

A MEMBER. It is necessary to finish the proceedings connected with the roll-call.

Mr. BRECKINRIDGE, of Arkansas. It is not necessary. A few days ago, Speaker CARLISLE being then in the chair, we adjourned in the midst of a roll-call.

Mr. TOWNSHEND. Time and again it has been held that a roll-call can not be interrupted.

The SPEAKER *pro tempore*. In the opinion of the present occupant of the chair the arrival of the hour previously fixed for adjournment does not interrupt a roll-call and the announcements connected therewith. The Clerk will read the additional pairs.

The following additional pairs were announced:

Mr. CALDWELL with Mr. TARSNEY.

Mr. McKENNA with Mr. BYNUM, for the residue of to-day and for Monday.

The result of the vote was announced as above stated.

Mr. TOWNSHEND 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.

The SPEAKER *pro tempore* (at 5 o'clock and 7 minutes p. m.). In accordance with the order heretofore made, the House now stands adjourned until Monday morning next at 11 o'clock.

#### PETITIONS, ETC.

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

By Mr. BLANCHARD: Concurrent resolution of the General Assembly of Louisiana, relating to the improvement of the Calcasieu River—to the Committee on Rivers and Harbors.

By Mr. CARLETON: Petition of C. Thompson, E. S. Post, E. G. Spalding, P. B. Sanborn, H. W. Cooley, and many other ex-soldiers, in favor of the passage of the bill for the relief of indigent and dependent soldiers—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of W. P. Smith and 24 others, and of Fowler Post, No. 366, Grand Army of the Republic, of Ohio, in favor of Senate bill 1886—to the same committee.

Also, petition of George Moore and 23 others, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HATCH: Petition of Franklin Whaley, of Missouri, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. J. H. JONES: Memorial of attorneys of Shelby County and of Panola County, Texas, for the removal of Federal courts from Jefferson to Marshall, Tex.—to the Committee on the Judiciary.

By Mr. NEGLEY: Petition numerously signed for a dam at Herr's Island, in the Alleghany River, Pennsylvania—to the Committee on Rivers and Harbors.

By Mr. NELSON: Petition of members of George Adams Post, No. 151, Grand Army of the Republic, and citizens of Eagle Bend, Minn., for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. SNYDER: Petition of John McCoy, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. W. J. STONE, of Kentucky: Petition of J. C. Shelby, of Moscow County, Kentucky, asking that his war claim be referred to the Court of Claims—to the same committee.

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. BOUND: Petition of B. F. Williams and 324 others, citizens of the fourteenth district of Pennsylvania.

By Mr. BRUMM: Petition of Jerome Kohn and 64 others, of James Fadden and 106 others, and of William D. Murphy and 150 others, citizens of the thirteenth district of Pennsylvania.

By Mr. BURROWS: Petition of George F. De Long and 204 others, of A. A. Linn and 166 others, and of Conrad Miller and others, citizens of the fourth district of Michigan.

By Mr. J. M. CAMPBELL: Petition of William Brown and 103 others, citizens of the seventeenth district of Pennsylvania.

By Mr. CLARDY: Petition of Thomas Callahan and 67 others and of Louis Heing and 42 others, citizens of the tenth district of Missouri.

By Mr. COMSTOCK: Petition of Allen Moore and 534 others, of F. J. Taylor and 90 others, and of Thomas Walsh and 75 others, citizens of the fifth district of Michigan.

By Mr. A. C. DAVIDSON: Petition of D. O'Rourke and 64 others, and of J. C. Thompson and 50 others, citizens of the first district of Alabama.

By Mr. DAVENPORT: Petition of Peter McGiven and 224 others and of G. A. Raymond and 180 others, citizens of the twenty-ninth district of New York.

By Mr. EVANS: Petition of Charles H. Condiff and 36 others, of James Alexander and 71 others, and of John E. Bucks and 95 others, citizens of the seventh district of Pennsylvania.

By Mr. FUNSTON: Petition of J. J. Smith and 37 others, of John Flood and 24 others, of M. J. Russell and 49 others, of E. G. Wright and 60 others, of James Grant and 144 others, of Miles Finn and 228 others, of McMillan Renick and 487 others, of L. E. Potter and 89 others, and of E. W. Turner and 68 others, citizens of the second district of Kansas.

By Mr. GILFILLAN: Petition of Thomas H. Cummings and 76 others, of Jos. McDonnelle and 126 others, of John J. Schiltz and 68 others, of Frank M. Morgan and 48 others, of James J. Galvin and 46 others, and of John B. Swift and 1,038 others, citizens of the fourth district of Minnesota.

By Mr. HALE: Petition of R. M. Austin and 110 others, of James F. Day and 56 others, and of M. Sheetz and 24 others, citizens of the second district of Missouri.

By Mr. HOLMES: Petition of H. L. Miller and 137 others, of Matthew Robinson and 110 others, of A. F. Brown and 118 others, of R. Sutton and 367 others, of Robert Hardie and 115 others, of C. J. Howard and 241 others, of A. J. Dickey and 70 others, and of L. L. Sawyer and 110 others, citizens of the tenth district of Iowa.

By Mr. LAIRD: Petition of M. E. Johnson and 90 others, of E. B. Green and 39 others, of C. H. Judd and 79 others, and of J. H. Watson and 90 others, citizens of the third district of Nebraska.

By Mr. LOVERING: Petition of Lizzie Martin and 20 others and of M. S. Drew and 26 others, citizens of the sixth district of Massachusetts.

By Mr. MCRAE: Petition of Joseph Vagner and 83 others, of J. M. Raines and 61 others, of A. Huntley and 136 others, and of E. Groves and 20 others, citizens of the third district of Arkansas.

By Mr. MILLIKEN: Petition of George E. Miller and 32 others, of H. C. Griffith and 104 others, of H. L. Pinkham and 44 others, of Charles H. Dunton and 38 others, and of Robert A. Moore and 23 others, citizens of the third district of Maine.

By Mr. MORRILL: Petition of F. P. Lewis and 235 others, citizens of the first district of Kansas.

By Mr. NEGLEY: Petition of Thomas Martin and 60 others, of J. R. Selden and 41 others, and of G. Keller and 36 others, citizens of the twenty-second district of Pennsylvania.

By Mr. PETERS: Petition of Abel O'Hara and 246 others, and of Charles E. Streeter and 168 others, citizens of the seventh district of Kansas.

By Mr. PHELPS: Petition of John May and 149 others and of James Saunders and 35 others, citizens of the fifth district of New Jersey.

By Mr. T. B. REED: Petition of E. F. Ridlan and 25 others, of Leonard Palmer and 25 others, of Charles F. Tebbetts and 101 others, of Fred O. Powell and 243 others, of John H. Frende and 45 others, and of George Porter and 100 others, citizens of the first district of Maine.

By Mr. RYAN: Petition of J. E. Bundy and 80 others, citizens of the second district of Kansas.

By Mr. SPRINGER: Petition of B. Stadler and 275 others and of Peter J. Doyle and 116 others, citizens of the thirteenth district of Illinois.

By Mr. MILO WHITE: Petition of E. S. Burns and 55 others and of J. M. Keith and 180 others, citizens of the first district of Minnesota.

By Mr. WISE: Petition of J. J. Bruner, T. E. Stratton, and 69 other members of Assembly No. 4097, Knights of Labor, of Virginia.

#### SENATE.

MONDAY, July 12, 1886.

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

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

The Journal of the proceedings of Saturday last was read and approved.

#### COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. HOAR. I ask that the Committee on Privileges and Elections may have leave to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the Committee on Privileges and Elections have leave to sit during the sessions of the Senate. That leave will be granted if there be no objection. The Chair hears no objection.

## OTOE AND MISSOURIA LANDS.

Mr. DAWES. I ask unanimous consent that House bill 7087, which has been returned from the House, be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouri tribes of Indians in the States of Nebraska and Kansas, which was returned from the House of Representatives in accordance with the request of the Senate made July 9, 1886.

Mr. DAWES. I move that the Senate insist upon its amendments, and ask for a committee of conference upon the disagreeing votes of the two Houses.

The motion was agreed to.

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

## MRS. SARAH YOUNG.

Mr. BLAIR. I wish to call attention to a pension bill, to Senate bill 2113, on which a conference committee was appointed, and the Senator from Wisconsin [Mr. SAWYER], myself, and the Senator from Iowa [Mr. WILSON] were named as conferees on the part of the Senate. I desire to have the Senator from Tennessee [Mr. WHITTHORNE] appointed on the committee of conference instead of myself.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks to be excused from service upon the committee of conference on the bill (S. 2113) granting a pension to Mrs. Sarah Young, and that the Senator from Tennessee [Mr. WHITTHORNE] be appointed to take his place. If there be no objection that order will be made. The Chair hears none.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, recommending that an appropriation be made in the sundry civil appropriation bill for approaches and heating apparatus for certain public buildings; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation from the United States Treasurer that the appropriation in the sundry civil appropriation bill for recoinage of gold and silver coins be increased from \$10,000 to \$30,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

## PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents resolutions of the General Assembly of the State of Louisiana, transmitted by the governor of the State, relative to the national defenses. If there be no objection the resolutions, without being read, will be ordered to be printed as a document, and will be printed in the RECORD and referred to the Committee on Coast Defenses.

The resolutions are as follows:

## Concurrent resolution.

Whereas reports made to Congress by the President, Cabinet officers, the fortification board, the committees of the Senate and of the House indicate that the Government of the United States is without forts, guns, ships, or other defenses capable of successfully resisting a hostile attack made not only by any of the great powers of Europe, like Great Britain, France, Germany, or Russia, but even by second or third rate powers, such as Spain, Chili, or China; and

Whereas this defenseless condition of our country is humiliating to our national pride and patriotism, is unbecoming a free people possessing the vast and unrivaled resources at our command, and has rightly caused profound anxiety and discontent among our people, manifested by all the methods of expression through which the popular will finds utterance, including the action of State Legislatures, the voice of the public press, and the declarations and appeals of private citizens; and especially is evidenced by a public letter from Samuel J. Tilden, a citizen so eminent, so wise, and so held in the esteem and affection of the people that his advice sways and influences millions of his admiring fellow-citizens: Therefore,

Be it resolved by the General Assembly of the State of Louisiana, That we view with grave regret and disappointment the inaction of Congress in regard to making adequate and ample provision for the common defense of our country, and that Louisiana is willing to bear her share of the burdens to create a perfect and complete system of national defense for the protection of our seaboard and water and land frontier lines fronting on the Atlantic and Pacific Oceans, on the Mexican Gulf, and the great lakes and water ways of our northern boundaries; and that, in our opinion, the resources of the Government should, without hesitation or stint, be devoted to creating the means and appliances capable of protecting our frontiers and exposed cities and coasts and the creation and building of a navy capable against all adversaries of sustaining American honor and interests at home and abroad and affording some foundation and basis to the national Executive to assert and enforce our rights and policy, whether involved in the pursuits of our hardy fishermen of the Northeast or complicated by efforts of European nations to establish new protectorates or colonies in continental America, or over or upon its isthmian connections, or upon any of its dependent islands.

Be it further resolved, That our Senators and Representatives in Congress be requested to use their best efforts for the adoption by Congress of the policy recommended in the foregoing preamble and resolution.

Be it further resolved, That the governor be requested to send copies hereof to the presiding officers of the Senate and House of Representatives of the United States and to each of our Senators and Representatives in Congress.

The PRESIDENT *pro tempore* presented a memorial of the American, Atlantic and Pacific Ship-canal Company (Nicaragua), remonstrating

against the incorporation by Congress of the Maritime Canal Company of Nicaragua; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. COKE presented a petition of 75 citizens of McGregor, Tex., praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which was referred to the Committee on Finance.

Mr. TELLER presented the petition of James Cullen and 279 other citizens of Colorado, and the petition of T. J. Cash and 310 other citizens of Colorado, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. EVARTS presented a petition of 19 citizens of Hebron, N. Y., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. SPOONER presented resolutions adopted by Pomona Grange, Patrons of Husbandry, of Dunn, Eau Claire, and Buffalo Counties, in the State of Wisconsin, favoring the passage of the bill regulating the manufacture and sale of oleomargarine and butterine; which was ordered to lie on the table.

Mr. MAXEY presented thirteen petitions of J. B. Badgers and other citizens of Texas, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. MILLER presented six petitions of citizens of New York, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. BLAIR presented four petitions of citizens of New Hampshire, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. FRYE presented two petitions of citizens of Maine, praying for the passage of certain bills in relation to the public lands, the organization of the Territory of Oklahoma, Congressional and Presidential elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

Mr. PLUMB presented seven petitions of citizens of Kansas, praying for the passage of certain bills in relation to public lands, the organization of the Territory of Oklahoma, Presidential and Congressional elections, and the disbursement of a part of the Treasury surplus; which were referred to the Committee on Finance.

## REPORTS OF COMMITTEES.

Mr. HARRIS. In behalf of the Senator from Nevada [Mr. JONES], who is absent from the session of the Senate by reason of illness in his family, I submit a written report to accompany certain amendments reported by the Senator from the Committee on Finance to the bills (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits. I simply ask that the report be printed, to accompany those amendments, and let it be done in the name of the Senator from Nevada in whose behalf I present the report.

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

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2611) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin, reported it with amendments.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 2796) to establish a land office at Lamar, Colo., reported it without amendment.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 13) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made, moved its indefinite postponement, which was agreed to; and he reported a joint resolution (S. R. 77) in relation to the claim made by John B. Read against the United States for the alleged use of projectiles for rifled ordnance claimed as the invention of said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made; also in relation to the claim of William E. Woodbridge, based upon the plea of alleged priority in this line of invention; which was read twice by its title.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 658) for the relief of Francis W. Haldeman, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Printing, reported an amendment intended to be proposed to the sundry civil appropriation bill, which was referred to the Committee on Appropriations.

## BILLS INTRODUCED.

Mr. SHERMAN (by request) introduced a bill (S. 2833) to stop all payments of public money to James B. Eads, his associates, or assigns, for past, present, or future work at the South Pass of the Mississippi River until otherwise ordered by Congress; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VAN WYCK introduced a bill (S. 2834) granting a pension to Mrs. Hettie K. Painter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2835) granting a pension to Miss Juliet G. Howe; which was read twice by its title, and referred to the Committee on Pensions.

## AMENDMENT TO A BILL.

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

## OBSTRUCTIVE DEPOSITS IN NEW YORK HARBOR.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order. [A pause.] If there be none such, the Calendar, under the special order, will be taken up for consideration.

Mr. MILLER. I ask unanimous consent to go back upon the Calendar to Order of Business No. 700, being Senate bill 2157, which was read through upon Saturday last. Senators will remember the peculiar circumstances under which it was objected to. I think it can be passed in a moment without any discussion.

The PRESIDENT *pro tempore*. The Chair will have announced the first bill in order on the Calendar regularly, and then submit the request of the Senator from New York.

The joint resolution (H. Res. 125) in recognition of the services of Joseph Francis was announced as first in order.

The PRESIDENT *pro tempore*. Pending this, the Senator from New York asks the unanimous consent of the Senate to proceed to the consideration of a bill which was passed over informally, the title of which will be stated.

The CHIEF CLERK. A bill (S. 2157) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from New York? The Chair hears none.

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

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

## JOSEPH FRANCIS.

The PRESIDENT *pro tempore*. The business regularly in order before the Senate will now be reported.

The Chief Clerk read the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

Mr. McMILLAN. The Senator from Missouri [Mr. COCKRELL] is not here.

Mr. EVARTS. The Senator from Missouri I think has no objection to the joint resolution.

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

Mr. INGALLS. I apprehend in the present condition of the Senate it would hardly be worth while to insist upon the consideration of the joint resolution if anybody wants time. I conceive that if the yeas and nays or the Senate roll were to be called it would not be possible to obtain the presence of a quorum without delay. However, I am entirely willing that this measure shall go on if any Senator desires to be heard upon it.

Mr. EVARTS. I do not understand that the Senator from Missouri has any objection to this measure.

The PRESIDENT *pro tempore*. Objection may be made at any stage.

Mr. McMILLAN. The joint resolution comes from the Committee on Commerce, and I shall not interpose any objection to its consideration, although I was not in favor of the resolution when it passed the committee and I am not in favor of it now.

Mr. EVARTS. I shall not occupy any time on the subject if the Senate are now ready to take it up and proceed to vote upon it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? It has been heretofore read at length.

Mr. HARRIS. Let the joint resolution go over. I know the senior Senator from Missouri [Mr. COCKRELL] wants to be heard upon it, and he is not here.

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

Mr. EVARTS. Allow me to ask how it will stand then?

The PRESIDENT *pro tempore*. It stands upon the Calendar as it stood before, but it will not be taken up again under this rule.

Mr. EVARTS. It can be taken up at any time?

The PRESIDENT *pro tempore*. It can be taken up on motion at any time.

## ISAAC HARTER.

The bill (S. 1802) for the relief of Isaac Harter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Harter, of Herkimer, N. Y., late of Company C, New York Heavy Artillery.

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

## MRS. BARBARA FUCHS.

The bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Barbara Fuchs, stepmother of John Fuchs, late of Company H, Sixth Regiment of Wisconsin Infantry Volunteers.

Mr. VEST. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the passage of the bill.

The claimant filed her application for a pension as the stepmother of John Fuchs, late private of Company H, Sixth Regiment Wisconsin Infantry Volunteers, and who was killed in action June 19, 1864, at Petersburg, Va. Soldier was never married. Claim was rejected on the ground that there is no title in claim, she not being the natural mother of soldier.

M. Feelder and Jacob Blum testify that they knew claimant as the stepmother of soldier; that soldier at the time of his father's (Sebastian Fuchs) marriage with said claimant was a child of about three years of age.

John G. Steiger and Philip Eder testify that claimant's husband, at soldier's death, was feeble and unable to support her.

Michael Feelder and Jacob Blum further testify that claimant has not remarried since the death of soldier's father, April 5, 1867. He was a laboring man, sickly and unable to support his family. He used to mend shoes, and had no income from his real estate. Since his death claimant has supported herself by selling the real estate she owned. They owned some real estate in Fountain City, Wis., worth about \$2,000, and she has sold the most of it to support herself. Soldier worked for his parents prior to his enlistment, and gave all his earnings to them, and did this for three years before his enlistment.

In soldier's letter to parents, bearing date February, 1864, at Camp Washburn, he sends for their support \$60 out of his bounty of \$75; he also sent them his certificate of muster, to enable them to draw the bounty given by the town, with instructions to use it for their support.

The applicant at the death of her husband (soldier's father) was left with four girls to support, the oldest being seventeen and the youngest two and one-half years of age. The soldier's letter written but a few months before his death, and his sending a large portion of his earnings to the support of his parents, strengthened with other testimony showing that prior to and at the time of his enlistment he felt it his duty to contribute to the support of his father's family, evidence the fact that had he lived he would have cared for her who cared for him in his infancy in her now poor and helpless condition.

Your committee therefore recommend the passage of the bill.

Mr. COCKRELL. What is the pending order of business?

The PRESIDENT *pro tempore*. It is Order of Business 1177, the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs.

Mr. COCKRELL. I think that bill involves rather a new principle, and we had better let it lie over until to-morrow without prejudice. I should like to look at it a little further. I have just come in, having been detained in the room of the Committee on Appropriations. I shall look into it. I do not object to its retaining its place.

Mr. BLAIR. Let it go over without prejudice.

Mr. COCKRELL. I say let it retain its place and not go on the other Calendar.

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

## JAMES B. RUSSELL.

The bill (H. R. 5696) for the relief of James B. Russell was announced as next in order.

Mr. COCKRELL. I ask that that case may be passed over so as not to lose its place on the Calendar. It has been reported favorably, and the Commissioner of Pensions is now investigating the matter. I shall inquire of him if he has any report on it. I want the bill to retain its place on the present Calendar and go over without objection.

The PRESIDENT *pro tempore*. The same order as in the previous case will be made.

## PRIVATE LAND CLAIMS.

The bill to provide for ascertaining and settling private land claims in certain States and Territories was announced as next in order.

Mr. TELLER. Let that bill go over. It can not be taken up for consideration under the present rule.

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

## ILLEGAL TONNAGE DUES.

The bill (H. R. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues was announced as next in order.

Mr. MILLER. Let that go over.

Mr. FRYE. I object to that bill.

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

Mr. FRYE subsequently said: I wish to call attention to House bill 1651, to which I entered an objection. I withdraw the objection, and ask that the bill may go over without prejudice.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over informally.

ALEXANDER K. SHEPARD.

The bill (H. R. 33) for the relief of Alexander K. Shepard was announced as next in order.

Mr. VEST. I see there is a minority report there. Let the bill go over.

The PRESIDENT *pro tempore*. Does the Senator ask for the reading of the minority report?

Mr. VEST. No, sir; I ask that the bill go over.

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

Mr. SPOONER. I hope the Senator from Missouri will not insist upon the bill going over.

Mr. VEST. I do not know anything about it. I simply objected because I see there are two reports, and I supposed there would be debate upon it.

Mr. SPOONER. I think it will take but a very few moments to dispose of the bill. The Senator from Oregon [Mr. DOLPH] submitted a minority report.

Mr. DOLPH. If I may interrupt the Senator, I will state that I shall only ask to have the minority report, which is very brief, read in order that I may place my views on record; that is all.

Mr. VEST. I withdraw the objection.

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

Mr. SPOONER. I can state the whole case in a very few words.

The Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Claims with an amendment, in line 5, to strike out "\$17,268.53" and insert "\$14,458.04;" so as to read:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and is hereby, authorized and required to pay to Alexander K. Shepard, of Tuscaloosa, Ala., the sum of \$14,458.04, out of any money in the Treasury not otherwise appropriated.

Mr. SPOONER. I think in three minutes I can state to the Senate this case.

In 1865 the Government of the United States sold at public auction in Alabama a large quantity of old iron, brass, and copper. It was bid off by Mr. Shepard, for whose relief this bill is proposed. He paid \$17,268.53 for it, cash for it, and the property was delivered to him. He sold a very small quantity of it, and had made a contract for the sale of the remainder at a profit of, I think, about \$12,000, when the district attorney of the United States for that district, conceiving, perhaps, that the Government had some title to it because it had been used in the rebellion, filed a libel against it in the name of the United States. The property was seized, and upon an affidavit that it could not be "protected," it was sold by order of the court, the court being Judge Busted, who was afterward impeached I believe for malfeasance in office.

Mr. HOAR. He was not impeached.

Mr. SPOONER. Well, he was compelled to resign. It appears that the marshal sold the property for about \$30,000. Five thousand dollars of this money was deposited in a national bank. The remainder of it was not in any way accounted for.

In the course of two years, and after a large expenditure of money by Mr. Shepard in defending his title, the court held that the title was good; that the Government had no claim upon the property. But the property was gone, and the proceeds of the sale of it, except what had been deposited in the bank, were gone. So Mr. Shepard found himself the vendee of the United States, having bought this property at a public sale and paid for it, with nothing to show for the large expenditure he had made in the purchase; his property was gone, and he had paid out three or four or five thousand dollars in defending his title against this suit, and brought in the name of the Government which had sold the property to him, and which had in its Treasury the purchase-money.

There is some reason to suppose that the whole transaction upon the part of the Government officers was little less than a conspiracy to do just what was done in fact, to take this property from the purchaser of it, sell it, and to divert the proceeds from the owner.

The bill is not to give this man damages for any breach of duty on the part of the Government officers; but it is simply to pay back to him the purchase-money, deducting therefrom what he has received from the bankruptcy court and the few hundred dollars he received from the sale of a part of the property before it was seized.

The minority report, which was presented by the Senator from Oregon [Mr. DOLPH], proceeds upon the theory that the Government of the United States ought not to be liable and is not liable in damages for the malfeasance or misfeasance of its agents or officers. I think that report so far as the principle which it enunciates is concerned is correct, but the principle is not applicable to the facts here. The majority of the committee favoring the passage of the bill do not dissent from the proposition of law asserted by the minority. We all agree that the

Government is not liable in law to pay any damages to Mr. Shepard because of the malfeasance of the marshal or of any other officer.

The bill is not a proposition to pay him any damages. It is simply based upon the theory that the Government of the United States sold him this property, took his money for it, gave it into his possession, and then through the action of its officers deprived him of it. This is not to give him any damages; it is simply to pay back to him the money which he paid to the Government, for which he has practically received nothing.

The case is an exceptional one. Another like it can hardly occur. There seems to be no good reason why this man should not be reimbursed that purchase-money.

Mr. DOLPH. I ask for the reading of the minority report, retaining the floor.

The PRESIDENT *pro tempore*. The views of the minority will be read.

The Chief Clerk read the views of the minority, submitted May 12, 1886, as follows:

#### VIEWS OF THE MINORITY.

At the second session of the Forty-eighth Congress a favorable majority report upon this claim was made from the Senate Committee on Claims. The chairman of the committee and myself submitted a minority report, which is as follows:

"The undersigned are unable to agree with the majority of the committee in the foregoing report. In our judgment the fact that the property out of which the claim arose was purchased by the claimant from the United States is wholly immaterial. The sale was valid and passed the title to the property, and it was sustained by the judgment of the court.

"The proceedings for the confiscation of the property commenced by the United States district attorney on behalf of the United States was commenced and prosecuted in pursuance of the general laws of the United States. The principle which would require compensation to be made to the complainant in this case for his loss on account of said judicial proceedings would require compensation to be made in every case to a party against whom an unsuccessful legal proceeding *in personam* or *in rem*, civil or criminal, has been or shall be commenced or prosecuted in the name of the United States under the direction of the Department of Justice by any prosecuting officer of the Government in pursuance of the laws of the United States.

"It would be a dangerous precedent, and one which the undersigned are not willing to establish, to hold the Government liable to make compensation for losses caused by the acts of judges, United States attorneys, and ministerial officers of courts of justice. The committee have repeatedly held that the United States is not liable for the mistaken or wrongful acts of its agents.

"J. N. DOLPH.

"ANGUS CAMERON."

Nothing has occurred since to change my views of the case.

J. N. DOLPH.

Mr. DOLPH. This is a case which excites my sympathy, but there are hundreds of cases that come before the Committee on Claims which in like manner enlist the sympathy of the members of the committee. I have met this old gentleman, the claimant. He appears to be a man of character, and he has that reputation among his neighbors.

But there is a principle involved in this case that I think forbids the payment of this claim by the United States. I do not think, from my view of the testimony, it warrants the statement that there is good reason to believe there was a conspiracy between the officers of the court in which the case was tried, which I suppose would be the judge, the clerk, and the district attorney, to deprive the claimant of his property, nor do I think that even if such was the case the United States is liable for their acts.

This property was seized upon due process of law. It was libeled. It was sold by order of the court as perishable property. The proceeds of the sale came into the hands of the United States marshal, and if it was stolen, it was stolen by him or on account of his negligence.

When the United States appoints a United States marshal it requires him to execute a bond for the faithful discharge of his duties, which includes the faithful care of and accounting for moneys which come into his hands officially; and any suitor may bring an action against the marshal and his sureties upon his bond and recover judgment against them for any loss which he sustains by reason of a breach of official duty. Mr. Shepard might have sued this marshal upon his official bond and recovered for the money which was stolen by the marshal or lost through his negligence. It is said in this case, and perhaps truly, that the sureties are insolvent and that nothing could be recovered. That makes a case of hardship, but it does not alter the principle.

It seems to me that to hold the Government liable in this case would be a very dangerous precedent, a precedent committing us to the proposition that with one hundred thousand office-holders in the United States the Government will undertake to make good every loss which occurs to an individual citizen by the malfeasance or negligence of such, notwithstanding there may have been no negligence in the appointment of the officers, the Government requiring the proper bonds for the efficient performance of their duty.

For these reasons I can not agree to the majority report. I do agree that it is rather an exceptional case, but it is not entirely so, because there are many cases of the kind.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Claims.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

#### EQUALIZATION OF BOUNTIES.

The bill (S. 778) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union was announced as next in order. Mr. COCKRELL. Let that be passed over. The Senator in charge of it is not present.

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

#### PATRICK COOK.

The bill (S. 1018) for the relief of Patrick Cook was considered as in Committee of the Whole. It provides for the payment to Patrick Cook of \$1,500, being the amount awarded him by the late board of audit for and on account of damages to his real estate in the city of Washington, one-half of the sum being chargeable to the revenue derived from taxation within the District of Columbia.

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

The Chief Clerk read the following report, submitted by Mr. BLACKBURN May 17, 1886:

The Committee on the District of Columbia, to whom was referred the bill (S. 1018) for the relief of Patrick Cook, having considered the same, report as follows:

That on the 20th of January, 1875, Patrick Cook filed before the board of audit a claim for damages to certain lots belonging to him in the city of Washington, in square No. 24, said damages occasioned by public improvements in excavating Twenty-fourth street, northwest, between M and N streets; and on the 3d of August, 1875, the board of audit, after inspection, awarded to said Patrick Cook the sum of \$1,500, that sum being the one-half of the amount claimed by him in his said petition. The said sum of \$1,500 was, however, not paid to the said Patrick Cook, for the reason that the board of audit was legislated out of existence before they had prepared and issued to him the necessary certificate; and thus the claim now stands. Your committee think that he should be paid the \$1,500 adjudged by the board of audit as due to him, and to that end report the accompanying bill with recommendation that it do pass.

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

#### JOHN M'NAUGHTON.

The bill (S. 1877) for the relief of John McNaughton was announced as next in order.

Mr. COCKRELL. That bill is reported adversely. I object to it. Let it take its place on the other Calendar.

The PRESIDENT *pro tempore*. The bill will be transferred to the other Calendar.

#### MAJ. E. A. HANCOCK.

The bill (S. 1822) for the relief of Maj. E. A. Hancock was announced as next in order.

Mr. COCKRELL. That also is reported adversely. Let the same order be made.

The PRESIDENT *pro tempore*. The bill will be passed over.

#### YELLOWSTONE NATIONAL PARK.

The bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park was announced as next in order.

Mr. McMILLAN. That had better go over.

Mr. VEST. Will the Senator permit me to say a word?

Mr. McMILLAN. Yes, sir.

Mr. VEST. The Territory of Wyoming has hitherto exercised jurisdiction over Yellowstone Park; there has been no other jurisdiction there for the punishment of any crime of any sort. Lately the Territorial Legislature of Wyoming repealed those statutes, so that now this park is entirely without a form of government, and unless this bill can be passed at the present session any crime committed there during the coming summer will be with impunity. That is the whole case. If any Senator sees proper to object to this bill and prevent it from passing the result is apparent.

Mr. McMILLAN. Let the report be read subject to objection hereafter.

Mr. VEST. There is no report.

Mr. McMILLAN. There are so many of these public parks that interfere with everything else that I want to know what we are doing. I should like to have the bill and the report both read.

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

Mr. MANDERSON. There is no report accompanying the bill. It is substantially the bill that passed the Senate at the last session of Congress and is designed to protect the park.

Mr. McMILLAN. I think the matter may go over this morning without prejudice.

Mr. MANDERSON. I do not think the bill will lead to any debate.

Mr. McMILLAN. I should like to look into it.

Mr. VEST. The Senator said these parks interfered with everything else. I think the Senator alluded to a railroad bill. This does not apply to any railroad at all. It is only to punish murder, robbery, and other crimes which have been committed heretofore.

Mr. McMILLAN. I was not alluding to railroads especially. There are other reservations of different kinds where it seems the public can not get through. I want to know what we are doing before we make any more reservations.

Mr. MANDERSON. I hope the objection will not prevent the bill being taken up to-morrow morning, because it is of great importance.

Mr. McMILLAN. Let it be passed over without prejudice until to-morrow morning.

The PRESIDENT *pro tempore*. The bill will be passed over.

#### EDWARD D. PATCHIN.

The bill (S. 2455) granting a pension to Edward D. Patchin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward D. Patchin, son of Bernard Patchin, late a private in Company B, Forty-first Regiment Ohio Volunteers.

Mr. VEST. Let the report be read.

The Secretary read the following report, submitted by Mr. SAWYER May 18, 1886:

The Committee on Pensions, to whom was referred the petition of Edward D. Patchin, have examined the same, and report:

The petitioner is a son of Bernard Patchin, who, as shown by the report of the Adjutant-General, was a private in Company B, Forty-first Ohio Volunteers, was enrolled September 30, 1862, died of disease at Nashville, Tenn., January 17, 1863. Officer's certificate shows that he died of typhoid fever contracted in line of duty; that at the time he entered the service he was a young man of good health and habits. The Pension Office records show that the widow and two minor children were pensioned; that the widow remarried in 1865, and that the two sons, Edward D. and Charles B. Patchin, were continued on the roll until the expiration of the time limited for their receiving a pension.

The petitioner now prays for the passage of a special act placing him on the pension-roll by reason of an accident whereby he has been crippled for life, and disqualified for engaging in active employment. He is now about twenty-five years of age, and says he is the only surviving issue of the said Bernard Patchin; that he is not able to perform manual labor, and that he has no means of support.

His identity is established by the testimony of three witnesses, who say he is the only surviving issue of the soldier; that he is hopelessly maimed for life, and that he has no means of support.

In view of his helpless condition, and of his being deprived of support and protection, the committee report the accompanying bill for his relief with a recommendation that it do pass.

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

#### STEEL FOR ORDNANCE.

The bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, was announced as next in order.

Mr. HAWLEY. This bill and the following bill on the Calendar (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare, are closely related, and ought to be discussed and acted upon together. They can not be considered under the five-minute rule, I am sure; but I wish them passed over without any prejudice whatever to their rights.

The PRESIDENT *pro tempore*. These two bills will be passed over informally if there be no objection.

#### MEXICAN WAR PENSIONS.

The bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war was announced as next in order.

Mr. TELLER. That bill can not be considered under the five-minute rule.

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

Mr. BLAIR. Before the bill goes over I wish to say that it is a measure which the whole Chamber has a right to have acted on. When the Senate bill making provisions for the soldiers of the late war went to the House the Senator from South Carolina [Mr. BUTLER] who is not now in his seat proposed to move this bill as an amendment to that, and refrained from so doing under an assurance made by myself in the presence of the Senate, no one objecting, that the Mexican war pension bill would be pressed for a vote as soon as possible at this session, and I shall feel bound to urge it upon the attention of the Senate so that it may be disposed of during the session.

Mr. TELLER. I did not object to it because I wanted it to go over beyond the session. I expect it to be taken up and disposed of during the session.

Mr. HARRIS. I beg to state to the Senator from Colorado that if that side of the Chamber is willing to take the bill as reported by the committee I think I can safely say that there is not a Senator on this side of the Chamber who will want to consume one moment in debate.

Mr. TELLER. I understand there are some amendments that Senators propose to offer to the bill which will certainly lead to discussion.

Mr. WILSON, of Iowa. I hope the Senator from Colorado will withdraw the objection and let us go on with this bill this morning. I think we can dispose of it, and I think it ought to be disposed of. This is the bill which was agreed upon in the Senate in the last Congress and passed; and if there are amendments to come in, we may as well dispose of them now as at any time. I do hope the Senator will

withdraw his objection and let us proceed to the consideration of the bill.

Mr. TELLER. Let it go over until to-morrow morning.

Mr. WILSON, of Iowa. Oh, no; let it go on this morning.

Mr. BLAIR. It is the same bill we passed by unanimous consent on this side of the Chamber two years ago.

Mr. TELLER. I withdraw my objection. I only objected because I had been told by certain Senators that they desired to offer amendments. I do not desire to offer any myself.

The PRESIDENT *pro tempore*. Objection being withdrawn, the bill will be read at length.

The Chief Clerk read the bill, and the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment of the Committee on Pensions was, in line 4, section 1, after the words "That the Secretary of the Interior be, and he is hereby, authorized and directed to," to strike out the following words:

Place the names of all the surviving officers, soldiers, and sailors who enlisted and served in the war with Mexico for any period during the years 1845, 1846, 1847, and 1848, and were honorably discharged, and their surviving widows, on the pension-roll, at the rate of \$8 per month, from and after the passage of this act, during their lives.

SEC. 2. That the Secretary of the Interior is authorized and directed to make such rules and regulations as are necessary to carry this act into effect: *Provided*, That where it shall appear that a discharge is lost, secondary evidence may be permitted; and where it shall appear an applicant has received a land-warrant, that shall be sufficient evidence of an honorable discharge, unless the evidence shows that he procured it by fraud: *And provided further*, That this act shall not apply to persons under political disabilities.

And in lieu thereof to insert:

Place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who, being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof, or *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

SEC. 3. That pensions under section 1 of this act shall be at the rate of \$8 per month, and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which the same shall be granted: *Provided*, That section 1 of this act shall not apply to any person who is receiving a pension at the rate of \$8 per month or more, nor to any person receiving a pension of less than \$8 per month, except for the difference between the pension now received (if less than \$8 per month) and \$8 per month.

SEC. 4. That before the name of any person shall be placed on the pension-roll under this act proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other record evidence of enlistment and service and of an honorable discharge may be deemed sufficient: *Provided*, That when any person has been granted a land-warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall be *prima facie* evidence of his service and honorable discharge; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

SEC. 5. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the Constitution of the United States.

Mr. CONGER. What is the section repealed?

Mr. BLAIR. The section repealed is this:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

That is repealed, but the act contains a provision that no person shall be pensioned whose disability was contracted in opposition to the Government of the United States.

Mr. CONGER. Is that repealed absolutely, or only so far as it affects this act? Let that clause be read again.

The PRESIDENT *pro tempore*. The repealing clause will be again read.

The Chief Clerk read section 5 of the amendment of the Committee on Pensions.

Mr. WILSON, of Iowa. That is all right.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Pensions.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. HARRIS. Let the title be amended to conform to the body of the bill; and then I move that the Senate insist on its amendment, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. If there be no objection, the title will be amended so as to read as will be stated by the Secretary.

The SECRETARY. A bill granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] moves that the Senate insist on its amendment, and ask for a conference with 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. BLAIR, Mr. SAWYER, and Mr. WHITTHORNE were appointed.

#### STATE OF GEORGIA.

The bill (S. 2457) for the relief of the State of Georgia was announced as next in order.

Mr. HAMPTON. I have an amendment I wish to offer to that bill, and I ask that it may go over without prejudice until to-morrow. I am not quite ready with the amendment yet.

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

#### JOSEPH H. MADDOX AND OTHERS.

The consideration of the bill (S. 565) for the relief of Joseph H. Maddox and others was resumed as in Committee of the Whole.

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

The CHIEF CLERK. In line 4, after the name "Maddox," Mr. COCKRELL moved to strike out "and his associates" and insert "Benjamin F. Camp and D. P. Parr, parties of the one part;" after the word "with," in the same line, to insert "H. A. Risley;" and, after the word "Treasury," in line 6, to insert "dated November 13, 1864, and sanctioned by President Lincoln on November 17, 1864;" so as to read:

That all matters in relation to the agreement of Joseph H. Maddox, Benjamin F. Camp, and D. P. Parr, parties of the one part, made with H. A. Risley, the supervising agent of the Treasury, with the approval of the Secretary of the Treasury, dated November 13, 1864, and sanctioned by President Lincoln on November 17, 1864, for the delivery of tobacco and other property, under the permit, safeguard, and orders of the President of the United States, are hereby referred to the accounting officers of the Treasury Department for determination upon the evidence taken and now on file in the office of the clerk of the United States Court of Claims and the War Department.

The PRESIDENT *pro tempore*. The amendment was offered by the Senator from Missouri [Mr. COCKRELL].

Mr. INGALLS. This bill was reported without amendment, as appears by the Calendar.

The PRESIDENT *pro tempore*. The bill has been under consideration before, and the Senator from Missouri offered this amendment.

Mr. COCKRELL. Some time ago the bill was up, and I offered the amendment which has just been read at that time.

The PRESIDENT *pro tempore*. Does the Senator from Kansas desire the whole bill to be read again?

Mr. INGALLS. Yes, sir.

Mr. CONGER. I do not care whether this bill is read or explained. This refers the whole matter to the Treasury Department, and it does not say whether the claim is to be paid by the Department or to come to Congress.

Mr. INGALLS. Yes; it says "directed to adjust, settle, and pay to the said Joseph H. Maddox," &c. I should like to hear the bill read again.

Mr. CONGER. It is a bill relating to captured and abandoned property.

The PRESIDENT *pro tempore*. The bill will be read as proposed to be amended.

Mr. CONGER. Let it go over until to-morrow. I wish to examine the report, and perhaps I shall have no objection to it. Let it hold its place on the Calendar until to-morrow.

The PRESIDENT *pro tempore*. The bill will be passed over.

#### SAMUEL NOBLE.

The consideration of the bill (S. 2475) for the relief of Samuel Noble was resumed as in Committee of the Whole.

The PRESIDENT *pro tempore*. An amendment was heretofore offered by the Senator from Missouri [Mr. COCKRELL], which will be stated.

The CHIEF CLERK. The proposed amendment is, after the word "evidence," in line 18, to strike out "both for and against the said claim and to render final judgment" and insert "and report the same to Congress;" so as to make the bill read:

*Be it enacted, &c.*, That Samuel Noble, formerly of Rome, Ga., but now a citizen

of Anniston, in the State of Alabama, may, notwithstanding the decision heretofore made and the law of the statute by lapse of time, prosecute his claim to the net proceeds of sale of 802 bales of cotton alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864, before the Court of Claims, under the provisions of an act of Congress entitled "An act to provide for the collection of abandoned or captured property and the prevention of frauds in the insurrectionary districts of the United States," approved March 12, 1863, and this act; and the said claim of said Samuel Noble is hereby referred to the said Court of Claims, with all the papers on file in Congress relating thereto, with full power to hear evidence, and report the same to Congress.

The amendment was agreed to.

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

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

#### JOSEPH H. MADDOX AND OTHERS.

Mr. CONGER. In reference to the bill (S. 565) for the relief of Joseph H. Maddox and others, I am informed that it is a reference to the Treasury for adjustment and for report to Congress. If that be so, I withdraw the request to have it go over till to-morrow if it does not make an appropriation for the payment of the claim, and I am assured that that is the fact. If it is not so, I will renew the objection.

Mr. MITCHELL, of Oregon. I think there is a little misapprehension in regard to it. I ask to have the bill read.

The PRESIDENT *pro tempore*. The Chair understands the bill does make a direct appropriation from the Treasury.

Mr. CONGER. Then let it go until to-morrow.

Mr. MITCHELL, of Oregon. I will state in a word that it simply directs the Secretary of the Treasury to adjudicate the matter and pay whatever amount is found due.

Mr. CONGER. Then let it go over.

Mr. MITCHELL, of Oregon. It is a similar case to the one just passed.

The PRESIDENT *pro tempore*. The next case will be stated.

#### REMOVAL OF EASTERN CHEROKEES.

The bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory was announced as next in order.

Mr. CHACE. That had better go over.

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

#### AMENDMENT OF COPYRIGHT LAW.

The bill (S. 2496) to amend title 60, chapter 3, of the Revised Statutes of the United States was announced as next in order.

