relative to the election of Hon. HENRY B. PAYNE as United States Senator from Ohio; which were ordered to lie on the table.

He also presented a petition of dairymen and butter-makers of Milford, Pa., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. HALE presented two petitions of citizens of Maine, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. DAWES. I present a number of petitions from different Congressional districts of Massachusetts, praying for the passage of eight bills which have been set forth from time to time. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented thirteen petitions of citizens of Pennsylvania, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. MANDERSON presented a petition of ex-Union soldiers, praying that Mrs. Julia D. Howe, of York, Nebr., be placed on the pension-roll for her service as nurse in the late war; which was referred to the Committee on Pensions.

Mr. MILLER presented ten petitions of citizens of New York, praying for the passage of certain bills in relation to the public lands, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

KNIGHTS OF LABOR PETITIONS.

Mr. VAN WYCK. I desire to present sundry petitions of the Knights of Labor and others in different parts of the State of Nebraska.

In that connection I crave the indulgence of the Senate for a few moments while I make some suggestions with regard to this subject, because on several previous occasions some allusion has been made to these petitions and the manner of their being signed or presented. In order to show why I do this, I desire to read the following letter:

OFFICE KNIGHTS OF LABOR, NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., July 20, 1886.

MY DEAR SIR: I notice on reading the RECORD of to-day, and I am further informed by reading the city papers, that Senators VEST, BROWN, LOGAN, BECK, and others have taken occasion by remarks upon the floor of the Senate to cast doubt and suspicion upon the numerous petitions recently laid before Congress emanating from the Knights of Labor and other citizens of the United States.

These petitions, I assure you, are all genuine, and were sent to me signed either directly or by authority of the persons purporting to sign them, and furthermore, the petitions are expressly authorized and sanctioned by the general executive board of the order in the United States.

I respectfully request that you correct the misrepresentations that have been made to the Senate and to the country. I also desire to call your attention to the remarks of Senator VEST in the Senate to-day, during which he read a portion of a correspondence between Mr. D. W. Bushyhead, of the Cherokee tribe of Indians, and Mr. T. V. Powderly, grand master workman of the Knights of Labor. In the interest of truth and justice I ask you to have read the concluding letter of Mr. Powderly to Mr. Bushyhead, herewith inclosed, showing an attempt to deceive Mr. Powderly on the part of Mr. Bushyhead in regard to the character of the Oklahoma bill.

Respectfully, yours,

RALPH BEAUMONT, *Chairman.*

Hon. CHARLES H. VAN WYCK,
United States Senate.

The letter referred to from Mr. Powderly is as follows:

PHILADELPHIA, PA., *July* 17, 1886.

DEAR SIR: When I wrote to you on the 12th I also wrote to Mr. Ralph Beaumont, at the same time placing in his hands your communication of the 7th. I requested of him to make an investigation and ascertain whether the statements made in your letter to me were correct so far as the petition which emanated from the congressional committee of the Knights of Labor was concerned. Mr. Beaumont has complied with my instructions and has made his report; he has also procured for me a copy of the bill in question, House bill No. 7217, known as the Oklahoma bill. A careful examination and comparison of the bill and your letter of the 7th has dispelled any doubts I might have had regarding the interference of this bill with the rights of the Cherokee Indians. I find that the very things which you claim are so essential to the welfare of the Cherokee Nation are embodied in the bill, and if it becomes a law it will not only protect the Indians themselves, but it will protect the lands in question from the cattle thieves who have intruded upon them.

You have either been misled into making the statements as contained in your letter of the 7th to me, or else it was your intention to mislead me into condemning one of the measures advocated by the congressional committee of the Knights of Labor. I can not find anything in the bill but what every honest man and friend to the Cherokee Nation can approve of most heartily.

I am told that you have exhibited to public gaze my letter of the 12th, in which I told you that I would cause an investigation to be made. It would have been as well to have awaited the result of that investigation before making known to the public the contents of my communication to you. I see in a special to the Philadelphia Times of this date that "those who were interested in the matter made some investigations at the instance of Mr. Powderly." I do not know the author of that statement, but take this opportunity of saying to you that I authorized no person to make an investigation except Mr. Beaumont, and at the time when the investigation mentioned in the Times of this date was being made Mr. Beaumont was in my presence in this city making his report. I am pleased to say that his report meets with my hearty approval, and I have counseled him to continue in the good work of protecting whites and Indians alike against those who would steal the land from both.

Very truly, yours,

T. V. POWDERLY, *G. M. W.*

D. W. BUSHYHEAD, Esq.,
Principal Chief, Cherokee Nation, Washington, D. C.

Mr. President, it seemed necessary that this letter should be written——

Mr. LOGAN. Is there an allusion made to me in the letter?

Mr. VAN WYCK. In the letter which Mr. Beaumont wrote me he says:

I notice on reading the RECORD of to-day, and I am further informed by reading the city papers, that Senators VEST, BROWN, LOGAN, BECK, and others have taken occasion by remarks upon the floor of the Senate to cast doubt and suspicion upon the numerous petitions recently laid before Congress emanating from the Knights of Labor and other citizens of the United States.

Mr. Beaumont is chairman of what is known as the legislative committee of the Knights of Labor.

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

Mr. VAN WYCK. Certainly.

Mr. LOGAN. I have nothing to say about the bringing of letters of that character into the Senate to read about Senators, but I deny that I have said anything reflecting on the Knights of Labor or their petitions. I said the other day in presenting some petitions, quite a number of which I had in my hand, that I had looked at two or three of them, and that they seemed to be in the same handwriting. That is all the remark I made in connection with the matter. I cast no reflection upon the Knights of Labor or anybody else, except that I made that remark;