Mr. INGALLS. Let that go over.

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

#### BONDS OF EXECUTORS.

The consideration of the bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia was resumed as in Committee of the Whole.

Mr. INGALLS. That bill I think is in charge of the Senator from Tennessee [Mr. HARRIS]. There were objections urged.

Mr. HARRIS. Let the bill be informally passed over. The Senator from Vermont [Mr. EDMUNDS] wanted to offer an amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont is at the desk with the bill. Shall it be read?

Mr. HARRIS. Yes, I did not know the amendment had been offered.

The PRESIDENT *pro tempore*. The amendment submitted by the Senator from Vermont will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

That any will hereafter executed devising real estate in the District of Columbia from which it shall appear that it was the intention of the testator to devise property acquired after the execution of the will shall be deemed, taken, and held to operate as a valid devise of all such property.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

#### ARMS AND STORES TO DAKOTA TERRITORY.

The bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes, was announced as next in order.

Mr. CONGER. There are two bills of the same character; let them go over.

The PRESIDENT *pro tempore*. This bill and the next bill (S. 2035) will go over.

Mr. MANDERSON. I hope the Senator will not object to the next bill, which has been called on the Calendar several times. It is simply to credit the State of Oregon with a sum of money for arms used in the Nez Percé war. The bill meets the approval of the Chief of Ordnance and the War Department, and I do not think there can be any possible objection to it. There is a report which explains it fully.

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

Mr. CONGER. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes.

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

The PRESIDENT *pro tempore*. The question is on the adoption of the preamble. The Chair calls attention to the fact that there is a blank in the preamble that ought to be filled. It seems to be an informal matter, but it ought to be filled.

Mr. MANDERSON. The bill was reported by the Senator from New Jersey [Mr. SEWELL].

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

The Chief Clerk read the preamble, as follows:

Whereas it appears from the records of the Ordnance Bureau of the War Department that the Territory of Dakota stands charged with the sum of \$38,625 for ordnance and ordnance stores issued to said Territory during the year 1867, under the provisions of the act of Congress approved April 7, 1866, entitled "An act to provide arms and ammunition for the defense of the inhabitants of Dakota Territory," and the then governor of said Territory, to wit, \_\_\_\_\_, stands charged therewith and with said amount, all of said ordnance and ordnance stores having been drawn by the Territory of Dakota and used for the purpose of aiding the General Government in the protection of the borders of said Territory against Indian invasions and depredations; and

Whereas said ordnance was issued to the inhabitants of said Territory as in said act directed, and all of the same has been lost and rendered useless in the service: Therefore.

The PRESIDENT *pro tempore*. The words "to wit" might be stricken out, which would make sense without inserting the name of the governor.

Mr. MANDERSON. I make that motion.

The amendment was agreed to.

The preamble as amended was agreed to.

#### ARMS AND STORES TO OREGON AND WASHINGTON.

The bill (S. 2035) to authorize the Secretary of War to credit the State of Oregon with the sum of \$12,398.55, for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes, was considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to hear the report in that case.

Mr. CONGER. We can not take up all the morning on it.

Mr. MANDERSON. The report is very short.

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

The Secretary read the following report, submitted by Mr. MANDERSON May 25, 1886:

The Committee on Military Affairs, to whom was referred the bill (S. 2035) "to authorize the Secretary of War to credit the State of Oregon with the sum of \$12,398.55 for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes," have had the bill under consideration, and report the same back favorably and recommend its passage.

During the Nez Percé Indian war in 1877 and 1878 the governor of Oregon called out the volunteer troops and State militia in defense of the people of Eastern Oregon and to suppress the uprising of the Indians. The State of Oregon at this time did not have at its command the necessary arms and accoutrements to equip the militia and volunteers called out, and was forced to borrow of the Territory of Washington the following ordnance and ordnance stores: 320 breech-loading Springfield rifles, caliber .50, model of 1866; 262 breech-loading Springfield rifles, caliber .50, model of 1868; 582 screw-drivers, 47,445 ball cartridges, caliber .50, and 31 arm-chests.

Washington Territory has recently made a demand upon the State of Oregon for a return of the ordnance and stores so borrowed for the purposes aforesaid, but most of the same has been lost or is useless and it is not in the power of Oregon to return the same, and that State remains indebted on the books of the Ordnance Department to the Territory therefor in the sum of \$12,398.55, to cancel which Oregon has but \$10.98 to her credit.

The situation of Oregon is such as to have exposed that State to repeated Indian raids, and her people have suffered from uprisings and depredations to such an extent that the General Government can well afford to make good this demand of Washington Territory upon her. It has often happened that the resistance which Oregon has made was no less in defense of her own territory than of the country touching her borders, and the General Government has not been as liberal in the distribution of ordnance in her behalf as it has with Washington Territory.

An examination of the acts of July 3, 1876, and of May 16, 1878, and June 7, 1878, shows that Washington Territory received two thousand arms and one hundred thousand cartridges, while Oregon received only half of that allowance. Oregon is to-day without the ordnance supplies necessary to properly and effectively equip her militia, and yet the brunt of a defense of the people of the far Northwest against Indians would fall upon that State. Several companies of militia have recently been organized in the State, and the dictates of economy and common prudence, no less than a regard for the lives of a large population exposed to Indian raids, suggest that Oregon be placed in a position to dispense—in any emergency—with the support of Government forces, always expensive and many times ineffectual because of the time occupied in the transportation of regular troops from long distances to the scene of hostilities.

In the judgment of your committee it is both wise and humane to place Oregon and Washington Territory in a position to protect themselves against Indian raids, which can be best done by a well-equipped force of militia.

Your committee accordingly report the bill back with the recommendation that it do pass, and annex hereto communications from the Secretary of War and the Chief of Ordnance, which they ask may be made a part of this report.

Mr. EDMUNDS. The thing I want to hear is the communication from the War Department.

The Secretary read the letters of the Secretary of War and of the Chief of Ordnance, appended to the report, as follows:

WAR DEPARTMENT, Washington City, May 19, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, inclosing for the views of this Department Senate bill 2035, Forty-ninth Congress, first session, to authorize the State of Oregon to be credited with the sum of \$12,398.55, for ordnance and ordnance stores to be issued to Washington Territory in payment for those loaned by the latter to the former during the Nez Percé Indian war; and also inclosing a letter on the subject, dated the 19th of March last, from the governor of Oregon.

In reply, I beg to inclose a letter of the 17th instant from the Chief of Ordnance, in which he expresses the opinion that the object of this bill is proper and just and recommends its passage.

I concur in the views of the Chief of Ordnance.

The letter from the governor of Oregon is herewith returned, in accordance with your request.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,  
Secretary of War.

Hon. C. F. MANDERSON,  
Of Committee on Military Affairs, United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,  
Washington, D. C., May 17, 1886.

SIR: I have the honor to return letter of Hon. CHARLES F. MANDERSON, inclosing S. 2035, "to authorize the Secretary of War to credit the State of Oregon with the sum of \$12,398.55 for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment of ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes," and also letter of the governor of Oregon bearing on the subject, and to report:

There is no doubt that arms and other ordnance stores to the money value of \$12,398.55 were loaned to the State of Oregon by the Territory of Washington to enable the former to aid in suppressing Indian hostilities during the Nez Percé war of 1877 and 1878. The State of Oregon is unable to return the arms, &c., which were lost and destroyed during said service, and believing that the loss and destruction resulted from frontier service during said war, I think that the object of this bill is proper and just, and do recommend its passage.

Very respectfully, your obedient servant,

S. V. BENÉT,  
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

Mr. EDMUNDS. I should like to ask the Senator from Nebraska whether the result of this will or will not be that the Territory of Washington will have or make any claim against the United States for these arms to the amount of \$12,000 that she loaned to the State of Oregon?

Mr. MANDERSON. It was impossible for me to hear the Senator.

Mr. EDMUNDS. My inquiry was whether or not the result of the passage of this bill relieving the State of Oregon from the responsibility for these arms will or will not be that the United States will have to make up or will be called upon to make up a similar amount to the Territory of Washington, from whom the arms came?

Mr. MANDERSON. That would be a duplicate allowance, which I do not think is contemplated by this bill.

Mr. DOLPH. The provision of this bill is that the arms are to be issued to Washington and Oregon credited with the amount. They are to be issued on the credit of Oregon, but they are issued to Washington.

Mr. EDMUNDS. The arms are to be replaced in the Territory of Washington by Congress then, and Oregon is to be credited with them?

Mr. DOLPH. Yes, sir. In other words, the United States pays the debt of Oregon for these arms that were lost and destroyed and can not now be returned.

Mr. EDMUNDS. And leaves Oregon with a claim for her proportion of arms, irrespective of those that were issued to her?

Mr. DOLPH. She has but \$10 to her credit, and in fact not that, because at my request, owing to a recent necessity for arms, the Secretary of War has advanced arms to Oregon; but at the time the letter was written she had but \$10 to her credit.

Mr. EDMUNDS. The result of the operation will be that Oregon will get to the extent of those furnished by Washington Territory, valued at \$12,000, more than her proportion would be under the general law of distribution among the States.

Mr. DOLPH. That is so.

Mr. EDMUNDS. If you would treat the State of Vermont in the same way I should be glad.

Mr. DOLPH. If the State of Vermont had lost arms anywhere by her citizens volunteering I should be glad to do it.

Mr. INGALLS. I want to ask the Senator from Nebraska why the difference in the terms of the issue that appear in the bills granting relief to the Territory of Dakota and to the State of Oregon? The Territory of Dakota is required to return to the Secretary of War "all such arms and other ordnance stores remaining in the custody of the said Territory of the issues thereof under said act;" but there is no requirement in the bill for the relief of Oregon that the arms shall be returned. It seems as if there had been unjustifiable conditions imposed upon Dakota, if I can judge by the language of this bill; that is to say, the Territory of Dakota is required to do something that the State of Oregon is released from. It seems to me the terms ought to be the same, as these bills come in consecutive order and relate to exactly the same subject; and if Dakota is to be required to return the arms and ordnance, the State of Oregon ought to be required to do the same thing.

Mr. MANDERSON. I know nothing of the report in the case of the Territory of Dakota. The report in the case of the Territory of Dakota

was made by the Senator from New Jersey [Mr. SEWELL], so as to that I know but little. I do know in regard to this, of the loss of the arms which the State of Oregon borrowed from Washington Territory a great many years ago, at the time of the Nez Percé war. I think the letter of the governor of that State shows that all those arms have disappeared and none of them are within the control or reach of the adjutant-general or governor of that State. Certainly there can be no objection, if any of these arms can be collected, to their being turned over. I would not object to that clause in the bill, though I think it would be useless and futile not only in the case of Oregon, but probably in the case of the Territory of Dakota.

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

The preamble was agreed to.

Mr. DOLPH. In connection with the bill just passed, I ask unanimous consent to have a letter from the governor of Oregon in regard to the matter printed in connection with my previous remarks.

The PRESIDENT *pro tempore*. The Chair hearing no objection, that order will be made.

The letter is as follows:

STATE OF OREGON, EXECUTIVE DEPARTMENT, Salem, May 22, 1886.

SIR: Hon. J. N. DOLPH has inclosed to my address your letter of the 11th instant addressed to him, and relating to the bill recently introduced by him in the United States Senate, authorizing the Secretary of War to credit Oregon with the sum of \$12,398.55 on her ordnance account.

Permit me to make a brief statement showing the importance of the passage of this bill to the State of Oregon.

It is doubtful whether any State or Territory in the Union has suffered so much within the past fifteen years from Indian depredations as the State of Oregon. The Modoc war of 1872-73 entailed the most serious loss of life and property. The wars, however, which during that period of fifteen years assumed the widest range were those of 1877 and 1878, menacing, as they did, a very large expanse of territory in Eastern Oregon. In the war of 1878 the Indians ravaged the country wherever they went, and produced the greatest alarm among the settlers of what was then a comparatively sparsely settled district. The greatest excitement prevailed, and the demand for arms and ammunition was constant and urgent, and the supply was absolutely inadequate to meet the urgent needs of the time. It was necessary to call on the militia companies of Western Oregon to transfer their arms and accoutrements to newly organized companies in the district threatened by the enemy. The arms thus obtained were insufficient, and the governor of Washington Territory was thereupon called upon for assistance. In response to the urgent request of the governor of this State, Washington Territory loaned the State of Oregon arms and equipments, as follows: three hundred and twenty breech-loading Springfield rifles, caliber .50, model 1866; 262 breech-loading Springfield rifles, caliber .50, model 1868; 582 screw-drivers; 47,445 ball cartridges, caliber .50; 31 arms-chests.

All of the arms and equipments were issued to companies and individuals as soon as received. It was found necessary in many instances to make issue of arms and ammunition to individuals in remote and exposed parts of the invaded territory, where the surroundings were such that companies could not act with efficiency and the service of scouts was required. It is believed that ordinary care and prudence was exercised in the distribution of the arms, and in the subsequent collection of such as were of any value after the close of these wars. Earnest effort has certainly been made to gather up all munitions belonging to the State, but during the progress of hostilities many arms were lost, destroyed, and rendered useless, and when a final inventory was taken the State had virtually nothing with which to properly equip her militia. Such munitions as she has since received have not been adequate to her rapidly increasing wants. A number of our militia companies are without equipments of any kind, and but few of them are properly equipped. The quota now due the State from the General Government is exhausted, with our indebtedness to Washington Territory still outstanding. To meet that indebtedness this State has given an order upon the War Department in favor of Washington Territory. This will exhaust Oregon's quota for years to come. Aside from this, new militia companies are needed in various portions of our State, and are being organized, but they are discouraged with the prospect that is before them of not securing proper equipments.

When you consider the fact that Oregon is a frontier State, embracing an immense expanse of territory that is rapidly increasing in population, and further, that peculiar conditions operate here, calculated at times to render the enforcement of law a somewhat difficult task, the necessity of a well-organized and properly equipped militia will be apparent. As we think we have already clearly shown, the end desired can not be secured as we are at present situated.

In view of these facts we respectfully urge upon you a favorable consideration of the bill of Senator DOLPH above referred to.

Respectfully submitted,

B. F. MOODY, Governor of Oregon.

Hon. CHARLES F. MANDERSON,  
United States Senate.

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; in which it requested the concurrence of the Senate:

A bill (H. R. 325) granting a pension to Catharine Waters;

A bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for other purposes; and

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.

RAILROAD ATTORNEYS.

Mr. HOAR. I ask unanimous consent to be allowed to make a report at this time. The Committee on the Judiciary, to whom was referred the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employes for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States,



direct me to report the bill favorably with an amendment in the nature of a substitute.

Mr. HARRIS. I should like to have the substitute read at length.

Mr. HOAR. I desire to state that while I am in favor of the substitute as compared with the original bill as an amendment, and in favor of the passage of some legislation on the subject, I prefer the substitute which I now send to the desk as an amendment that may be offered hereafter.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. The Chair is of opinion that all these motions interposed during the consideration of the Calendar under the present special order are in violation of the plain words of the order. Nothing can be interposed; but the Chair receives them by unanimous consent.

Mr. EDMUNDS. The Senator from Texas wishes to make a minority report.

Mr. COKE. In behalf of the Senator from Iowa [Mr. WILSON], the Senator from Missouri [Mr. VEST], the Senator from Mississippi [Mr. GEORGE], and myself I desire to say that the minority dissent from the report made by the Senator from Massachusetts for the majority of the committee, and to say further that the minority will at the proper time offer a substitute for the bill presented by the majority. I ask that the substitute be printed.

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

#### GENERAL AND LIEUTENANT-GENERAL.

The bill (S. 1964) to repeal a certain portion of section 1094 of the Revised Statutes of the United States was announced as next in order.

Mr. EDMUNDS. That may go over. It wants consideration.

The PRESIDENT *pro tempore*. The bill will go over under objection.

#### PEREZ DICKINSON.

Mr. DOLPH. On the 9th instant the bill (S. 2162) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, was reported from the Committee on Claims by the Senator from Arkansas [Mr. JONES]. I had prepared a minority report and handed it to him to be submitted with the majority report; but the report was submitted in his absence by his colleague for him and the minority report was not presented with it. I now submit the views of the minority to be printed with the majority report.

The PRESIDENT *pro tempore*. If there be no objection the order to print will be made. The Chair hears none.

#### DEFICIENCY APPROPRIATION BILL.

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, was read twice by its title, and referred to the Committee on Appropriations.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the act (S. 503) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts in said Territory.

#### RIVER AND HARBOR BILL.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of 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, the pending question being on the amendment proposed by the Committee on Commerce, in section 1, to insert the clauses from line 1134 to line 1174, inclusive, as amended.

#### CUSTOMS FRAUDS AT NEW YORK.

Mr. HOAR. I ask the unanimous consent of the Senate that I may put a question to the Senator from Iowa [Mr. ALLISON] which relates to a matter pending before the Finance Committee, which is of very great importance and interest to my constituents, and which they would like to be informed as to the condition of.

Before the Christmas holidays the Senate directed an investigation into the matter of the fraudulent undervaluation alleged to have taken place in the New York custom-house, by which some very well-informed and cautious persons think an amount in the neighborhood of \$50,000,000 a year is lost to the United States in duties, and also that trade is unnaturally and improperly diverted from other importing ports, especially Boston and Baltimore and Philadelphia, to New York, because of the facility of making importations at less than the proper duties, and also, indirectly, very great injury is inflicted upon the manufacturers, whose protection is destroyed in this way.

I understand that a subcommittee of the Committee on Finance was appointed just after the holidays to consider that question; and it would be of great importance to the public, especially to the merchants of Boston and the manufacturers of Massachusetts and other New England States, to be informed as to the condition of that investigation, if the Senator from Iowa can give us the information.

Mr. ALLISON. Mr. President, a subcommittee of the Committee on Finance was charged with the duty of making the investigation of which the Senator from Massachusetts speaks. We undertook the work and took a considerable amount of testimony, making a journey to Boston and one or two journeys to New York for the purpose. I believe myself, and I think the subcommittee that made the investigation share with me in that belief, that the embarrassments and difficulties are not so great as the Boston merchants seem to think, although the committee believe that there are great abuses in the valuation of goods at the New York custom-house and have been for some time; but I think the committee also believe that the fault is primarily in the system now existing in the New York custom-house with reference to the method of valuation. The present system is one that has existed for many years.

It is totally inefficient in its organization; and the committee have had under consideration the question of entirely changing the official staff engaged in the valuation of merchandise and enlarging the board of appraisers; but the first difficulty we encountered when we came to prepare a bill looking to the alteration of the law was the fact that, in making an efficient law on this subject, we should be obliged to infringe upon the prerogative of the House of Representatives. To make a complete system of valuation of goods requires that some supervising authority shall not only control the valuation, but the classification of goods; and the moment we get into the question of classification we get into the question of the rates of duty.

So the committee, after progressing some time in this way, on consultation with gentlemen in the other House who had the same question under consideration with regard to regulating the New York custom-house, concluded to await the action of the other House. We supposed then that what is known as the Hewitt administration bill would pass at this session. That expectation has so far been disappointed, and probably that bill will not pass.

I believe, however, it is the purpose of the Committee on Finance to continue this investigation during the vacation, if it can be done, and try and make some report to the Senate early in the next session, changing the entire administration of the appraiser's office.

That is about the condition of the affair. It seems to me there can be no effective reform in the New York custom-house until that is done.

Mr. HOAR. I should like to say that the merchants, the Board of Trade of Boston, and other business men there, to whom this subject is of very great interest and concern, will endeavor, I believe, to have such a measure as their business experience suggests framed and submitted to that committee for its consideration, which may possibly be some help to them hereafter.

Mr. ALLISON. I will say to the Senator from Massachusetts that the Boston Board of Trade have already submitted a very elaborate project for a change of the law with reference to the appraisal of goods and have furnished very valuable information on that subject. We shall be glad, of course, to have them furnish further information if they can do so.

#### WILLIAM H. CROOK.

Mr. PLUMB. I withdraw the motion which I heretofore submitted to reconsider the action of the Senate on the bill (S. 100) for the relief of William H. Crook.

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his motion to reconsider?

Mr. PLUMB. I withdraw the motion.

Mr. INGALLS. That can only be done by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the motion to reconsider the vote by which the Senate passed the bill (S. 100) for the relief of William H. Crook? If there be no objection the motion to reconsider is withdrawn, and the bill will be returned to the House of Representatives.

#### RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of 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, the pending question being on the amendment proposed by the Committee on Commerce, in section 1, to insert the clauses from line 1134 to line 1174, inclusive, as amended.

Mr. ALLISON. Mr. President, I do not know that I desire to occupy the time of the Senate in the discussion of the amendment now pending. I have been so occupied in committee duties that I have not even heard the discussions pro and con with reference to it, and have not followed them up perhaps as I should have done; but I intend to vote for the amendment, and I believe that it is as important a provision as there is in this bill, and that with perhaps three or four exceptions there can be no more meritorious appropriation than the one proposed by the pending amendment.

It seems to me that Senators do not fully comprehend the scope of this provision. They have gone off upon a side question rather than speak of what I consider the main question involved here. The Senator from Missouri [Mr. VEST], who spoke the other day, stated objections to this amendment because it proposed the construction of a cross-canal through the State of Illinois. That is only a part of this project, as I understand it. The main object involved in this amendment is to

make a water communication between the Mississippi River and the great system of Northwestern lakes. And so I think the Senator from Kansas [Mr. INGALLS] misapprehended the action of the Legislature of the State of Illinois when he criticised the Legislature of that State because they imposed conditions upon the General Government with reference to the Illinois and Michigan Canal.

It is a matter of so much moment, not only to the people of Illinois but to all the people who trade between the Mississippi River and the great system of Northwestern lakes, that that canal shall be an open water way, that Illinois could not consent to its transfer to the Government of the United States unless the Government of the United States would use it for the purpose for which it was originally intended; and if the United States does not take the canal and enlarge it, as it should be enlarged, to a ship-canal, I have no doubt that public opinion in the State of Illinois will at some time compel its enlargement through the operation of State laws.

This action of the Legislature of the State of Illinois was taken in pursuance of a debate in this Chamber which I remember perfectly well, when some years ago the Senate Committee on Commerce introduced an amendment like this to a river and harbor bill, and it was supported here and received a large majority of the votes of this body. At that time it was contended by those who opposed the provision for the Hennepin Canal that we were building a short canal 64 miles long to connect with a line a hundred miles long which was wholly under the control of the State of Illinois, and Senators were unwilling to make a free canal 64 miles in length when the State of Illinois had it in its power through its Legislature to exact such tolls upon that interstate commerce in its transmission through that State as it chose.

So the gentlemen who then stood in this Chamber opposing this work said, "Before you come to ask Congress to make this appropriation to connect the Mississippi River with the lakes you must come here with the State of Illinois having relinquished to the General Government its right to charge tolls upon this hundred miles of canal." I think the honorable Senator from Illinois [Mr. CULLOM] was then governor of that State; and I remember perfectly well—I do not know that he does—of transmitting to him those debates, and saying to him in a communication that it was necessary for the State of Illinois to relinquish to the General Government its canal of 100 miles in length before a measure could be successful in passing Congress for the purpose of making this water way between the Mississippi and the lakes; that Congress never would consent to appropriate money to complete this water way as long as the State of Illinois stood in its pathway with a power of exacting tolls upon that commerce.

So, then, the action of the Legislature of the State of Illinois was in direct response to the popular will as expressed in this Chamber with respect to this great water way. Now what is it? The primary object of this improvement is not the Hennepin Canal. I submit to Senators that the main project is to connect the Mississippi River with the system of Northwestern lakes, whereby vessels can be transported from the Mississippi River through this canal to the lakes, and thus cheapen the entire transportation of that region. And this is no new scheme. It has been the dream of men who have studied the subject of water-transportation for more than fifty years. It was the dream, I believe, of the first white man who passed through that region, whose name is now given to one of the cities on the line of the Illinois River. More than two hundred years ago he predicted that there would be a continuous water way from the foot of Lake Michigan to the city of New Orleans. I venture the statement that no other civilized government on earth would have seen this great opportunity of connecting the Mississippi River and its tributaries with the great chain of Northwestern lakes without long since availing of it except the Government of the United States.

Why, Mr. President, during some of the years of war I happened to be a member of the other House, as the Senator from Illinois [Mr. CULLOM] was a member, and it was then debated at great length whether or not this Government should not take hold of this canal and build a water way there sufficient for the transportation of vessels of war. And, sir, some of the men who now listen to me will see the day when vessels of war will be transported from the Northwestern lakes into the Mississippi River through this water way called the Illinois and Michigan Canal down to the Gulf. If we were not as secure as we are with reference to the intrusion of outside governments our Government would not hesitate one moment as a war measure to incur this expense of two or three or four million dollars.

This is the great object in view in this amendment, as I understand. It is to place this Government in a situation whereby it can connect the great system of river communication extending from Saint Paul and up the Missouri River and up the Ohio and up the Tennessee and up the Cumberland and up the Arkansas with the Northwestern lakes.

Mr. President, there is no single State in this Union that is more directly interested in that than is the State of Missouri, which the Senator from Missouri represents. Here stands the city of Chicago at the foot of this system of lake navigation, and here is the city of Saint Louis in the very heart and center and pivotal point of the river navigation. Now, is it not worth while for these two great cities to have water communication and water connection with each other? Here is a city

of 800,000 people and another of 400,000 or 500,000 people, with four lines of railways built between these two cities; and what does that indicate? It indicates that there is a great commerce between them, that there is a great communication between them; and yet here is an opportunity with a small expenditure amounting to only a few million dollars which will enable all the people of the Mississippi Valley to communicate with all the people upon the lakes; and yet the Senator from Missouri says he is not in favor of this project.

The reason these water communications are made is that there is a certain class of products necessary to the comfort and convenience of the people that will not bear the cost of railway transportation. Take the iron ore of Lake Superior, if you please, which when mixed and mingled with the iron ore of Missouri makes the most valuable product known to commerce; and yet everybody knows that it is not possible to gather these two classes of ores together by means of railway communication.

What is true with reference to iron is true with reference to coal, and it is true with reference to other bulky products that we are compelled to use west of the Mississippi River, and which can hardly bear the cost of railway transportation. Take the anthracite coal of Pennsylvania; it is burned in every county in my State, I believe. How is it transported? Does any one believe that it can be transported by rail from the mines where it is produced into the interior of Iowa? It is the fact that we have water communication by canal and lake and river that enables us to consume the coal at all. Take the great salt production of Michigan, which is transported by water to the city of Chicago, and sold in the city of Chicago at \$5 a ton. When it reaches the interior of Iowa this salt is sold by the bushel; yet if we had communication between the region of the salt production and the region of its great consumption, where the people of Iowa, and of Kansas, and the other interior States are, it does not need a great amount of knowledge of arithmetic to see that the consumer would be able to receive this product, necessary and essential, at a much less price.

Mr. EDMUNDS. With the permission of my friend from Iowa, I wish to get information about this. I should like to know how high is the summit-level of this canal above Lake Michigan?

Mr. ALLISON. Which canal does the Senator refer to?

Mr. EDMUNDS. The one which we are to buy and pay for and build.

Mr. ALLISON. I did not expect to go into details. The Illinois and Michigan Canal, as I understand, is in its chief length lower than Lake Michigan. Am I not right?

Mr. EDMUNDS. Then the feeder is to be Lake Michigan.

Mr. ALLISON. The feeder of the Illinois and Michigan Canal to some extent is doubtless Lake Michigan.

Mr. EDMUNDS. Is there any other possible feeder to feed the canal for which Congress gave lands, &c., that is supposed to lead from Chicago to the Illinois River?

Mr. ALLISON. There is the Des Plaines River, of course.

Mr. EDMUNDS. The Des Plaines is a branch of the Illinois, is it not?

Mr. ALLISON. The Des Plaines River, as I understand, runs into Lake Michigan.

Mr. EDMUNDS. How do you get from the Des Plaines River onto the waters that descend into the Mississippi?

Mr. CULLOM. It is impossible to hear the Senator from Vermont in this part of the Hall.

Mr. ALLISON. Mr. President, has it come to this, that we are discussing the question whether there is water to be put into this canal? If that is an open question—

Mr. INGALLS. That is the very question.

Mr. ALLISON. Is that the question which troubles the Senator from Vermont and the Senator from Kansas?

Mr. EDMUNDS. Nothing troubles me. I am too old to be troubled. I am merely trying to get information.

Mr. LOGAN. Allow me to say that the Chicago River, which empties into Lake Michigan, connects with the Illinois and Michigan Canal. Instead of the Chicago River running into Lake Michigan it runs into the canal, and it is fed from Lake Michigan through the Chicago River and the Des Plaines River. The canal runs into the Illinois River at Hennepin.

Mr. EDMUNDS. Then Lake Michigan is the feeder.

Mr. LOGAN. Lake Michigan is the feeder of the Illinois and Michigan Canal.

Mr. EDMUNDS. So that the water of Lake Michigan would run into the Mississippi?

Mr. LOGAN. The feeder for the Hennepin Canal is the Mississippi River in part, and one of the main feeders is the Rock River, which runs down on the elevation of which we have heard, and connects with the Hennepin Canal.

Mr. EDMUNDS. How long is that feeder?

Mr. LOGAN. I do not remember the distance.

Mr. CULLOM. About 30 miles.

Mr. LOGAN. It is a short distance. It depends on where the river is tapped, so far as the gentleman talking about feeding the canal with water is concerned. It can be tapped at a number of places. I do not want to disturb the Senator from Iowa any further.

Mr. ALLISON. I am very much obliged to the Senator from Illinois, because the Senator from Vermont asked me these questions of details with reference to the water, &c., of the Illinois and Michigan Canal, and I am not familiar with the details; but I never heard it questioned. I never heard anybody suggest that there was not ample water to build a canal as deep and as wide as you choose to build it between Lake Michigan and the Illinois River. It has always been understood that there is water capacity and opportunity to build a canal there which will float the war ships of this Government that can be floated into the Illinois and Mississippi Rivers.

Mr. BUTLER. If the Senator will permit me, I wish to suggest to him that a complete answer to the inquiry of the Senator from Vermont is in the fact that the question is one primarily of engineering skill, and, of course, if the engineers do not advise Congress that it is practicable to make the canal the money will not be spent. That is a complete answer.

Mr. EDMUNDS. I should not call it a very complete one, with great respect to my friend from South Carolina.

Mr. BUTLER. I should like to know why it is not.

Mr. EDMUNDS. Because I think when Congress is asked to initiate a scheme of this kind, which may be a very good one—though I do not know why it is in this river and harbor bill—the first inquiry that anybody who is asked to do anything about building the canal is to know whether at the highest point it has to pass there is water enough to feed it, because you can not feed it from below.

Mr. BUTLER. The engineers certainly would not advise Congress to adopt a canal that can not be supplied by water.

Mr. EDMUNDS. If we were projecting a railroad or private canal we should first inquire, without troubling ourselves too much about engineers, whether the summit-level had any water on it.

Mr. BUTLER. I understand the engineers have so reported.

Mr. CULLOM. Will the Senator yield to me?

Mr. ALLISON. I yield to everybody, because I did not wish to occupy time; I only wanted to get at the fact.

Mr. CULLOM. My colleague stated exactly the fact as to the supply of water for the present canal, the Illinois and Michigan Canal, being fed by the Chicago River and the lake and the Des Plaines River. Then as to the Hennepin portion of the canal, the Senator from Iowa knows that the water necessary to run that comes from Rock River at about the point of the summit.

Mr. ALLISON. I have not yet touched upon that branch of the subject relating to the Hennepin Canal. I wanted to clear up the idea with reference to a water way by means of the expansion of the Illinois and Michigan Canal and the Illinois River. For what are we voting here year by year to improve the Illinois River? Have we not the intention ultimately of securing all the benefits of that appropriation by means of a water communication between the lakes and the river?

This scheme of connecting the Mississippi River and the great Northwestern lakes is without a parallel in this bill. I have seen over and over again, in reading the pages of the bill, propositions looking to improvement of short rivers, only a few miles long, and the extension of improvements. Only the other day we kept in the bill a proposition to accept the improvement of the Muskingum River in the State of Ohio, a small open river in that State having no connection, as this great improvement has, with the system of water navigation connecting a dozen or more States in the Northwest and Northeast.

So I submit there is no question involved in this bill of such magnitude and importance to the people of the United States, and all of them, as this proposition to connect the Illinois River with the great Northwestern lakes by means of the Illinois and Michigan Canal; and that is what we mean when we propose to take this canal from the State of Illinois and enlarge it.

I do not agree with the Senator from Missouri that canals are fast running out of date and out of use. So far from that being true, there is not a country on the globe to-day that is not expending many millions of dollars in the construction and enlargement of canals. There has been a project for the construction of a ship-canal connecting the ocean with the city of Manchester, 50 miles from the ocean. To-day England is utilizing every canal that she has ever built in competition with her railways; France is enlarging her entire system of canal navigation; and Germany is building canals everywhere. Canals form a part of the system of water communication of those countries and every other country.

What is it that has built up Southern Germany? It is the fact that by a system of improvement of her canals and the enlargement of the Rhine the city of Cologne has become practically a seaboard city. So every civilized government on earth is utilizing her water ways by connecting rivers and lakes by means of canals in order that the bulky products which are produced in every country may be transported more cheaply than they can be transported by rail. That is all there is in this project.

When you come to the Hennepin Canal, that is a short canal, 64 miles long, which connects the Upper Mississippi River with the water navigation of the Illinois and Michigan Canal and gives us a near and direct route to Chicago. It is perfectly well known that such a canal is feasible; that it can be built; that it can be utilized; that there is an

ample supply of water to build it; and that the entire cost will not exceed \$6,000,000, and if one route is taken, five and a half millions of dollars.

It is worth while for us to consider whether or not we will engage in that project. I believe it is a wise thing to do. I believe it is a more wise thing to do than to do many things which I see in this bill, and why? Because by doing it you will cheapen the transportation of the wheat, corn, and other bulky products which are produced in four or five States of the Northwest. You will cheapen the cost of the transportation of these products. I shall not enter into a discussion with my friend from Kansas [Mr. INGALLS] as to whether that reduction in the cost of the transportation of those products is most to the interest of the consumer or of the producer, or whether, as some persons believe, in the long run of affairs, in casting up finally both the consumer and producer are benefited by these arrangements. But if these products can be more cheaply transported it is perfectly certain that either the consumer or the producer, or both, will be benefited by that cheapening process. So it affects not only the things which we produce, but the things which we are compelled to consume and which we can not produce, or at least which we do not produce. Certainly we can not produce salt; we can not produce anthracite coal, yet we have long and rigorous winters, requiring the burning of coal for six or seven months, and anything that cheapens the cost of the transportation of that article to our homes west of the Mississippi River is a boon to us. So it is a question whether we shall expend this five and a half million dollars for that purpose. In my belief, it will result in an annual saving of more than its entire cost. I may be mistaken in that—

Mr. FRYE. I desire to ask the Senator a question.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from Maine?

Mr. ALLISON. Certainly.

Mr. FRYE. I wish to ask the Senator from Iowa, in view of the fact that low-priced freights are compelling a very great increase in the carrying capacity of vessels, so that even to-day they are building schooners of 1,500 tons burden, and all vessels for transportation are increasing year by year in size on account of the low-priced freights, whether he believes it is prudent or economical for the United States now to enter upon the building of a canal which will cost \$5,000,000, with a width of 80 feet, a depth of 7 feet, and a capacity to float only a vessel of 280 tons?

Mr. ALLISON. I will answer that question, and I will say most unquestionably so. It is not expected that the Mississippi River craft and the craft that come into these canals will go along the lakes and meander through to the seaboard. It is expected that there will be a breaking of bulk at Chicago. The Senator has given me an argument why this canal ought to be built in the fact that when we get to Chicago there will be cheap water communication, cheapening every year and almost every month in the year. What we want is to amplify and enlarge that cheapening in order that we may also get our products to Chicago cheaper than we can do now by rail.

Does anybody believe that the Government of the United States would consent to the closing of the Erie Canal? I saw a statement only a day or two ago that the tonnage of that canal is much larger this year than last. That canal is a regulator. It fixes the rate of freight on the Chesapeake and Ohio Railway, 500 miles away from it. It fixes the rate on the Baltimore and Ohio Railway. So if we can have this canal which we propose, connecting the Mississippi River with the lakes, it will be a regulator of all the railways running between the Mississippi River and the lakes for a range of four or five hundred miles. Is it not worth five and a half million dollars to do that? Who believes that the Welland Canal will ever be closed? Who doubts that the Welland Canal is a boon to the producers and consumers of the United States as it is a boon to the Dominion of Canada, which has built it with its own money and which keeps it in repair?

Senators must remember that if we are to prosper in our interior commerce we must do as the older nations have done and are doing. We must expand and extend our water ways in order to utilize them as a common system.

Why is it that we do not charge tolls upon our rivers and harbors? It is because in the nature of things these rivers and harbors must be open to all the commerce that traverses them; and if we can open the canals in the same way, they become a part of the great system of water communication between different portions of our country.

It is only a question, and I agree it is a fair question, for Senators to decide whether at this moment of time we are able as a government to embark in a national work, to be completed perhaps within five or ten years, which, when completed, will be worth more annually than its entire cost.

I am not to be led astray by the suggestions of the Senator from Connecticut [Mr. PLATT] when he proposes that the Government shall enter upon the experiment of building a governmental railway. I am willing that that experiment shall be tried in Connecticut, but I do not want to begin that method of connecting the great system of the Northwestern lakes with that other great system of water communication, the Mississippi River and its tributaries.

Mr. President, believing as I believe that this is not a local work com-

mon to the people of my own State and the State of Illinois, but that it is a work national and general in its character, diffusing its benefits throughout every portion of our country, I intend at every opportunity to give my vote to this measure, believing that it ought to be entered upon at once if we are to expend money at all for the improvement of the water ways of this country.

I have said much more than I intended to say upon this question when I rose. I only wanted to get information.

Mr. GEORGE. I wish to ask the Senator a question before he takes his seat. He alluded some moments ago in his speech to the fact that European nations—England, Germany, and France—were making new canals. I desire to ask him whether the canals which are now being constructed in Europe are constructed on the plan of being run by horses or mules on tow-paths, or whether they are so large that the boats are to be navigated by steam?

Mr. ALLISON. In every way. I have seen them operated by steam and I have seen them operated with mules on tow-paths.

Mr. GEORGE. But I speak of the new ones that are being constructed. That is the point to which I desire to call the Senator's attention. Are they making the old-fashioned tow-path canals or not?

Mr. ALLISON. They are enlarging them. Every canal is being enlarged now. Take the Delaware and Hudson canal. That is a short canal, coming into the Hudson River at Rondout. When that canal was first built it was built purely for the purpose of transporting coal, and the canal-boats only transported 40 tons. It has been enlarged certainly twice, until now, I believe, those canal-boats transport 300 tons, and they do it by steam.

I have not looked at the figures, but there is no difficulty in these canals. Of course wherever there is water and opportunity and money the canals will be built so as to be operated by steam; and I could hope that this canal would be so built. It certainly will be so built some time. Does the Senator from Mississippi doubt that the great Northwestern lakes and the Illinois River and Mississippi River will be connected by a national canal in the near future? We may not see our way clear to do it, but we shall see it very soon, especially when we appropriate money year by year for little, short rivers, and little improvements local to a State.

Mr. GEORGE. I do not know that I understand the Senator. I desire to ask him whether in Europe or anywhere else canals are now being constructed, or have been constructed in the last dozen years, which are to be operated by horse power instead of by steam?

Mr. ALLISON. I can not answer that question. I doubt whether any—

Mr. CHACE. May I answer it?

Mr. ALLISON. Certainly.

Mr. CHACE. I can say to the Senator from Mississippi that at this moment the Government of Russia is constructing a canal to connect the Caspian and Black Seas for the purpose of transporting the grain produced in Southeastern Russia, and that their plan is to make it deep enough and wide enough to take in barges, which will go through the Mediterranean, to be delivered along in the Mediterranean ports, and at the same time to provide different boats for hauling by animal power.

Mr. ALLISON. I thank the Senator for answering the question.

Mr. CHACE. That is a very pregnant fact in connection with this discussion, for that very grain is to come in competition with the grain which will be transported from the granaries of the West through the great water system of the Mississippi River and its tributaries and the lakes to tide water on the Atlantic.

Mr. ALLISON. Upon the subject as to what nations do for their own people, I wish to say that Great Britain has within the last twenty years guaranteed nearly \$100,000,000 for the extension and expansion of government works in India, in order to enable India to compete with the constituents of the Senator from Mississippi in the raising of cotton and in order to enable them to compete with my constituents in the raising of wheat. More than £20,000,000, or \$100,000,000, have been put into what are known as productive water-works in India for the double purpose of navigation and irrigation. In many cases the chief object is navigation, using lateral canals of a smaller character and the streams for purposes of irrigation. So Great Britain has guaranteed millions upon millions of pounds for the extension and expansion of her railway system, connecting the different portions of the wheat and cotton growing regions of India, in order that she might compete with the prairies of Iowa and the cotton region of Mississippi and the other Southern States.

Shall we lie by with our hands tied and gyves upon our wrists and proclaim that here are two or three million dollars to be expended out of the hundred million of surplus in the Treasury for the beginning of an improvement which is to connect the great water systems of our country North and South, and that we will not do it simply because it costs a few million dollars? No, Mr. President; if we are able to do it I believe that it is wise to do it.

Therefore I shall vote for this amendment, believing it to be one of the wisest and best provisions in the bill.

Mr. HAWLEY. The Senator from Iowa has said several times incidentally that this canal would cost but two or three million dollars.

Mr. ALLISON. I speak of the Illinois and Michigan Canal enlargement.

Mr. HAWLEY. That is only a small piece of it. We speak of the whole enterprise: The Illinois and Michigan Canal part is about \$2,300,000.

Mr. ALLISON. But I was endeavoring to show that whatever became of the Hennepin Canal, we ought to accept the action of the Legislature of the State of Illinois and enlarge the Illinois and Michigan Canal so as to make a connection by means of the Illinois River and that canal with the great system of Northwestern lakes, and thus realize the dream of La Salle, who traversed it two hundred years ago.

Mr. HAWLEY. The Senator, then, would have us at least to take the canal from Chicago down to Hennepin and enlarge it at a cost of, say, two million and a quarter dollars.

Mr. ALLISON. I would.

Mr. HAWLEY. You would enlarge it to a draught of 7 feet. What is the condition of the Illinois River below Hennepin down to the Mississippi? What is the draught?

Mr. ALLISON. It certainly has a draught of 7 feet, I presume. Toward the mouth it is much more.

Mr. CULLOM. I can answer the Senator. There is the creation of a system of locks on the Illinois River. The State of Illinois mainly has built two locks already. It is proposed that the Government of the United States shall build two more near the mouth of the Illinois River. When the four locks are completed there will be a depth of 7 feet in the Illinois River, and that is all we can get without largely overflowing the country around it.

So in order to get such a system as is necessary to connect the Mississippi River and the lakes, it is the judgment of most men who have given the subject any consideration that while the locks on the Illinois River should be completed so as to give that much of a depth of water for commerce, it is also necessary that the Hennepin Canal shall be constructed so as to connect with the Mississippi River higher up, and give a greater depth of water on that canal.

Mr. HAWLEY. So the larger portion of the proposed expenditure is not for merely a connection between Lake Michigan and the Mississippi River, which you have now, but it is for a shorter connection.

Mr. CULLOM. We have already a system of connection between Chicago and the mouth of the Illinois River; but it is not the sort of a connection that is of sufficient value to the commerce of the country. The mouth of the Illinois is about 275 miles West of Rock Island, so that any benefit which the Northwest and the West would get for all the regions in the latitude of Rock Island, if you please, the western terminus of the Hennepin Canal, would be of no practical value to the people north of that, because to go down the Mississippi River and then up the Illinois River to Chicago would be a greater distance than would be profitable to carry the products of the country.

So whatever the Government may be able to do in the way of the improvement of the Illinois River, and thereby connecting it with the enlargement of the Illinois and Michigan Canal, the commerce of the country demands also that the cut-off between Hennepin and Rock Island or the Mississippi River in that region shall be made so as to benefit the people West and northwest of the Mississippi River at that point.

Mr. HAWLEY. I did not expect to invite the Senator to a general argument. I should like to know what the present condition of the Illinois River is in the absence of these two or three locks. What draught can be taken up there?

Mr. CULLOM. There can be very little commerce done on the Illinois River in its present condition. The two locks which have been built are a short distance below the city of Peoria. In other words, the north end of the river has been improved, while the south portion of the river, near the mouth of it, has not yet been improved. The Government is now expending a small sum of money on the two lower locks, but it is only proposed in this bill to appropriate \$100,000 for those improvements, so that it will be some time before that river can even be improved sufficiently to give a depth of water of 7 feet. But even when those locks are completed that is all the benefit that can be given.

Mr. CHACE. I think the Government has already appropriated something over half a million dollars.

Mr. CULLOM. The State of Illinois has expended a great deal more on its own account.

Mr. LOGAN. Illinois itself expended about \$400,000.

Mr. MILLER. Mr. President, I hope not to detain the Senate very long with any remarks of my own on this question; as I have discussed it once before; but as the general subject of canals has been brought into the debate and their utility has been questioned, I feel called upon to say something in regard to the value of canals at the present time, not only in the amount of the freight they carry, but in the control which they exercise over all the great trunk lines of railroad in our country.

The Senator from Connecticut [Mr. PLATT] and the Senator from Missouri [Mr. VEST] told the Senate the other day that canals were obsolete, and they advised Congress that if it should attempt to do anything in this matter it should build a railroad instead of a canal on this proposed route. The Senator from Connecticut brought in here figures to

show that the cost of transportation upon the Erie Canal was forty-nine one-hundredths of a cent per ton per mile, and that the lines of railroad competing with the canal and in some places upon its banks had been carrying freight for fifty-five one-hundredths of a cent per ton per mile. I think I am correct in my quotation.

Mr. PLATT. I said less than 4 mills per ton per mile, and I thought as low as 3 mills per ton per mile.

Mr. MILLER. By the railroads?

Mr. PLATT. Yes, sir; from Chicago to New York.

Mr. MILLER. I do not know anything about those figures.

Mr. CULLOM. If the Senator from New York will yield to me I will read a paragraph which may be of importance to him.

Mr. MILLER. Certainly.

Mr. CULLOM. I read from the report of the Interstate Commerce Committee, page 172:

It appears from the report of the State engineer of New York (January 20, 1885) that during 1884 the average rate of freight on the New York Central, the Erie, and the West Shore Railroads was .740 of a cent per ton per mile, against .845 of a cent per ton in 1883, while the average rate of canal freight was .270 of a cent per ton per mile, against .340 of a cent per ton in 1883. The figures given show that the business of the canals shared in the depression common to all industrial movements and enterprises during 1884.

Mr. MILLER. I am very much obliged to the Senator for reading that. I had it before me, and intended to call the attention of the Senate to those figures.

Mr. PLATT. I made my statement on the testimony of Mr. Fink upon the rate for grain from Chicago to New York. These statements are the average cost of freight, or the rate including all freights. I took the rates which had been made upon grain, and I took Mr. Fink's statement of 10 cents per hundred from Chicago to New York. As I figure it out it is less than 3 mills per ton per mile.

Mr. MILLER. I shall not go into those figures. I have enough here to show the importance of canals.

In the first place, I hold in my hand a telegram signed William J. Pope, Chicago Board of Trade, which says:

The present rate of freight from Chicago to New York by lake and canal is 6 cents per bushel, while the lowest rail rate at the present time is 15 cents per bushel.

This shows that the rate by rail is 50 per cent. greater than by lake and canal.

I also have here a statement prepared by Mr. Fink, showing the rate by all rail and by lake and canal, running back to 1868 and coming down to 1884. It shows that in 1868 the rate by lake and canal was 24.54 cents per bushel. This was before the great improvement had been made in the Detroit River allowing large vessels to pass through it, and before the tolls had been materially reduced upon the Erie Canal. In that same year the rate by rail was 42.06 cents per bushel. So coming along down to 1884, gradually reducing, the rate by lake and canal in 1884 was 6.60 cents per bushel; and in that year of great competition, of great depression, the lowest rate reached by rail was 13 cents per bushel, which, according to Mr. Fink, amounts to 20 cents per 100 pounds from Chicago to New York, which is equal to over 12 cents per bushel of wheat, and "is less than the average cost upon any of the railroads engaged in this traffic, even on the cheapest operated road."

Mr. PALMER. Will the Senator from New York permit me to interrupt him?

Mr. MILLER. Certainly.

Mr. PALMER. The Senator from New York stated that that was the minimum rate. If he will look at the table he will see that it is the average rate.

Mr. MILLER. I stand corrected. It is the average rate.

Mr. VEST. Will the Senator from New York permit me to ask him a question?

Mr. MILLER. Certainly.

Mr. VEST. Can the Senator state the relative quantities of grain carried during the winter months by water routes and by rail?

Mr. MILLER. During the winter months?

Mr. VEST. During the year, say from Chicago to New York, how much was carried by rail and how much by water?

Mr. MILLER. I shall come to that in a few minutes. I may not be able to give the figures for the entire year, but I shall be able to give the amount carried by canal and by railroad. The statement which was read a moment ago by the Senator from Illinois shows that in 1884 the average cost upon the Erie Canal for moving a ton of freight a mile was twenty-seven hundredths of a cent.

#### INFLUENCE OF THE ERIE CANAL.

Since that it has been reduced at times. I am not able to give the exact figures, but it has been done at a little less than twenty-five hundredths of a cent per mile, or in round numbers, a quarter of a cent per ton per mile. There is no railroad yet constructed which has ever approached such a low cost of transportation. The figures given here for the New York Central, the Erie, and the West Shore Railroads for average charges are the charges which they made when there was a hot competition between the West Shore and the New York Central; and it will be remembered that that contest continued until the West Shore, no longer able to meet its ordinary operating expenses, to say nothing of

its fixed charges, surrendered, and was leased by the New York Central Railroad for four hundred and ninety-nine years.

No railroad has ever been constructed and operated of any size of which I have any knowledge which has yet been able to carry its freight at an average of half a cent per ton per mile. Wherever it has been done, as in the low competing rates between Chicago and New York, rates compelled by the competition of the lakes and the canal, freight has been carried at an enormous loss, and those railroads have recouped themselves upon the local traffic of the roads, as the Senator from Connecticut well knows, for he was a member of the Committee on Interstate Commerce which made the investigation a year ago.

Mr. President, I have just read you a dispatch showing that the present rate of freight from Chicago to New York by all water is 6 cents a bushel, and the present rate of freight from Chicago to New York by all rail is 15 cents a bushel. The railroads are utterly unable to meet the competition of the lakes and the canal; and they can not and do not now attempt to go below the figure I have named. Of course the business which is done by the railroads in the transportation of grain to-day is limited to the local demand along the roads, or to the demand of New England, which receives its grain largely over the New York Central, taking it east from Albany, or to those shipments of grain which are made in which the necessity of ready movement comes in as one of the chief elements in the business transaction.

I have stated that the Erie Canal is able to transport through its entire length successfully, and has done it, freight at the extreme low rate of one quarter of a cent per ton per mile, and what the Erie Canal is doing for the great commerce of the lakes, in my judgment, the Hennessee Canal, if constructed, will do for the great commerce of the Mississippi Valley and for the great Northwest, which in a few years must be our chief reliance for our supply of wheat.

#### Governor Seymour and the Utica Convention.

A year ago next month a convention was called at Utica, in the State of New York, to consider the question of further improving the Erie Canal by doubling the length of its locks so that two boats could pass at once, and also by bottoming out the canal 1 foot and by raising the banks 1 foot, thereby giving 2 feet more of water. Governor Seymour attended that convention, and I believe it was the last public act, if I may say so, of his life. All who knew him know that he had given great attention to the subject of the Erie Canal and to the improvement of the lakes, and in fact to all of our great internal improvements. His remarks upon that occasion, when he was called upon to preside, I find only partially reported in the New York Tribune. They were fully printed at the time in pamphlet form, but I regret that I am not now able to put my hand upon the pamphlet. I will read a few extracts from his remarks upon this question. He spoke of the great benefit which had come to the trade of the country; first, by the reduction of the tolls upon the Erie Canal. It will be remembered by all who have given the subject consideration that originally the tolls upon the Erie Canal were very high, and that they were gradually reduced, year by year, or decade by decade, until a few years ago they were entirely removed. Speaking of the period when they were high, he said:

The balance of trade against our country, before the reduction of the tolls, was—

For a period of years—the number of years is not given here—I think the period was about ten years—

It was \$800,000,000. After the canals had reduced their tolls in the next eight years the balance of trade in favor of our country was \$1,300,000,000.

Undoubtedly Governor Seymour was correct in arguing that that change of the balance of trade from \$800,000,000 against us to \$1,300,000,000 in our favor was brought about by the Erie Canal and by the cheapening of the rate of the transportation of grain from Chicago to New York city. It was doubtless not all due to the reduction of tolls upon the Erie Canal, but some of it was due to the causes of which the Senator from Michigan [Mr. PALMER] spoke the other day, when he told the Senate that the improvement of the Detroit River by which the largest ships were enabled to navigate the lakes had saved to the country in the transportation of the products directly affected by it at least \$100,000,000 per annum. Undoubtedly some of this saving over this line of transportation must be attributed to that cause as well as to the Erie Canal. But I fully agree with Governor Seymour in the statement that if those improvements had not been made, and if the tolls upon the Erie Canal had not been lowered, the balance of trade would not have changed in our favor; for we should not have been able to compete in the markets of Europe with the native-grown grain and with the importations from Russia. Speaking of the proposed improvement which was submitted to this canal convention a year ago, he said:

I believe there is a brighter outlook for the canals in the immediate future, that will enable them to carry larger cargoes and do business on more advantageous terms. To-day you are here to declare with one voice that our canals must and shall be sustained. Men who seek to impair their usefulness or to destroy them must encounter determined and earnest men who will sustain the canals and thus do their duty to their country. Never in the history of the country was any act so beneficial as that which struck off the tax on commerce. Some nations in Europe taxed it and won our dislike; but what was that to our imposing a tariff on our own products.

So he went on to argue, as did the whole convention, for a further enlargement of the Erie Canal both as to the depth of water and as to

the length of locks. An estimate was made at the convention by men familiar with the canals as to the result of the improvements, if they should be made, which were then recommended; that is, the doubling of the locks so that two boats may pass together; for upon the Erie Canal we have a system of one canal-boat propelled by steam carrying with it a consort, thus dispensing entirely with the old-fashioned system of towing by horses. This system has become very popular and is very largely employed. But these two boats have to be coupled closely and solidly together, and when they come to the locks of course they have to be separated, for the present locks are simply long enough to take in one boat.

#### APPROPRIATIONS BY NEW YORK LEGISLATURE.

The Legislature two years ago appropriated, I think, \$30,000 to make the experiment of lengthening one of these locks by a new system which had been invented. The experiment was made, and last year it was used during the whole season of canal navigation. It was found to work with perfect success, and the late Legislature of the State of New York has appropriated \$200,000 to go on and lengthen a large number of locks. It is estimated that it will cost something more than a million dollars to lengthen them all, but undoubtedly the State of New York will do it.

The other proposition is to deepen the canal by digging it a foot deeper and to raise the bank by putting dirt upon it a foot higher. It is not expected that this will increase the depth of water 2 feet throughout the entire length of the canal, because where the canal passes over culverts or aqueducts, over streams, it can not be done; and the tonnage of the boats will not be very much greater than now by this system; but it will give more water under the boat, and, as every man familiar with the running of water craft knows, boats will run much more easily and with much less power if there is a sufficient depth of water under the boat than they will if the boat runs very close to the bottom of the canal.

#### ENLARGEMENT OF THE ERIE CANAL.

The estimates made I say at that time by canal men who were competent to judge were to the effect that if this improvement was made by doubling the length of the locks and deepening the water as proposed, the cost of transportation over the Erie Canal would be reduced somewhere from 25 to 50 per cent. The majority of the people present, I think all the boatmen, held to the opinion that it would reduce the cost nearly if not quite 50 per cent. The charge was then one-quarter of a cent per ton per mile. When this improvement shall have been completed the actual cost of transporting freight over the Erie Canal will be somewhere from twelve one-hundredths to fifteen one-hundredths of a cent per ton per mile.

Is there any Senator here, is there any man anywhere, who believes that it will ever be possible for any railroad to approach anywhere near those figures? I do not believe the time will ever come when any railroad will be able to carry freight profitably, making a fair dividend upon its actual cost, for less than half a cent per ton per mile. The Erie Canal, when improved and enlarged as it is proposed to do, will in my judgment carry freight for one-quarter of that figure. When you take that low cost, and apply it to the transportation of all the products of the great West and of the Mississippi Valley, you will have a sum which year by year will amount to more than all that has ever yet been appropriated for the improvements of rivers and harbors in this country since the first river and harbor act was passed.

Talk about canals being antiquated! Talk about building a railroad to take the place of that kind of transportation! It is chimerical; it is absurd. If we were to build a railroad in place of the Hennepin Canal, what would it do? Does the Senator suppose that it would reach or control the commerce of the great Northwest? Not at all. How shall it be done? When the Hennepin Canal is constructed it makes a free water way from the great lakes to the Mississippi. That means a great deal. The Mississippi Valley is a great empire in itself. Soon the center of the population of this country will be near the shores of the Mississippi River.

We have now a free water way running from the Atlantic up the Hudson through the Erie Canal and through the great lakes 1,500 miles in extent. Shall we stop there when the construction of a new work of 65 miles will bring the great Father of Waters into close contact with the great lakes? Mr. President, there is not a possible interest in this country which would not be benefited by that great work.

In justification of the statement I have made that the improvement of the Erie Canal as now proposed would reduce the cost of transportation through to from twelve one-hundredths to fifteen one-hundredths of a cent per ton per mile let me read from a report which was made by the State engineer of the State of New York, assisted by Charles B. Stuart, who was appointed by the President of the United States to make a survey of the Erie Canal in connection with an offer which was made by the State of New York some years ago asking the Federal Government to make the improvement. Without going into their lengthy report I simply quote this language:

By the enlargement of the Erie Canal, as authorized by the Legislature of the State of New York in 1837, so as to be navigable for boats of 240 tons, instead of 80 tons as then in use, it was proven that the cost of transportation by means of this enlarged canal was reduced 50 per cent.

#### And they find further that—

By the deepening of this enlarged trunk of the Erie Canal as now existing, and by the lengthening of the locks, a saving of nearly the same amount may be obtained.

In the judgment of the engineer of the State of New York, assisted by Engineer Charles B. Stuart, appointed by the President, if this improvement was made the cost would be reduced again about 50 per cent.

#### TRAFFIC ON ERIE CANAL.

The Erie Canal has shown no considerable diminution of its traffic. It remains substantially as it has been for the past ten years. The Erie Canal is transporting now year by year, and has been for the past ten years, between 5,000,000 and 6,000,000 tons of freight during the six or seven months of the year in which it is navigated. But let us see what it does during those six months. From the 1st day of January, 1883, to the 31st of December, 1883, there arrived in New York 124,336,237 bushels of grain, of which the New York Central and Hudson River Railroad brought 32,125,615 bushels; the New York, Lake Erie and Western Railroad, 28,765,288 bushels; the Pennsylvania Railroad, 13,060,494 bushels; the Delaware, Lackawanna and Western Railroad, 4,581,770 bushels; various other routes, 856,924 bushels; by river and coast of Western-grown grain, 3,725,238 bushels; by the canal, 41,220,908 bushels.

Mr. MITCHELL, of Oregon. Was that of grain alone?

Mr. MILLER. Of grain alone. Forty-one million two hundred and twenty thousand nine hundred and eight bushels of grain were brought by the canal to New York in the year 1883. Taking the whole amount and reducing it to percentages, we find that the New York Central Railroad carried, running for twelve months in the year, 25.84 per cent. of the grain coming to New York city; the Erie Railway 23.13; the Pennsylvania 10.50; the Delaware, Lackawanna and Western 3.69 per cent.; and the Erie Canal in seven months carried 33.15 per cent. more than any of the great trunk lines of railroad which run the year throughout.

Then if you go into other descriptions of freight, such as lumber, coal, and iron ore, you find that about the same proportions hold. We see in these figures what is the great controlling power of the Erie Canal over all the railroad freights of the country.

#### HENNEPIN CANAL IS TO BE THE ERIE CANAL OF THE NORTHWEST.

Why will not the Hennepin Canal do the same thing for the Mississippi Valley and the great Northwest? Canals are not obsolete. Railroads have not and can not take their places. Why shall it be said that the Hennepin Canal if builded will be of no benefit to the Mississippi Valley and of no benefit to the great lakes and to the Atlantic seaboard? The Hennepin Canal as now projected is to float boats of 40 tons burden greater than the Erie Canal. The limit upon the Erie Canal is 240 tons. I think the average does not exceed 200 tons of freight.

Why shall it be said, then, that the Hennepin Canal is too small, that it is worthless to build a canal there unless you build a ship-canal? The Senator from Connecticut told the Senate that it would be entirely useless; that all the freight collected upon the Mississippi River would of necessity break bulk at the entrance of the canal into the Mississippi River and again break bulk at Chicago.

But this will not be necessary so far as breaking bulk at the entrance of the canal into the Mississippi River is concerned. Upon the Mississippi River running up into the Northwest territory undoubtedly there will be constructed a class of canal barges carrying 280 tons which will go up and down the Mississippi River, towed by great and powerful steamboats, as we now tow the Erie Canal boats up and down the Hudson River. If you will travel upon that river you will see at any time great tows of canal-boats, fifty and one hundred sometimes in a single tow, all loaded, being carried up from New York to the canal by a powerful steamer.

The same thing will take place upon the Mississippi River. Boats will be constructed to carry grain of 280 tons burden, and they will collect the grain and the produce of the great Northwest upon the Mississippi and all its branches, and it will come down and up that river in these tows and be delivered to the canal and carried by the canal to Chicago, where undoubtedly bulk will be broken, the grain being transferred to the elevators and from the elevators to the great ships of the lakes carrying 2,500 tons burden.

I have no doubt whatever that the Hennepin Canal, if constructed, will do for the great Northwest precisely what the Erie Canal has done and is doing to-day for all the produce of the West; that is, it is carrying it to-day, or enabling it to be carried, from Chicago to New York, as I have shown by the dispatch just read here, for one-third what it is carried by railroad.

But the price mentioned here of 15 cents a bushel from Chicago to New York you must bear in mind is made to-day when the lakes and canal are open. When the lakes and canal are frozen then that rate is doubled at once. If there was no Erie Canal to-day, and if the improvements had not been made upon the Detroit River, I do not hesitate to say, and I defy successful contradiction, that we could not sell a barrel of flour or a bushel of grain of any kind in any of the markets of the world outside of our own shores. The price of wheat and flour in Liverpool to-day shows that conclusively; and if the produce of the

Great West had not this canal it could not avail itself of any foreign market whatever.

Still, forsooth, the Senator from Kansas tells us that the cheapening of the rates of transportation is no benefit to the producer of the grain. I shall not stop to answer any such argument or statement as that. But let me come down to some estimates as to what the Hennepin Canal will do for the produce of the Mississippi Valley and the great Northwest. It is estimated in Executive Document No. 38 of the last Congress, transmitted by the President of the United States, that—

The actual charge per bushel from Saint Paul to Chicago, via the Mississippi River and the Hennepin Canal, would then be as follows:

	Cents.
Saint Paul to western terminus of Hennepin Canal.....	3
Mississippi River to Chicago, via Hennepin and Illinois and Michigan Canals.....	2.9 or 3
Total from Saint Paul to Chicago.....	6

Supposing it to be completed upon the present plans.

Thus there would be effected a saving of 6 cents per bushel on wheat from the Upper Mississippi River districts to Chicago, and so on the vast aggregate of that cereal now compelled to seek entrance upon the water-route of the lakes only through transportation by railroad.

Now, let us see what are some of the charges in the West for transportation of grain to Chicago, where it receives the benefit of lake competition. Let us see where the argument of the Senator from Connecticut stands in regard to the cost of transportation by railroads as compared with canals. I read:

Actual results are shown already, it may be further urged, as due to the direct competition of canal and railroad, in the case of Illinois and Michigan Canal and the railroads by which it is paralleled. The railroad commissioners of Illinois established the freight charge on wheat by rail last season—

There the commissioners, I believe, have the power of fixing rates if they see fit to do so.

Mr. CULLOM. The rates they fix are *prima facie* evidence of being reasonable, and can only be overturned by the decisions of the court.

Mr. MILLER. Further—

The railroad commissioners of Illinois established the freight charge on wheat by rail last season at 11 cents per 100 pounds, or 6.6 cents per bushel, for 100 miles, the distance from La Salle to Chicago; for 130 miles, the distance from Henry, on the Illinois River, to Chicago, 12 cents per 100 pounds, or 7.2 cents per bushel; for 182 miles, the distance from Rock Island to Chicago, 13.4 cents per 100 pounds, or 8.2 cents per bushel.

That is, the rate from the point where the Hennepin Canal is to enter the Mississippi River, as fixed by these commissioners, is 13.4 cents per 100 pounds, or 8.2 cents per bushel. There the Senator from Connecticut has a railroad commission with absolute power to fix railroad rates, desiring of course to benefit the people so far as it can and be just to the railroad, and it fixes a rate at 8.2 cents per bushel for transporting wheat from Rock Island to Chicago, a distance by rail of 182 miles. To-day the rate from Chicago to New York by water, which is at least 1,200 miles the way the boat runs, is 6 cents per bushel. It costs 25 per cent. less to carry wheat from Chicago to New York by lake and canal than it costs to transport it from Rock Island, 180 miles away from Chicago, just across the State, to Chicago.

It is presumed that the railroad commissioners have done their duty and that they know something about the duties of the office which they discharge. If they have permitted this great charge to be made, which is exorbitant and far beyond the cost of the transportation, if the Senator from Connecticut is anywhere near right in his estimate, then I submit that the people of Illinois ought to be up and stirring. They ought to see to it why the men put in charge of their railroads and having a despotic power to fix the rates of freight have given this rate of 8.2 cents per bushel from Rock Island to Chicago.

#### IMPORTANCE OF CANALS.

Mr. President, there was never a time in the history of transportation from the day the Erie Canal was first conceived down to the present moment when the principal canals of the country were doing so much good to all the people as they are doing to-day. This fact can not be gainsaid, it can not be turned aside. The estimate in this report is that if the Hennepin Canal is builded every bushel of grain grown west of the Mississippi River, and therefore tributary to this canal and controlled by it, will be reduced in its cost of transportation from that country to Chicago, where it meets the lakes, 6 cents a bushel. That saving will pay all the river and harbor bills which will pass any Congress for the next ten years in its saving made in one year.

I regret with the Senator from Connecticut that this measure could not have come in by itself and have received the consideration it deserved and have received a beginning appropriation of at least \$2,000,000. This work ought to be constructed in three years. It can be shown, and I think I have shown it, that the construction of it will save every year from the moment it is ready to receive freights more than its entire cost, vastly more than that, to the grain producers and the grain consumers of this country.

Mr. HEARST. Will the Senator from New York allow me to ask a question?

Mr. MILLER. Certainly.

Mr. HEARST. Has the Senator an estimate of the difference in the actual cost of railroad traffic and canal transportation?

Mr. MILLER. The Senator perhaps was not in when some time ago I gave that estimate. I will repeat it so that the Senator may understand it. The engineer of the State of New York reported January 20, 1885, that the average rate of freight upon the New York Central, the Erie, and the West Shore Railroads had been for the year previous, when they were in competition, seven hundred and forty thousandths of a cent per ton per mile. For the same year the charges on the Erie Canal had been twenty-seven hundredths of a cent per ton per mile, which the Senator will see is only a little more than one-third of what it was upon the railroads. Since then the charges by rail have been somewhat reduced and the charges by canal still further reduced.

Mr. HEARST. I knew the Senator from New York had great experience in that sort of thing, and hence I wanted to ask him the question.

Mr. MILLER. I am much obliged to the Senator for calling out the figures again.

Mr. President, the question has been raised here inferentially as to the propriety of these river and harbor bills, and as to the constitutionality of Congress buying small canals like the Sturgeon Bay Canal, of which we heard the other day, and the Keweenaw Point Canal also; and now the question is raised again regarding this canal, and we find a rumor floating about the Senate Chamber—you will meet it in the corridors and in the cloak-rooms—that this bill is to be vetoed; that so many of these things have been put into it and are being put into it that the President is sure to veto it. Sir, I do not care to speculate upon the probabilities of an Executive veto of this bill. We have had them before, and we know the results. There was a veto of a river and harbor bill many years ago by President Polk, and Mr. Webster at a public dinner given to him in Philadelphia in 1846 had something to say about that veto and about the power of Congress to pass these measures and to build these canals; and although it may weary the Senate, I will venture at this time to read a few extracts from that remarkable speech.

Mr. SAULSBURY. Will the Senator inform us how much was the amount appropriated in the bill vetoed by Mr. Polk?

Mr. MILLER. I think the amount was only some two or three million dollars. It was a very small amount, and it was a very small veto, and met with a very small amount of support in the country; but I submit that it has nothing to do with the question whether the amount was 25 cents or \$25,000,000. The amount then was much more in proportion to the population of the country and to the vast commercial interests of this country than the amount contained in this bill to-day, in my judgment.

#### DANIEL WEBSTER AN EARNEST ADVOCATE OF RIVER AND HARBOR BILLS.

But let us see what Mr. Webster had to say upon the general subject of the improvement of our rivers and harbors. After speaking of the veto and of his great surprise at it, Mr. Webster said:

Well, now, what is to be done? We can not shut our eyes to what is around us. Here we are. This vast country, with the ocean on the east, and the Gulf on the south, and the great lakes on the north and the west, and these great rivers penetrating it through hundreds and thousands of miles—what are we to do? Is it not, of all countries in the world, that for which nature has done mighty things, and yet calls most loudly for man to do his part? Providence has given us a country capable of improvement. It is not perfected; we are called to do something for ourselves; to wake up, in this day of improvement, and do the deeds that belong to improvement; to facilitate internal intercourse; to furnish harbors for the protection of life and property; to remove obstructions from the rivers; to do everything, all and singular, which a large and liberal policy will suggest to an intelligent people, with abundance of means, for the advancement of the national prosperity.

We live in an age, gentlemen, when we are not to shut our eyes to the great examples set us all over the European continent. I do not speak of England, where private enterprise and wealth have gone so far ahead. But look to Russia, to Prussia, to Austria, to Saxony, to Sardinia; everywhere we see a spirit of improvement, active, stimulated, and persevering. We behold mountains penetrated by railroads, safe harbors constructed, everything done by government for the people which in the nature of the case the people can not do for themselves.

Let us contemplate for a moment the Mississippi. This noble and extraordinary stream, with seven or eight millions of people on its banks and on the waters falling into it, absolutely calls for the clearing out rivers and for the removal of snags and other obstacles to safe navigation. Who is to do this? Will any one of the States do it? Can all of the States do it? Is it the appropriate duty of any one State or any number of States? We know it is not. We know that unless this Government be placed in the hands of men who feel that it is their constitutional duty to make these improvements they never will be made and the waters of the Mississippi will roll over snags, and snags, and snags, for a century to come. These improvements must come from the Government of the United States, or in the nature of things they can not come at all; and I say that every steamboat that is lost by one of these snags, every life that is sacrificed, goes to make up a great account against this Government. Why, what a world is there! What rivers and what cities on their banks—Cincinnati, Louisville, Saint Louis, Natchez, New Orleans, and others that spring up while we are talking of them, or, indeed, before we begin to speak of them; commercial marts, great places for the exchange of commodities along these rivers, which age, as it were, so many inland seas! And what! the General Government no authority over them—no power of improvement!

And so, Mr. President, he goes on arguing the question as to the constitutionality of making these improvements and the objection of the then President of the United States in regard to these improvements being local and being contained within the limits of a single State. He says:

The President says that some of the objects provided for by the bill are local and lie within the limits of a single State. Well, I dare say they do. It would be somewhat remarkable if a harbor were found lying in two or three States.

It would be rather a large harbor that would embrace parts even of Connecticut and Rhode Island, two of the smallest of the States.

And so he goes on with a full argument in regard to the constitutionality of the then bill and of the items contained in it; and in concluding upon this question he lays down this general doctrine:

Having thus alluded to the report of the committee of the Senate and not having time to discuss its propositions at any considerable length, I will now, by way of conclusion, give to you my views on all this question of the power of making harbors. It is my opinion—

That Congress has the power to make harbors on the rivers and on the lakes to the full extent to which it has ever proposed to exercise such power.

That whether these proposed harbors be judged useful for foreign commerce or only for commerce among the States themselves, the principle is the same, and the constitutional power is given in the same clause and in the same words.

That Congress has power to clear out obstructions from all rivers suited to the purposes of commerce, foreign or domestic, and to improve their navigation and utility by appropriations from the Treasury of the United States.

That whether a river divide two States or more than two, or run through two States or more than two, or is wholly confined to one State, is immaterial, provided its importance to commerce, foreign or domestic, be admitted.

I think it wholly immaterial whether a proposed improvement in a river, for commercial purposes, be above or below an actually existing port of entry.

If, instead of clearing out the rocks, and in that manner improving the channel of a river, it is found better to make a canal around falls which are in it, I have no doubt whatever of the power of Congress to construct such a canal. I think, for instance, that Congress has the power to purchase the Louisville Canal around the Falls of the Ohio, and that it ought to exercise that power now, if the work can be purchased for a reasonable price; and that the canal should then be free to all who have occasion to use it, reserving such tolls only as are sufficient to keep the works in repair.

Thus, sir, that distinguished Senator argued this great question.

Mr. HOAR. If the Senator will pardon me for making a statement in that connection, I will say that I had occasion once to examine Mr. Webster's speeches made in different parts of the country and in Congress on this subject, and I am satisfied that he made more speeches in number in advocacy of the views that the Senator has cited than upon any other one question, and that it was the proposition of political expediency and constitutional law which he felt most interest in of all those which he discussed during his public life, with the single exception of the doctrine of the supremacy of the National Government within its sphere.

Mr. MILLER. I am greatly obliged to the Senator from Massachusetts for this interruption, and if I had time I should have gone to the speech of the Senator from Massachusetts, which was made, I think, two years ago, in which he very fully covered this whole subject. I desired also this morning to quote from some speeches made by Mr. Webster at New York and Buffalo at public dinners, but on sending to the Congressional Library I was unable to get the volumes containing them, every volume of his works being out of the library except the one from which I have read. But I think I am not mistaken—if I am mistaken I trust the Senator from Massachusetts will correct me—if my memory serves me right, in one of those speeches made at some public reception Mr. Webster took the ground decidedly that the Federal Government had an undoubted power to build a canal anywhere, through a single State or through a number of States, if the interests of interstate commerce demanded it.

#### THE GROWTH OF THE CITY OF BUFFALO.

Speaking of Buffalo and of the building of the great harbor of Buffalo from which has grown one of the chief cities of the State of New York, he said when the first appropriation was made for that work there was no harbor there at all; no vessel could land or could lie there; the mouth of the little creek was exposed to all the gales of the lake, and that he, Mr. Webster, voted for the first appropriation to build the first breakwater there and that he had continued to vote for all those appropriations, as I think he did during his whole public career; and out of that beginning at Buffalo, which is now the terminus of the Erie Canal, we have one of the greatest grain ports in the world and one of the most flourishing cities in this Union. Without the hand of the Government in the construction of its harbor there never would have been any city there at all.

Mr. President, referring to the first portion of Mr. Webster's speech from which I have read, which dwells upon the importance of developing the great resources of the country which has been given to us by Providence, I desire at this time to remind the Senate that from the beginning of our session in December down to the present time we have been receiving petitions by the thousands and tens of thousands, signed chiefly by the laboring men of this country, asking for liberal appropriations for internal improvements. Is it not wise to listen to that voice? To-day, when several hundred thousand laboring men are out of employment, when industry is almost at a standstill, when strikes reach from one end of our land to the other, would it not be wise to go forward when we have an overflowing Treasury, which to-day under the present administration holds a surplus of \$50,000,000 more than it did a year ago, to make, as these petitions have asked us to make, liberal appropriations for internal improvements?

#### RIVER AND HARBOR BILLS A BENEFIT TO THE LABORING MAN.

How can we better use the money? We are not to increase our Army. We are not, evidently, to materially increase our Navy this year. Evidently from the appropriation bills we are not to make large expenditures for coast defenses. What shall we do with the people's money now hoarded in the United States Treasury? The money put into cir-

ulation by being paid for labor (for 99 per cent. of it would go into labor, and material which is only labor, whether it be lumber or stone or cement, for whatever it may be it is all the direct product of labor) would benefit the country and the laboring men especially. The distribution of fifteen or twenty million dollars would put in motion large bodies of men, and they would be engaged on works which would return to the country a thousand-fold of profit.

These works are confessedly necessary. The work at Galveston Harbor, the work at the mouth of the Saint John's River, the work at Charleston Harbor, at Baltimore, at Philadelphia, at New York, and the work upon the great interior rivers and lakes are all necessary. Everybody admits it; everybody expects them to be completed. Why not, then, complete them promptly by liberal appropriations and in the least possible time? The money expended at Galveston, at Charleston, and at the Saint John's River brings no return; it brings no interest back to make it a business transaction until the work is substantially done. When they shall be able to bring steamers into Galveston Harbor drawing 30 feet of water the cost of transporting cotton from Texas to Liverpool will be reduced very largely. Now none of those steamers can get in. Why should we be ten, fifteen, or twenty years doing this work? Why should we be half a dozen years deepening the water at the mouth of New York Harbor? Why should we spend a decade in deepening the water over the bar of the Saint John's River when we have the money to do it at once?

Mr. President, some Senators, I know, are opposed to going abroad to learn anything or to take any lessons in government; but if you will go to the old monarchies of Europe you will find that they manage such appropriations much more wisely than we do. Little France—I say "little" even in comparison with the State of Texas—is expending now \$20,000,000 per year upon her harbors and rivers. She has been following it up at a greater or less expenditure for a thousand years, but her expenditure is now \$20,000,000 per annum, and it is not made for one year. The last appropriation made was \$100,000,000, to be expended at the rate of \$20,000,000 per annum; and thus when the engineers lay out any great work there they know that the entire sum necessary for its construction has been provided for by law; the contract for the entire work is let at one time, and the work is pushed on to conclusion.

Mr. President, if we could do that in this country, if we could make appropriations here for such works as the deepening of the water at the entrance of New York Harbor, at Galveston Harbor, at Charleston Harbor, at the Saint John's River, and at these various other important ports upon the Atlantic seaboard, and if we could say to the engineers, "If this work at New York is to cost \$10,000,000 we will appropriate it at once and you shall expend the whole of it at the rate of \$3,000,000 per annum," then the work could go on steadily and in three or four years it would be completed. But now, with the richest people upon the earth, having the greatest facilities for commerce and having the largest number of navigable rivers of any country in the world, having the great interior lakes and having a country that is not yet one-thousandth part developed, with our Treasury overflowing with money, we higgie and piggle here about doing the necessary works for the development of this country, and we are told that if we swell this bill beyond a certain point the Executive veto awaits it and that there will be no money at all.

Mr. President, I do not care to discuss that part of the question. I am here to do my duty as I see it, and every other public official I have no doubt will do his as he sees it.

But the benefit to come from this river and harbor bill is not alone in the amount of money which will be put in circulation and paid out to the laboring men; that is the smallest part of it; but wherever this work is carried on in the making of new harbors, in the deepening of the water over the bars of these harbors, in the clearing out of all these rivers and streams, you will put in operation private enterprises which will be a thousand times greater upon any valuation than the money expended. Some gentlemen came here a few days ago from Ohio at a point where a large system of railroads is now centering. They said, "You have put into this bill only \$5,000 for our harbor. Our railroad will be completed in a few months, and we shall be prepared to ship from that port this year many hundreds of thousands of tons of coal, and we expect to receive from the upper lakes, from Lake Superior, several hundred thousand tons of iron ore which are to be carried to the furnaces of the State of Ohio. With \$5,000 we can do nothing; but the engineers state that with \$25,000 they can in a few weeks' time so deepen the water or dredge out the bar at the mouth of that harbor that the lake steamers and the lake barges may come in and do that immense commerce. If it is not done, if this great country refuses to give an appropriation of \$25,000, and says to us, we will give you \$5,000 a year for five years, private enterprises amounting per annum to more than \$50,000,000 will stand still instead of starting." So you may go wherever you will over this country and you will find that in nearly every case if this money shall be expended and the work shall be completed it will put into operation private enterprises of vast magnitude. Mr. President, they can not be measured; they run up into the thousands of millions of dollars.

We have been here now for seven months legislating for the people



of this country. We have done nothing to lift the burden of the people; we have done nothing to give a new life to business; we have done nothing to give employment to labor. We are about to adjourn; we are going to pass the ordinary appropriation bills to pay the salaries of the Army officers and the Navy officers, the salaries of the clerks in the Departments and our own salaries; but what have we done as yet to improve the business of this country, to start afresh the wheels of commerce, to set the mills in motion which are now standing still, to bring plenty to the country—aye, to bring peace to the country, for if business once revives again then the labor troubles through which we have been wading for the past six months will have ended. When labor is employed at remunerative prices the country is safe, the country is quiet.

## HONESTY OF THE MEASURE.

So, Mr. President, I wish the people of this country could come to fully understand this measure. To-day Congress ought to make an appropriation for rivers and harbors of not less than twenty-five to thirty million dollars. I expect that someone will shout "jobs" and "log rolling" and all the other pleasant terms which are poured out upon this body and the Committee on Commerce, but they have no effect whatever upon me. I assume, of course, that all the appropriations to be made are for worthy subjects, and in my judgment they nearly all are. There are some rivers in this bill which I should have been glad to see eliminated, but other Senators and Representatives coming from that section of the country, knowing the wants of that section of the country better than I do, knowing what the people need better than I do, assured the committee that they were important to the material prosperity of their own people and they demanded them, and I was bound as a representative here representing my State to accept the statements of honorable men as I expect them to accept mine upon questions of this kind. Undoubtedly the Representative or Senator from any particular State will have better information regarding the improvements in his own State than can any one else.

The fact that the appropriations for the States from which the members of this committee come have been increased in the Senate has been brought up here as an infamous charge against the committee. The Senator from Massachusetts [Mr. HOAR] showed that the population of those States was more than half that of the whole country. He might have gone further and shown to this body that the commerce of those States thus represented was certainly not less than three-quarters of all the commerce of the country.

The appropriations in my own State were increased near \$1,000,000, but it was nearly all for the great work of deepening the water at the entrance to New York Harbor, out of which passes three-quarters of all the exports and into which come nearly three-quarters of all the imports in our trade with foreign countries. I have no hesitation in saying that in my judgment nearly every addition which has been made to this bill by the Senate has been wisely made. Are we to say here that a bill of this kind, which is intended to take care of the whole country, all of its harbors and rivers and all its internal water ways, having been made up by one branch of this legislative body, the other shall in no way increase it? I think not.

The Senator from Connecticut [Mr. PLATT] told us that this bill had been made by a Democratic House, and he warns his colleagues on this side that it was impolitic for us as Republicans to increase it.

Mr. President, I know nothing of politics in a river and harbor bill. It is not made for the benefit of political parties. The money does not go into their coffers nor help to run their campaigns. These appropriations are made for the development of the great resources of this country, and if the House of Representatives has failed to do its full duty, or if the House, being Democratic and a majority of the committee coming from the Southern States, in looking to their own wants and their own necessities made a bill of a certain size, and did not put into it what I think should be put in for New York or for Michigan or for Illinois or for any other State, shall I be debarred by any political considerations from proposing to increase the amount? I think not. Certainly I never shall govern my conduct by any such rule as that.

It was perfectly natural, I think, that the members coming from the Southern States where there are a vast number of navigable rivers, and we of the North know nothing about the great navigable rivers of the South unless we go there and inspect them, should see the wants of that section. They have not many railroads running in from the sea coast and running in from the Gulf of Mexico. Their whole country is cut up by navigable streams. The people living along the line of those streams must have access to the sea and to the Gulf and to the ports. In my judgment, without going into the details of this bill, there is not 5 per cent. of waste in it. I say that after due and careful consideration of the bill, after having been in committee upon it, I think, for nearly two months, certainly more than a month and a half.

Mr. President, how are measures of this character to be formulated and passed? If the money expended is to be confined to a few great harbors or to two or three great rivers, how can it be done? What is a representative to do from any district lying upon the Chesapeake Bay or farther down to the south, which has a river or a bay in it where it is desired that a steamboat may come in order that it may bring to the people of that district the necessities of life, in order that it may take

away their little commerce—call it petty if you will, still it is all they have. And if it shall cost \$5,000 or \$2,500 to dredge out the bar at the mouth of the Cone River in order that the people living there, who are 75 miles away from the nearest railroad, shall have the mails thrice a week and shall have their sugar and tea and coffee and their clothing brought to them, and shall have carried out the little tobacco or the wheat or the crops which they may produce—shall it be said to that district that it shall not have an appropriation of \$2,500 because it is not a great national improvement?

Mr. President, I do not hesitate to say that the member from that district would be deservedly condemned by his people if he supported a bill in which a proper improvement for his own State could not be included. Why should he be asked to vote for the Mississippi River, why should he be asked to vote for New York Harbor and the great lakes and the Missouri River if his district having a navigable stream needing improvement shall have no consideration at the hands of Congress? Such a representative would be derelict in his duty if he supported the bill, in my judgment.

Our commerce has become so intricate, so far-reaching, that you can not to-day separate local traffic from interstate commerce. No man can tell where one begins and where the other ends. In the little case that I have supposed down on Chesapeake Bay the steamer which brings in the produce comes from Baltimore, outside of the State of Virginia. It is interstate commerce. So every pound of freight which floats down these Southern rivers or these Northern rivers to a port is finally distributed all over this country after having been manufactured up or sent abroad and goes into foreign commerce. Who can tell where to draw the line? It can only be drawn, in my judgment, at this point, that if the work is worthy of being done at all it should be done by the Federal Government. If no improvement can be made, if commerce can not be benefited, then let it go by.

As I have said before, I repeat, in my best judgment there is not 5 per cent. of waste in this bill. I do not believe there is 3 per cent. But of what use are the great harbors of this country, of what use are the great arteries, if there are to be no laterals? Of what use is the great port of New York and its thousand million dollars' worth of commerce per annum if it can not distribute that commerce in the little ports upon the great lakes, if it can not put it in little steamers and send it to the little ports in the South? When the aqueduct which is to bring water into this great city of Washington shall be completed and the great reservoir shall have been filled, if Congress should stop and then say, "This great aqueduct has been completed, this reservoir is built, and now the Government will not expend a single dollar in laying a main to carry that water to the houses of the people." So, Mr. President, your great harbors are of no value whatever unless you have got these little arteries and veins which run out and reach all the homes of this country and distribute the manufactures which we import and the manufactures which we make in this country. So also when the little farmer has grown his crop and wants to send it to market, it is of no value to him unless by some cheap means of transportation he can dispose of it.

Why, Mr. President, every Senator here knows that it will not pay to-day to transport the ordinary farm products 50 miles in a wagon. A farm located 50 miles away from a canal, a river, or a railroad, is absolutely worthless for ordinary farming purposes. It must be used for cattle growing or something of that kind. Farm products will not bear any such expensive transportation.

So, Mr. President, I do not hesitate myself to support the largest river and harbor bill which in the judgment of the board of engineers and of the committees of the two Houses shall be made up. Of course I assume that the items put in it are of importance to the trade and commerce of the country. This has been my position ever since I have been in public life, and I shall never change it. I believe to-day that this appropriation bill which we are now discussing is of more actual benefit to the whole people of this country than all the other money which we shall distribute by the various appropriation bills, outside of the Post-Office Department.

## APPROVAL OF THESE MEASURES BY THE EAST.

Mr. President, I believe that the East generally approve of and support these measures not simply from selfish and local motives, as the Senator from Kansas suggested the other day, but because, having seen the benefits which come to all our people from river and harbor appropriations in the North and in the East, they are willing that they should be extended to the whole common country. We have no doubt, of course, that we shall be benefited along with the rest of the country, and that our trade and commerce will be benefited; but the Senator from Kansas sneeringly told us the other day that the West could take care of itself, that it wanted neither the help nor the sympathy of the East. Mr. President, I was sorry to hear those words. The East has sent out to the West its best blood in its best sons and daughters. The adventurous and enterprising men of the East have been looking to the West and they have filled it. Every Western State owns some Eastern State as its father and mother. Has the Senator forgotten the injunction of the Good Book, "Honor thy father and thy mother, that thy days may be long in the land which the Lord thy God giveth thee?"

I hope not, Mr. President, for if he has, the vengeance which follows the forgetting of that injunction will fall upon him.

I have traveled far and wide over the West, and never before from any man living in it have I heard such an expression as that. Wherever I have gone I have been welcomed as coming from the East, and I have been pointed to hundreds and thousands of the people of New York who have bettered their condition by locating in the various States of the West. Wherever I have gone I have never heard anything but the kindest expressions toward all the States of the East.

So, Mr. President, I am bound to believe that the Senator the other day allowed his bitter tongue to run away with his heart. I know he holds no sentiments of ill-will toward his mother, Massachusetts, or to any other portion of the East. He was simply boasting, I judge, of the great growth of the West, simply telling us older ones of the East that they have outgrown their tutelage and can now care for themselves.

But the Senator told us that he wanted no east and west lines of transportation made; that God had made the rivers to run north and south and that was enough; but statistics tell us that more trade crosses the one bridge at Saint Louis than goes down the Mississippi River. The lines of commerce in this country are east and west, no matter how the rivers run. Running up from the Atlantic coast through the canal and through the Great Lakes we have at least 1,500 miles of east and west navigation. Shall we stop there because there is 65 miles of intervening land which rises to the enormous altitude, as the Senator from Vermont and the Senator from Kansas tell us, of 208 feet, and that therefore we should not attempt to defy the powers of Heaven and open a water way over such an immense mountain?

Mr. President, in my judgment there will be no rest or quiet upon this matter in this country until in some way and by some power the attempt is made to carry to successful conclusion the linking of the Mississippi River and the lakes together. The Government once attempted it in the Fox River improvement, but the route was too far north and it was too long, and it undoubtedly should never have been begun; but here Chicago upon the lakes approaches the Mississippi River at the nearest point. In a direct line I suppose it is little more than 100 miles. If the connection is to be made anywhere it must be made there; and there I think it ought to be made, and there I hope this Congress will decree it shall be made. In my judgment the inauguration of this work in fifty years from now will be looked back upon with as much interest and it will be considered of as much importance, as the beginning of a great commercial transaction, as was the inauguration of the work to construct the Erie Canal.

Mr. President, we are one people; our interests are one. We have done what we could to improve our own natural advantages. We have done what we could do by the West to improve their natural advantages. We have given from the Treasury liberally, and we are to-day paying interest upon bonds given to aid the construction of a great transcontinental railway. We are paying interest upon more than \$60,000,000 of bonds, and we have given for the development of that portion of the West where there are few or no rivers untold millions of acres of land to enable private capital to build suitable railways, in order that the country might be opened and developed. I wish I knew how many million acres it was. I wish that some member of the Committee on Public Lands would give me the figures in order that they might be put into my speech, but I simply refer to the fact to show to the Senator from Kansas and to other Senators, and I believe the record will show it by going back fifty years, that the East has never withheld its hand when the dwellers in the Mississippi Valley asked that the jetties should be built and that that great river should be made navigable.

I know that many of the great men who have represented my State here have always stood for these improvements. Senator Seward during all his life was a believer in and an advocate of internal improvements. Early as a senator and governor of his own State before the Federal Government had taken up these works to any extent he was first and foremost in leading that State on in appropriating its money to widen and enlarge the Erie Canal and also to give its help to the construction of the Erie Railway through the southern tier of the State of New York, and everywhere and at all times, so far as I have been able to follow his history, he never failed to raise his voice either here or in public meetings in the State of New York or in the Great West when he traveled over it to speak in favor of great national improvements.

#### THE FIGHT ON THE ERIE CANAL.

Mr. President, the Erie Canal was fought at its beginning as desperately as the Hennepin Canal is being fought now, and finally the great genius, De Witt Clinton, who conceived it and substantially completed it, was turned out of his office as canal commissioner by a dirty political trick by the men who were opposed to it; and so it ever has been.

In fact, if I understood the Senator from Kansas the other day aright, his principal objection to the Hennepin Canal seemed to be that it was not already constructed and had not demonstrated its usefulness. He said he favored the Erie Canal, and would favor the taking of it by the Federal Government and the paying of all its expense and keeping it

free, but the Hennepin Canal not being constructed the question as to its usefulness was an open one, of course, as all questions of this kind are open. Actual experiment can only finally be relied upon to demonstrate the theories which are advanced pro and con.

But I submit, in conclusion, Mr. President, that judging from the past, taking the present condition of the Erie Canal with the facts staring you in the face that to-day the rate of freight over that route from Chicago to New York all the way is 6 cents a bushel, that to-day the rate by rail is 15 cents per bushel, and if you desire to go a little further back and repeat the figures which were given by the Senator from Michigan to show how the reduction has gone on year by year for the past twenty years, it seems to me that you have an unanswerable argument, absolutely unanswerable, in favor of the construction of this canal, for as I have shown and as this report shows taken upon the plan upon which it is proposed to be constructed as matters stand to-day it will save to the producers and consumers of grain in this country 6 cents per bushel upon all the grain grown west of the Mississippi River.

Mr. PLATT. Mr. President, I am not going to reply to a very able and forcible speech of the Senator from New York. I desire to compliment him upon it, although it fails to convince me that I should vote for this amendment. But I want to set myself right in a matter of figures.

I suggested the idea on Saturday that the way to compete with the railroads was to compete with them by a railroad rather than by a canal. I did not expect that that idea would be at once adopted by the Senate, but it is an idea which will grow in the history of this country. I gave some facts and figures showing that grain was actually carried by railroad at a price less than the cost of transportation of grain upon canals. I did not attempt to say that the average cost of transporting freight upon the railroads to-day was less than the average cost of transporting freight upon the canals.

My proposition was simply this, that the railroads in fact carried grain freight cheaper than the cost upon a canal. We have had all sorts of figures here to-day, but I take the figures which the Senator from New York gives us of the latest cost of transporting wheat per ton per mile on the Erie Canal, and as I understand, it is twenty-seven hundredths of a cent per ton per mile.

Mr. MILLER. That was two years ago.

Mr. PLATT. That is recent enough for all practical purposes. Now, it is an undisputed fact that the New York Central Railroad with its associated lines from Chicago has been bringing wheat from Chicago to New York at 12 cents a hundred, yes, at 10 cents a hundred. That, figured out at 10 cents a hundred for 1,000 miles between Chicago and New York, will make 2 mills per ton per mile. If 12 cents a hundred, it will make 2.24 mills per ton per mile, which is cheaper than it is claimed it costs to transport it on the Erie Canal—I agree that that is less than the cost of transportation. I agree, as the Senator says, that the railroad has to make up for the loss of doing business at that rate by recouping upon local traffic, but nevertheless the grain comes from Chicago to New York and comes at those rates.

Mr. McMILLAN. It would not come at those rates if there were no canal there.

Mr. PLATT. I am not so sure about that.

Mr. MILLER. Allow me to say that as a practical fact nearly all the grain that comes to New York now at these rates comes by canal. The railroad is bringing scarcely any of it. When the canal closes then the railroad proceeds to bring it at a higher rate.

Mr. PLATT. Bear in mind my proposition, that in the future, before this canal can ever be completed, it is entirely probable that the cost of transportation by rail will be so far reduced that the canal can not further reduce it.

I want to call attention to some official figures showing what the cost of transportation really is per ton per mile upon the Pennsylvania Railroad Company's lines.

Mr. MILLER. Permit me to ask a question?

Mr. PLATT. Certainly.

Mr. MILLER. I have read here a dispatch from a member of the Produce Exchange in Chicago stating that the present rate of freight from Chicago to New York by water is 6 cents per bushel for grain and that the present rate by rail is 15 cents per bushel. Does the Senator believe that within any reasonably near future, say within a century or two, the railroads will be bringing grain from Chicago to New York for less than 6 cents a bushel?

Mr. PLATT. I believe and I know they have been bringing it for 7 cents a bushel by rail within the past year. I do not know how much accuracy can be placed upon that dispatch. But I know the rates at which grain has been at times brought by rail from Chicago to New York.

Mr. MILLER. Does the Senator doubt the accuracy of that dispatch? I also read in connection with it a table made by Mr. Fink, the controller of the pool, giving substantially the same rates, stating that a year ago the water rate was 6.90 cents per bushel and that upon the railroads it was then about 13 to 15 cents a bushel. That was a year ago. To-day the rates are 6 and 15 cents. That comes from the table of Mr. Fink.

Mr. PLATT. I read from the testimony of Mr. Fink before the Committee on Interstate Commerce, page 92:

But when the railroads get into a fight, as some of them are at present, and when they charge 10 or 12 cents a hundred on grain from Chicago to New York less than the cost of transportation, &c.

Ten and 12 cents a hundred is from 6 to 7 cents a bushel, and he said it over and over again.

Mr. CULLOM. That is when they are in a fight.

Mr. PLATT. I am speaking of what has been done in a fight.

Mr. McMILLAN. Losing all the time.

Mr. PLATT. He says again:

Yet the roads carry grain for 12 cents and less.

They have been doing it; that is all I said.

Mr. MILLER. Will the Senator tell us why?

Mr. PLATT. On account of competition, as he alleges.

Mr. MILLER. On account of competition, he there alleges, with the canal.

Mr. PLATT. What he says is, that it is done when the railroads are in a fight.

Mr. MILLER. Does the Senator believe for a moment if the Erie Canal was closed up the railroads would not have an iron-bound pool and put the rates up to a point that would pay 10 per cent. on all their stock, besides interest on their bonds?

Mr. PLATT. I do not propose to be drawn off from the point of my argument. All this is of little consequence except to justify myself in what I said the other day that it had been done; what I set out to do was to give the actual cost of freight transportation on the Pennsylvania Railroad, but I can not get the opportunity.

Mr. MILLER. The Senator will permit me to bring in a statement from the pool controller, showing that the railroads at a certain time carried freight much less than the actual cost. Can he make any argument out of that in regard to commerce in the future? It is war. Cut-throat policy can not long control it. The West Shore went out of existence, was taken up by the New York Central and so was the Nickel Plate road. There can be only one end to that kind of warfare. A fight in which the railroads charge less than it costs must end in consolidation, in a pool. It can end in nothing else.

Mr. PLATT. The Senator now admits that it was railroad competition, not canal competition, that brought down the rates.

But I started to put some official figures against the figures which have been given here to-day. The Senator says that it cost on the Erie Canal two years ago .27 of a cent per ton per mile. I hold him to that. I say that the actual cost of transportation of freight on some railroads has been brought down in this country almost to that figure, and I give official statements for it. I give the report of the Pennsylvania Railroad with reference to one of its own lines and the cost upon it. The railroad has not falsified that by reducing it too low.

I hold in my hand the thirty-ninth annual report of the Pennsylvania Railroad Company for 1885, with the average cost of transporting each ton of freight per mile over all its lines—all kinds of freight; and the average cost of transporting each ton of freight one mile on the "Pennsylvania Railroad and its branches" was .391 of a cent per ton per mile. On the "United railroads of New Jersey and branches" it was .976 of a cent per ton per mile. That was a much higher rate than upon its other divisions. On the "Philadelphia and Erie Railroad," 287 miles in length—and to this I ask special attention—it was only .307 of a cent per ton per mile.

Mr. MILLER. Does that include fixed charges, or simply operating expenses?

Mr. PLATT. It is the entire average cost of transportation. It is cost we are talking about—the cost of transportation on the railroad as compared with the cost of transportation by the canal.

Mr. MILLER. I should like to hear it read.

Mr. PLATT. I will print the whole table in the RECORD. It is:

The following table shows the revenue and cost per ton per mile on each division operated by the company:

Freight.	Pennsylvania Railroad and branches.	United railroads of New Jersey and branches.	Philadelphia and Erie Railroad.	All lines east of Pittsburgh and Erie.
Length of road (miles).....	1,515.72	445.10	287.56	2,248.38
Average earnings per ton per mile from transportation of freight.....	.627	1.249	.498	.695
Average cost of transporting each ton of freight one mile.....	.391	.976	.307	.460
Average profit per ton per mile.....	.236	.273	.191	.235

From the above table it will appear that the average rate per ton per mile in 1885 on the main line and branches shows a decrease, when compared with that of 1883, of 1.13 of a mill, and that the cost of transportation per ton per mile decreased .50 of a mill, showing a decrease of .63 of a mill in the profit per ton per mile.

The rate received on the united railroads of New Jersey division shows a de-

crease of 1.16 of a mill, and the cost of moving a decrease of 1.65 of a mill, showing a decreased profit of .11 of a mill.

On the Philadelphia and Erie division the earnings show a decrease of .78 of a mill, and the cost of movement a decrease of .58 of a mill, making a decrease in the profit of .20 of a mill.

The result upon all lines east of Pittsburgh and Erie was a decrease of .51 of a mill per ton per mile in the net profit from freight.

The cost on the canal was two hundred and seventy one thousandths of a cent per ton per mile; and yet the Pennsylvania Railroad has reduced the average cost of transportation of each ton of freight per mile on the Philadelphia and Erie division down to three hundred and seven one-thousandths of a cent per ton per mile, which is a very little over the cost of transportation upon the canal.

Mr. MILLER. Will the Senator give us the charges of the railroad? What was the charge per ton per mile?

Mr. PLATT. I will give it all. Taking all lines east of Pittsburgh and Erie, averaging the whole thing, the cost was only four hundred and sixty-one one-thousandths of a cent per ton per mile. It gives here the average earnings per ton per mile for the transportation of freight; it gives the average profit per ton per mile; gives the whole in the table, which will be printed in the RECORD. The average earnings per ton per mile is, of course, the average charge per ton per mile.

Mr. MILLER. The Senator will see, of course, that there is some slight difference between 27 and 37.

Mr. PLATT. Twenty-seven and thirty or accurately two hundred and seventy one-thousandths of a cent per ton per mile cost of transportation on the Erie Canal, and three hundred and seven one-thousandths of a cent per ton per mile actual cost of transportation on the Philadelphia and Erie Railroad.

Mr. MILLER. But the fixed charges there do not include dividends upon the capital, and I am very sure the Senator does not expect a railroad to carry freight without paying dividends upon its stock. That covers the mere cost of transportation. That covers the cost of transportation for the fixed charges, which are simply the interest on the bonds.

Mr. PLATT. This table gives the average earnings per ton per mile for the transportation of freight. Where the average cost was only three hundred and seven thousandths of a cent per ton per mile the average earning was four hundred and ninety-eight thousandths of a cent per ton per mile and the profit was one hundred and ninety-one thousandths of a cent per ton per mile. Everything is included. This is an official statement of the average cost of transportation upon all the Pennsylvania lines.

Mr. MILLER. The Senator said he would read the charge per ton per mile. He has not done so.

Mr. PLATT. I give the earnings and the cost and the profits. The average earning per ton per mile is identical with the average charge per ton per mile.

Mr. CULLOM. If the Senator from Connecticut will allow me to interrupt him; I do not desire to interrupt him improperly, but he has referred to Mr. Fink as a witness upon whom reliance can be had as to what he states in reference to railroading. I just want to read one or two paragraphs.

Senator PLATT. When you suggest that 12 cents a hundred on grain from Chicago is less than the cost, what do you mean? Is it less than it costs to haul a particular train of cars from Chicago to New York, or less than the cost counting all the expenses of the road?

Mr. FINK. It is less than the actual cost of hauling the cars. The average cost on the roads between here and Chicago which are operated the cheapest is about 24 cents per 100 pounds, which includes the general expenses but does not allow anything for interest. Some classes of freight, such as grain, can be hauled for somewhat less than the average cost, because the average cost includes the more expensive local business; yet I do not think grain can be hauled for much less than about 20 cents, including general expenses; and the mere cost of movement can not be less than 15 cents. This cost of returning empty cars must be charged to this service. So the lowest actual cost is not reimbursed by a charge of 12 cents per 100 pounds.

Mr. PLATT. The Senator from Illinois need not have interrupted me to read what he has read, for I have admitted that 10 and 12 cents per hundred charged for grain from Chicago to New York was less than the cost of transportation. I do not know that I can make myself understood. I have not claimed that the cost of transportation on any railroad in the United States is less to-day than the cost of transportation upon the Erie Canal; but I have shown that the cost of transportation, according to the official figures of the annual report of the Pennsylvania Railroad Company is very nearly as little on the Philadelphia and Erie division as it is on the Erie Canal.

Now take just what the Senator interrupted me to read. Suppose it does cost 20 cents, including general expenses and all expenses, per hundred to haul grain from Chicago to New York, how much is that? Four mills—four-tenths of a cent per ton per mile. The Erie Canal has got the cost of transportation down to 2.7 mills per ton per mile. The New York Central, on its Chicago line, Mr. Fink says can do it for 4 mills per ton per mile. The Pennsylvania Railroad does it for just a fraction over 3 mills on one of its divisions. Hence the difference between what the canal and a railroad can do in the matter of the cost of transportation is in this year 1886 but a trifle, and, as I said, the cost of transportation by railroad is being steadily reduced year by year. On the main line and branches of the Pennsylvania Railroad the cost of transportation per ton per mile was decreased in

1885, as shown in the report, a half of 1 mill and so it goes down year after year, and I think it requires no prophetic vision to foresee that, with continually improved facilities for reducing the cost of transportation, by the time this canal can be built the railroads will be able to transport freight as cheaply as it can be done by canal, although they may not do it.

The point of my remarks on Saturday was that if the Government wanted to compete with a railroad side by side for the same distance, the time was soon coming when it would have to do it with a railroad and not with a canal, unless the canal should be a level canal and a ship canal, by which I mean a canal through which ships can go without the interruption and cost of lockage. If you can build a ship-canal on a sea level or a river level and with practically no lockage, I think it is possible that side by side the canal for a few years to come may beat the railroad in the actual cost of transportation, but, as I said, it requires no prophetic vision to foresee that the time is coming in the near future when it will not be able to do it.

Mr. VEST. Mr. President, I do not want to detain the Senate, as I am anxious to have a vote on this amendment, but I wish to notice something that has been said by the senior Senator from Illinois [Mr. LOGAN] and the Senator from New York [Mr. MILLER].

The senior Senator from Illinois on Saturday just at the close of the session said that my opposition to this amendment was based upon the interests of the city of Saint Louis, and he assumed that I lived in that city and had some sort of local interest in opposing the Hennepin Canal. I hope no Senator here will think that any sort of personal feeling or local interest could affect me in a matter of this kind. But to end that sort of thing, I will say that I live on the western border of the State of Missouri, in Kansas City, and all the business connections of that city are with the city of Chicago. We have literally no connection in business or otherwise with the city of Saint Louis. If I had any personal or local feeling in the matter it would be for this canal, because it is a Chicago enterprise. The senior Senator from Illinois lives in the city of Chicago, and it would be a legitimate retort for me to say that when a man from Chicago taunts the citizen of any other place in this country with local feeling he should remember that the citizens of that place take care of Chicago in every phase of business. If they do not, I am more mistaken than I ever was as to any other proposition that can be submitted.

Mr. President, I repeat, notwithstanding these long and intricate arguments here on the canal question, that the days of canals are numbered. If we could inaugurate in this country a system of large canals where the canal-boats would carry from five to seven hundred or a thousand tons they might compete to a certain degree with railroads; but these small canals, carrying boats of less than 300 tons burden, are going out of existence, and they do not even form a factor of competition with the railroads of the country.

As I said the other day, look at the Chesapeake and Ohio Canal running into this city. The company has not enough money to-day to pay for the bridges washed away by the last freshet. What has become of the Lynchburg Canal, running down the James River? To-day the grass is growing on the canal tow-path, and why? Because railroads have destroyed it. The other day in the discussion of the Muskingum Canal scheme I read from the reports to show that a section of that canal from Zanesville running up 16 miles had been discontinued years ago on account of the construction of a railroad along its banks. It is useless for Senators to talk here about canals or any system of canals in this country.

I am not astonished at the speech of the Senator from New York. This is the preliminary skirmish-line to turning over his Erie Canal to the General Government. It is the most marvelous thing to me of all the marvelous things I have seen of results, that this splendid canal system of the country, so productive of dividends and of commerce, in every instance is unloaded upon the General Government. Ohio the other day unloaded Muskingum on us. The third State in the Union with an overflowing treasury can not keep up her canal. Illinois, the fourth State in the Union, comes now with another dilapidated canal scheme and unloads that on the General Government after making three millions from the grant by the General Government.

Mr. CULLOM. The Senator misrepresents the State of Illinois. The State of Illinois is not offering to give this canal because it is any expense to the State, for it is not an old canal and it has been self-supporting ever since it was constructed.

Mr. VEST. So it has.

Mr. CULLOM. And is a source of revenue yet.

Mr. VEST. If the Senator had not been so eager to interrupt me he would have heard what I said. They have made nearly \$3,000,000 clear profit; they have made a good business transaction of it, and now they put it on the General Government upon the condition that we are to construct the canal from Hennepin to the Mississippi River and enlarge the present one 80 feet wide and 7 feet deep at our expense and make it toll-free forever; and the next thing will be that New York will be unloading on us the Erie Canal, that splendid improvement. Mr. Conkling, the most distinguished member of the Republican party in the United States possibly, stood upon this floor with that round voice of his and boasted of the imperial State of New York with its

imperial donation to the General Government free of toll. That is all to be ended, and at the next session of Congress there will be another unloading by New York, the first State in the Union, so as to keep even with the third and fourth States, all to be put upon the General Government, this splendid system of canals, as they call it, but none of them willing to compete with the most profitable investment at home.

All I ask of the Senator from New York is to do it in a straightforward, manly way, not to put it on a river and harbor bill, on the Commerce Committee, already damned in every direction, with all sorts of epithets piled upon its head, and more than one-half of the committee voting against it, as if they were ashamed of their own work—all I ask of the Senator from New York is to come up and make his proposition plainly and above-board, and ask for all he wants at once, not to stick it in under the guise of \$300,000 in a river and harbor bill, and then talk about the jobs and combinations made to pass such a bill through the Senate. I listened to the Senator from New York to-day when he depicted the starving thousands of the poor working people of the country who want this money for their wives and children. How long will \$300,000 meet their wants? How much clamor on the part of the starving thousands of this country would \$300,000 allay and quiet?

There is a bill pending in the Senate now and one in the House to turn over this Michigan and Illinois Canal and construct the Hennepin Canal, which will cost, the engineers, say, \$7,000,000. In my judgment it will cost \$17,000,000, judging from past estimates in like directions. If this be the magnificent enterprise we have heard so much about, why do not the Senators who favor it stand upon those bills and fight it out in a fair parliamentary struggle? Why do they come and load this fatal and this miserable cargo of a bill with \$300,000 in order to commit the General Government to the result, no matter what it may be?

Mr. President, I am sick and tired of having the Committee on Commerce made the dumping-ground for every old, miserable, broken-down engineering improvement scheme in this country. I want to improve the rivers and harbors of the country and will vote as much as any Senator, but I do not propose that State or individual improvidence shall be loaded off upon the Treasury of the United States if I can prevent it. States here that stand in the great galaxy of States at the very front in resources, in population, now come and say to the General Government, "We can not keep up these improvements, they are breaking down on our hands, we want the Treasury of the United States to become the recipient of our own speculation."

Talk about canals competing with railroads. I want to read from the report of the Senator from Illinois [Mr. CULLOM]. Here is a report on interstate commerce from the committee of which he is chairman, giving the receipts by canal and rail in the five principal Atlantic seaboard cities:

Statement showing total receipts and exports of flour and grain at the five Atlantic cities—New York, Philadelphia, Baltimore, Boston, and Montreal—during the years named below.

That is from 1860 to 1884, a quarter of a century.

Also percentages of each city of total receipts and exports.

Now I want Senators to listen. We are told you can take grain from Chicago to New York by canal and water for 6 cents, and you have to pay 15 cents, 9 cents more, to take it by rail. Is it not most astonishing that it does not all go by water? Is it not astonishing that there is not a rush to get to the water routes instead of the railroads? How is it? No people in the world understand their money interests better than the people of the United States. If we can save the fourth of a cent by going a mile we will always do it. No people understand it better. Now look at the receipts of grain and flour.

Mr. McMILLAN. The Senator from Missouri will allow me to remind him that for six months of the year they can not do it by reason of frozen water.

Mr. VEST. Of course. I have the tables on that too. I suppose the same condition would apply to the Hennepin Canal. But I want to say now that the canal system of this country is going to the rear and the railroad system coming to the front gradually year by year, but steadily all the time.

From 1860 to 1884 New York received of these five cities 51.6 per cent. of all the grain and flour that was carried to the Atlantic seaboard—more than one-half; but now mark, in 1884, the last year, 16.9 per cent. was carried by canal and 33.6 per cent. by rail. With a difference in the cost of carrying it from Chicago to the seaboard of 9 cents a bushel, there was only 16.9 per cent. carried by canal and 33.6 by rail.

But I want to call attention to another most significant proposition coming from the committee of which the Senator from Illinois is chairman. In 1870, 27.9 per cent. of the grain and flour was carried by canal and 25.9 per cent. by rail; 2 per cent. more by canal than by rail. In 1871, there were carried 33.1 per cent. by canal and 21.7 per cent. by rail; in 1872, 29.7 per cent. by canal and 22.4 by rail; in 1873, 24.5 per cent. by canal and 27.5 by rail; in 1874, 24.6 per cent. by canal and 30 per cent. by rail; in 1875, 21.1 per cent. by canal and 30.1 by rail; in 1876, 15.6 per cent. by canal and 28.2 by rail; in 1877, 23.5 per cent. by canal and 24.8 by rail; in 1878, 21.76 per cent. by canal and 29.07 by rail; in 1879, 17.15 per cent. by canal and 30.66 by rail; in

1880, 20.33 per cent. by canal and 27.95 by rail; in 1881, 14.31 per cent. by canal and 36.91 by rail; in 1882, 15.13 per cent. by canal and 37.79 by rail; in 1883, 17.2 per cent. by canal and 33.1 by rail; and in 1884, the last year in this table, 16.9 per cent. by canal and 33.6 by rail.

And yet gentlemen talk about the canal system of this country competing with railroads. It is hardly a factor in competition, and I say when you get a canal-boat with less than 300 tons burden it is absolutely throwing money away to talk about putting that in competition with a railroad; and the reason is manifest; all the world sees the result of it.

Look at our carrying trade on the ocean. We have lost it, and why? Because steam has taken the place of sail. When we could compete in wooden vessels we outstripped the world. When steam came into play and iron and steel vessels, England took the carrying trade away from us. It is the difference in speed, it is the difference in time; and in all this argument Senators on the opposite side of this question have overlooked that factor in the discussion. Time now is money, and the swiftest transportation is always the transportation that is the most profitable and that will be selected by the commercial public. A canal can not compete with a river or railroad.

The senior Senator from Illinois [Mr. LOGAN] the other day spoke about this canal in competition with the great Mississippi River. Mr. President, a river without a lock or gate-keepers, with only the water that God has given it within its banks, and without any artificial means in order to make it, as a mode of transportation is far superior to any canal that can be constructed. The loss of time is one great element. The slowest train that could be put on a railroad would make the distance from Chicago to the Mississippi River in the time that would be occupied in opening the canal locks upon this route. You might as well compare an eagle to a bat, a race-horse to the commonest drudge that ever went through these streets, as to talk about one of these canals competing with a railroad or with a natural water course.

This is all I desire to say, Mr. President. I declare most positively that in my judgment this money, considering the amount to be expended, will be virtually thrown away. I have no personal interest or representative interest as in favor of the city of Saint Louis as against the city of Chicago. Saint Louis is dependent for her prosperity upon the State of Missouri and the States that are tributary to her geographically. If this little canal were constructed it would not affect the commerce of that great city or of the great Mississippi River.

The Senator from Illinois was kind enough to say that my State was as much interested as his, as we wanted communication also between the lakes and the Mississippi. Mr. President, there is already water communication. The Illinois River is being improved by the General Government, and in this very bill is an appropriation of \$100,000 to improve the navigation of that stream; but that stream goes into the Mississippi River below the point at which this canal is to reach it. The object of this canal is to reach the State of Iowa and the grain States in the Northwest. It is not water communication between the lakes and the Mississippi River that they want, because they have it through the Illinois River. They want a communication for the benefit of certain cities, and for that alone. We are satisfied in Missouri. I do not oppose this on any sectional or local ground. I have opposed this project from the beginning two years ago, one year ago, and whenever it has come before the Senate. I believe it to be unconstitutional. I believe it to be unnecessary. I am utterly opposed to this whole method of States commencing internal improvement systems, and then unloading them upon the General Government when they think proper.

Mr. CULLOM. Before the Senator takes his seat I wish to make one statement of fact from the record. The Senator refers to the fact that steam has taken the place of sail vessels, so that slow travel has gone out of date. I have a statement of the shipping built by all nations between the years 1871 and 1883, and it shows that there have been of steam vessels 637,000 tons, and of sailing vessels 735,000, total 1,372,000 tons; steam 46 per cent., sailing vessels 54 per cent. So that steam has not taken possession of the world as thoroughly as the Senator suggests.

Mr. VEST. If the Senator from Illinois has had occasion to examine that question as thoroughly as he might have done he would have discovered that those steam vessels had the commerce of the world. The sailing vessels are now used in the coastwise trade, and in some countries where there are small freights, and along the coast where steam has not taken its place; but all the great transatlantic and trans-Pacific lines, all the great lines that do the commerce of the great commercial world, are propelled by steam. Steam has taken the place of sail in the commerce of the world. I say it emphatically; and iron and steel vessels have taken the place of wood.

The PRESIDING OFFICER. (Mr. FRYE in the chair.) On this question the yeas and nays have been ordered.

Mr. PLUMB addressed the Senate. [See Appendix.]

#### BILLS INTRODUCED.

Mr. EDMUNDS. I ask unanimous consent to introduce a bill at this time, which I dislike very much to do, as it is out of order; but

in an appropriation bill that I suppose will reach the Senate in a very short time there is a provision making a permanent arrangement of law concerning the fees and compensations of United States commissioners of circuit courts, which, as we think in the Senate, has no place in an appropriation bill.

There are improprieties or inconsistencies in the existing state of the law as it has been determined by the Supreme Court of the United States about the fees and emoluments of commissioners of circuit courts that ought to be corrected. Therefore I ask at this time unanimous consent to introduce a bill on that subject, in the hope that before the appropriation bill to which I refer comes before the Senate we may be in readiness to take some separate and proper action upon that subject on a bill where it belongs.

The bill (S. 2836) to limit and regulate the fees and compensation of commissioners of circuit courts of the United States, and for other purposes, was read twice by its title.

Mr. EDMUNDS. I have stated a certain sum in the bill as the limit of compensation of these officers. I have stated that merely at random. It may be too little and it may be too much.

Mr. BROWN. What is the amount?

Mr. EDMUNDS. Fifteen hundred dollars. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 2837) relative to the location of the town site of Wallace, Kans.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL introduced a bill (S. 2838) for the relief of the Baptist Female College of Lexington, Mo.; which was read twice by its title, and referred to the Committee on Claims.

Mr. VANCE introduced a bill (S. 2839) for the relief of the Church of the Ascension in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

#### WITHDRAWAL OF PAPERS.

Mr. BLACKBURN. I ask for an order at this time to withdraw the papers in the case of Warren Mitchell, of Kentucky, now on file.

The PRESIDING OFFICER. The Senator from Kentucky moves that the papers in the case of Warren Mitchell be withdrawn from the files.

Mr. BLACKBURN. For use in the House.

The PRESIDING OFFICER. There being no objection, the order will be granted.

#### HOUSE BILLS REFERRED.

The bill (H. R. 325) granting a pension to Catharine Waters was read twice by its title, and referred to the Committee on Pensions.

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 read twice by its title, and referred to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred 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, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 1006) for the relief of James W. Schaumburg, submitted a report thereon, accompanied by a bill (S. 2840) for the relief of the legal representatives of James W. Schaumburg; which was read twice by its title.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church in the District of Columbia, reported it without amendment, and submitted a report thereon.

#### NORTHERN CHEYENNE INDIANS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 3d instant, with inclosures, from the Secretary of the Interior, recommending legislative authority for the use of funds from appropriation, Sioux, &c., 1887, for the subsistence of certain Northern Cheyenne Indians who have gone, or who may go, from the Sioux reservation in Dakota to the Tongue River Indian agency or vicinity in Montana.

The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 12, 1886.

#### AMENDMENTS TO BILLS.

Mr. CALL and Mr. JONES, of Arkansas, 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.

Mr. MITCHELL, of Oregon, submitted an amendment intended to

be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of 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, the pending question being on the amendment proposed by the Committee on Commerce, in section 1, to insert the following clauses from line 1134 to line 1174, inclusive, as amended:

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, \$300,000. 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 governed 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 branch as specified in said survey.

Mr. DOLPH. Mr. President, I had not intended to say anything during the discussion upon this bill, and I should not have done so except for the suggestion made on yesterday by the Senator from Kansas [Mr. INGALLS] concerning the amendments which have been proposed to the bill by the Senate Committee on Commerce.

Under our system of government certain powers are delegated to the General Government. Among those powers is the power to regulate commerce between the States and with foreign countries. Congress has claimed, and the courts have decided, that the power to regulate commerce includes the power of regulating the means of transportation. Congress claims the power of controlling the navigable rivers of the country, of preventing and authorizing obstructions to them, of determining what works for the improvement of navigation shall be attempted or made, and we have entered upon the work of improving the harbors and rivers of the country.

There is no longer I think any serious question as to the constitutional power of Congress to improve the harbors and the great water ways of the country.

It appears to me that in considering the question as to whether any improvement shall be undertaken we ought first to consider the question as to whether it is a necessary improvement, whether it will be beneficial to commerce, whether its relative importance compared with other improvements being made and which ought to be undertaken is sufficient to warrant its commencement at the present time, and whether the condition of the Treasury is such as to justify the necessary expenditure. I think this grant of power carries with it an obligation on the part of the General Government to exercise it for the general welfare to the extent of the ability of the Government and in an intelligent and impartial manner.

I therefore do not think with the Senator from Connecticut [Mr. PLATT] that the question of how much has been recommended for the improvement of rivers and harbors by the Secretary of War, whether he reflects the opinions of the executive department of the Government or not, should be the criterion by which to judge of the amount which should be appropriated in a river and harbor bill.

I do not think the question of how much has been agreed upon in another branch of the legislative department of this Government as the amount which shall be appropriated should govern us. If we are to be controlled by the action of a committee in another branch of Congress, or by another branch of Congress in regard to the amount which shall be appropriated for rivers and harbors and the manner in which it is to be distributed, we had better discharge the Committee on Commerce and take the bill and pass it in the Senate without a reference at all, but in the shape in which it comes from the House.

I do not desire to criticize the bill as it came from the House, and I shall not do so in a manner to reflect upon the House or its committee; but if we are to judge by the estimates that were made by local engineers and which were transmitted through the Chief of Engineers and the Secretary of War to Congress for its information and government it was an unequal bill. The total amount of the estimates was something over \$42,000,000. The amount appropriated by the bill as it came from the House was \$15,182,200. Out of that amount the State of Oregon, if we include in the appropriations made for that State

the appropriation for the Columbia River (a matter to which I shall allude directly), received less than 20 per cent. of the estimates. Other States received 50 per cent.; other States still more. I shall not undertake to point out the States which had received 50 per cent. or more of the estimates, nor shall I undertake to state or speculate as to the reasons for this inequality, but I will state in general terms that Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, and Missouri received, including the appropriation made for the improvement of the Lower Mississippi River, \$7,225,000 out of a total of \$15,182,200.

Yesterday the Senator from Kansas [Mr. INGALLS] said that as the bill came from the House the State of Oregon had received \$685,000. The Senator was in error. With all the appropriations for the Columbia River included the total amount appropriated for Oregon improvements in the bill as it came from the House was \$605,000. If we add \$1,000 appropriated for gauging the waters of the Columbia River the total amount in the bill as it came from the House for the State of Oregon would be \$606,000.

Of this \$605,000, \$150,000 was appropriated for the improvement of the mouth of the Columbia River; \$100,000 for the Lower Columbia and the Lower Willamette, a section of the Willamette of only 12 miles; \$200,000 for the construction of the Cascade locks, and \$10,000 for the Upper Columbia, making a total of \$460,000 for the Columbia River.

The Columbia River forms a portion of the boundary between Oregon and Washington Territory. It entirely crosses that Territory. The Snake River, for which a portion of the appropriation is made, extends into Idaho Territory. But if we assume that one-half of the appropriation for Columbia River should be charged to Oregon the total amount of the appropriation for Oregon in the bill as it came from the House would be only \$375,000.

The increased appropriations proposed by the Senate committee for the Columbia River and improvements in Oregon amount to \$185,000. I propose to show that if I had not asked that increase of the committee my constituents would have had just cause to complain, and if the committee had not granted it they would not have done justice to those improvements, nor have dealt fairly with the State I in part represent. The Columbia River takes its rise in the Rocky Mountains, at 50° 20' north latitude, and runs north to 50° 10', makes the detour of the great bend of the Columbia, crosses Washington Territory, turns westward, and forces its way through the Cascade Mountains and on to the sea.

It is the second river in magnitude upon the continent. Unlike the Mississippi, as we have heard this morning from the Senator from New York [Mr. MILLER], it runs parallel to the great lines of trade and transportation. Its banks are stable. It can be improved from its mouth for 1,000 miles with less money than has been expended upon the Mississippi River, and when it is once improved the improvements will stand for ages without the necessity for any considerable appropriations, but with the expenditures of small sums annually to keep the works in repair.

From the mouth of the Columbia River to Portland, which is the chief commercial city on the Pacific Northwest, a distance of 122 miles, the Columbia River and the Lower Willamette form a great national highway. The flags of the maritime nations may be seen in the harbor of Portland. The plan for the improvement of that 122 miles contemplates obtaining 20 feet of water at all seasons of the year. Four hundred and seven thousand dollars, we are told by the local engineers, would complete the permanent improvement in accordance with present plans, consisting of wing-dams at the bars and dredging; so that hereafter there need be no considerable expenditure upon it. They state that \$407,000 could be expended the present fiscal year. The bill as it came from the House gave but \$100,000—less than 25 per cent. of the amount. Twenty-eight thousand dollars of that is to be expended for building a dredge-boat to be used both on the Columbia and Willamette, leaving but \$72,000 for river improvement, and the Committee on Commerce have not increased the amount.

From the mouth of the Willamette to the Lower Cascades, 53 miles, the river is navigable for vessels drawing 10 feet and over. At the Cascades the navigation is interrupted by rapids for a distance of 6 miles. There is where the Government is building a canal and locks.

From the Cascades to the Dalles, 45 miles, there are from 8 to 10 feet of water. Then comes the obstruction of the Dalles, some 15 miles in length.

Above the Dalles the river is being improved up to Lewiston, on the Snake River, a distance of 266 miles. The plan for that improvement was adopted many years ago. The total estimate for the work was \$132,000. Ninety-six thousand dollars have been appropriated heretofore. The engineers recommend the appropriation of the remaining \$36,000. The improvement consists in removing large bowlders and blasting away rocks in the rapids. Any other member of the committee for such a work in his State would have insisted that that small sum of \$36,000 to complete that improvement should have been appropriated at once, but the House gave us \$10,000 out of the \$36,000—less than 30 per cent. of the amount, and it was not increased.

From Celile, at the upper end of the Dalles, to Priest Rapids in the

Columbia is 200 miles. From Priest Rapids above for a distance of 150 miles the river can be improved without locks so as to be navigable at a cost of \$400,000. That has been recommended for several years and no appropriation for it has been made. Above this point the Columbia River is navigable for 450 miles with three interruptions which could be easily removed, making in all a navigable river of a thousand miles in length.

The principal increase of the appropriation for the Oregon improvements was for the canal and locks at the Cascades and for the work at the mouth of the river. A few days ago, in discussing another bill, I described the situation at the Cascades of the Columbia. The Cascade Mountains separate Oregon and Washington into two parts. The Columbia River forces its way down through a gap in the mountains, and all the produce of the great basin of the Columbia, an empire in extent, is forced to come down through this gorge. I can not better describe it than to read an extract from the report of the Committee on Commerce taken from the report of the local engineers. I will pass it to the Secretary and ask him to read what is marked on pages 282 and 283.

The Secretary read as follows:

It is an extraordinary position. It is the key point in the commercial strategy of the Pacific Northwest. With its waters freely open to navigation, and with railroads along either bank, the whole region will be insured minimum freight rates, and there will result a development in population and material wealth such as is hard to realize. The greater part of the magnificent country drained by the Columbia River is cut off from a sea outlet by the north and south trending mountain mass of the Cascade Mountains. It is a broad, massive range, capped with a layer of volcanic outpourings at least 4,000 feet thick, and dotted here and there along its axis with snow-clad cones, which reach altitudes equaling the highest points of the backbone ridge of the continent.

Through this great ridge no other pass exists at such an altitude as can hope to divert the east-west channel of commerce along the Columbia River. "The longest way around" through this horizontal pass will always be a shorter haul than any other line, plus the vertical distance over the mountains. The area of the Columbia River region is estimated at 245,000 square miles. It drains the western slopes of the main range of the Rocky Mountains, its drainage basin extending between latitudes 41° and 53° north, or over 12 degrees of latitude. Owing to this great range in latitude, involving considerable variation in climate, an opportunity is afforded for an average in the water discharge of the low river, and hence the annual flood presents itself with great precision in the month of June, but varying in quantity in a manner which depends upon the quantity of precipitation, and also upon the relative distribution of heat through the season.

Mr. DOLPH. An estimate is also given here, which has been read by the Secretary, of the area that is drained by the Columbia River and its tributaries. It is given at 244,959 square miles. To better understand the magnitude of these figures I will make a few comparisons. The total area of the following States, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and West Virginia, amounts to 244,260 square miles—less than the area drained by the Columbia River and its tributaries. The area of Great Britain and Ireland is 121,230 square miles, of France 201,900 square miles, of Germany 212,001 square miles, of Austria-Hungary 226,406 square miles, of Italy 112,677 square miles, and of Spain 182,758 square miles. So it will be seen that the area drained by the Columbia River and its tributaries is larger than any one of these European countries.

My colleague yesterday presented some statistics to show the fertility and productiveness of this vast region, to show the necessity for completing this work at the Cascades in order that the river transportation might be brought into competition with transportation by rail, and to show the excessive freight charges which are made from different central points in the vast inland empire drained by the Columbia River to Portland by reason of the railroad company possessing this strategic point upon the Columbia River. The United States Government has undertaken to remove the obstructions to navigation at the Cascades. The rapids are known as the Lower Cascades and Upper Cascades. The project is to build a canal and locks around the Upper Cascades and to improve the Lower Cascades by blasting out rocks and removing the obstructions, so that the river at this point may be navigated and boats may pass up and down laden except during the very highest stage of water.

There has already, according to my recollection, been appropriated and expended upon this work some \$950,000. The amount estimated as necessary to complete the project in accordance with the modified plan is \$1,250,000. The engineers reported that \$750,000 could be used to advantage the present year. That was the estimate, but the bill as it came to the Senate carried an appropriation of only \$200,000, or about 27 per cent. of the estimate.

The amendment which I asked the committee to make and which they did make adds \$50,000 to this appropriation, making the entire amount only 33½ per cent. of the estimate, while the entire amount appropriated by the bill as it comes from the Senate committee is about 43 per cent. of the entire estimates. So that even for this great work, which as no one will deny is a national work, which as no one will deny is a work of great importance, which should be completed at the earliest possible moment, from the fact that no benefit whatever can be derived from past appropriations until it is completed, receives less than its proportion of the appropriations carried by the bill.

The principal increase made by the Senate committee in the appropriations for Oregon, if you choose to call the appropriations for the

Columbia River appropriations for that State, was made for the improvement of the mouth of the river. All the produce which comes down from the great Columbia basin passes out, and must for many years to come pass out, of the mouth of the Columbia. Next to San Francisco the ports on the Columbia River are the principal ports on the Pacific slope.

Some years ago a board of engineers was appointed under the provisions of an act of Congress to examine the mouth of the river and report as to the practicability of its improvement and to report a plan. They reported a plan which is estimated to cost \$3,710,000, not including their estimate for the contingencies, which was 25 per cent. additional.

Upon the north side of the river there is an elevated point of land and a permanent spit extending out into the river and forming a natural jetty. The plan of the improvement is to build a jetty from the south side, commencing near Fort Stevens and extending in a north-westerly direction to within about 3 miles of Cape Disappointment, thus narrowing the river, which is 6 or 7 miles in width there, to 3 miles. There is no doubt that the work is practicable and will secure at least 30 feet of water upon the bar at low water. The last Congress made an appropriation of \$100,000 to commence the work. That appropriation has been expended. The House placed in the present river and harbor bill an appropriation of \$150,000 for this great work. I made a calculation as to how long it would take to complete the work by appropriations of that amount.

The estimate was \$1,330,000, so that the amount given by the House was about 11 per cent. of the estimate. My calculation showed that if there should be a river and harbor bill every two years, and we could secure an appropriation in every bill of \$150,000, and such appropriation could be economically used, and the work which was done one year would not be destroyed the next for lack of appropriations, it would take fifty years to complete the improvement, and if we make an allowance for contingencies it would probably take about twice that period, or about three generations, to complete the improvement.

I therefore asked the Committee on Commerce to increase the amount of this appropriation, and they did increase it to \$250,000, which is only about 19 per cent. of the estimate of the amount which the engineers say could be profitably expended the present fiscal year. I appeal to any Senator who listens to me to day to say if that was not a proper amendment, and if that work is going to be continued it ought not to be completed within the lifetime of some child now living in Oregon.

There is another thing which I might mention in this connection. A few years ago a bill was passed providing for a harbor of refuge upon the Pacific coast. A great many people do not understand the extent of the Pacific coast. From Cape Farewell to the southern boundary of California the distance is 1,650 miles—one-third of all our seacoast. From the northern boundary of Maine to the southern boundary of Georgia is 1,430 miles. Situated upon this coast line are thirteen States bounded in whole or in part by the Atlantic Ocean and represented here by twenty-six Senators. From the mouth of the Columbia River to the harbor at San Francisco the distance is 550 miles, and with the exception of two or three small harbors that we are asking money of Congress to improve there is not a place on all that coast where a ship in distress can take refuge in case of a storm. There is not a place between Puget Sound and the Golden Gate except the mouth of the Columbia where large ships such as are used in the coasting trade there can take refuge.

So, in improving the mouth of the Columbia we are creating a harbor of refuge for vessels engaged in foreign and in coastwise trade upon that long exposed coast.

Under the provisions of the act of Congress I have mentioned that a board of engineers was appointed to locate a harbor of refuge on that coast. They were not limited to any State. They might locate it upon the coast of California or the coast of Oregon.

After examining the several locations they located it at Port Orford, in the State of Oregon. An appropriation of \$150,000 was made to commence it, but when it was ascertained that it might cost \$5,000,000 to \$7,000,000 to construct a harbor of refuge of first class there, the Secretary of War, on account of its great cost, declined to expend the money; and notwithstanding I have introduced bills here from time to time providing for the expenditure of that money, it stands to the credit of that work to-day and is unexpended, and the work has not been commenced and is not liable to be commenced, because the Committee on Commerce think it is better to appropriate money for the improvement of the mouth of the Columbia River, which will serve a double purpose of removing the obstruction to navigation there and creating a harbor of refuge.

As I have said, the bill came to the Senate with an appropriation of a little over 10 per cent. of the estimate for this great work, and attention is called to the fact that it has been increased in a manner apparently intended as a criticism of the committee.

I have taken the pains to make a computation as to the amount which has been appropriated for all the States and Territories west of the Rocky Mountains. Those States and Territories, that is, the four Territories and the three States, contain 776,334 square miles. The total area of the States and Territories, excluding Alaska, is 3,008,616 square

miles, 2,232,283 square miles lying east of the Rocky Mountains. More than one-fourth of all the territory lies west of the Rocky Mountains, and out of this river and harbor bill of \$18,000,000 and over California, Oregon, and Nevada, and Washington Territory, and all the other Territories receive \$1,109,000.

I am not complaining about this. I would not have said a word in regard to this bill and what I consider to be not a very fair division of the appropriation, at least if the appropriations are to be based upon the estimates, except for the suggestions of the Senator from Kansas. I merely wished to call the attention of the Senate and the country to the fact that the increase which is proposed to be made to the bill by the Senate committee for works in Oregon has been made for works of great and national importance, and that the amendments are proper amendments, amendments for which the Senate committee deserve commendation. If all the appropriations for the Columbia River are included in the Oregon appropriations, Oregon gets but 26 and a fraction per cent. of the estimates; while, as I said before, the per cent. of appropriations on the estimates in the bill as it came from the House was 35 per cent. and a fraction, and the per cent. of appropriations in the bill as it came from the Senate committee to the Senate was 43 per cent. of the estimates. I do not suppose any one will object to these amendments, but I desire now, once for all, as so much has been said about the amount that has been appropriated for Oregon, to show that the appropriations made for the great Columbia River, the second river on the continent, were all charged up to the State of Oregon, and that even in the bill as reported by the Senate committee Oregon is not receiving so large a proportion of the estimates as the appropriations for the other States aggregate and that nearly every other State has received.

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

Mr. DOLPH. Certainly; and I shall answer it if I can.

Mr. HEARST. What is the estimate that will make the harbor safe at the mouth of the Columbia River?

Mr. DOLPH. The original estimate was \$3,710,000, of which \$100,000 has been expended, and it is proposed to appropriate \$250,000 by the present bill.

Mr. HEARST. Does not the Senator think that it would have been better to have spent the whole of the appropriations at the mouth of the river?

Mr. DOLPH. There can be no two opinions about that, and that is why I am so urgent in having enough money to make a showing there; and upon that point, if the Senator will permit me, I will read first from the report of the board of engineers who recommended this plan what they say about large appropriations.

In conclusion, the board thinks it important to state that in an undertaking of this character, where the exposure is so great, as large a portion as possible of the whole estimate should be available before the beginning of actual construction, and the work, when commenced, should be carried forward as rapidly as practicable, with a view of attaining at the earliest day the desired object, namely, a deep channel to the sea to accommodate the great and growing commerce of which the Columbia River must be the avenue, and to the growth of which the present condition of the bar is a very formidable obstacle. When operations have once begun there should be no suspension of them, as in such a case, besides the loss of time, injuries to the unfinished work and unfavorable changes in shoals and channels may be expected to such an extent as very greatly to increase the cost.

I also received a letter, dated the 29th of January, 1884, which I incorporated in a speech I made on the subject of an improvement of the Columbia River, I think on the 7th of March, 1884, from which I read the concluding portion. It is from the engineer who is now in charge of the work, Capt. Charles F. Powell:

When considering the probable cost of the Columbia jetty it should be noticed that the estimate of the majority of the board of engineers (\$3,710,000) is based on a stone and *beton* block construction, although the use of wood is recommended in part if found to be more economical. Now, experience at the Oregon coast jetties does show that wood, in shape of piles and brush, can be advantageously and economically used, and the estimate for the Columbia jetty should be reduced considerably. The very liberal contingency named in the estimate of the board can be omitted in case of large and prompt appropriations; but not, on account of danger to destruction of an incomplete work at a place of great exposure, for small and irregular appropriations.

That explains the necessity for a large appropriation at the mouth of the Columbia, and it shows, in view of the magnitude of this work, that the amount appropriated in the bill as it came from the House is totally inadequate, and I may even say that of the appropriation in the bill as it now stands.

Now, one word more. The Senator from Kansas will not find in the appropriations for Oregon or Washington Territory any of the streams which he has criticised as being marsh streams. The two smallest appropriations in the bill as it came from the House are an appropriation for the improvement of the Upper Columbia and one for the Upper Willamette River. The appropriation for the Upper Columbia is to carry out a plan for the improvement of the river for 266 miles navigable for steamboats drawing 4½ feet of water. That is an appropriation for which \$10,000 is given. The improvement of the Upper Willamette, for which \$10,000 is given, is an improvement of a stretch of river about 125 miles in length, which, with some wing-dams, dredging the bars, and removing snags, may be kept in a navigable condition nearly all the year round. Those, I say, are the smallest appropriations made for these works, and they are not subject to criticism.

Mr. HEARST. As there is not enough money appropriated for some places and there may be too much money for others, I ask the Senator if it would not be better to take all the appropriations and put them on the mouth of the river and let the other works stand for the present?

Mr. DOLPH. That matter has been discussed here thoroughly by the Senator from New York, and permit me to say that I agree entirely with all that he said in regard to the importance of these minor improvements. It is not practicable, the time never will come, we may just as well take it as a fact that the time never will come when Congress will consent to pick out a few great harbors of this country and appropriate money for their improvement and leave the rest unprovided for. The wants of the people of the different portions of the country, the necessities of the commerce of the country, will not permit it. The duties which members of the Senate and House owe to their constituents will never permit them to vote for a bill which will omit the minor improvements. I do not believe if the Senator from Kansas who criticises this bill were permitted to take his pencil and given *carte blanche* to strike out from the bill he could eliminate appropriations amounting to \$50,000 which after reading the reports and examining the whole matter he would be willing to say were not reasonable and proper.

Mr. McMILLAN. Now I hope we can have a vote on the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the pending amendment.

Mr. CALL. Mr. President, I do not propose to delay the Senate. I wish to make a few very brief observations upon the pending amendment.

I concur entirely in the constitutional view and in the expediency of river and harbor appropriations as read by the Senator from New York from Mr. Webster to-day. I believe that the interest of this country as well as the duty of Congress under the Constitution demands a liberal system of internal improvements and appropriations adequate for them.

I can see no difference in reason between the improvement of any stream, whether small or great, that is capable of contributing in any material and important respect to the general commerce of the country. I think the idea is entirely unreasonable that a bale of cotton which may be borne upon the Mississippi River and goes into either the interstate commerce or the foreign commerce of the country is an object of national importance and a bale of cotton borne upon any other river or stream and that bears the same relation to commerce, foreign or interstate, is not a matter of national concern; that the product loses its character and importance because of the locality from which it comes.

Certainly there is a difference between large things and small things, and the attention of Government can not be directed to every small particle of commerce that is to be found in the country; but every locality has its right to the aid of the Government if any other part has it, and there should be an equal distribution of the benefits of the Government in appropriations in aid of commerce without respect to whether it is in one locality or in another. If the commerce of one part be smaller than another, it is of course entitled to a smaller degree of aid; but if larger, it is entitled to a larger degree.

In regard to this amendment, the inclination of my mind is to vote for it, and yet it opens very large questions. The suggestions of the Senator from Connecticut [Mr. PLATT] are worthy of the most careful consideration. I do not believe that you will ever regulate the internal commerce of this country, the rates of transportation upon its wide and vastly increasing railroad system, by any canals or water routes. I think that will require the aid of positive legislation. I agree with him that this is a question which confronts Congress to-day, and that the interests of the people demand that instead of wasting our time upon more unimportant considerations it should be devoted to this great question which, as was read from Governor Seymour to-day and Mr. Webster, concerns the happiness and prosperity of the country more than any other, the economy of transportation, and if we are wise we will direct our attention to it.

But there is no evidence to my mind that is satisfactory that these great water ways of commerce—canals and water routes—will be entirely superseded. They are building them in the immediate vicinity of the great railroads in England. There is the Manchester Canal. It is true it is a ship-canal, but it is demanded by the impossibility of making the railroads subserve all the purposes of commerce; and I find in the reports of the Board of Trade of New York and elsewhere the distinction which the Senator from Missouri did not make between freights which do not require rapid transportation and those which do, and I find that the entire Northwest and all the Northern States are in favor of this appropriation for this improvement, because they believe that the great mass of the agricultural production does not require the most rapid transit and that it can be more cheaply transported on a water way, and that this fact will be an important factor in reducing the cost of railway transportation.

Now, while it seems to me that the Illinois River is the natural outlet for that country, and that improvements connecting it with the lakes and making steamboat communication without change from the Mississippi to the lakes, which can be easily done on the Illinois and



Mississippi Rivers, as it would appear from the map even to a person who is not an engineer would be far more easy than this canal; while to my mind the best improvement for the people of the Northwest would be to improve the Illinois River as a natural outlet for steam-boat transportation with locks adequate to their transfer from the river to a canal to the lakes without breaking bulk, yet I find the entire sentiment of the people of the North and Northwest in favor of this appropriation and this improvement.

As the Senator from Missouri has said, it is an appropriation which looks particularly to the State of Iowa and the adjacent States and the interests of Chicago and that section, but I see no objection to the amendment in that. They have a right to the same benefits that every other section of the country has, and in proportion to their extended commerce and the business which they do and propose to do they ought to receive more liberal appropriations from the Government in aid of it.

For these reasons I am prepared to vote for this amendment, and yet I think the distributions of this bill are not fair. I think the principle should be that when the Government has commenced certain public works an obligation results to carry on the works already commenced, and to carry them on adequately by giving them appropriations sufficient to complete them in a reasonable time, and not to neglect them for other works or to commence new works to their disadvantage.

It can not be expected that perfect fairness shall be attained with the conflicting interests which attend the subject, but there should be some fair principle adopted on which the money should be expended so as to benefit all the people and every part of the country. It can not be expected that any part of the country will be content to be neglected, and you can not improve any avenue of commerce without benefiting the whole country.

I think, therefore, that this bill should be regulated not altogether by States, nor yet in disregard of States, but that it should be regulated chiefly by the necessity of the appropriation for the works already commenced; and in that respect I think that the bill might have been far more equal and just than it is.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). On this bill I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. GEORGE (when his name was called). Upon this amendment I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were present, he would vote "yea" and I should vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the Senator from Nevada [Mr. JONES].

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON], who is detained from the Senate by illness in his family as I understand. As I am not advised how he would vote on this amendment if present, I withhold my vote. If he were present, I should vote "nay."

Mr. PLUMB (when Mr. MORGAN's name was called). The Senator from Alabama [Mr. MORGAN] is paired with the Senator from Colorado [Mr. BOWEN]. I do not know how either of them would vote if present.

Mr. EDMUNDS (when Mr. MORRILL's name was called). My colleague [Mr. MORRILL] is absent ill, and is paired with the Senator from Delaware [Mr. SAULSBURY]. I am under the impression—but I do not speak by authority—that my colleague, if present, would vote in the negative on this point.

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH], who is detained from the Senate by illness.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL], but his colleague is under the impression that he would vote against this amendment if he were here, and I am informed he always has done so. Under these circumstances I feel at liberty to vote, and I vote "nay."

The result was announced—yeas 31, nays 22; as follows:

YEAS—31.

Allison,	Dawes,	Logan,	Ransom,
Blair,	Everts,	McMillan,	Sawyer,
Brown,	Gibson,	Mahone,	Spooner,
Butler,	Gorman,	Manderson,	Stanford,
Call,	Hale,	Miller,	Teller,
Cameron,	Hawley,	Mitchell of Oreg.,	Van Wyck,
Conger,	Hoar,	Palmer,	Wilson of Iowa.
Cullom,	Kenna,	Payne,	

NAYS—22.

Beck,	Frye,	Platt,	Vest,
Berry,	Gray,	Plumb,	Voorhees,
Blackburn,	Harris,	Pugh,	Walthall,
Cockrell,	Hearst,	Saulsbury,	Whitthorne.
Coke,	Ingalls,	Sherman,	
Edmunds,	Maxey,	Vance,	

ABSENT—23.

Aldrich,	Eustis,	Jones of Florida,	Pike,
Bowen,	Fair,	Jones of Nevada,	Riddleberger,
Camden,	George,	McPherson,	Sabin,
Chace,	Hampton,	Mitchell of Pa.,	Sewell,
Colquitt,	Harrison,	Morgan,	Wilson of Md.
Dolph,	Jones of Arkansas,	Morrill,	

So the amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 1181, after the word "improvement," to strike out the words:

And the money heretofore appropriated for locks and dams is hereby made available for dredging said river, according to the plan of the Chief of Engineers, recommended on the 12th of March, 1884: *Provided*, That not exceeding \$30,000 shall be thus expended on Goose Rapids.

And insert:

From Breckenridge to the northern boundary line of the United States, including dredging, removal of snags and bowlders, and construction of wing-dams, &c.; and the money heretofore appropriated for locks and dams is hereby made available for this purpose.

So as to make the clause read:

Improving Red River of the North, Minnesota: Continuing improvement from Breckenridge to the northern boundary line of the United States, including dredging, removal of snags and bowlders, and construction of wing-dams, &c.; and the money heretofore appropriated for locks and dams is hereby made available for this purpose.

The amendment was agreed to.

The next amendment was, in section 1, line 1201, after the word "operations," to strike out "and the cost of the proceedings hereinafter authorized" and insert "\$10,000 to complete dredges authorized by act of July 5, 1884;" and after the word "mining," at the end of line 1205, to insert "hurtful to navigation;" so as to read:

Improving Sacramento and Feather Rivers, California, \$10,000 of the money heretofore appropriated for improving said rivers that may remain unexpended at the end of the present fiscal year, for snagging and dredging operations; \$10,000 to complete dredges authorized by act of July 5, 1884; the balance of said unexpended money not to be used until the Secretary of War be satisfied that hydraulic mining hurtful to navigation has ceased on said rivers and their tributaries.

The next amendment was, at the end of the clause making an appropriation for "improving Sacramento and Feather Rivers, California," in line 1207, after the word "tributaries," to strike out the words:

If he be not satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging *détritus, debris*, or slickens, caused by or arising from hydraulic mining, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such *détritus, debris*, or slickens may be liable to be washed or carried by storms or floods into either of said rivers or tributaries; and he is hereby instructed to use out of said sum as much as may be necessary for said purpose.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 1222, to increase the appropriation for "improving canal at the Cascades, Oregon: Continuing improvement," from \$200,000 to \$250,000.

The amendment was agreed to.

Mr. STANFORD. I wish to turn back a little to page 50. I want to amend the original text by inserting, after the words "hydraulic mining," in line 1210 of section 1, these words:

By water used through pipes and used through nozzles under pressure.

Mr. HOAR. That is all struck out.

Mr. STANFORD. I want to have the amendment disagreed to and insert these words in the original text. There is a prior appropriation made for the improvement of the Sacramento and Feather Rivers of California, \$40,000 of which money is hereby appropriated "for improving said rivers." Now, this also contains a provision that the United States district attorney may use a part of that money for the prosecution of those people who may be impairing the navigation of the streams. If the hydraulic mining of a certain kind which I propose to prohibit is to go on unimpeded, it is useless for the Government to appropriate money for the improvement of that river.

The original text also provides for the San Joaquin River. The improvement of the Sacramento and the San Joaquin Rivers, or those portions which are affected by the hydraulic mining is clearly within the jurisdiction of the United States Government; they are all tide water, at any rate in the main. It is a small appropriation, but it may be effective to prevent this particular kind of mining which is destructive to the navigation of these two rivers. The importance of it to California can not be overestimated. I trust there will be no objection to the adoption of my amendment and the restoration of the original text.

The PRESIDING OFFICER. If there be no objection the Chair will consider that the amendment referred to has not been adopted, as it was passed on hurriedly, and the Senator from California offers an amendment to the portion proposed to be stricken out, which will be read.

The CHIEF CLERK. In line 1210, after the word "mining," it is proposed to insert "by water used through pipes and used through nozzles under pressure;" so as to read:

If he be not so satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging *détritus, debris*, or slickens, caused by or arising from hydraulic mining, by water used through pipes and used through nozzles under pressure, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such *détritus, debris*, or slickens may be liable to be washed or carried by storms or floods into either of said rivers or tributaries; and he is hereby instructed to use out of said sum as much as may be necessary for said purpose.

Mr. INGALLS. My attention was called to this subject by a bill that was before the Senate some year or two ago, and my understanding at that time was that it was considered to be the duty of the State of California to attend to the methods that were adopted in mining by its own citizens in regions which are at a remote distance from the rivers that are affected by the bill.

If I understand this process, in the upper regions where these rivers take their rise scores, or it may be hundreds, of miles from the mouth, the waters are directed by means of sluices and nozzles and spouts from pipes against great banks of gold-bearing earth, which are washed away, the gold being arrested by some process and the *débris* or mud allowed to run off through these ravines down a great many miles into the water course below, by means of which not only have the channels of the streams become obstructed but vast areas of arable land have been overflowed and practically destroyed by the subsidence of these streams and the deposit of the unproductive mud upon the alluvion of the valley.

It seemed very strange to the committee that the United States Government should be invited to interpose to prevent the operations of these miners in the uplands of California lying at the foot of the mountains where these streams take their rise, to prevent citizens of that State from such mining operations as result in the choking up of these channels and the destruction of the fertility of the State; and I should like to hear the Senator from California state to the Senate upon what ground of reason or justice the United States can be called upon to expend money not only to improve the channels of these rivers, but to punish citizens of California, who are the subjects of the laws of that State and who certainly can be controlled by the laws of the State, from carrying on enterprises that are destructive to the navigable streams and also to the fertile and arable lands of California.

Mr. EDMUNDS. If the Senator from Kansas refers to the state of the law as it now stands, I beg to remind him that the law has been resorted to there and with success in the State courts and in the circuit court of the United States to enjoin that sort of thing. The judicial courts have taken jurisdiction of the affair.

Mr. INGALLS. So that the remedy is in the hands of the people there.

Mr. HOAR. May I inquire, to understand that point exactly, how can the United States circuit court get jurisdiction? By reason of the citizenship of the parties?

Mr. EDMUNDS. On the same ground that they get jurisdiction of any other case in which a citizen of Massachusetts or Vermont is concerned against the citizen of some other State.

Mr. HOAR. But this is not a law to provide for a private party's protecting his land against another private party or against a nuisance. It is a public law, and the proceeding is to be in the name of the United States.

Mr. EDMUNDS. I am not speaking of anything in this bill, but of the state of things as it has existed heretofore.

Mr. HOAR. I do not think I make myself clear. This, as I understand, is to provide for proceedings by the public, by the United States Government, under its power to protect commerce among the States; and I supposed the amendment of the Senator from California to the original bill proceeded on the ground that these two named streams, the Sacramento and the San Joaquin, are important highways of commerce among the States or with foreign countries. That being the case, I understand the authority of the United States is invoked to prevent the obstruction of those channels of commerce as it might be invoked on admiralty principles or other ground of jurisdiction in regard to harbors. I do not see how that can be affected by the circuit or other courts of the United States in consequence of the citizenship of anybody on the ground of citizenship without this law.

Mr. EDMUNDS. Neither do I; but I was only suggesting historically to my friend from Kansas that under the state of the law, national and State, in California, prevailing there, suits have been instituted in the proper courts.

Mr. HOAR. By whom?

Mr. EDMUNDS. By private persons, to prevent this nuisance, and it is a prodigious nuisance, for I have seen it myself; and, therefore, so far as the present law stands, it is within the competence of the judicial tribunals having authority over that subject, either State or national, according to the citizenship of the parties, and defending the rights of landholders along the Sacramento River, to enjoin the thing that destroys their land, and the courts in California, whether State or national—I believe the chief case was in the circuit court of the United States—have determined that this sort of thing can not be carried on to the destruction of the fertile lands of the Sacramento, for instance.

Mr. HOAR. But have they determined that they could protect commerce against it?

Mr. EDMUNDS. That is another question. I was only speaking historically, suggesting to my friend from Kansas that under the existing condition of things the owners of property below these great sluice-ways or wash-diggings, or whatever they call them, where the lands were being ruined as they were, have instituted suits, and have succeeded so far as they have gone, and they always will succeed in my opinion in stopping it. Whether that is a reason why Congress should not interfere to protect a navigable river against being filled up is another question, to which I have not addressed myself as yet at all.

Mr. STANFORD. As the Senator from Vermont has stated, those suits were brought by private parties whose rich bottom-lands were being destroyed by the deposits coming down from the mountains. The individual owners of those lands brought suit against the miners, and the circuit court of the United States enjoined the miners from destroying the lands.

Here the Sacramento and San Joaquin Rivers together, one coming from the south and the other from the north, substantially float two-thirds of the commerce of the State on the water; and I have no doubt this year, from the extraordinary crop likely to be had there, that there will not be less than 700,000 tons of wheat floated on the two rivers this season. The *débris* that comes in to injure this navigation of the rivers which we want to dredge out, and which this bill makes a small appropriation for, is upon waters peculiarly under the jurisdiction of the United States; each is a tide-water river. The mines that are emptying their *débris* into the streams that enter into the San Joaquin and Sacramento are on portions of the rivers where the tide rises and falls. The appropriation is for the dredging and improvement of these rivers. It is idle to attempt to dredge them while the miners pour this immense volume of *débris* into them. If the Government wants to protect its navigable rivers it must stop the *débris*.

I presume one reason why the appropriation heretofore made has not been used is because it was idle to attempt to dredge those rivers while thousands of tons might go in where one could be taken out. If the Government wants to do anything to these rivers it must stop the cause of the filling, which is this particular kind of mining, and we have limited it. After talking with my colleague and the Senator from Nevada [Mr. JONES] I put in a clause to confine it to that character of mining that does the greatest damage. There is a good deal of mining that will do no special harm, and we do not want to disturb it. We confine it to that water which is not merely used through pipes but also through nozzles, as that is the kind of mining that throws this immense quantity of *débris* into the river. A small appropriation to prevent people from doing the damage is the important point, without which the other money is wasted.

Mr. INGALLS. But I understand that these operations are conducted in a region that is very remote from the navigable part of the streams. Am I not correct?

Mr. STANFORD. Usually.

Mr. INGALLS. Usually. My attention was called, as I said, some time ago to the process on the upper waters of the Feather River, and I think that there were some legal proceedings to test the right of those persons thus engaged in carrying on transactions profitable to themselves by which the rights of others below them upon the stream were injured and in some cases absolutely destroyed.

Mr. STANFORD. The suits were not for the injury done to the streams, but the injury done to the lands adjoining the streams.

Mr. INGALLS. Of course the damage could not be done to the land without the agency of the stream. That is, these great banks of gold-bearing gravel, where the per cent. to the cord was exceedingly small, could not be handled by the ordinary processes with hand labor; and therefore the mountain streams were diverted from their channel and conducted through ducts enormous distances, across ravines, through pipes, and at last directed from nozzles against these banks with such tremendous force that they melted away, and thousands of tons per day were dissolved and washed down, so that, the gold being preserved, the remainder ran into the lowlands below. And not only was the navigation of the stream impeded and its channel filled up, but there was an enormous overflow of this muddy and saturated flood upon the cultivated lands of the riparian proprietors in the lower country, so that its productive capacity was destroyed.

I can readily understand that if these operations were conducted upon the cliffs on the high grounds immediately adjoining these navigable waters, and the *débris* washed down so that the channel was filled up, we might properly be called upon to arrest the transaction and say that these parties should not be allowed in this way to interfere with the navigation of the stream; but when these transactions are carried on hundreds of miles away, and the whole operation is entirely within the control of the State authorities, and the people themselves are citizens of the State of California, to say that the Government of the United States should be called upon to interfere in a matter of this kind that belongs exclusively to the State seems to me to be carrying the doctrine of centralization rather too far.

Mr. MITCHELL, of Oregon. May I ask the Senator a question? The Senator's statement is that if these operations were carried on upon the banks of streams, then Congress could properly interfere in the exercise of its power of protecting commerce.

Mr. INGALLS. Just as we attempted to do in the bill we sought to pass this morning to prevent the discharge of cinders and sewage into the harbors.

Mr. MITCHELL, of Oregon. Suppose by reason of some similar process 30 miles away, by the melting, as the Senator describes it, of a mountain by hydraulic power or in any other way, the bay of San Francisco for instance was about to be filled up with *débris*, where is the difference between that case and the case suggested by the Senator? If the power exists in the one case, and if it is the duty of Congress in the one case to prevent the filling up of that great harbor, why not in the other, although the operation may be some distance away?

Mr. INGALLS. If the Senator does not see the difference where this results from private transactions carried on by citizens of California for their own gain in regions at a great distance from the place where this appropriation is to be employed, of course I can not enlighten him.

Mr. MITCHELL, of Oregon. It seems to me that it makes no dif-

ference what the purpose of the operation may be, whether it is carried on for private gain or for pure deviltry, if the result is the filling up of a navigable river.

Mr. INGALLS. The transaction occurs in a region where the United States has no jurisdiction.

Mr. MITCHELL, of Oregon. Why not?

Mr. INGALLS. You might as well say that if the stream was injured by reason of some planetary disturbance there would be a right to proceed against the solar system.

Mr. MITCHELL, of Oregon. I take it that Congress has the power to protect the commerce of the harbor of San Francisco, or has the power to protect the navigation of any of the navigable waters of California, and especially tide-water rivers. It occurs to me that it does not make much difference where the process is used, whether on the bank of the river or 30 miles away. The effect is the same.

Mr. INGALLS. Suppose it occurred in another State?

Mr. MITCHELL, of Oregon. It does not make a particle of difference. So much the stronger in favor of the power of Congress.

Mr. INGALLS. But if it occurred in a place farther away from the water altogether?

Mr. MITCHELL, of Oregon. The object of the statute is not to punish anybody particularly, but the text of the bill says "to prevent."

Mr. INGALLS. We are asked to protect the people of California against the rapacity of their own citizens.

Mr. STANFORD. Will the Senator allow me to say that this bill, as I understand, is one relative to matters of national importance. The whole bill is based on that theory. It is in regard to national waters. The entire portion of the river referred to is where the tide flows, and of course within the jurisdiction of the National Government.

Mr. EDMUNDS. How far up does the tide flow?

Mr. STANFORD. It flows above the Feather River, on the Sacramento. That covers all that portion of these two rivers that are injured by the *débris*.

Mr. INGALLS. What action have the State courts of California taken in regard to this?

Mr. STANFORD. The State courts have held that one man has no right to destroy his neighbor's property.

Mr. INGALLS. He must so use his own as not to injure that of another.

Mr. STANFORD. The circuit court of the United States has held the same thing; but in regard to these navigable waters of the United States the question has not been up, and this appropriation is to affect the waters of the United States, navigable streams, not to protect the farmers. If the United States wants to protect the streams, why not proceed intelligently to stop the very thing that has caused the trouble? I do not suppose that there is any difficulty about the United States doing this and stopping the trouble in the mountains or anywhere else where this *débris* is put into the rivers. The question is whether or not the Government shall protect the waters of the navigable streams, and it is a very important matter.

Mr. INGALLS. What is the length of the navigable course of these streams below the junction of the Feather and the Sacramento?

Mr. STANFORD. The Feather is about 55 miles north of the Sacramento.

Mr. INGALLS. What is the distance at which these hydraulic operations are carried on above the point at which the river is navigable?

Mr. STANFORD. From 20 to perhaps 70 miles.

Mr. INGALLS. Is the operation complained of in the highlands near the headwaters of the river.

Mr. STANFORD. There is no use clearing streams unless you stop that scouring coming in. No one can appreciate the great amount of gold-bearing earth that comes into the streams unless he sees it.

Mr. DOLPH. This amendment made by the Committee on Commerce was at the instance of the Senator from Nevada [Mr. JONES], a member of the Committee. As I understand the Senator from California now, the Senator from Nevada is willing the text of the bill should remain if amended as proposed by the Senator from California.

Mr. STANFORD. Yes, sir.

Mr. DOLPH. By a subsequent provision in the bill it is made unlawful to do this thing, that is, to carry on hydraulic mining so as to fill up the navigable rivers of the United States or cast or throw anything into the navigable rivers that would obstruct navigation, and it is made the duty of the district attorney to prosecute such offenses. The only addition to this amendment would be to authorize the Secretary of War, this being a special case of great importance, to use a part of the appropriation heretofore made for these rivers, to stop this offense of hydraulic mining. I think it a good amendment, and I hope the amendment of the Senator from California will prevail and that of the committee be rejected.

Mr. EDMUNDS. Let it be read again.

The PRESIDING OFFICER. The amendment of the Senator from California will be read.

The CHIEF CLERK. In line 1210, in the matter proposed to be stricken out, after the word "mining," it is proposed to insert "by water used through pipes and used through nozzles under pressure;" so as to read:

If he be not satisfied, he is hereby instructed to institute such legal proceedings

as may be necessary to prevent the washing, sluicing, dumping, or discharging of *détritus, débris*, or slickens, caused by or arising from hydraulic mining, by water used through pipes and used through nozzles under pressure, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such *détritus, débris*, or slickens may be liable to be washed or carried by storms or floods into either of said rivers or tributaries; and he is hereby instructed to use out of said sum as much as may be necessary for said purpose.

Mr. EDMUNDS. With every disposition to do what Congress properly may for national interests to prevent what is going on out there or has been until stopped by an injunction, I do not see how in the interest of commerce, of keeping the rivers clear, the question is to be determined upon the amount of pressure that is to be brought to bear on a gravel bank that is said to contain gold. It depends upon what is to come down into the river and to impede navigation by shoaling its waters. That is the point. And coming to that point, it would seem that the text of the House bill went to the root of the matter, by stopping the putting into the river these substances put there by this hydraulic mining, which is the only way that these substances that fill up the river and shoal the water get there.

Mr. HEARST. That is the fact; but we want to prevent these things going into the channels, and if we stop hydraulic mining we stop this business. These people have been so industrious that they have made inventions by which they can lift up and wash out a ton of stuff by a force of water 5 miles away for 5 cents. The consequence is that these great inventions have so disarranged things that they have changed the face of nature to some extent. There is one kind of mining that interferes with the streams. We want to be very careful in describing it so as not to interfere with a set of people who occupy a country 400 miles long and 40 miles wide and who produce out of that little belt of country about \$20,000,000 annually, which your people in the East need very badly to pay your balances. I want to offer one amendment so as to define what hydraulic mining is. For my own part I do not think the provision ought to be in this bill at all, because the thing has been litigated thoroughly, and every one of the people is under a perpetual injunction from the United States circuit court to-day against doing what is complained of.

The PRESIDING OFFICER. The amendment proposed by the Senator from California [Mr. HEARST] will be read for information, but it is not now in order.

Mr. HEARST. I want it read for information. I send it to the desk.

The CHIEF CLERK. In section 2, line 42, in the amendment proposed by the Committee on Commerce, after the word "pressure," it is proposed to insert "and against mountain sides or natural banks;" so as to read:

Nor be so construed as to apply to any character of mining other than hydraulic mining, by water through pipes and used through nozzles under pressure and against mountain sides or natural banks.

Mr. EDMUNDS. Now, Mr. President, we come back to the original proposition—

Mr. McMILLAN. If the Senator from Vermont will allow me to interrupt him for a moment, as I am desired by several Senators to state what course I shall take in regard to the session to-day, I wish to say that I shall request the Senate to remain in session until we can dispose of this bill to-night.

Mr. HEARST. I think my colleague will agree with me. I do not think that my colleague or anybody from any part of the world has any objection to any kind of mining in California except hydraulic mining, and I have endeavored to get the bill framed both in committee and here so as to stop that. I think that two-thirds of all the people in California are willing to do that. Of course it is a hardship, because we stop the investment of millions of dollars by doing that; but we ought not to go further. I have my pocket full of letters and telegrams coming every day expressing fears that by this action the whole mining industry in the Sierra Nevada will be destroyed.

Mr. STANFORD. To the amendment of my colleague I have no objection, as it confines it more particularly to this peculiar kind of mining which is doing the great damage. The ordinary mining does not do so much damage as that the people need have any apprehension about it, and I do not believe the Government would find it necessary to interfere with that kind of mining.

This hydraulic mining is confined to a few large companies, and probably there are not above three thousand miners engaged in that kind of mining. I do not use that as an argument, but only give it as a statement of fact. Almost all these companies are largely composed of non-resident owners; and if the miners were thrown out of employment, as they are a first-class set of men, they probably would be engaged in other industrial pursuits in less than thirty days.

Mr. INGALLS. Is there any way by which the *détritus* that results from the hydraulic mining can be impounded and arrested, so as not to corrupt the courses of the streams?

Mr. STANFORD. I can safely say that it is universally supposed to be impossible.

Mr. INGALLS. Therefore, if this provision here shall prevail the operation of mining by the hydraulic process must stop.

Mr. STANFORD. Yes, sir.

Mr. INGALLS. In a region of country, as the Senator's colleague

states, of 400 miles in length by 35 to 40 in width, and there \$20,000,000 per year are extracted.

Mr. McMILLAN. The Senator from Kansas will permit me to make a statement in regard to this, and perhaps in reference to the term "hydraulic mining." As stated by the Senator from Oregon, this amendment in the Senate was made to conform to the views of the situation entertained by the Senator from Nevada, as he was familiar with the state of affairs in California. As the clause came from the House you will observe the words in line 1206 "hurtful to navigation" were not inserted. We inserted these words to exclude a certain kind of hydraulic mining.

Mr. INGALLS. May I speak one word there?

Mr. McMILLAN. Certainly.

Mr. INGALLS. The Senator from California who is nearest me [Mr. STANFORD] states in reply to my interrogatory that there is no way of arresting or impounding the *débris* if the hydraulic mining process is carried on, so that it must necessarily run into the channels of the streams if the process that is now going on be continued. Therefore, if this is to prevail, if the Senator from California is right, the process of mining by the hydraulic system is at an end.

Mr. McMILLAN. The term "hydraulic mining," as I understand it from information received from the Senator from Nevada, includes different processes, one of which is by water used through pipes and used through nozzles under pressure. That kind of hydraulic mining I suppose is the kind referred to by the Senator from California who is before me. But there is a kind of hydraulic mining which is followed by persons of smaller holdings there, which does not interfere with the navigation of the streams at all, and yet which would be included under the term "hydraulic mining" in the clause as it came from the House.

Mr. INGALLS. But I understand this mining by the hydraulic process has a technical signification; that in these vast deposits of gravel the per cent. of gold is so small that it could not be extracted by the ordinary processes, that it requires extraordinary capital to construct these sluice-ways from distant mountain sources so that the streams are directed through nozzles and poured with immense force. I am told sometimes a stream goes with such velocity that you can not chop it with an ax when it comes from the nozzle that is directed against these banks of gravel, and they dissolve away and disappear absolutely before the tremendous force of the stream. That of course necessarily, if the statement of the Senator from California is true, we are interfering with, and not only interfering with, but destroying a process that results in the extraction of \$20,000,000 per annum which would otherwise be entirely lost.

Mr. STANFORD. But a small proportion of the gold is taken out by hydraulic mining. The quartz mining is now the most important of all; but there are thousands of people engaged in small mining, washing through sluices and washing down the banks with a little water. Those we do not desire to interfere with. I think our streams can get along very well without interfering with this class of miners; but we can not protect the rivers and allow that peculiar kind of mining which is so very well understood by the name of "hydraulic mining;" in other words, through pipes and nozzles, because that defines exactly the kind of mining we desire to prohibit. Any kind of mining by water is, in one sense, hydraulic mining.

Mr. INGALLS. But "hydraulic mining" does not mean that. It does not mean taking dirt in a pan and shaking it out by water and collecting the gold at the bottom of the pan. That is not "hydraulic mining."

Mr. STANFORD. Directing the water through pipes is what is understood as "hydraulic mining."

Mr. EDMUNDS. As far as the United States are concerned the question would seem to be to prevent, if we are to go on with this business in this bill—which, like a good many parts of it, has nothing to do with the question—the obstruction of navigable waters of the United States. The question is not so much how they are obstructed, but the fact that they are obstructed by bringing into them substances that shoal their waters, whether produced by what you call hydraulic mining or quartz mining or sluice mining or pan mining or any kind of mining.

The point is that if the *débris* of this business comes into a navigable river you want to stop it. I do not say you want to stop it on this bill, which has so many other devices in it for doing things that do not belong to it properly; but if you are to have it at all, the question is not as to the amount, but as to the result. I think therefore that the bill as it came from the House, which is limited a little too much even in that point of view, states in general the case that you have got a river in the State of California, or rivers in it, into which the operations by citizens of that State on their own lands discharge gravel and soil and mud; but the point is not how it got in there, but the fact that it is there. Therefore if you are to do anything at all, you are to say that it shall not be allowed to go there, without reference to the means by which your river is filled up, and we are called on from year to year to dig it out again.

What difference does it make any more than it would to say as private citizens, if our neighbor was discharging his water or his sluice

upon our land, whether he did it by one means or another means, by a method of one name or another name, so that he violates our rights of property by bringing upon us a thing that he has no right to bring, we do not care what the method is, it is the result; and it is just so here. If these rivers are the rivers of the United States, which the United States has the right and the duty to protect for navigation, then we do not depend upon the question whether it is done by hydraulic mining of one name or another name or any other kind of mining. We go to the fact that the operations of men upon their own property bring into these rivers a sediment and a deposit that impedes navigation. That is the point.

Now, what kind of a river is the Sacramento River, and what kind of authority have the United States over it? The Sacramento River is just like the Hudson, which I know very well, as it is on my way home; it is wholly within the limits of one State. Every authority of that State can be exerted over it. A homicide committed in the middle of it, or an assault, or a conflict, or any other of the operations of violation of rights in the public sense is within the jurisdiction of the State of New York. So it is in respect of the Sacramento River in the State of California, leaving out of view in both cases the simple maritime jurisdiction of the United States, which is not a jurisdiction over the body of the river and its adjacents and belongings, but only a jurisdiction over the operations of men who are seafaring men as they may be called. That is all there is of maritime jurisdiction where the tide ebbs and flows.

Now, we have the Sacramento River, like the Hudson, and here up at Troy are people engaged in great iron-works, and they dump into the Hudson River every day from their great iron-works the slag, &c. On what ground is it that Congress would undertake to interfere with that? It has none; perhaps it ought to do so if it has the power. Where does it get the right? Has the Congress of the United States under the Constitution the right to enter every State and say that no land-owner along the borders of a stream that Congress chooses to improve, or to appropriate money for the improvement of, or to be expended upon, whether improved or not, shall govern his own individual conduct of his own property in respect to that water? I doubt it. Congress has jurisdiction to regulate commerce "among the several States," and not in them. That is the language of the Constitution.

Mr. MAXEY. I should like to ask the Senator a question. This is a very important subject. Suppose we have the power asserted in the lines proposed to be stricken out, why should we not have the right to go into mountains above any navigable stream and beyond the navigable part of that stream and prevent the cutting down of the timber, which is believed by many to produce floods which overflow the whole country and destroy navigation? Why should we not have the same power to prevent private owners from cutting down that timber that we would have to prevent these people from carrying on their mining operations beyond the navigation of the river?

Mr. EDMUNDS. The Senator from Texas has stated what I was about to say so much better than I could, as one point of illustration, that I need not repeat it. I will take another illustration. We had a day or two ago from the Senator from Louisiana [Mr. GIBSON] a most interesting description of the great national importance of the Bayou Terre Bonne in Louisiana, which the engineer's report showed to be wholly within the State of Louisiana, and to be at this time of the year a mere ditch, but a stream, a bayou, a place—that is the best definition, "a place"—on the surface of the earth to which Congress has devoted public money for digging it out and making more water in it in respect to the depth than there was before. Now, suppose Congress, instead of the police jury that my friend from Louisiana (whom I do not see in his seat at this moment) said controlled it, had passed an act declaring that none of the planters along the Bayou Terre Bonne should open any ditch that entered into that bayou, does anybody maintain for a moment that it would not have been an absolutely null and void declaration of Congress?

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

Mr. EDMUNDS. Certainly, with pleasure. I am seeking for information.

Mr. HALE. Does not this bill, later on than the part which we are now considering, propose to do in clear and explicit terms precisely what the Senator is deprecating? I find in section 2 that the bill takes jurisdiction of an entire stream, if I interpret it aright. Let me read this and ask the Senator what his interpretation of section 2 is on this very point. It provides that:

It shall not be lawful to cast, throw, empty, or unladen, or cause, suffer, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, lighter, barge, boat, or other craft, or from the shore, pier, wharf, or mills of any kind whatever, any ballast, stone, slate, gravel, earth, slack, rubbish, wreck, filth, slabs, edgings, sawdust, slag, or cinders, or other refuse or mill-waste of any kind, into any port, road, roadstead, harbor, haven, navigable river, or other waters of the United States, for the improvement of which Congress has already made, or may hereafter make, appropriations, or to dump, discharge, or wash, or cause to be dumped, discharged, or washed, from any mine or mineral land or bank, tailings, bowlders, gravel, clay, earth, or *débris* into any navigable waters or rivers for the improvement of which Congress has made or may make appropriations, or into any tributaries, branch, or affluent of such waters or rivers.

Now, can anything be more clear and explicit in its purpose than

this provision of the bill that the Senate is now considering, to take the charge and control throughout the entire extent of a river to its farthest source, covering a jurisdiction which I understand the Senator is opposed to? If that is so, I wish the Senator, before he gets through, would address himself to this very clause.

Mr. EDMUNDS. We have not got to that clause yet, but as the Senator from Maine says it touches the same topic, and as he says the United States may, on the theory of these entirely intrastate rivers and above the ebb and flow of the tide—though I do not think that makes any legal difference, but I will assume that it does for the purpose of the argument—take the entire jurisdiction and domination, the sovereign power over what shall be done in, and of, and about such a river, just as a State might, the State of Vermont, or the State of Texas, or Georgia, or Maine, in respect of a public highway that had been created by State authority, and say, "you shall not throw your ashes out on that highway," which a State may lawfully and properly do; "you may not do anything in that highway except to pass over it; nothing shall stand upon it; nothing shall go upon it; nothing shall lie upon it," except what the State authority chooses to say. And so coming to the great State of North Carolina, which is rich in appropriations for improvements, as they are called, but rather scant of water away from the seaboard.

I remember an instance a few years ago of one of these very same navigable national highways, national streams, where we were asked to make an appropriation for its further improvement, and turning to the report of the Chief of Engineers, it appeared that in order to make the improvement at all available for purposes of commerce it was necessary to build an extensive pumping establishment on one stream and pump the water over into the stream that was to be improved.

Now on this theory, whether Congress had appropriated or not—because the constitutional jurisdiction of Congress does not depend upon whether it has spent any money; it stands upon a fundamental principle—Congress would have the authority to say that nobody should do anything about the French Broad, if that was the name of the stream, that Congress had not previously authorized might be done; that the land-owner should not wash his sheep in it, that he should not let his timber fall into it, that he should not catch trout in it, or do whatever else he wanted to do, although he owned the land on both sides.

That sort of thing will not stand; and it shows the utter absurdity of failing to distinguish between what the Constitution has given us the authority to do in the regulation of commerce among the several States, to provide for great national highways, whether of water, or of road, or of railway from State to State and great national ports for foreign commerce; and this business of going into every place where there is a dew—I state it extremely of course—any little river that may be made locally advantageous as a private canal would be, or a sluiceway, and undertake to say that that is a subject for national improvement, and, being a subject for national improvement, is within the jurisdiction of Congress to dominate everything there is about it, because one thing follows from the other—

Mr. HALE. I say that it goes a great way further, and in the same section from which I have read it does not confine this jurisdiction. This provision not only prohibits the dumping of earth or refuse of any kind into a river or on its banks, but forbids it upon lands in any place or situation on the shore where the same shall be liable to be washed into any navigable waters either by ordinary high tides, or by storms, or floods, or otherwise. When that section is reached, if not before, I should be very glad if the Senator in charge of this bill would explain to the Senate upon what theory the committee has departed from what has been I believe usually understood as the limit of jurisdiction of the United States. It is the section in which the Committee on Commerce amplified the jurisdiction of the United States beyond all points appropriated for and take possession of the rivers entirely to their source, the streams and the tributaries.

Mr. EDMUNDS. That is a House section.

Mr. HALE. It is a House section, but it is not struck out by the committee. The committee report it in full. They go beyond taking jurisdiction of the mere subjects of appropriation, and beyond the river or the stream, and include the entire tributaries; and then beyond that declare as a matter of law, with penalties affixed, that a citizen of the United States who deposits anything upon his own land, away from the shore, at any place where it is liable to be washed by tide, or flood, or storm into any river, or tributary of any river, upon which there has been or any part of it an appropriation, shall be subject to pains and penalties. If that is not a most enormous stretch of jurisdiction beyond what has ever been claimed before, then I am entirely unfamiliar, as I acknowledge myself to be to a great degree, with the legislation on this subject. I should like to have that thoroughly explained and elucidated to the Senate when we reach it.

Mr. EDMUNDS. The broad distinction is as to the power of the United States to appropriate money to any object that it deems to be for the public welfare. We gave it many years ago—I say "we," I mean the nation—to the sufferers from an earthquake at New Madrid, in Missouri, which led to a great deal of litigation, a great deal of legislation, and a great many claims. We have given it to sufferers of all kinds, from floods and storms and the unfortunate political convulsions

in other countries. In other words, we have exercised in every direction what I believe to be a competent constitutional power to appropriate the money of the tax-payers to any purpose that Congress deems to be for the general welfare.

That is one thing, and therefore I can not doubt that the appropriations contained in this bill for making the smallest stream over which Congress, in any other sense than that of making a donation to it, has no more jurisdiction than I have, is perfectly constitutional. If we want to make a charity of that kind, very good; I think the Constitution warrants us in giving away the money of the United States as long as we please.

Mr. STANFORD. Allow me to ask a question. This appropriation the district attorney of the United States may use for the purpose of preventing the dumping of this *débris* to the destruction of the stream? That is the point we are after.

Mr. EDMUNDS. I am not on the question of giving money.

Mr. HEARST. I wish to ask my colleague if that money can not be used to disturb our people to a frightful extent and induce a very unnecessary agitation? That is my opinion.

Mr. CALL. I should like to ask the Senator from Vermont a question. I desire for my own information to understand his line of argument. I ask the Senator from Vermont, conceding as we all do the power of Congress to put an improvement in aid of navigation in any port or harbor open to the high seas and foreign commerce, if Congress has not the power to provide that that improvement shall not be interfered with or removed, and if so from whence the power comes, and if there is any difference between that power and the power to protect an improvement elsewhere?

Mr. EDMUNDS. The difference, if I may say it, with great humiliation and respect to my friend from Florida, is the difference between private right and public right. I will take the entrance to the harbor of New York, if you please, for an illustration. I might take San Francisco, or perhaps the mouth of the Saint John's River, or Tampa Bay.

At the entrance of the harbor of New York, below high-water mark, or to make it safe I will say below low-water mark of the tide, there is no private ownership of property; and when Congress provides for clearing off the bar at the entrance of New York Harbor it does it under its authority to regulate commerce with foreign nations. I do not know any other authority except the authority merely to give money; but when it undertakes to exert force, which is different from giving money, and tells its engineers "You shall do that thing," and they undertake to do it, and any other power undertakes to stop them, then it becomes a question of the force of conflicting rights, and there is nobody to stand in the way there except the sovereign power of the State of New York.

That sovereign power of the State of New York is confined to subjects that do not interfere with the regulation of commerce between the United States and foreign nations.

I am speaking now of that particular case which I take for an illustration. If, therefore, the act of Congress directs the engineers to dig out the bar at the harbor of New York to the depth of 30 feet, and they begin to dig, and the private land-owner on either side undertakes to interfere, the answer to him is easy enough, "You have no interest in this question at all; you do not own the land where we are digging." That is the end of him. Then when the State of New York comes and undertakes to interfere, the answer is that "Although you have a perfect sovereign municipal jurisdiction, this being within the borders of a county, we are now exerting the power of regulating commerce with a foreign nation, and are providing where the tide ebbs and flows, the public waters of the world coming into your harbor, and interfering with no private ownership, we are enabling commerce to come in." Very good. That is the answer to that question.

When you go to the top of the Winooski River, in the State of Vermont—which I am bound to say from having seen them both is much larger and surrounded by a much more populous country and a more fertile region than, I was going to say, fifty places that can be named in this bill—if Congress undertakes to send its engineer to dig out the sand-bars and the rock-bars in the Winooski River and they were met by the land-owner, the law would be that the land-owners on each side—and the farms often cross it on both sides—owned the bottom of that river, and the engineer would be up if the land-owner resisted; of course he would not resist, because it is a jolly thing for him to sell his chickens and his eggs and his wheelbarrows and things to the engineers and their workmen who proceed to dig. As Blackstone says—my friend is so familiar at least with the comic one—*infra dig*, which means dig the bottom of every rivulet and brook which you can get so long as Congress will provide the money to do it.

Mr. CALL. Now I will ask the Senator, if he will allow me, with greater humiliation than he had, suppose we enter into the New York Harbor by virtue of the power of Congress to regulate foreign commerce and make an improvement because there is no private property there, is there any reason why we should not go up to the head of the river, to the iron-works that he speaks of where they dump the iron slag into the river, and there being no private property there, Congress should interfere and prevent them putting the slag in? Simply because

there is a right of private property somewhere, this national power to protect the works it may create is divested. Is that the idea?

Mr. EDMUNDS. That depends on another branch of the law, with which my friend is so familiar, of remote and proximate forces. If the United States, having perfect authority to dredge out the bar at the entrance to the harbor at New York, could prove to a jury of twelve honest men, under proper directions from the presiding judge, that the man who at the top of the Hudson River had dumped in his slag had necessarily and as a direct cause, not a remote one, brought those slags to that bar, I agree that Congress could prohibit it.

Mr. CALL. The Senator admits the power of Congress to do it then within a State?

Mr. EDMUNDS. No. I admit the power of Congress to protect a public work that it has a right of its own authority to do, as distinguished from making a donation of money to do it. That is the difference.

Mr. STANFORD. Now, that I may not misunderstand the Senator, let me say that this is a case in which the harbor of San Francisco, one of the most important of the country, is threatened. It is only a question of time if the mountains are allowed to be washed down the valleys when the harbor of San Francisco itself will be destroyed. Now, do I understand the Senator from Vermont to say that there shall be nothing done, that Congress has no power to stop this washing down of *débris* into these streams so as to destroy that harbor?

All that we are asking under this bill is that Congress may authorize the United States district attorney, out of the money already appropriated, to use so much as he may think necessary in order to stop the filling up and the destruction of those two rivers and this harbor of San Francisco. If I understand the Senator correctly in regard to what might go on at the head of the Hudson River affecting the harbor of New York, the power is in this bill to make the appropriation necessary to prevent it.

Mr. EDMUNDS. How much has the harbor of San Francisco shoaled from these washings so far?

Mr. STANFORD. Very largely. An engineer tells me it is very important that a new survey should be made of the harbor of San Francisco. Suisun Bay, which is a portion of the harbor of San Francisco itself, where ships of any tonnage might pass a few years ago, is now so filled up that tules are growing up in the center of it.

Mr. EDMUNDS. Gold-bearing sand?

Mr. STANFORD. It comes down washed from the mountains.

Mr. HOAR. It seems to me that the question which is raised by the Senator from Vermont and the Senator from Maine is nothing, when you come to look at it for a moment, but the old question of the right to make these improvements, these public works, within the body of a State. I suppose there are but few members in this or the other House left, there are very few of the antediluvians or fossils left, who entertain the old doctrine that our predecessors had to encounter down to the time of James Monroe. We have the right, not merely under the power to provide for the general welfare, but under our power to regulate commerce among the States and with foreign nations, to provide for the construction of public ways whether by land or by water, which ways are important tributaries or contribute to such commerce.

Mr. Webster put as his illustration of the power of Congress the case of a canal beginning in South Carolina and ending in South Carolina, and he declared in his seat here that if it were proposed to him to appropriate money to build a canal beginning and ending in South Carolina, which was important to commerce among the States as a part of its roadway and he were to refuse, he would not dare go home and face his constituents.

If we have a right, as we have shown by building railroads and as we have shown by contributing to the building of canals, and as we have shown by clearing out harbors on the ocean, to do this thing, we have a right to protect these public ways in the process of construction or after they are constructed, and we have a right to enact that a man who washes away by raising a dam against it the embankment of a railway which Congress has built or helped to build, we have a right to enact that that shall not be done, and to protect the structure by civil restraint, by injunction, or by provision for criminal process.

Mr. HEARST. Will the Senator allow me?

Mr. HOAR. Certainly.

Mr. HEARST. All of what the Senator says about a canal or anything that the Government has artificially made—

Mr. HOAR. I am coming to the question of the river that the Government did not make.

Mr. HEARST. But these people ought to be allowed to control a country 400 or 500 miles long not on the stream.

Mr. HOAR. That is another matter. I am trying to state the answer to the proposition of the Senator from Vermont.

It is settled that these State rivers flowing into other rivers, or flowing into the sea, or existing anywhere where the commerce that passes over them may go abroad or may go to another State, are within the national jurisdiction. Originally in England the admiralty jurisdiction was held to be over those places only where the tide ebbed and flowed, and our courts adopted in the beginning that limit of admi-

rality or maritime jurisdiction of the constitutional clause, but the Supreme Court held about fifteen or twenty years ago that that was not a definition as being an equivalent in reason or meaning, but it was only an accidental coincidence.

It happened that there being no large rivers in England, the limit of international commerce happened to coincide with the limit of the ebb and flow of the tide, and therefore when you applied it to our vast streams, our vast lakes, the true limit was to be found by applying the national power to all commerce which might pass from one State to another, whether by river or by lake or by artificial ways. So a river in the State of Vermont, or Massachusetts, or Alabama, which is or which may be made a means of transporting commerce on its way from one State to another, on its way from the cotton plantation in South Carolina or Alabama either to Liverpool by sea or to Boston by inland ways, is within the national jurisdiction.

Now, if we are to have a right to construct a canal wholly artificial and to declare that the person who fills up that canal as we are constructing it or after we have constructed it is interfering with international or interstate commerce and may be prevented by criminal or civil processes, we have a right to take a river which is half or two-thirds or nine-tenths or ninety-nine one hundredths ready to make into a canal, and we have a right to provide for dredging it out and to protect it when we have dredged it out by a precisely similar enactment, which is what this proposition of my honorable friend from California and the section which he proposes to amend undertook to do.

I go further, and I say if you have got a natural stream fitted to be an instrument of such commerce without any work or expenditure upon it by the United States Government except the simple protection of it, and it be a tributary of international commerce now there prepared and ready as it came from the hand of the Almighty, just as the lake is, just as the Mississippi River for a great part of its course is, just as the Hudson River through a great part of its course is, you have the same right to interpose for the regulation or protection of commerce by preventing the obstruction of that canal. There is no difference in principle; or if there be a difference in principle, the difference is in favor of the simpler and more direct process.

So that if you may make a ditch on land and fill it with water and protect it by an enactment of this class, you may dig out a canal half made in the shoals of a river and protect that. If you may do either of those things, *a fortiori* you may regulate and protect commerce by saying that the great water ways already existing and perfect shall be protected and maintained in their perfection as they exist and shall not be interfered with, and it is one function, one constitutional power, one beneficent, humane duty that Congress is performing in all three of the cases.

Now, as I understand the proposition of the honorable Senator from California, it does not undertake to say that a certain business shall stop in the California mountains because the result of that business has been to destroy the streams, but it says that when that business is operating to cause the destruction of the Sacramento and the San Joaquin and the Feather Rivers, then the authority of the United States may be invoked to prevent that destruction and that injury. That is all. I see, therefore, no difficulty in finding constitutional power to accomplish this thing.

I wish before I sit down to make, however, one observation called out by an observation of the Senator from Vermont, and which we hear in almost every speech in opposition either to this bill in general or to any of its provisions, the suggestion that this river and harbor bill and its predecessors contain any considerable number to speak of of these little trifling provisions. I do not believe this bill for the last ten years has contained a provision, unless it has escaped the careful scrutiny of the committee, which was not for an object which in some way was important to the international or interstate commerce of the country. It is almost unusual.

President Arthur undertook to veto the river and harbor bill four years ago this summer. The whole press of the country went off into a tirade on this subject, which I heard the very foremost scientific man of America, a name which if I were at liberty to cite it would command respect from every Senator in this Chamber, say was half craze and half plot, and the next year that Executive was challenged by the House of Representatives to point out and enumerate the items in the bill which he thought were not required by the needs of national commerce, and the Secretary of War made answer, which he said had been submitted to the Executive himself, saying that there was but 5 per cent. of the entire \$18,000,000 which that year's scrutiny enabled that Secretary of War to point out. I went over that bill and studied it carefully, and I affirm my individual opinion that there was hardly one item in the whole number in regard to which the opposition of the then Executive could have been maintained.

The two items selected in the State of Massachusetts were Plymouth Harbor and Wareham River. Plymouth Harbor is the second importing point in Massachusetts, where they have the large rope-walks—the second importing point in number of its imports in Massachusetts, and Plymouth Harbor had been put in that bill in consequence of a special executive message. There had come into the Senate before the river

and harbor bill was reported a communication from the Secretary of War forwarding the reports of the engineers, in which he said that one of the two arms of sand that make Plymouth Harbor had been washed away in a great freshet, and there was danger unless a breakwater could be at once completed that that whole sand-spit would be washed into the harbor and the trade of the town and its commerce ruined, and urging upon Congress a special appropriation out of time to protect that important harbor. My friend the Senator from Minnesota [Mr. McMILLAN] called my attention to it when it was referred to his committee.

I had never heard of it before, and I went around and got the consent of every member of the Committee on Commerce except one to introduce and pass through the Senate a special bill for that purpose. I proposed the bill in the Senate, and the honorable Senator from Missouri [Mr. VEST], whom I had not happened to see, rose and said that while he would not press his objection if I insisted, yet he thought it would be so dangerous a precedent to have any of these schemes separated from the rest before they had been fully examined by the committee at their meetings; and as it was the warm season of the year, when no new storm was likely to occur, he hoped I would not press the bill further, and I let it go, and it was put into the general river and harbor bill. That was one of the things put in at executive importunity which was suggested in that veto as a thing not belonging to national commerce.

The other was Wareham River, a river which supplies with coal and iron and lime and brick a great manufacturing town larger than the capitals of some States of this country and more important. That was the only other objection.

Now, sir, I wish to say that the people of the country ought to understand and the Senate ought to remember that under the construction put upon this matter by President Grant no President of the United States is bound to expend the sums herein appropriated within the fiscal year, or, indeed, at any time. If there goes to the Executive a river and harbor bill containing a single item which he discovers is not important, in regard to which he thinks Congress has been misled or mistaken, he is at perfect liberty to refrain from making that expenditure, and can send in a message and ask Congress to reconsider the subject.

Mr. KENNA. Will the Senator allow me to make a suggestion to him?

Mr. HOAR. Certainly.

Mr. KENNA. The Senator is correct in his statement that President Grant started out on that theory; but on investigation and inquiry he abandoned it and spent every dollar appropriated.

Mr. HOAR. I do not think he abandoned the theory. I have not heard the theory questioned since President Grant's day.

Mr. KENNA. In fact I happen to know that the matter was brought to his attention by a number of gentlemen, among whom was General Butler, then a member of the other House, and on examination of the question President Grant concluded that he had no more right to suspend the expenditure of an appropriation for specific purposes by that bill than by any other bill.

Mr. HOAR. I do not think the Senator observed how I limited my statement. My statement is that the President is not bound to expend it within that year. It is not a year bill at all, and therefore, if he discovers that Congress has been mistaken, or that any particular item is not of national importance, he is at perfect liberty to delay that expenditure and to ask Congress to reconsider it by sending in a message the next year.

Mr. KENNA. I did not desire to antagonize the Senator's view at all; I hope it is exactly correct.

Mr. HOAR. That is the way I understand it.

Now, Mr. President, the commerce of this country is made up of the contributions of the individual parts of the country, and you might just as well hold up the post-office in some frontier village as a matter for sneer or condemnation or contempt. It may not be of national importance that the people of the town of Paxton should have a post-office, looking at that alone, but it is of national importance that every citizen of the United States, if it be possible, should have the facilities of a post-office, and you must take the aggregate and not the individual item when you are looking at the question.

There may be a very few cases, very rare cases indeed, where appropriations are excessive, because these bills do not appropriate a tenth part of what we might properly and profitably appropriate in a single year. They do not appropriate in proportion to the demands and exigencies of this great country a tenth part of what either England or France appropriates. England has a coast line of, I think, about 1,300 miles. We have over 23,000 miles without Alaska. England appropriates from her national treasury to these great works through her great boards ten times annually, I suppose, what we appropriate. I have not looked at the figures within a few days, but in proportion it is enormously for her 1,300 miles in excess of what we appropriate for our 23,000 miles.

Mr. EDMUNDS. But it is all for great harbors.

Mr. HOAR. Yes, it is all for great harbors, and it is that policy which has made them great. The Clyde was a little stream over which you could toss a biscuit and up which a boy could wade, and the Mersey was not much better. It was because England made these appropria-

tions at the time of the small things of these little harbors that she is the great commercial mistress of the world to-day.

It may not be important that a single little harbor in Michigan, or a single reach of the sea on the coast of Massachusetts, or a single creek which takes off the cotton from certain plantations in Louisiana, taken alone by itself, should be developed, but it is important that every one of these things the country over should have its reasonable and proper and fitting access to the great commercial system of the nation and the great commercial system of all mankind; and it is from that policy, and from that policy alone, that has grown our vast internal commerce, and that will grow, if it be pursued with courage, liberality, and good sense, our commercial supremacy which we are yet to have among the nations of the earth in both hemispheres.

Mr. President, there is not a statesman of the past whose reputation has been worth surviving the falling of the clods of earth on his coffin lid who has not been pledged to this river and harbor policy which is treated with these little sneers in the Senate of the United States.

Mr. DOLPH. Mr. President—

Mr. HAWLEY. I hope the Senator from Minnesota will let us adjourn now. It is quite impossible to finish the bill to-night.

Several SENATORS. Let us adjourn.

Mr. HAWLEY. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Oregon [Mr. DOLPH] was recognized by the Chair.

Mr. DOLPH. I wish to make a little statement.

Mr. HAWLEY. Was not my motion received?

The PRESIDING OFFICER. It was not. The Senator from Oregon had been recognized before the Senator from Connecticut rose.

Mr. HAWLEY. Will not the Senator from Oregon kindly yield and let the Senate adjourn? He will have the floor to-morrow.

Mr. DOLPH. I am willing to yield to the motion if I retain the floor in case the motion is voted down.

Mr. HAWLEY. Certainly. I renew the motion.

Mr. McMILLAN. If the Senator is about to make the motion, I desire to ask the Senate to come to some understanding about the disposition of this bill before the motion to adjourn is put.

Mr. INGALLS. We can dispose of it to-morrow before we adjourn.

Mr. McMILLAN. If I can obtain unanimous consent to dispose of the bill to-morrow—

Mr. INGALLS. We can not fix an hour.

Mr. KENNA. Take the day; we can finish it during the day.

Mr. McMILLAN. I think if the Senate would fix an hour to-morrow it would be better.

Mr. HEARST. We want to have the Senator from Nevada [Mr. JONES] here.

Mr. McMILLAN. I ask the unanimous consent of the Senate to agree that the bill shall be finished to-morrow. ["Agreed."]

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that this bill shall be disposed of to-morrow.

Mr. EDMUNDS. Does the Senator mean by that a motion to adjourn shall not be in order to-morrow? If so, I object. I will stick by the Senator to-night and to-morrow and all the time; I shall not adjourn until he says so; but I do not propose to tie up the hands of the Senate against adjourning to-morrow if it desires.

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

Mr. McMILLAN. I think it is understood that we can dispose of the bill to-morrow. Is there unanimous consent to that?

The PRESIDING OFFICER. That is objected to.

Mr. McMILLAN. I did not so understand. I understood the Senator from Vermont to say that he would not move to adjourn to-morrow.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the pending bill be disposed of to-morrow.

Mr. EDMUNDS. I object to that in that form. I will stay with the Senator to-night and to-morrow, if I am living, and will stay until the bill is out of the way; but I will not consent that the Senate shall agree by unanimous consent that a motion to adjourn to-morrow shall not be in order.

Mr. McMILLAN. Then I ask unanimous consent, with the exception stated by the Senator from Vermont, that the bill shall be disposed of to-morrow before adjournment.

Mr. EDMUNDS. I have no objection to that. Go as fast as you can, subject to any motion to adjourn.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that this bill may be disposed of to-morrow if there is no adjournment before it is disposed of. [Laughter.]

Mr. EDMUNDS. That is all you can do.

The PRESIDING OFFICER. The Chair hears no objection to that. [Laughter.]

Mr. HAWLEY. I renew my motion.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock p. m.), the Senate adjourned until to-morrow, Tuesday, July 13, 1886, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

MONDAY, July 12, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK.  
The Journal of the proceedings of Saturday last was read and approved.

## PUBLIC BUILDING AT ASHEVILLE, N. C.

The SPEAKER laid before the House the following message from the President of the United States:

*To the House of Representatives:*

I herewith return without approval House bill No. 5546, entitled "An act for the erection of a public building at Asheville, N. C."

If the needs of the Government are alone considered, the proposed building is only necessary for the accommodation of two terms of the United States court in each year and to provide an office for the clerk of that court and more commodious quarters for the post-office.

The terms of the court are now held in the county court-room at Asheville at an expense to the Government of \$50 for each term; the clerk of the court occupies a room for which an annual rent of \$150 is paid, and the rent paid for the rooms occupied by the post-office is \$180 each year.

The postmaster reports that four employes are regularly engaged in his office, which is now rated as third class.

I have no doubt that the court could be much more conveniently provided for in a new building if one should be erected; but it is represented to me that the regular terms held at Asheville last only two or three weeks each, though special terms are ordered at times to clear the docket. It is difficult to see from any facts presented in support of this bill why the United States court does not find accommodations which fairly answer its needs in the rooms now occupied by it. The floor-space furnished for the terms of the Federal court is stated to be 75 by 100 feet, which, it must be admitted, provides a very respectable court-room.

It is submitted that the necessity to the Government of a proper place to hold its courts is the only consideration which should have any weight in determining upon the propriety of expending the money which will be necessary to erect the proposed new building.

The limit of its cost is fixed in the bill under consideration at the sum of \$80,000; but the history of such projects justifies the expectation that this limit will certainly be exceeded.

I am satisfied that the present necessity for this building is not urgent, and that something may be gained by a delay which will demonstrate more fully the public needs, and thus better suggest the style and size of the building to be erected.

GROVER CLEVELAND.

## EXECUTIVE MANSION, July 10, 1886.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent that this message, with the accompanying bill, lie over for the present.

Mr. STORM. I do not see what is the object of that. Why not refer the matter to the appropriate committee? I shall have to insist on its taking the usual course.

Mr. JOHNSTON, of North Carolina. I hope the gentleman will not object to my proposition.

The SPEAKER. The bill is before the House for immediate action, unless some motion is made in regard to it.

Mr. DIBBLE. I move that the bill, with the accompanying veto message, be referred to the Committee on Public Buildings and Grounds. The motion was agreed to.

JEAN LOUIS LEGARÉ.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a communication from Sir Lionel West relative to the bill (H. R. 4553) to compensate Jean Louis Legaré for services and expenses in procuring the surrender of Sitting Bull; which was referred to the Committee on Claims.

## HEATING APPARATUS FOR PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending appropriations for the purchase of heating apparatus in certain public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

## INSPECTION OF STEAM VESSELS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, inclosing letters from the local inspector of steam-vessels, New York city, and recommending the early passage of the bill (S. 2719) to amend the laws relating to the inspection of steam vessels.

Mr. DINGLEY. I ask that the communication be referred to the Select Committee on Ship-building.

Mr. REAGAN. I would not object to the reference but that this is a measure which properly goes to the Committee on Commerce, and also because this select committee has managed in some way or other, in disregard of the objects of its own creation, to take about all the business from the Committee on Commerce. I therefore object to that reference.

Mr. DINGLEY. This matter has been reported by the committee, the original bill was prepared in the committee, and this is simply a part of the same subject.

Mr. REAGAN. We have the same bills before the Committee on Commerce.

The SPEAKER. The Chair thinks, in view of the fact that this relates to the inspection of steam vessels generally, that it would apply to all steam vessels, whether ocean-going or coastwise, and hence it should be referred to the Committee on Commerce.

Mr. DINGLEY. But, Mr. Speaker, this relates entirely to a matter before the Shipping Committee, where the President recommended a certain amendment and where the bill has been reported in accordance with that amendment.

Mr. REAGAN. A reference to the resolution creating that committee shows it does not embrace that subject at all.

Mr. DINGLEY. I move its reference to that committee.

Mr. REAGAN. If necessary I will offer an amendment, that it go to the Committee on Commerce.

The SPEAKER. The Chair thinks that would be unnecessary, since, judging from the title of the bill, not having examined its text, the Chair is of the impression that it will go there anyhow if the House refuses the reference to the select committee.

Mr. DINGLEY. It is a bill which I draughted myself, which was referred originally to that committee, and has been considered by it and reported.

The SPEAKER. The question is not debatable.

The question was taken; and on a division there were—ayes 71, noes 45.

So the motion of Mr. DINGLEY was agreed to.

## REFERENCE OF A SENATE BILL.

The SPEAKER also laid before the House a bill (S. 2217) for the relief of Andrew T. McReynolds; which was read a first and second time, and referred to the Committee on Pensions.

## LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. NORWOOD, for one week.

To Mr. BAYNE, for one week, beginning with this day.

## REPRINT OF A REPORT.

On motion of Mr. OATES, by unanimous consent it was ordered that the report of the committee appointed to investigate Pan-Electric Telephone matters be reprinted, the previous report having been exhausted.

## ORDER OF BUSINESS.

Mr. HOLMAN. Is it in order to move to dispense with the morning hour?

The SPEAKER. This day is set apart under the rule for the call of the States and Territories.

Mr. HOLMAN. Is it in order to suspend that order?

The SPEAKER. There is no provision in the rule for such motion, and the Chair has never known it to be done except by unanimous consent. The Chair presumes, however, there will not be many bills offered at this stage of the session.

## LOAN OF TENTS.

Mr. HEPBURN. Mr. Speaker, I want to ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of 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 for reunion purposes and put the same upon its passage. This is a resolution authorizing the Secretary of War to loan certain tents for reunion purposes.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. I object.

Mr. HEPBURN. Let it be read first.

Mr. HOLMAN. I have no objection to its being read for information.

The SPEAKER. The joint resolution will be read.

The joint resolution is as follows:

*Resolved, &c.*, That the Secretary of War be, and he is hereby, directed to loan to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association a sufficient number of tents, poles, and pins as may be needed for the purposes of the annual reunion of said association for the year 1886: *Provided*, That before delivering said property the Secretary of War shall take from the officers of said association a bond, to be approved by him, in such amount and so conditioned as to secure the speedy return of said property uninjured and without expense to the United States.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The committee recommend the following amendments:

In line 6, after the word "pins," insert "that have been used or condemned." Also add the following as section 2:

"That the Secretary of War be, and he is hereby, directed to loan to the Tri-State Veterans' Association of Ohio, Indiana, and Michigan tents that have been used or condemned, in sufficient number to cover twenty thousand troops, for use at a reunion to be held at Fort Wayne, Ind., on the 19th, 20th, 21st, 22d, and 23d of August next: *Provided*, That before delivering said property the Secretary of War shall take from the officers of said association a bond, to be approved by him, in such amount and so conditioned as to secure the speedy return of said property uninjured, and without expense to the United States."

The amendments of the committee were agreed to.

Mr. STEELE. I desire to offer a further amendment to the amendment from the Committee on Military Affairs, if in order.

The SPEAKER. It is in order.



The amendment was read, as follows:

That the Secretary of War be, and he is hereby, directed to loan to the Northwestern Missouri Veteran Soldiers' Association a sufficient number of tents, poles, and pins that have been used or condemned as may be needed for the purposes of the annual reunion of said association for the year 1886: *Provided*, That before delivering said property the Secretary of War shall take from the officers of said association a bond, to be approved by him, in such amount and so conditioned as to secure the speedy return of said property uninjured and without expense to the United States.

The amendment was agreed to.

Mr. WARNER, of Missouri. Is a further amendment in order?

The SPEAKER. It is.

Mr. WARNER, of Missouri. Then I offer the amendment which I send to the desk.

The Clerk proceeded to read the amendment.

Mr. STEELE. Mr. Speaker, I object to that.

Mr. WARNER, of Missouri. I am informed by the gentleman who offered the original resolution that he does not wish this amendment mixed up with it, and I will withdraw it, therefore, and have it referred to the committee.

The joint resolution as amended was ordered to be engrossed for a third reading; and being so engrossed, was accordingly read the third time, and passed.

Mr. LOWRY. I move that the title be amended to conform to the amendments.

The title was amended accordingly.

Mr. HEPBURN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. HEMPHILL. I call for the regular order.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and resolutions for reference to the appropriate committees.

#### EDUCATION.

Mr. WHEELER submitted the following resolution; which was read, and referred to the Committee on Education:

*Resolved*, That it is the sense of this House that Congress should not adjourn until it has enacted a law appropriating a portion of the surplus money in the Treasury to assist the States in the great cause of education.

J. H. POTTS.

Mr. WHEELER also introduced a bill (H. R. 9799) for the relief of J. H. Potts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH CANNON.

Mr. WHEELER also introduced a bill (H. R. 9800) for the relief of Sarah Cannon, widow of Jabez Cannon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. W. CARROLL.

Mr. WHEELER also introduced a bill (H. R. 9801) for the relief of F. W. Carroll; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### CLAIMS FOR CITIZENSHIP IN INDIAN NATIONS.

Mr. ROGERS (by Mr. McRAE) introduced (by request) a bill (H. R. 9802) authorizing the President of the United States to create a commission to try and dispose of claims for citizenship in the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Indian Nations; which was read a first and second time.

Mr. McRAE. This bill involves a question of law. I ask that it be referred to the Committee on the Judiciary.

The SPEAKER. The bill provides for the appointment of a commission. The Chair does not see that it involves any question of law, but the gentleman from Arkansas moves to refer it to the Committee on the Judiciary.

Mr. WEAVER, of Iowa. Let the title be again read.

The title was again read.

Mr. HOLMAN. That would seem to belong to the Committee on Indian Affairs.

The SPEAKER. The Chair has so decided, but the gentleman from Arkansas has moved to refer it to the Committee on the Judiciary.

The motion was not agreed to; and the bill was referred to the Committee on Indian Affairs, and ordered to be printed.

#### EASTERN CHEROKEES.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 9803) making an appropriation to fulfill certain treaty stipulations with the Eastern Cherokees residing east and west of the Mississippi River; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

F. B. COLVER.

Mr. MARKHAM introduced a bill (H. R. 9804) for the relief of F. B. Colver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB J. WALSER.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 9805) for the relief of Jacob J. Walser; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANN M. ENGLISH.

Mr. LAWLER (by request) introduced a bill (H. R. 9806) for the relief of Ann M. English; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY M. SMITH.

Mr. HITT introduced a bill (H. R. 9807) for the relief of Mrs. Mary M. Smith; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN B. MITCHELL.

Mr. HOWARD introduced a bill (H. R. 9808) for the relief of John B. Mitchell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### SETTLERS ON DES MOINES RIVER.

Mr. HALL introduced a bill (H. R. 9809) for the relief of settlers upon lands along the Des Moines River above the Raccoon Fork in the State of Iowa; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

G. W. M'ADAMS.

Mr. HALL also introduced a bill (H. R. 9810) for the relief of G. W. McAdams, postmaster at Mount Pleasant, Iowa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### SETTLERS ON PUBLIC DOMAIN.

Mr. HOLMES introduced a bill (H. R. 9811) for the protection of settlers on the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM NAMES.

Mr. MURPHY introduced a bill (H. R. 9812) for the relief of William Names; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILSON B. GEORGE.

Mr. LYMAN introduced a bill (H. R. 9813) to correct the military record of Wilson B. George; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### MEMORIAL OF ABRAHAM LINCOLN.

Mr. ROBERTSON introduced a joint resolution (H. Res. 200) making an appropriation for the erection of a granite shaft to mark the birthplace of Abraham Lincoln, in La Rue County, Kentucky; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

DR. D. N. PORTER.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 9814) for the relief of Dr. D. N. Porter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### COAST DEFENSES.

Mr. GAY presented concurrent resolutions of the General Assembly of the State of Louisiana, urging action by Congress for the adequate defense of our coasts and cities on the seaboard of the United States and our frontier settlements; which was referred to the Committee on Appropriations.

#### REMAINS OF SOLDIERS AT CAMP MOORE, LOUISIANA.

Mr. GAY also presented concurrent resolutions of the General Assembly of Louisiana, favoring an appropriation of \$1,000 for the care and protection of the remains of Union soldiers buried at Camp Moore, Louisiana; which was referred to the Committee on Military Affairs.

#### EQUESTRIAN STATUE OF GENERAL ZACHARY TAYLOR.

Mr. GAY also presented a concurrent resolution of the General Assembly of the State of Louisiana, favoring the erection of an equestrian statue of General Zachary Taylor; which was referred to the Committee on the Library.

DR. JAMES B. SULLIVAN.

Mr. BLANCHARD introduced a bill (H. R. 9815) authorizing the Court of Claims to hear and determine the claim of Dr. James B. Sullivan, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### IMPORTATION OF LABORERS UNDER CONTRACT.

Mr. LOVERING (by request) introduced a bill (H. R. 9816) to abolish the importation of Italian or other slaves or laborers under contract and held to involuntary servitude in the United States of America; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

## REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. WINANS introduced a joint resolution (H. Res. 201) for printing the report of the Commissioner of Agriculture; which was referred to the Committee on Printing.

## GREAT FALLS RAILWAY COMPANY.

Mr. MAYBURY introduced a bill (H. R. 9817) to incorporate the Great Falls Railway Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

## MINNEAPOLIS INDUSTRIAL EXPOSITION, MINNESOTA.

Mr. GILFILLAN introduced a bill (H. R. 9818) relative to the Minneapolis industrial exposition to be held in the city of Minneapolis, State of Minnesota; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

## MRS. SOPHIA BUMB.

Mr. GLOVER introduced a bill (H. R. 9818) granting a pension to Mrs. Sophia Bumb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## LUIGI BATTO.

Mr. GLOVER also introduced a bill (H. R. 9820) for the relief of Luigi Batto; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## THOMAS STERLING MORGAN AND SEVILLA MORGAN.

Mr. GLOVER also introduced a bill (H. R. 9821) for the relief of Thomas Sterling Morgan and Sevilla Morgan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## HUGH L. WHITE.

Mr. GLOVER also introduced a bill (H. R. 9822) for the relief of Hugh L. White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## PHILIP HOLDENRIED.

Mr. GLOVER also introduced a bill (H. R. 9823) for the relief of Philip Holdenried; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## TRIAL OF MAJOR JUSTUS M'KINSTRY.

Mr. GLOVER also offered a resolution requesting the Secretary of War to furnish a complete copy of the proceedings of the trial of Major Justus McKinstry; which was referred to the Committee on Military Affairs, and ordered to be printed.

## PAUL M'STAY.

Mr. CLARDY introduced a bill (H. R. 9824) for the relief of Paul McStay, late private Company G, Eighth Infantry, United States regular Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## LOUIS LESEM.

Mr. WARNER, of Missouri, introduced a bill (H. R. 9825) granting a pension to Louis Lesem, late of Company G, Fifth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## PATRICK M'INTYRE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9826) for the relief of Patrick McIntyre; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## F. DETTMERING.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9827) granting a pension to F. Dettmering; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## SAMUEL J. LA RUE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9828) granting a pension to Samuel J. La Rue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## GEORGE B. STONE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9829) granting a pension to George B. Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## WILLIAM WHITEHOUSE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9830) for the relief of William Whitehouse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## CATHERINE RHODES.

Mr. HAYNES introduced a bill (H. R. 9831) for the relief of Catherine Rhodes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## REDUCTION OF INTERNAL-REVENUE TAXATION.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 9832) supplemental to an act entitled "An act to reduce internal-revenue taxation and for other purposes," approved March 3, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

## RECIPROCITY CONVENTION WITH MEXICO.

Mr. HEWITT submitted the following resolution; which was referred to the Committee on Ways and Means:

*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 of 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.

## LILLA M. PAVY.

Mr. BUTTERWORTH introduced a bill (H. R. 9833) granting a pension to Lilla M. Pavy, widow of Dr. Octave Pavy, surgeon of the Greely arctic expedition; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

## SECTION 658 REVISED STATUTES.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 9834) amending section 658 Revised Statutes fixing time and place for holding court in southern district of Ohio; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## SAMUEL GALLOWAY.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9835) to remove the charge of desertion against the military record of Samuel Galloway; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## ALBERT W. DUTCHER.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9836) granting a pension to Albert W. Dutcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## LOUIS UNTIET.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9837) granting a pension to Louis Untiet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## JAMES R. PORTER.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9838) granting an increase of pension to James R. Porter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## ROBERT W. SPANG.

Mr. ERMENTROUT introduced a bill (H. R. 9839) for the relief of Robert W. Spang; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## AMERICAN SHIPPING AND INDUSTRIAL LEAGUE.

Mr. NEGLEY. I present a resolution which, as it is very short, I ask to have read.

The Clerk read as follows:

At a meeting of the American Shipping and Industrial League, held this day, the following resolution was adopted—

The SPEAKER. That is not in order under this call.

Mr. NEGLEY. I wish to have it referred.

The SPEAKER. Nothing is in order under this call except bills, joint resolutions, resolutions of inquiry addressed to the Executive Departments, and resolutions or memorials from State or Territorial Legislatures.

## MARY R. SCHIRGE.

Mr. HARMER introduced a bill (H. R. 9840) granting a pension to Mary R. Schirge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## WILLIAM H. KING.

Mr. BOYLE introduced a bill (H. R. 9841) granting a pension to William H. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## SECOND LIEUTENANTS IN SIGNAL CORPS.

Mr. SPOONER introduced a bill (H. R. 9842) to transfer the second lieutenants of the Signal Corps to the line of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## MARY E. MARTIN.

Mr. SPOONER also introduced a bill (H. R. 9843) granting an increase of pension to Mary E. Martin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

## THOMAS HORD.

Mr. RICHARDSON introduced a bill (H. R. 9844) for the relief of

the executors of Thomas Hord; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF DENNIS MAHONEY.

Mr. RICHARDSON also introduced a bill (H. R. 9845) for the relief of the legal representatives of Dennis Mahoney, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLUMBUS TRIMBLE.

Mr. CABELL introduced a bill (H. R. 9846) for the relief of Columbus Trimble, administrator of John A. Foster, deceased, late of the county of Grayson, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. O. LUNDY.

Mr. CABELL also introduced a bill (H. R. 9847) for the relief of C. O. Lundy, of Grayson County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN DICKENSON.

Mr. CABELL also introduced a bill (H. R. 9848) for the relief of John Dickenson, administrator of B. A. Hoffman, deceased, late of Grayson County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNEXATION OF LAND TO NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 9849) to annex a certain strip of land therein named to the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

BENITO LARRAGOITE.

Mr. JOSEPH also introduced a bill (H. R. 9850) for the relief of the heirs of Benito Larragoite, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

The SPEAKER. If there be no objection the Chair will now recognize members who were not in when their States were called. There was no objection.

WILLIAM O'CONNOR.

Mr. LONG introduced a bill (H. R. 9851) granting a pension to William O'Connor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BRENEMAN.

Mr. STRUBLE introduced a bill (H. R. 9852) granting a pension to John Breneman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HUNTON.

Mr. STEELE introduced a bill (H. R. 9853) for the relief of John Hunton; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

S. BARRON.

Mr. CROXTON introduced a bill (H. R. 9854) to remove the disabilities of S. Barron, of Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMERCIAL NATIONAL BANK, MARSHALLTOWN, IOWA.

Mr. FREDERICK introduced a bill (H. R. 9855) authorizing the Commercial National Bank of Marshalltown, Iowa, to change its location and name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LOST HOMESTEAD RIGHTS RENEWED.

Mr. VOORHEES, by unanimous consent, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 5826) permitting all persons who have lost their homestead rights to make new entries; 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.

HOMESTEAD SETTLERS.

Mr. McRAE, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 9111) to grant additional rights to certain homestead settlers on the public lands; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being the second Monday of the month, set apart for the consideration of matters coming from the Committee on the District of Columbia—

Mr. HOLMAN. Mr. Speaker, the House will see it is of the highest importance the legislative, &c., appropriation bill should be disposed of and become a law as soon as possible. Therefore I hope the gentleman from South Carolina [Mr. HEMPHILL] having charge of the business of the Committee on the District of Columbia will agree to postpone the consideration of that business, so the House can take up and

dispose of the amendments of the Senate to the legislative, &c., appropriation bill.

Mr. BLOUNT. Let me inquire of the gentleman from Indiana when the fifteen days will expire?

Mr. HOLMAN. On the 15th of this month. I therefore move, if my friend from South Carolina [Mr. HEMPHILL] having charge of the District business does not object, that it be postponed until after the consideration of the business set apart for to-morrow, and that to-day be devoted to disposing of the legislative, &c., appropriation bill.

Mr. ROWELL. If that be agreed to, does it terminate with to-morrow?

Mr. HOLMAN. No.

Mr. ROWELL. The other business may take up the whole session.

Mr. HOLMAN. I think that is hardly possible.

The SPEAKER. The Chair will state the request. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent to postpone the consideration of the business of the District of Columbia, taking to-day for the consideration of the legislative, &c., appropriation bill, and to take up the District business for one day immediately after disposing of the business set apart for to-morrow.

Mr. POWELL. Why can not you give us to-day?

Mr. HEMPHILL. Individually I will consent provided a day is fixed beyond which the business set apart for to-morrow shall not extend. I think we might say not later than Thursday next.

The SPEAKER. Does the gentleman accept?

Mr. COBB. What business is alluded to when gentlemen speak of the business set apart by the House for to-morrow?

The SPEAKER. Certain classes of bills reported by the Committee on Ways and Means, which by resolution adopted on Saturday were set for Tuesday, with the provision if any should be under consideration and unfinished at the time of adjournment that bill should continue until finished.

Mr. COBB. The Committee on Public Lands desires to take up land-grant bills.

Mr. HEMPHILL. I ask that Thursday next be set apart for the District business, under the same conditions as to-day; that is, that we shall not lose it.

The SPEAKER. The order would have to be changed in one respect. As it now reads, the second Monday, after the call of States and Territories, is set apart for the consideration of bills reported from the Committee on the District of Columbia. As there will be no call, it should be changed to read immediately after the reading of the Journal or after the morning hour.

A MEMBER. Say after the morning hour.

Mr. HEMPHILL. After the reading of the Journal, with the understanding that we shall not lose it except by unanimous consent—

The SPEAKER. It can not be lost except by unanimous consent, or by raising the question of consideration as it is called up and refusing to consider it.

Mr. HEMPHILL. Very well; if the District business is postponed to-day I want it to be taken up immediately after the reading of the Journal on Thursday next.

The SPEAKER. The Chair will submit the request of the gentleman to the House. The gentleman asks unanimous consent that the business of the Committee on the District of Columbia be postponed for to-day, and that next Thursday, immediately after the reading of the Journal, be set apart under the order already made for the consideration of business called up by that committee. Is there objection?

Mr. TIMOTHY J. CAMPBELL. No other business can break in or interfere.

The SPEAKER. The Chair has already so stated.

Mr. TIMOTHY J. CAMPBELL. I only wanted that to be definitely understood.

Mr. LONG. Would that order take precedence of privileged matters, for instance such as conference reports?

The SPEAKER. The Chair thinks not, if such reports were offered before the House has gone into the consideration of the special order fixed for that day. But if the committee shall have begun the consideration of that business set apart exclusively for that day, the conference reports could not be received, the Chair thinks.

Mr. ANDERSON, of Kansas. I would like to ask if that order will take precedence of bills forfeiting land grants from the Committee on the Public Lands?

The SPEAKER. It would, just the same as to-day. No change would be made in the order, the same rule applying to Thursday as would apply to-day.

Is there objection to the request for unanimous consent?

There was no objection, and it was so ordered.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported back the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, with Senate amendments; which was referred to the Committee of the Whole House on the state of the Union.

Mr. HOLMAN. I will ask unanimous consent, Mr. Speaker, in the interest of time, that this bill be considered in the House as in the Committee of the Whole under the five-minute rule.

Mr. HEPBURN. I object.

Mr. HOLMAN. Then I move that the House resolve itself into Committee of the Whole for the further consideration of appropriation bills.

The motion was agreed to.

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

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the legislative appropriation bill, and the Clerk will report the first amendment.

The first amendment of the Senate was read and concurred in.

The second amendment was non-concurred in.

Amendment No. 3 was concurred in.

Amendment No. 4 was non-concurred in.

Amendment No. 5 was concurred in.

Amendments Nos. 6, 7, and 8 were non-concurred in.

Amendment No. 9 was concurred in.

Amendment No. 10 was read, as follows:

On page 5 of the printed bill, line 101, insert the name "Amzi Smith;" so that it will read: "Superintendent of the document-room, Amzi Smith, \$2,592," &c.

Mr. REAGAN. Mr. Speaker, I desire to make the point of order on that amendment; and I will repeat now what I said when that subject was before the House on a former occasion.

The same clause of the Constitution which authorizes the House to elect its Speaker authorizes also the appointment of its other officers, and the Senate has no business with the action of the House in the election of its Speaker or the appointment of its officers.

Mr. HOLMAN. But this is a Senate appointment.

Mr. REAGAN. Let me complete my sentence. Nor has the House any business to participate, or to attempt to participate, in the appointment of the Senate employes. The Constitution authorizes each House to appoint its own officers. The House, so far as it is concerned—this House—has no power to appoint any officers for the Fiftieth Congress; and so, without going into the argument further, I assume that this is not only a violation of propriety on the part of one House interfering with the power of the other to elect or appoint its officers, but is also a violation of the Constitution. We have a distinct constitutional provision vesting in the House the appointment of its own officials; but so far as the appointments for the next Congress are concerned it is a matter over which we have no control, and I trust the point of order will be sustained. If the next Congress shall want the names of these persons inserted on the rolls as employes they will doubtless be placed there. They may be, or may not be, the proper persons to fill such appointments. But whether proper or otherwise, it is an improper proceeding on our part to undertake to place them there by law in opposition to the constitutional authority which is vested in each House to appoint its own officers.

Mr. HOLMAN. Mr. Speaker, I think the views expressed by the gentleman from Texas on the substantial question are undoubtedly correct; but while this would be subject to a point of order under the rules of the House, being in its nature a legislative provision, it seems not to be subject to the point of order when it comes before the House for consideration as an amendment made by the Senate; and I believe that has been the uniform ruling. On the other point, the constitutional one, the right of the House to select its own employes, I have only this to say, that this provision is in the bill by an amendment of the Senate. We are simply called upon to concur in what I concede may not be entirely necessary on our part; but we are simply concurring in that provision as one of the amendments incorporated by the Senate relating to one of its own employes.

Mr. McMILLIN. But is not our action as necessary as theirs to the perfection of this legislative proceeding?

Mr. REED, of Maine. Is the Senate afraid that it will let go on these men, and does it want us to help it?

Mr. McMILLIN. That seems to be the trouble.

Mr. REED, of Maine. It is rather saddening.

The CHAIRMAN. If this proposition were part of a House bill it would be subject to the point of order, but it is an amendment coming from the Senate, not subject to the point of order. The Chair overrules the point of order.

Mr. REAGAN. I do not want to consume time by taking an appeal from the decision of the Chair, but it is so manifestly out of the power of the House under the Constitution to legislate this man into office that I appeal from the decision of the Chair.

Mr. SPRINGER. If this question is to be submitted to the Committee of the Whole on an appeal from the decision of the Chair I should like to have some statement made as to what has been the ruling hitherto.

Mr. HOLMAN. The ruling of the Chair is in conformity with what has been the uniform ruling on this question.

Mr. REAGAN. A violation of the Constitution is never sanctioned by any ruling. I shall withdraw, however, the appeal from the decision of the Chair, and ask the committee to non-concur in the amendment.

The CHAIRMAN. The gentleman from Texas withdraws his appeal from the decision of the Chair.

Mr. HOLMAN. In obedience to the instructions of the Committee on Appropriations I submit the motion to concur in the amendment, stating it is regarded as merely the formal act of the House to complete the act of the Senate.

Mr. REAGAN. I desire to say in reply to the gentleman from Indiana [Mr. HOLMAN], with whom I usually agree, that it is singular that a clear and distinct violation of the Constitution of the United States should be considered a merely formal act.

Mr. RANDALL. I will state there is a difference in the Committee on Appropriations as to the propriety of the insertion of names in this bill. I am entitled to say I am in a minority in that committee upon this question. I do not think we ought to yield to the Senate the right to insert names unless we intend to insert names on the part of the House. This bill is to become a law, and the objection to inserting the names applies equally to the Senate officials as to the House officials. Therefore, as I object to the insertion of names in the House schedule, I hope this motion will not prevail, but that the House will non-concur.

Mr. McMILLIN. I agree with the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Texas [Mr. REAGAN] that it is highly improper for us by legislative action to foist upon those who have the appointment these officers over whose appointment and removal they have no control. Furthermore, we will come to an amendment wherein the Senate has sought to place upon this bill the names of House employes without the consent of the officers who usually have the appointing power. I shall resist that. They are to be appointed by name; and the very same spirit that will force me to prevent allowing the Senate to say who shall be our officers makes me dissent from the proposition to dictate officers to the Senate. I think we should strike out all of these names and let the appointments go where the Constitution fixes them.

Mr. OATES. Will the gentleman allow me a question?

Mr. McMILLIN. With pleasure.

Mr. OATES. I ask the gentleman if there is not a distinction in appointing these officers for the reason that the Senate is a continuing body?

Mr. McMILLIN. The Senate in the contemplation of the law is a continuing body. That is true. But that does not change either the constitutional or the legal feature; for it is notwithstanding its permanence at the same time the proper appointing power for its officers. And here we are assuming by this bill, which requires the consent of the Senate, the House, and the President of the United States to determine who shall be the Senate's officers.

I hope the amendment will be non-concurred in, and that we will place this bill where every one of its class ought to be, clean of these innovations.

Mr. CANNON. I desire to say a word on this amendment. The Senate have inserted after the words "superintendent of the document-room" the name "Amzi Smith," so that it reads:

Superintendent of the document-room, Amzi Smith, \$2,592.

The Senate in its discretion put the name of this man into the bill because, in the judgment of the Senate no doubt, it desired that that man should be retained. The amendment comes to the House now for concurrence or non-concurrence.

Gentlemen say that the Senate has this power of appointment and that the House has nothing to do with the appointment. Well, for the sake of the argument, substantially admit that is so; yet the gentleman from Tennessee [Mr. McMILLIN] wants to non-concur. He does not want the Senate to have its way about it. Then he says it is not in accordance with the Constitution. I would be glad to know what clause of the Constitution prohibits a majority of the Senate from placing, by an amendment, the name of an employe they desire to retain in the bill and the House from assenting to that name coming into the law for the coming year. It may be that there is some clause in the Constitution that I have never read, some provision that proposes this kind of thing. If so, then the amendment amounts to nothing, because it is in conflict with the Constitution.

Mr. SOWDEN. I ask the gentleman whether our assent is necessary?

Mr. CANNON. Our assent is not necessary that I know of, nor does the withholding our assent nullify the act. If we do assent, then by virtue of law this man's name for next year appears as the Senate desires it.

Mr. SOWDEN. If our assent is not necessary, why is it asked?

Mr. REED, of Maine. What is the object of this, anyway?

Mr. CANNON. The object, as I understand and presume it to be, is that it is the desire of the Senate that for twelve months to come Amzi Smith shall be that officer.

Mr. REED, of Maine. What is to prevent him being so without this?

Mr. CANNON. What is to prevent him being so with this?

Mr. REED, of Maine. Nothing with this; but what is to prevent him being so without it? Nothing but the Senate's changing its mind.

Mr. CANNON. The Senate may change its mind.

Mr. REED, of Maine. Then the Senate is under the impression that it may change its mind, and, being afraid of that, it wants us to help it to keep from changing its mind. I would not help such a body in such an arrangement as that for a good deal.

Mr. CANNON. The gentleman has the power not to help it if he chooses.

Mr. REED, of Maine. That is a power that I desire to exercise.

Mr. CANNON. But what I want to know is whether the gentleman finds any constitutional objection—

Mr. REED, of Maine. Oh, no. I am not in that line. [Laughter.]

Mr. REAGAN. Mr. Speaker, I desire to read article 1, section 3, clause 5, of the Constitution. After speaking, in clause 4, of the choice of President of the Senate, it says:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President or when he shall exercise the office of President of the United States.

The Constitution confers upon the Senate themselves the power of choosing their officers. Gentlemen say that the Senate requests the House to agree to the proposition in this bill. The House should never be requested by the Senate to violate the Constitution. I presume the purpose of this amendment is to keep some man in office and to guard against the possibility of his being turned out. Even though the Senate be a continuing body, if this is an officer that gives satisfaction, the Senate when the time comes to reappoint him can do so. Under the preceding section in the same article of the Constitution the House is given the power of choosing its Speaker and appointing its officers, and we can no more appoint an officer for either branch of the next Congress by law than we can by law elect the Speaker of the next House of Representatives. As to the question of comity, I trust that the Constitution has not become so antiquated, that we have not become so indifferent to it as the charter of our liberties, the guide of our legislative conduct, that a mere question of comity will induce us to set it aside. But if we concur in this amendment we shall do so in face of the Constitution. Why is it that a violation of the Constitution is insisted upon merely for the purpose of getting a clerk or a superintendent of the Senate document-room? Mr. Speaker, I trust that this House will not consent to any such course of action.

Mr. HENDERSON, of Iowa. Mr. Speaker, the question has been asked what reason the Senate had for putting this name in the bill. I desire to say that it is well known to most of us that this gentleman, Amzi Smith, has been in the employ of the United States Senate for some thirty-four years, and it appears that that body desires to compliment an old, faithful, and respected officer by specially naming him in this bill. Now I submit that it is rather small business for the House of Representatives to undertake to interfere with that commendable desire on the part of the other branch of the legislative department of the Government.

Mr. KOLMAN. Mr. Speaker, before I ask for a vote I will say that I agree with the views that have been expressed here, for I do not believe that this kind of legislation is proper upon an appropriation bill, and that, in making the motion of concurrence which I have made, I have simply expressed the view of the majority of the committee.

The amendment was non-concurred in.

Amendments numbered 11, 12, 13, and 14 were concurred in.

Amendment numbered 15 was read, as follows:

Line 138, strike out "25" and insert "26," so as to make it read: "For twenty-six clerks to committees, at \$6 per day during the session," &c.

Mr. HOLMAN. The committee recommend non-concurrence in that amendment.

Mr. ADAMS, of Illinois. I wish to ask the gentleman to state if he knows the reason why the Senate has made that change?

Mr. HOLMAN. We have already non-concurred in the amendment which increases the number to twenty-six, so that we must non-concur in this in order to make the bill harmonious.

The amendment was non-concurred in.

Mr. PRICE. Mr. Chairman, I desire to call the attention of the Committee of the Whole to amendments numbered 15 and 16. There is some very bad figuring there; besides, I think a bad principle. Amendment 15 provides for twenty-six clerks at \$726 each, \$18,876; and in the next amendment there is provision for thirty-two clerks at the same rate of pay, amounting to \$23,230, making together \$42,106. The Senate undertakes to provide a clerk for each Senator. Now, we all know that there are seventy-six Senators, and seventy-six clerks at \$726 each would aggregate \$55,176. Yet these two amendments of the Senate appropriate together only \$42,106, so that there must be a deficiency of \$13,070.

Again, the bill as it passed the House gave to the Senate \$18,150 for twenty-five clerks, or \$726 each. The additions made by the Senate amendments increase the amount to \$42,106. Now, as there are twenty-six clerks to committees, and as the Senate amendments undertake to provide a clerk for each Senator who is not a chairman of a committee, there must be fifty of these clerks, whose pay at \$726 each would aggregate \$36,300 in addition to the \$18,876, making altogether \$55,176. So that there is appropriated \$13,070 less than would appear to be required. How this deficiency is to be paid I do not know.

The question with me is, ought this House to vote an increased ex-

penditure of \$37,026, as provided in this amendment; or, if there is no other fund out of which the payment of these clerks can be made, ought we to provide for the expenditure of \$23,956 more?

These amendments of the Senate are based upon the supposition that every Senator is entitled to a clerk. Senators have the right to ask such an allowance, and we have the right to refuse our assent. I venture the statement, which I think will be corroborated by every gentleman on this floor, that each member here on the average does as much work as any member of the Senate. When Senators and Representatives were elected we understood that our compensation was \$5,000 a year, with mileage, and \$125 for stationery. We took the contract with the implied understanding that this was to be the compensation. We have the constitutional power to increase that compensation. At the same time we know that it is, to say the least, doubtful policy to vote such an increase; and if we refer to the history of the past we find that the result has been very disastrous to those who hitherto have taken advantage of the constitutional right of the legislative branch of the Government to increase their own compensation.

I am opposed to the whole proposition, because it is wrong in principle, and particularly opposed to it because the terms of these amendments involve an expenditure of \$13,070 more than we make appropriation for. I think that neither of these amendments ought to be concurred in; and they ought to be voted on together, not separately. Without noticing the connection of the two, the Committee of the Whole has already voted on the fifteenth amendment; but the two amendments must be taken together, if we are to consider them intelligently.

The CHAIRMAN. The Committee on Appropriations recommend non-concurrence.

The question being taken, the amendment was non-concurred in.

Amendment 17 was read, as follows:

Insert the following:

"For clerks to Senators who are not chairmen of committees, at \$6 per day during the session, \$23,232."

Mr. HOLMAN. The committee recommend non-concurrence in this amendment.

The amendment was non-concurred in.

Mr. HOLMAN. The Committee on Appropriations recommend concurrence in amendments numbered 18 to 23, on page 7 of the printed bill. I ask that those amendments may be read together, and the question on concurrence be taken in gross, unless a separate vote be asked.

There being no objection, amendments 18 to 23 were read and concurred in.

Mr. HOLMAN. I ask that amendments 24 and 25, in which also the committee recommend concurrence, be read and voted on together.

There being no objection, amendments 24 and 25 were read and concurred in.

The twenty-sixth amendment was read, as follows:

After the words "Journal Clerk," in line 208 of the printed bill, insert "H. H. Smith."

Mr. HOLMAN. The Committee on Appropriations recommend non-concurrence in this amendment.

Mr. REAGAN. I make a point of order on that amendment.

The CHAIRMAN. The Chair rules in this case as he did upon a previous amendment, that as this proposition comes here as a Senate amendment it is not subject to a point of order, as it would be if it were a proposition originating in the House.

Mr. REAGAN. I desire to be heard in opposition to the amendment.

Mr. HOLMAN. The committee recommend non-concurrence.

Mr. REAGAN. I did not so understand. I waive any discussion.

The amendment was non-concurred in.

The Clerk read the twenty-seventh amendment of the Senate, as follows:

In line 289 insert "George A. Bacon," so it will read: "Office of Doorkeeper: For Doorkeeper, \$3,000; and for hire of horses, feed, repair of wagon and harness, \$1,100; assistant doorkeeper (27) (George A. Bacon), \$2,000, &c."

Mr. HOLMAN. The Committee on Appropriations recommend concurrence in that amendment, with the amendment which is before the Clerk to insert the names of "John T. Chancey" and "C. W. Coombs."

Mr. McMILLIN. I reserve the point of order on the amendment.

Mr. HOLMAN. I ask for the reading of the amendment recommended by the committee to the Senate amendment.

The Clerk read as follows:

Page 10 of the bill insert "John T. Chancey;" and in line 24, after the word "messenger," insert "C. W. Coombs."

Mr. REAGAN. I make the point of order on the amendment in the bill and on the amendment to the amendment. I do not think it is necessary to argue the question, but I wish to state again this House of Representatives has no power to appoint officers of the next House of Representatives. These gentlemen may be entirely worthy, they may be entirely capable, they may be everything said in their behalf; I know nothing to the contrary of their being excellent officers; but there is no more reason for putting these men in than for putting a dozen others, except they have special friends on the floor.

We can no more appoint these men by this bill than we can appoint

the next Speaker of the House of Representatives. One is just as competent to do and just as constitutional as the other. It is an injustice to the next House of Representatives, besides being unconstitutional. The next House of Representatives has the right to choose its own Speaker and to choose its other officers. Whatever may be the political complexion of the House has nothing to do with the question of the constitutional right of that House to select its Speaker and other officers.

This is not only violative of the Constitution, but it is at the same time a species of official favoritism which we ought not to permit. For, sir, it is never safe in legislation to trust to our sympathies or to our affections if we expect to discharge our duty faithfully. The word duty should be foremost whenever we can make it so in all human affairs. When we resolve to act in accordance with duty we will find we are right, but when we undertake to act from sympathy to create offices or to fill offices simply because we sympathize or are partial to men, we are departing from our duty as legislators. I trust, Mr. Chairman, that this amendment will be stricken out.

I desire to say further, although I believe I understood the chairman to say the amendment inserted by the Senate would not be subject to the point of order the same proposition would be subject to in this House, that in my judgment it is subject to the point of order, that the amendment made by the Senate is subject to the same point of order as if it had been made in the House; that if we were not true to the Constitution certainly ought to have its due force when it makes a specific provision on this subject, and it ought not to be permitted to be violated.

Mr. McMILLIN. To make assurance doubly sure and to take a bond of fate, I propose to make the point of order simply against the amendment of the gentleman from Indiana.

Mr. HOLMAN. That is what the gentleman from Texas did.

Mr. McMILLIN. He made the point of order against all.

Mr. HOLMAN. And separately against each.

Mr. McMILLIN. I want to be sure, but if the Chair feels constrained to rule against the point of order on the first amendment, I want to insist upon the point of order against the amendment proposed by the gentleman from Indiana in charge of the bill, against which undoubtedly the point of order will lie.

I have nothing to say against these officers; I am willing to admit they serve faithfully and well, and the fact of good service will go far to recommend them to the officers of the House when appointments are made next year. I am utterly opposed to the appointment by legislative action of men who can not be reached through officers of the House in case of their dereliction of duty. These gentlemen will be retained if they are faithful in their service, but I wish it to be easy to get rid of them if they are vicious. I do not think they will be vicious, but the safe rule is to keep the appointments where the law fixes them, so if necessary to get rid of them it can easily be done.

Mr. CANNON. I desire to say a word or two upon the point of order. I hold in my hand the law making appropriations for the legislative, executive, and judicial expenses for the year ending June 30, 1886, and it is rather an interesting act in view of the point of order and the criticisms made by the gentleman from Texas and the gentleman from Tennessee. I ask the attention of the Chair to it for two reasons, first to show the absence of any regulation to prevent putting these names in the bill.

First I find a second assistant doorkeeper, George A. Bacon; next I find a provision for the two laborers named in charge of the water-closet; next I find for the two cloak-room men, one on each side of the Hall, now longest in the service of the House; next a provision for John T. Chancey, an employé, \$1,500; next I find one department messenger, C. W. Coombs, \$2,000, and the names of the two parties that are proposed to be added by way of amendment on the motion to non-concur.

On the sundry civil bill, a bill peculiarly under the charge of the gentleman from Pennsylvania, not content with naming these officers by law, I find he has named one Pickens as an annual page at \$900 a year, placed there upon the motion of the present minister to Turkey, Mr. Cox, in this House. Next, I call the particular attention of the Chair and gentlemen to this clause, as well as the attention of the gentleman from Maine [Mr. REED], because he participated in this legislation, which was peculiarly a child of the gentleman from Indiana [Mr. HOLMAN], and I will read it:

Fourteen messengers on the soldiers' roll, under the control of the Doorkeeper, at \$1,200 each; and hereafter messengers on the soldiers' roll shall not be subject to removal except for cause reported to and approved by the House.

In other words, not for the coming year but hereafter provision is made of that character permanent in its nature.

Mr. REAGAN. That power extends to the House that appoints them, not to the House that does not appoint them.

Mr. CANNON. Ah! but that power is fixed by the law, and until it is changed it must be obeyed.

Mr. REAGAN. But it only extends to the House having the appointment, and not to any other House to be hereafter elected.

Mr. CANNON. The gentleman from Texas himself sat silent under the lead of the gentleman from Indiana and put that provision into the

bill providing for the messengers upon the soldiers' roll and that they should be hereafter retained.

Mr. HOLMAN. But that is not a provision naming them for appointment.

Mr. CANNON. But I bring up these instances in the main for the attention of the Chair to show that under the uniform practice of the House this character of legislation has gone into the appropriation bills and is not subject to the point of order, and that in the absence of any permanent law providing for the appointment of these people this law would control the decision of the Chair in determining the point of order.

Mr. HOLMAN. But my friend will remember that the law in regard to the soldiers' roll does not name the persons so appointed, but simply provides for them as a class.

Mr. CANNON. Certainly, provides for them as a class; but that class is composed of the individuals then upon the soldiers' roll, the persons on the roll at the time the rule was passed, and who had been there for a great many years, some of them, largely under the lead of the gentleman from Indiana himself.

Mr. REAGAN. Why have they to be appointed every session of Congress if that power exists and that provision is permanent?

Mr. COBB. The gentleman from Illinois should take into consideration the fact that no point of order was made on those provisions. If it had been it probably would have been stricken from the bill. And, again, I want to ask him a question whether or not under the Constitution the law is not absolutely void as far as it attempts to control the action of the next House of Representatives?

Mr. HOLMAN. But it is not a permanent law.

Mr. COBB. But suppose it is. The Constitution provides that the House of Representatives shall select its own officers; and the House has no more power under the Constitution to appoint the employés of the next House than I have to appoint my friend from Illinois to Congress.

Several Members addressed the Chair.

Mr. CANNON. I believe I have the floor. At last I have a gentleman on that side to tell us wherein the Constitution prohibits this legislation, and he tells us that we can not bind the next House. Very well; let us admit it. But it is not proposed to bind the next House, but this House, by this amendment. Now, so far as this House is concerned, it does not go out of existence until the 4th of March next.

Mr. REAGAN. What has that to do with the question before the committee? These are appointments by the next Congress, and I would like to know how it applies to the question under consideration.

Mr. CANNON. It proposes to bind this House from now until the 4th day of next March.

Mr. REAGAN. But this provision extends beyond the 4th of next March.

Mr. CANNON. Then, according to your own logic, beyond that time it is void.

Mr. REAGAN. You hold then it is good law for six months, but bad law for a year?

Mr. CANNON. The gentleman himself holds that. I hold it is good law all through.

Mr. REAGAN. No, sir; I do not hold it.

Mr. CANNON. I hold it is good law for the year to come, the time during which this appropriation runs, so far as that is concerned. But I was only answering the gentleman's own argument from his own standpoint; and it is sometimes quite hard to do that, for the gentleman from Texas can take more standpoints, so far as I have noticed, than any other gentleman on this floor on either side of the House.

Mr. PERKINS. Let me suggest to the gentleman from Illinois that the next House will not be organized until long after this appropriation is exhausted. It is not binding on the officers of the next House.

Mr. CANNON. Certainly. Now, sir, I do not think that I desire to say anything further on this point of order. I will state again, in the law for the year 1886 the names of Coombs and Chancey are retained; but I believe it is competent for a majority of this House now to say either with or without the concurrence of the Senate that these two men shall continue to serve it. The gentleman from Texas [Mr. REAGAN] says no. Well, what is his plan? His plan is that he, the gentleman from Texas, by the aid of a Doorkeeper, can set at defiance three hundred and twenty-four members of this House. Now, I do not think under the Constitution or anywhere else he can find that power; because I believe if the fathers, looking forward with a prophetic glance at the time the Constitution was adopted, had foreseen the gentleman from Texas was to be a member of this House and would make this point of order, and if they had intended to give the gentleman from Texas and the Doorkeeper power against the other three hundred and twenty-four members of the House, they would have expressly provided for it.

Mr. TOWNSHEND. I have the most profound respect for the opinions of my friend from Texas upon points of order as well as upon almost every other question. But I conscientiously believe he is at fault today in the position he has taken in regard to this amendment. The name of George A. Bacon was inserted as an amendment in the Senate.

Mr. COBB. Was it not done, too, at your suggestion?

Mr. TOWNSHEND. I am glad to have an opportunity to give information on that point to the gentleman from Indiana and to correct a very erroneous impression that exists in his mind. The Senate inserted the name of George A. Bacon. That is not subject to the point of order raised by the gentleman from Texas, because the Chair has already so decided.

Before I go further on the point of order I want to explain the reason why the name of George A. Bacon appears. The name appeared in the last bill, and the name of John T. Chancey also appeared in that bill for the reason that this House by a resolution adopted by unanimous consent—

Mr. HOLMAN. I rise to a question of order. I do not think the merits of the question should be discussed on the point of order.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Illinois [Mr. TOWNSHEND] will confine himself to the point of order.

Mr. TOWNSHEND. If my other friend from Indiana [Mr. HOLMAN] had possessed his soul in patience for a few moments he would have discovered I was speaking strictly to the point of order. If my friends from Indiana can only remain in their seats long enough to allow me to get through with my statement I will be much obliged.

I was about to furnish the reasons why these names went into the bill and I want to emphasize the position that those two names especially under the rules of this House may rightfully go into this bill. As I was about to remark when interrupted, by resolution of this House, a continuing resolution, these offices were created for George A. Bacon and John T. Chancey by name.

If you will look to the resolution introduced by my colleague [Mr. HENDERSON] in the Forty-seventh Congress, you will find it there declared that hereafter George A. Bacon shall be employed as the second assistant doorkeeper of this House. That resolution was substantially a copy of one introduced years ago by Alexander H. Stephens, inserting the name of John T. Chancey. What followed? When the bill was being made up in the last Congress it became necessary to abolish those offices or to couple with that provision the names of these two men for whom these offices were created.

Mr. MATSON. Will the gentleman allow me to correct him?

Mr. TOWNSHEND. Another Indiana man!

Mr. MATSON. The gentleman is confusing two things. George A. Bacon is named in this bill for assistant doorkeeper; in the other he was named as second assistant—two distinct offices.

Mr. TOWNSHEND. There is a little difference in the verbiage used to describe him this year. The word "second" is stricken out, but the rest of the language is retained.

Mr. McMILLIN. I will suggest to my friend—

Mr. TOWNSHEND. Do not let Tennessee come at me too. I want to get at my point, and do not desire to be interrupted.

Mr. McMILLIN. I suppose the gentleman would like to be corrected.

Mr. TOWNSHEND. After a while. These two names are in this bill in pursuance of a resolution which has not yet been repealed and which still stands in force.

My friend from Indiana [Mr. COBB] inquired as to whether I had not caused the name of George A. Bacon to be inserted in the Senate. The facts are these: I found from a copy of the bill as reported from the Senate committee that every name had been restored to the bill except that of Bacon and perhaps these two pages, and I suggested to a member of that committee that if they intended to restore any names they should also restore the name of Bacon. Somebody had been there before me, and had caused all the other names to be put in, while Bacon's name was left out.

Why so? Because the assistant doorkeeper was an Indiana man, and would perhaps be crowded out if Bacon's name was retained. I simply said to one of the members of the Senate committee, "If you put in all these other names I wish you to put in Bacon's name also," and it was done; but the name was written in only in pencil, and when Senator BECK got hold of the bill in the Senate for the purpose of striking out the names Bacon's name escaped his attention, because it had not been printed in the bill. Now, I want to say to the House that if John T. Chancey's name and these other names of employes can not go into the bill I do not desire to see Mr. Bacon's name go in. I want them all to be treated alike, and as the House has stricken out the name of an officer of the Senate inserted by the Senate and has stricken out H. H. Smith's name, I think it is perhaps proper that all the names should be stricken out. I do not contend for any special exception in favor of Mr. Bacon, and never have asked for it.

Now, Mr. Chairman, on another point I think my friend from Texas [Mr. REAGAN] is wholly in error. He assumes that we are providing an officer for the next Congress. We are not. We are simply providing an officer for the second session of this Congress, and we have a perfect right to do that under the rules of the House and under the Constitution. We do not seek to insert here the name of any officer for the next Congress. It is true that this appropriation continues until the 30th day of June next, but so do all the permanent officers of this House continue in office until the next Congress assembles in

December, 1887. We are simply providing here officers for the second session of this Congress, and therefore our action does not fall under the strictures of the gentleman from Texas. I maintain that it is within the power of this House under its rules to retain the names of George E. Bacon and John T. Chancey in this bill. Indeed, I think that every one of these names ought to be retained, for the reason that we have tried them and found them efficient and worthy, and I for one would rather intrust the appointment to the majority of this House than put it in the hands of any one man. The proposition here is simply to suggest to the House the propriety of selecting certain of its own officials instead of delegating that power to one man. But in conclusion, Mr. Chairman, I say again that if the House determines to strike out Mr. Chancey's name upon the point of order, or in any other way, and the names of these other officials or employes, then I am willing that Mr. Bacon's name should be struck out also.

Mr. COBB. Mr. Chairman, I want to answer one point that has been made by the gentleman from Illinois [Mr. TOWNSHEND]. He says that existing law provides for the appointment of George A. Bacon as assistant doorkeeper. Now, there is no such law on the statute-book and never was.

Mr. TOWNSHEND. I said a resolution of this House.

Mr. COBB. There is no resolution authorizing such an appointment as is provided for by this bill.

Mr. TOWNSHEND. I beg leave to differ with my friend.

Mr. COBB. If the gentleman from Illinois will keep himself in peace a few minutes I will explain to him the difference. The resolution to which he refers provided for the appointment of an assistant doorkeeper to perform service in the folding-room. That was George A. Bacon. But this bill provides for an "assistant doorkeeper, George A. Bacon, \$2,000," to perform duty on the floor of this House. Now there is no law and there never was any law making Mr. Bacon assistant doorkeeper here. Therefore I say there is no existing law by which this provision can be sustained.

Mr. TOWNSHEND. Will the gentleman allow me to correct him?

Mr. COBB. The gentleman can not correct me, because I believe I am right.

Mr. TOWNSHEND. The resolution reads "George A. Bacon, assistant doorkeeper, to be employed in the document-room."

Mr. COBB. Exactly; and this provision reads, "assistant doorkeeper, George A. Bacon, \$2,000." There is no similarity between the two provisions at all. One makes Mr. Bacon assistant doorkeeper performing duty on the floor of the House, the other an assistant doorkeeper performing duty in the folding-room. I would like to have the gentleman point out the similarity between the provision in the bill and the provision in the resolution upon which he relies. This name ought to go out, and if it does not go out on the point of order I will at the proper time move to strike it out.

Mr. REAGAN. The gentleman from Illinois, with an air of triumph, assumes that I desire to confer upon the Doorkeeper the power of making this appointment, and he says that I am setting up myself and the Doorkeeper in a position over all other members of this House. Why, Mr. Chairman, I am astonished that a gentleman who has been here so long and who is so active and efficient a member of the House should not know that this House itself has provided that the Doorkeeper shall make this appointment, and that in the position I take I am not antagonizing the House, but am, on the contrary, maintaining its authority. I suppose, however, that a gentleman so hardly driven as the gentleman from Illinois was to find an argument might very easily fall into such an error as that. Now suppose we make this appointment by law and say that this particular man shall have this office and the salary attached to it, and suppose he dies, can we appoint another officer under this law during the time the law runs? By making this appointment in the law, do we not make the office his office and the salary his salary until the 30th of June, 1887?

The gentleman from Illinois also assumed that this would be good law for the first half of the year, and that therefore it ought not to be ruled out. Mr. Speaker, I have heard of a great many nice distinctions taken in the practice of the law by all kinds of lawyers, but I have never before heard such a proposition as that. If this can be made a law at all, it runs until the 30th day of next June. This officer must have his salary until that time; and I infer that should he meanwhile die, his heirs would be entitled to the salary up to that period. More than that, no other person could be appointed to the position during that time without the enactment of an additional law or rule of the House, unless we propose to have two persons appointed to the same position.

But, Mr. Chairman, I do not care to prolong the discussion on this subject.

The CHAIRMAN. There are two questions of order raised by the gentleman from Texas and one by the gentleman from Tennessee.

Mr. REAGAN. One of my points of order was against the provision in the Senate amendment, and the other against the amendment proposed by the Committee on Appropriations.

The CHAIRMAN. The Chair so understands. The first question raised relates to the amendment placed in the bill by the Senate inserting the name of George A. Bacon. The other relates to the amend-

ment in relation to various other House employes whose names it is proposed to insert in this bill—a proposition having no necessary connection with the amendment of the Senate. The Chair wishes to call attention to several provisions of the rules of the House, but will first read a clause of the Constitution of the United States with which gentlemen are all very familiar:

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

The Chair assumes that this language of the Constitution excludes the appointment of officers of the House in any other manner than is here provided. Rule II of the House, relating to the election of officers, is in this language:

There shall be elected by a *visa voce* vote at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath to support the Constitution of the United States, and for the true and faithful discharge of the duties of his office, to the best of his knowledge and ability, and to keep the secrets of the House, and each shall appoint all of the employes of his department provided for by law.

Rule XXVIII provides that—

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

The Chair thinks that the amendment now proposed by the Committee on Appropriations, if adopted, would be *pro tanto* a change of the rules of the House as to the mode of selecting its officers. The point of order, therefore, on the amendment of the Committee on Appropriations to the Senate amendment is sustained; but the point of order to the Senate amendment is overruled.

Mr. COBB. I move now to strike out the name of "George A. Bacon." This amendment has been put in by the Senate, and I think altogether without warrant. The House passed upon this proposition when this bill was pending here—

Mr. CANNON. I desire to make a point of order before it is too late. I make the point that a motion to strike out the Senate amendment is not in order.

Mr. COBB. Well, I will move then to non-concur in the amendment of the Senate. When this bill was before the House it contained, as will be remembered, a provision in about the same form as this amendment of the Senate, amending the old law. I then raised a point of order, which was sustained, and the name, "George A. Bacon," was struck out. Now, the Senate undertakes by this amendment to make an assistant doorkeeper for the House. That body has always complained of this House undertaking to legislate with reference to its officers. The Senate has claimed the right to regulate the compensation which its employes should receive; and time and again that question has been made an issue between this House and the Senate, for the reason that this House believed the Senate was paying its employes too high compensation. Many of the older members of this House will recollect the length of time which was spent a year or two ago in a contest between the two Houses on this very question. The Senate would not yield, but insisted that it had the right to regulate its own officers and to pay them such compensation as it believed proper; that the House of Representatives had nothing to do with the matter. The House finally yielded to the Senate, and the employes of that body are now paid, and have been paid, more than the employes of the House doing corresponding duty. The Senate in the present case undertakes to come in here and say to the House who shall be its assistant doorkeeper. I insist that it is beyond the province of the Senate thus to dictate who shall be the officers of the House. If that body will not allow us any voice in controlling the compensation of its officers, I insist with greater reason that it has no right to come here and dictate to us who shall be our officers. It is an interference to which I for one will not submit for a single moment. If we once yield this principle to the Senate that body will in the end dictate the appointment of our other officers. I trust, therefore, the House will not in this case concede so important a principle. Let us regulate the appointment of our own officers. The object of this amendment is to legislate somebody out of office and to put somebody else in. I am not in favor of this way of getting rid of officers. If we have doing duty for this House officers whom we ought not to have, there is a method by which they can be removed; but with my consent it can not be done through the dictation of the Senate. I trust, therefore, that the House will non-concur in this amendment to strike out the name of "George A. Bacon."

Mr. RANDALL. I think we understand sufficiently to have a vote. [Cries of "Vote!"]

Mr. STRUBLE. I hope the Chair will state the question upon which we are called to vote.

The CHAIRMAN. The question is on the motion to non-concur in the amendment of the Senate.

Mr. CANNON. I move to concur in the amendments of the Senate, and that under the rule, I insist, takes precedence.

The CHAIRMAN. The question will be stated on the motion to concur.

The Senate amendment was non-concurred in.

The Clerk read as follows:

Twenty-eighth of the Senate: Insert the names of "A. H. Pickens and H. T. Lyle;" so it will read:  
"Two chief pages (A. H. Pickens and H. T. Lyle), at \$900 each."

Mr. McMILLIN. I move to non-concur in that amendment of the Senate.

Mr. HOLMAN. I am instructed by the committee to move concurrence.

Mr. CANNON. I desire to be heard for a moment on that amendment. This amendment of the Senate is as follows, if I can have the attention of the committee, and I will not occupy it but for a few minutes:

The bill provides for two chief pages, at \$900 each. The Senate amendment is to insert the names of A. H. Pickens and H. T. Lyle. One of these chief pages is provided for under the lead of the gentleman from Pennsylvania in the sundry civil bill for the year 1886, namely, A. H. Pickens. The other chief page, H. T. Lyle, was recommended by the Committee on Appropriations.

Now, the object of appointing these chief pages was that we might have two competent pages on the floor of the House, maintaining one on that side of the House, where he has been for years, and one on this side of the House.

Gentlemen understand about this page business as well as I do. They are very clever boys, yet most of them are too young to be expert in the performance of their duties.

Mr. McMILLIN. Will the gentleman from Illinois permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. McMILLIN. Is it not a fact that the name of H. T. Lyle was never borne in the bill before?

Mr. CANNON. Yes.

Mr. McMILLIN. Was it not inserted in the Senate?

Mr. CANNON. Yes; it was inserted in the Senate. Is there any other question the gentleman wants to ask me? If the gentleman has any further question to ask I should be very glad to answer it.

Mr. McMILLIN. How was it the Senate came to insert these names?

Mr. CANNON. I will give you all the information I have about it with great pleasure. When the Senate reported this bill to the Senate from the Committee on Appropriations they reported it without any consultation or communication with me. I think when it was reported it had the names of Chancey and several other employes, as the gentleman will find if he will examine it. After it was reported for the first time I went to a Senator and suggested to him that as the bill was originally reported to the House it had the names of A. H. Pickens and H. T. Lyle in it, and if any names were to go in I should be glad to see them restored. I presume it was in consequence of that suggestion of mine these names have been inserted in this bill. I do not know that is the case, but I suspect it is.

To come back now to the point where I was interrupted. I know these gentlemen who are the chief pages here. H. T. Lyle is on this side of the House. I believe he lives in the District. Certainly he is not from my district or my State. If he has any politics, I do not know whether they are Republican or Democratic, and I do not care. But I do know and believe he is one of the best pages who has ever been in this House. I do not say this to detract from the service rendered by others. To many of us on this side of the House his services have become indispensable. A. H. Pickens, the chief page on the other side, is equally competent. He was put in the bill by the gentleman from Pennsylvania in conference. I thought it was proper, under the circumstances, to concur with the Senate. That is all I wish to say.

Mr. McMILLIN. All I wish to say in support of my motion to non-concur is this: As has been seen by those who have examined the rules and Constitution, the power is fixed in this House to select its own officers. These names were inserted in the bill when it was first reported to the House, but the House in its discretion saw fit to strike them out. These names have been restored by action of the Senate. The Senate amendment proposes to say who shall be officers of this House. For that reason I have moved to non-concur.

Mr. CANNON. An additional word. Gentlemen of this House seem to have grown suddenly most wonderfully strict and wonderfully virtuous. Why you can turn through this legislative, &c., appropriation act for year ending June 30, 1886, and you will find just such designations to places, not only in the House and in the Senate, but in the Executive Departments of the Government.

I have one before me now, where under the lead of the gentleman from Indiana year after year this provision has prevailed in the appropriation bill, and I read it:

For First Assistant Postmaster-General, \$4,000; chief clerk, \$2,000, and while the office is held by the present incumbent, \$500 additional.

That is under the Executive, not under the House or the Senate, but an appointment under the Executive. That is written into the law in this very bill and has been there many years.

Mr. HOLMAN. Yes; and this man has been some fifty years in the service.

Mr. RANDALL. We give him additional pay while he remained there, but that does not stop his being turned out.

Mr. CANNON. I understand that, but I am calling attention to



this special provision by name of employes. You have gone outside now of the legislative department and invaded the executive with the same provision.

I am quite sure if it suits the majority of the House to say that the Republican side of the House, and the same on that side to some extent, shall not be well served by competent pages I have no objection. I can stand it as well as you can. But it is a gracious thing to do. If, however, your stern sense of constitutional duty rises up like a tower and compels you to say we shall not be served by at least one page on each side of the House who is thoroughly competent, then, in God's name, preserve your oaths but enforce the Constitution. But, after all, I think perhaps it would be just as wise to say that, while you violated the Constitution in a dozen other places it would hardly hurt to make a little violation here, where the object to be attained is one of convenience to all the members of the House in the transaction of the public business. All of this talk about designating a page or an officer in an appropriation bill to serve the House is in my opinion just so much twaddle.

Mr. McMILLIN. It is twaddle to put the names in.

Mr. COMPTON. I do not think, Mr. Chairman, my friend from Tennessee would pretend that because this provision comes from the Senate it is therefore in derogation of the dignity of the House, because, as a matter of fact, I think these names were originally reported in the bill, but were stricken out in the House on the point of order and have now been restored.

That is the whole sum of it. Further, as I understand it, I do not know how correctly, but such is my impression, the restoration of the names in the bill meets with the approval of the majority of the committee.

Now, what is the purpose of the House? As has been well said by the gentleman from Illinois, the purpose is to secure the services of competent, faithful, and efficient men; and certainly none are more competent, faithful, and efficient than the two young men who are named here in this amendment.

Again, if the House agrees to this amendment it will be the action of the House appointing its own employes, for without its concurrent action this provision would amount to nothing. If the House votes it down it goes for nothing. I appeal then to the House to consider the question upon its own merits and not consider it upon any question involving a mere technicality as to the dignity of the House, which is supposed to be offended by the incorporation of such a provision as an amendment at the other end of the Capitol.

Mr. HOLMAN. I trust we will have a vote now.

The question being taken on concurring in the Senate amendment, the committee divided; and there were—ayes 72, noes 56.

Mr. McMILLIN. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. McMILLIN and Mr. CANNON were appointed tellers.

The committee again divided; and the tellers reported—ayes 89, noes 80.

So the amendment was concurred in.

Amendments numbered 30 and 31 were concurred in.

Amendments numbered 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43 were severally non-concurred in.

Amendment numbered 44 was concurred in.

Amendments numbered 45, 46, and 47 were non-concurred in.

Amendments numbered 48, 49, and 50 were concurred in.

Amendment numbered 51 was read, as follows:

Strike out, under the head of "Treasury Department," the words "an inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, \$1,900."

Mr. REED, of Maine. Why not concur in this amendment? It is apparently in the interest of economy.

Mr. HOLMAN. The committee thinks that possibly this is an indefensible position; but it may not be; and we have thought proper to non-concur in the Senate amendment to find out the object of the Senate in striking it out.

Mr. REED, of Maine. I did not suppose that my friend from Indiana needed evidence on that point to show that it was a decrease of expenditure.

The amendment was non-concurred in.

Amendment numbered 52 was non-concurred in.

Amendment numbered 53 was concurred in.

Amendments numbered 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 65 were non-concurred in.

Amendment numbered 66 was read, as follows:

Strike out the following provision:

"For additional force for continuing the adjustment of the accounts of the Soldiers' Home in the office of the Second Auditor, under section 4818, Revised Statutes: Seven clerks at \$810 each, and one at \$720 per annum, \$6,900."

Mr. HOLMAN. The committee recommend non-concurrence in this amendment of the Senate. The object of striking out this provision is not known to the Committee on Appropriations, and for the purpose of ascertaining that they have recommended non-concurrence.

Mr. WADSWORTH. I think the committee ought to give some reason for non-concurring in the Senate amendment.

Mr. HOLMAN. The gentleman will see at once that you can not perceive what the motive is in striking it out. The language of the provision is "for additional force for continuing the adjustment of these accounts." I suppose the gentleman from Kentucky is well aware what that is. Heretofore we have appropriated \$10,000 a year for that purpose.

It was proposed to continue that appropriation under two provisions contained in this bill as it went from the House to the Senate. The Senate thought it desirable to strike those provisions out. What their purpose is is not known to the House Committee on Appropriations.

The House has always regarded the question as an embarrassing one. It is claimed the Government is owing the Soldiers' Home in the neighborhood of \$2,000,000 from pay of deserters, fines, forfeitures, &c., which belong under the law to the Soldiers' Home. The Senate may have some plan of adjusting that matter other than the looking over all these accounts for a long series of years. And for the purpose of having an opportunity to understand the motive of the Senate it is recommended to non-concur.

Mr. CANNON. I suppose if the House non-concurs in this amendment in addition to non-concurrence in the former amendment for a like force in the Comptroller's office it will throw the whole question into conference. And I take it that the conference committee, subject to subsequent appropriation by the House, might have jurisdiction to propose some scheme other than the auditing of these accounts.

Gentlemen will understand after the statement of the gentleman from Indiana [Mr. HOLMAN] that under the act establishing the Soldiers' Home here at Washington there is due from pay of deserters, from pay of soldiers who have deceased and had no legal representatives, from fines levied by courts-martial, &c., probably, as the gentleman stated, in the neighborhood of \$2,000,000. Now for four or five years we have provided a force at an expense of \$25,000 or \$35,000 a year to audit these claims, and I understand they have got about as far as the year 1844, and at this rate it would take thirty or forty years yet to fully examine the books and audit these claims.

I have the impression that the Senate thought it wise, or was of the opinion, that we should give a lump sum to the Soldiers' Home at once in lieu of these amounts, or that we should appropriate from year to year and save this amount for the force engaged in auditing the accounts. I must say for one I am in harmony with that view, because in the end, if we go on auditing these claims, we will have to pay them anyhow to the Soldiers' Home, which exists by our legislation, and which we must necessarily support. I think it would be wise to arrange to give a sum in lump in satisfaction of all these claims, and do away with this constant spending of money for thirty or forty years to come.

Mr. RANDALL. I think it is safer to non-concur. That gives the committee of conference full jurisdiction of the subject; and we will learn whether the Senate desires to make such an appropriation as has been suggested. If so, it can be inserted in the sundry civil or in the deficiency bill.

The amendment was non-concurred in.

Amendments 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, and 77 were non-concurred in.

Amendments 78, 79, 80, 81, under the head of "Office of Construction of Standard Weights and Measures," were read, as follows:

Strike out "and mechanician."

Insert "one mechanician at \$4 per day."

Strike out the word "laborer" and insert the word "watchman."

Strike out "\$2,225" and insert "\$3,537."

Mr. HOLMAN. It may be that upon a further examination it may appear that some additional force is required in this small office. Meanwhile the committee have recommended non-concurrence.

The amendments were non-concurred in.

Amendments 82, 83, 84, 85 were concurred in.

Amendments 86, 87, 88 were non-concurred in.

Amendment 89 was read, as follows:

In line 1114 strike out "\$4,000" and insert "\$4,500;" so that it would read:

"Office of assistant treasurer at Baltimore: For assistant treasurer, \$4,500."

Mr. HOLMAN. The committee recommend non-concurrence.

Mr. CANNON. I think the recommendation was to concur.

The question being taken, the amendment was non-concurred in.

Amendment 90 was non-concurred in.

Amendment 91 was read, as follows:

In line 1124 strike out "\$4,500" and insert "\$5,000;" so that it would read:

"Office of assistant treasurer at Boston: For assistant treasurer, \$5,000."

Mr. LONG. I move to concur in this amendment. This matter was considered in the Committee of the Whole when the bill was under consideration a week or two ago. The salary of the assistant treasurer at Boston has been \$5,000 for a number of years. The bill as reported by the Committee on Appropriations reduced the salary to \$4,500. In Committee of the Whole it was moved to amend by restoring the salary to \$5,000, the same as it has been for the last few years. The Committee of the Whole voted by a large majority of some 80 to 40 to restore the salary to \$5,000. When the matter was reported to the House this Boston item got mixed with some others, and the House had perhaps forgotten the discussion in the Committee of the Whole. The result was that the amendment was rejected, and the bill went to the Senate with \$4,500 as the salary of this officer. The Senate has now restored

it to \$5,000. I move to concur in the amendment. The reasons are: First, \$5,000 is a reasonable sum.

The amount of money involved is some \$126,000,000. As I said before, the salary for a number of years has been \$5,000. The question is very different from what it would be if we were establishing the salary, for the question now is whether we shall cut down a salary which is already fixed at \$5,000. No reason exists for cutting it down. No reason exists why this House should impose a fine upon the assistant treasurer at Boston by reducing his salary \$500. It is very difficult to find a man to fill the place on account of the large bond that is required. In behalf of the faithful officer who now occupies the place, in behalf of the man who shall next fill the place, should another be selected, in view of the large bond and the large responsibility, in view of the rate of salary usually attaching to such an office as this, I trust that the House will concur in the Senate amendment, and the amount of this salary be kept what it has been.

Mr. RANDALL. Mr. Speaker, it is true that the unrecorded vote of the Committee of the Whole favored keeping this salary up, but when the recorded vote came in the House it was in favor of letting the salary stand at the amount originally recommended by the Committee on Appropriations.

The amendment was non-concurred in—yeas 50, nays 64.

Amendment No. 92 was concurred in.

Amendment 93 was non-concurred in.

On motion of Mr. HOLMAN, amendments 94, 95, 96, 97, and 98 were read together and non-concurred in.

Amendments 99 and 100 were read; amendment 99 inserting in lines 1180 and 1181 the following: Assistant cashier and vault clerk, \$3,200; and amendment 100 striking out in line 1210 "sixty-five thousand two" and inserting "sixty-eight thousand four."

Mr. HOLMAN. Mr. Chairman, since these amendments were considered by the Committee on Appropriations the subtreasurer at New York has been in this city, and as the members of the committee are present and I desire that this subject may be further considered by the conferees of the two Houses, I will ask that, as a matter of form, these two amendments be non-concurred in.

Mr. RANDALL. I individually have no objection to that course.

The amendments were non-concurred in.

Amendments 101, 102, 103, and 104 were non-concurred in.

Mr. HOLMAN. I ask that amendments 105, 106, and 107 be reported together.

The amendments were read; amendment No. 105 increasing appropriation for the salary of the governor of Alaska from \$2,600 to \$3,000, and amendment No. 106 increasing the appropriation for the salary of the judge of Alaska from \$2,500 to \$3,000.

Mr. HOLMAN. The committee recommend non-concurrence in those amendments.

Mr. BURNES. I move to concur in the three Senate amendments that have just been read. The first one restores the salary of the governor to \$3,000, the amount fixed by the law organizing the Territory of Alaska. The second amendment restores the salary of the district judge to \$3,000, the amount of that salary having been fixed in the law organizing the Territory. The third amendment simply has reference to the amount of these two salaries. I can not add any force to the declaration of the law that each of these officers shall have a salary of \$3,000 a year, yet I submit that the governor of Alaska and the judge in Alaska ought to receive \$3,000 a year each, not only because it is not too great a salary, but because the law has fixed it, and those gentlemen have gone to the place of their duties under the belief that they were each to receive that salary.

Mr. RANDALL. Is the governor there now?

Mr. BURNES. He is there now so far as I know. The judge is there, and I presume the governor is there. It is a hardship, I had almost said an outrage, that gentlemen are sent off two or three thousand miles in the belief that they will be protected by the statute law of the country, and after they have gone to their fields of labor to have their salaries cut down in order to deprive them of \$400 each. It is pitiful, and I submit it to this House with absolute confidence.

Mr. HILL. I hope the committee will take into consideration one or two facts in connection with this Alaska matter. In the first place, it must be remembered that it costs a governor from \$500 to \$1,000 a year more to live in Alaska than in any other Territory of the United States. There is the only one steamship line by which communication can be had with the States, and that makes semi-monthly trips, and is to all intents and purposes a monopoly, charging just what it pleases for freight. Besides that, the opportunity for purchasing supplies for housekeeping there is very restricted, and prices are 50 per cent. higher than in other Territories which are accessible by railroad. Then there is to be added the expense of going and coming, which is about \$300 more than in the case of any other Territory. I agree with the gentleman from Missouri [Mr. BURNES] that where the law has fixed a salary for the governor of this far-off region it is an outrage for Congress to cut down that salary under the circumstances.

Mr. BUTTERWORTH. Are these officers allowed any mileage or traveling expenses?

Mr. HILL. They are allowed no mileage or expenses at all.

Mr. BURNES. None whatever.

Mr. RANDALL. Do not they usually go in a Government vessel?

Mr. HILL. I do not know how they go. I suppose they go the best way they can, as we all come to Washington. We generally come here on a railroad pass.

Mr. RANDALL. No, sir.

Mr. HILL. A gentleman asked where the governor was. The governor of Alaska was here to attend some business in connection with his Territory, because that Territory has no Delegate in Congress, but he is now and has been for three or four weeks on his way back to his post of duty.

Mr. HOLMAN. He was here, I believe, a good while, and all his predecessors have been here ever since they were appointed.

Mr. HILL. Governor Swineford was in Alaska and staid there until he ascertained the wants of the Territory. He then came here and remained just five weeks, and he was before the Committee on Territories every day that he was here. He left here some four weeks ago, and is now on his way back to his post of duty. I know this, because I have been in communication with him since.

Mr. HOLMAN. Will the gentleman give us some idea of what this officer does when he is up there?

Mr. HILL. I suppose he attends, like every other governor, to the duties which the law prescribes. What they are I do not know, for I was never there.

Mr. DOCKERY. The inquiry of the gentleman from Indiana [Mr. HOLMAN] is not pertinent. If the office is a useless one, it ought to be abolished.

Mr. HOLMAN. I think it ought to be.

Mr. DOCKERY. If so, bring in your bill, and if the necessary facts are exhibited I will vote to abolish the office. But the law at present provides this salary; and as the duties are performed at so remote a point, it seems to me the House ought to concur in this amendment of the Senate.

Mr. HOLMAN. Mr. Chairman, the highest salary we pay to any Territorial governor, except the governor of Alaska, is \$2,600. The reason the salary of this particular governor was placed above the general level was that the office was provided for in a general bill, and it is always our experience that when we provide a salary by a separate act the salary is fixed above the general range. In former years the governors of all the Territories received \$3,000 each. In 1876 these salaries were reduced to \$2,600, and no higher salary has been paid since that time to any Territorial governor, except in this one instance. It is not believed the governor of that Territory has any duties to perform. Every winter for several years past he has been here at the capital. The Committee on Appropriations think a salary of \$2,600 is ample.

Mr. HILL. Mr. Chairman, one word more. The distinguished gentleman from Indiana urges that \$2,600 is the salary paid to other Territorial governors. Does he not know that we make a difference in the salaries of United States judges that these judges received higher pay in some districts than in others? Does he not know that the cost of living was higher a few years ago than it is now; and does he not know that there is a vast difference between living in Alaska and living, for instance, in Dakota? I have no doubt the gentleman himself would rather serve as governor of Dakota for \$1,500 than in Alaska for \$3,000.

Mr. HOLMAN. Fifteen hundred dollars would be an ample salary.

Mr. HILL. I hope the gentleman does not estimate the usefulness of everybody else by his own. [Laughter.]

Mr. RANDALL. Mr. Chairman, there is no reason why the governor of Alaska should receive a higher salary than the governor of any other Territory. In this very bill the salary of every other Territorial governor is fixed at \$2,600. We propose that the governor of Alaska shall receive the same salary as the governors of Dakota, Idaho, Arizona, Montana, New Mexico, Utah, and I believe Washington. If we now agree to fix this salary at \$3,000 there will naturally be an effort made to raise the salaries of the other Territorial governors to the same level.

Mr. HOLMAN. Yes, sir; that is what will follow.

The question being taken on the motion of Mr. BURNES to concur in the amendment of the Senate, there were—ayes 52, noes 35.

Mr. HOLMAN. No quorum.

Tellers were ordered; and Mr. HOLMAN and Mr. BURNES were appointed.

The committee again divided; and the tellers reported—ayes 79, noes 45.

So the motion of Mr. BURNES was agreed to.

Mr. HOLMAN. We shall have a vote in the House on this question.

The one hundred and eighth and one hundred and ninth amendments were read and concurred in.

The one hundred and tenth, one hundred and eleventh, one hundred and twelfth, and one hundred and thirteenth amendments were read and non-concurred in.

The one hundred and fourteenth, one hundred and fifteenth, one hundred and sixteenth, one hundred and seventeenth, and one hundred and eighteenth amendments were read and concurred in.

The one hundred and nineteenth amendment was read, as follows:

Insert after the appropriations for "Office of Publication of Records of the Rebellion" the following:

"And hereafter the records prepared for publication under this appropriation shall contain only the records of the war of the rebellion covering contemporaneous events, arranged chronologically, according to the provisions of the act of June 23, 1874, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875. And the evidence taken by the court-martial on the trial of Fitz-John Porter, together with the report thereon by Judge Holt to President Lincoln, shall be printed in connection with matter already printed concerning the proceedings of said court-martial."

Mr. HOLMAN. The Committee on Appropriations recommend concurrence in this amendment of the Senate with an amendment, to insert after the words "President Lincoln" the clause which I ask the Clerk to read.

The Clerk read as follows:

Also any papers on behalf of the defense in said court-martial directly connected with the proceedings of the same, and contemporaneous therewith, that have not been already published in any previous volume of said records.

Mr. REED, of Maine. I submit, Mr. Chairman, that a motion to concur takes precedence of the proposition to concur with an amendment.

The CHAIRMAN. The Chair thinks not.

Mr. REED, of Maine. I submit that a motion to concur without amendment must take precedence of a motion to concur with an amendment, because simple concurrence tends to an immediate agreement between the two Houses. The ground on which a motion to concur takes precedence of a motion for non-concurrence is that the motion to concur brings the two Houses more promptly to an agreement. The same reason must govern in this case, and give precedence to a motion to concur without amendment as against a motion to concur with an amendment.

The House must have the right to concur with the exact words of an amendment first. That must be the principle of parliamentary law.

The CHAIRMAN. The Chair thinks the gentleman from Maine is correct, and that the question on concurrence is first to be put.

Mr. REED, of Maine. I move to concur.

The committee divided; and there were—ayes 56, noes 75.

Mr. REED, of Maine. No quorum.

Mr. REED, of Maine, and Mr. HOLMAN were appointed tellers.

The committee again divided; and the tellers reported—ayes 74, noes 89.

So the House refused to concur in the Senate amendment.

Mr. HOLMAN. I now ask that the question shall be put on the amendment of the committee to the amendment of the Senate.

The CHAIRMAN. The amendment has already been read, but it will be read again.

The amendment to the amendment was again read.

Mr. BUTTERWORTH. First, Mr. Chairman, I desire to ask of the Chair this question. It is a parliamentary inquiry. If the House shall agree to concur with the amendment, of course that sends the bill, or rather the amendment, to the committee of conference. Do they then have jurisdiction of the whole subject-matter, or is their jurisdiction confined to consideration of the amendment of the House?

Mr. HOLMAN. The jurisdiction of the conference would be to the whole subject-matter.

The CHAIRMAN. The present occupant of the chair does not desire to rule on a matter which is not before him and probably never will be.

Mr. BUTTERWORTH. For, sir, the amendment of the Committee on Appropriations is a little broader than I thought it was. It was presented in the Committee on Appropriations, and if it is in order to speak of what occurred in the committee I may say to this extent at least, that the motion to concur with an amendment was adopted by the committee. My memory may be at fault, but I think the scope of the amendment as presented to the Committee of the Whole is broader than it was, or as I understood it to be, when offered in committee. It is, to my mind, too broad, because it contemplates the insertion in the record not merely of papers, or such part of the papers, as necessarily and properly form a part of the record of the case, but opens up a much wider range.

Mr. RANDALL. The word contemporaneous is there.

Mr. BUTTERWORTH. Of course; I understand perfectly that the word contemporaneous is used, but that might admit every magazine article, every suggestion ventured or cast on the wave of public opinion if it was only contemporaneously expressed or written.

If the amendment be adopted it should be confined to those papers which are pertinent to and form a part of the record of the trial.

Mr. HOLMAN. The language of the amendment is confined to such papers as are directly connected with the proceeding. How could it be any more explicit?

Mr. BUTTERWORTH. Is there any objection to inserting apt words to limit the scope of the amendment as I have suggested?

Mr. HOLMAN. The words suggested do not make it any more explicit.

Mr. BUTTERWORTH. If they are not more explicit it will not hurt.

Mr. CANNON. Will the gentleman permit me to ask him a question?

Mr. BUTTERWORTH. Certainly.

Mr. CANNON. Why make the amendment broader than the amendment of the Senate, which is as follows:

And the evidence taken by the court-martial on the trial of Fitz-John Porter, together with the report thereon by Judge Holt to President Lincoln, shall be printed in connection with matter already printed concerning the proceedings of said court-martial.

The proper scope of the amendment it seems to me should be the papers in connection with the defense. I suppose that is properly included in the Senate amendment. This amendment says papers. I presume that would include argument of counsel for Fitz-John Porter, and the argument of counsel against him would not go in.

Mr. BUTTERWORTH. That is the point, I will say to my colleague on the committee, against which I protest. I am not going to discuss the subject-matter treated of in the record, although I have solid convictions upon it; but I wish to state how this controversy arose. It appears that in the compilation of the annals of the war, which is the compilation of the record of events as they transpired, as the same is disclosed in the papers and manuscripts filed in the War Department, the documents which contained the account of the arraignment and trial of Fitz-John Porter were reached in their order.

It appears from an inspection of a volume of the compilation which has been completed in which the record of the trial and sentence of Fitz-John Porter should appear there is a very meager account of that proceeding. That brief statement being complete, the compiling officer, under what influence I do not know, leaps forward over the records of a quarter of a century and inserted in full display the entire proceedings of the Schofield board which reviewed the proceedings of the court-martial before which Porter was tried, and inserted also the proceedings of Congress for the relief of Porter and everything else that tended in any way to operate as a vindication of Fitz-John Porter. All that matter he inserts as a part of the record of 1862. He makes an entry *nunc pro tunc*, except he reverses the usual order by recording the events of the distant future as if they occurred to-day.

It may be urged, and I do not dispute it, that in one aspect of the case it is a matter of even-handed justice. But it was an unwarranted exercise of authority, and the Senate did not regard it as a proper thing to do in compiling the annals of 1862 to reach forward to and include the events occurring in 1886. Besides the record as made was unfair and partial, and to undo the wrong and correct the error as far as possible the Senate adopted the amendment which we are now seeking to amend. The Senate amendment seeks to require the compiling officer to include in his compilation such records at least as would suggest the character and enormity of Porter's offense and the judgment thereon of the men who had to judge of it on the trial, which as it appears is entirely garbled or singularly omitted.

The amendment, on the other hand, suggested by the Committee on Appropriations is—and there is a savor of abstract justice about it—that, in enlarging the record, that which properly pertains to the defense of Fitz-John Porter should go in. From the standpoint of the gentlemen on the other side that is fair, and I would not complain of it if the amendment was not so sweeping. If I catch it correctly as read from the desk it is too wide. It admits contemporaneous papers pertaining to the subject, the opinions of military men—

Mr. HOLMAN. Not pertaining to, but, as the language provides, "connected therewith."

Mr. BUTTERWORTH. And that, the gentleman must see, would admit the argument of the defense.

Mr. RYAN. Certainly; for that is a part of the proceeding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTTERWORTH. I only ask a moment to say to my friend I only want that which properly pertains to the trial to be inserted, and that does not include the argument of counsel.

Mr. HOLMAN. The gentleman will remember that there was some ambiguity in the language as drawn in the first instance, but as finally adopted by the committee it is in these words:

Any papers on behalf of the defense in said court-martial directly connected with the proceedings of the same and contemporaneous therewith that have not been already published in any previous volume of said records.

Which are exceedingly specific and definite words. It refers only to papers, as will be seen, directly connected with the proceedings.

Mr. CUTCHEON. I would like to ask the gentleman from Indiana what he understands would be included under the language of that amendment?

Mr. HOLMAN. Only matters connected directly with the record.

Mr. CUTCHEON. With the record of the trial?

Mr. HOLMAN. Yes, sir.

Mr. CUTCHEON. Does the gentleman think that would include, for instance, the argument of Reverdy Johnson?

Mr. HOLMAN. I think that if among the papers filed among the records there is a defense of Fitz-John Porter it would be admissible under this amendment.

Mr. BOUTELLE. What kind of defense; the arguments of counsel?

Mr. HOLMAN. Any of the official files ought to go in.

Mr. BUTTERWORTH. I think this can be arranged to work even-handed justice; at least I think it can be by a little amendment of the phrasing. The Senate amendment, my friend will observe, does not contemplate the introduction of argument of counsel against Fitz-John Porter, or, indeed, the argument of counsel at all. So I insist, if my friend pleases, that this amendment should be confined to the official records in the case, the official files, if you please, and the language of the amendment can certainly be so drawn as not to throw out a drag-net and bring in a thousand and one things that the friends of Fitz-John Porter would like to have inserted because they are soothing to his pride and a balm to his honor.

Mr. CANNON. Allow me to suggest to my friend from Ohio that the language of the Senate amendment seems to cover the point.

And the evidence taken by the court-martial—

That means the evidence for and against—

on the trial of Fitz-John Porter, together with the report thereon of Judge Holt to President Lincoln, shall be printed, &c.

That includes the whole of the record proper. There is nothing in the record I take it but the evidence that is embodied in the record.

Mr. HOLMAN. Is it proper that the report made and embodied in the record by Judge Holt—

Mr. BOUTELLE. He was the Judge-Advocate-General.

Mr. HOLMAN. I do not care whether he was the Judge-Advocate-General or not, he was the prosecuting attorney.

Mr. BOUTELLE. No, sir; he was the Judge-Advocate-General, and he could not be the prosecuting attorney.

Mr. HOLMAN. Well, whatever you call it, it is the same thing.

Mr. LAIRD. He was in fact the prosecuting attorney.

Mr. HOLMAN. I say, is it right that that should go in and yet the defense of Fitz-John Porter should not be permitted to go in? I submit that is not a matter of fairness.

Mr. BUTTERWORTH. There can be no difficulty in getting in what pertains to the record; but I take it that is all that could or ought properly to be admitted. I suggest then this amendment, that after the word "Lincoln," in line 1722, insert:

Also any papers on behalf of the defense in said court-martial directly connected therewith and forming part of the official record in said case.

Mr. BOUTELLE. That would not do. You only get the papers of the defense that form a part of the official proceedings.

Mr. BUTTERWORTH. But the Senate amendment covers the entire report of the trial.

Mr. BOUTELLE. The Senate amendment simply covers the evidence. Now you want to put in all the papers connected with the record, and you have no provision stating what papers shall be considered in connection with the record and which may be published.

Mr. BUTTERWORTH. We can say "for and against."

Mr. BOUTELLE. I desire to make a suggestion to the gentleman from Indiana. This Senate amendment provides distinctly for printing all the evidence, does it not?

Mr. HOLMAN. It does.

Mr. BOUTELLE. And the only other provision in the Senate amendment is that there shall be printed one specific paper, the report of Judge Holt. Now, if anybody desires that any other paper shall be printed that is not a part of the evidence provided for by the Senate amendment, why not specify that specifically as the Senate amendment specifies the report of Judge Holt?

Let us know what the documents are you want to print. This makes a distinct and clearly understood statement. If you want to put in the argument of Reverdy Johnson, or this, that, or the other thing, say so specifically. But the amendment of the gentleman from Indiana [Mr. HOLMAN] is broad enough to cover every newspaper article that appeared at the time.

Mr. RANDALL. Oh, no. The language is, "directly connected with."

Mr. HOLMAN. I hope we will have a vote.

Mr. BOUTELLE. I ask the gentleman from Indiana to amend his amendment so as to state specifically what he wants to print.

Mr. CUTCHEON. The proceedings of a court-martial consist, first, of charges and specifications; second, of the evidence applicable thereto; and third, the summing up by the officers of the court; and then the finding. Counsel are permitted in general courts-martial, but arguments of counsel do not constitute a portion of the official proceedings.

Mr. HOLMAN. Do they not stand upon the same footing as the paper of Judge Holt?

Mr. REED, of Maine. Not on the same footing. His is an official report.

Mr. CUTCHEON. Colonel Scott, in the compilation of the records of the war, in part 2 of volume 12, when he reached that part of the annals relating to the second Bull Run campaign and the charges against General Fitz-John Porter, proceeded to embody in the annals of the rebellion the entire proceedings of the so-called Schofield board, an entirely unofficial board, convened without any authority of law. He came down near a quarter of a century to put into the current annals of the rebellion a chapter that was left to posterity, as we may say. Now the Senate amendment proposes to go back, and as an antidote to that to insert first the evidence taken upon the trial; and there are no

papers that are directly connected with the trial that were not put in evidence or did not constitute a portion of the proceedings of the trial.

But when Congress came to publish the proceedings of the general court-martial, Congress printed, together with the official proceedings and with the summing up of Judge-Advocate-General Holt, the argument of Reverdy Johnson, and it constitutes part of the document which you will now find in the library.

The only other document not provided for by the Senate amendment, which provides for the evidence, the summing up, the report of Judge-Advocate-General Holt, is the argument of Reverdy Johnson, the counsel for Fitz-John Porter. Now, if any one wants that to go in alongside the argument of Judge Holt, I have no objection. Only let us make it specific. Let the language be employed, "together with the argument or summing up of Reverdy Johnson, counsel for defendant."

I have no objection to the two papers going together. But, as the gentleman from Ohio [Mr. BUTTERWORTH] has said, let us be specific; let us hedge this up so that there will be an end somewhere of stuffing the public records with the proceedings in this case.

Mr. WARNER, of Ohio. I think the suggestion of the gentleman from Michigan is a fair one.

Mr. BUTTERWORTH. Is the suggestion of the gentleman from Michigan satisfactory to the gentleman from Indiana [Mr. HOLMAN]?

Mr. HOLMAN. I am not sufficiently familiar with the subject to be able to answer that question. My own judgment at this moment is that the proposition of the gentleman from Michigan is an entirely proper one; that the review by Judge Holt on the one side and the argument of Reverdy Johnson on the other are the two papers outside of the record which should come in. But, as I have said, I am not sufficiently familiar with the case to know what is proper and what is not. It seems to me the House can well afford to let this go to the conferees.

Mr. BUTTERWORTH. I wish to make another suggestion. This amendment should be so framed that these things should be published together and not separately. That is not provided for here. They should not be printed in disjointed fragments.

Mr. HOLMAN. I think that can be easily provided for by the conferees. I call for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana to concur in the Senate amendment with an amendment. The question being put, the chairman stated that the "ayes" seemed to have it.

Mr. BOUTELLE. I call for a division.

The committee divided; and there were—ayes 81, noes 70.

Mr. BUTTERWORTH. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Maine [Mr. BOUTELLE].

Before the vote had been announced,

Mr. BUTTERWORTH said: While the tellers are making the vote I wish to say to the gentleman from Indiana that what I proposed was to add after the words in his amendment "directly connected with" the words "and a part of the official records in said cause."

Mr. HOLMAN (one of the tellers.) As I have already said, I think that may be left to the conferees.

The CHAIRMAN. Debate is not in order.

The count was continued; and the tellers reported—ayes 102, noes 36.

Mr. BOUTELLE. In consideration of an understanding to have a yea-and-nay vote in the House on this proposition, I do not insist on the point as to a quorum.

So (further count not being called for) the motion of Mr. HOLMAN to concur in the Senate amendment with an amendment was agreed to. Amendments numbered 120, 121, 122, 123, 124, 125, and 126 were non-concurred in.

Amendments numbered 127, 128, 129, and 130 were non-concurred in.

Amendments numbered 131 and 132 were non-concurred in.

Amendments numbered 133, 134, and 135 were non-concurred in.

Amendments numbered 136 and 137 were non-concurred in.

Amendments numbered 138 and 139 were concurred in.

Amendments numbered 140 and 141 were non-concurred in.

Amendment No. 142 was read, as follows:

Six additional persons, to be appointed by the Secretary of the Interior, to aid him in determining appeals from the Commissioner of Pensions, and from whom he may constitute two additional boards of pension appeals, whose term of service shall expire at the close of the fiscal year 1887, at \$2,000 each; two special inspectors connected with the administration of the public-land service, to be appointed by the Secretary of the Interior, and to be subject to his direction, at \$2,500 each.

Mr. BUTTERWORTH. Mr. Chairman, I want to ask my friend from Indiana a question. Will he please advise the House whether or not the effect of amendment No. 142 will not be to take a certain number of appointees out of the operation of the civil-service law? I have not looked at the question carefully, but that is my impression.

Mr. HOLMAN. That is not the purpose. That is a Senate amendment, and the committee recommend non-concurrence.

Amendments numbered 142, 143, 144, 145, 146, 147, and 148 were non-concurred in.

Amendments numbered 149, 150, 151, 152, 153, 154, and 155 were non-concurred in.

Amendment numbered 156 was read, increasing the appropriation for the chief clerk and Assistant Commissioner of Indian Affairs to \$3,000.

Mr. HOLMAN. The committee recommend non-concurrence in that amendment, with the following amendment: In lieu of the sum proposed by said amendment insert "\$2,500."

Mr. STORM. I move that the Senate amendment be concurred in.

Mr. Chairman, my motion has precedence, I take it, over the motion of the gentleman from Indiana. That is in accordance with the previous ruling of the Chair.

The CHAIRMAN. The Chair ruled wrongly before, and does not care to do so again. The Chair holds that the motion of the gentleman from Indiana [Mr. HOLMAN] is in order.

Mr. STORM. Then I desire to be recognized for the purpose of being heard on this question. As the Senate has amended this provision it stands precisely as it stood when the bill came from the Committee on Appropriations. The point of order was made upon it by the gentleman from Minnesota [Mr. NELSON], and the Chair sustained the point of order so far as striking out the increase of salary was concerned and overruled it on the question of creating the office.

In other words, the decision said while he could not have the increased compensation he might be permitted to perform the additional labor. The amendment compels the new officer to perform the duties of two offices for \$3,000, which in the corresponding grades in the other Departments cost between \$5,000 and \$6,000.

As I have said, the Senate has now by an amendment restored the bill exactly to the shape it was in when it came from the Committee on Appropriations. This amendment is just and proper. The bill now creates the office of assistant commissioner, and imposes upon the assistant commissioner the additional duty of chief clerk. He is required to perform the duties of both those officers under the designation of assistant commissioner. The salary of the chief clerk now is \$2,000. He is to have thrown upon him the additional duties of assistant commissioner. It is proposed to increase the salary \$500; it is true—

Mr. McMILLIN. Let me ask the gentleman if it is not a fact that all the other assistants get \$3,000?

Mr. STORM. Every one of them. More than that; in the Pension Office the two assistant commissioners get \$3,600 each. It is but just that this officer should receive the salary which other assistants receive and which is provided for in this amendment; and I would like to hear some statement or reason why this amendment should not be concurred in. Why should not this officer have this salary of \$3,000, inasmuch as he has to perform the duties of both assistant commissioner and chief clerk?

Mr. WEAVER, of Iowa. And in the absence of the Commissioner he must necessarily act as Commissioner.

Mr. STORM. Yes; in the absence of the Commissioner he must act as Commissioner. Furthermore, it has been found that the Commissioner of Indian Affairs has to discharge the duties of his office in a different manner from that in which the other Commissioners perform their duties. The Commissioner of Pensions, the Commissioner of Public Lands, and the Commissioner of Patents can perform their duties here in their offices in the Department, but it has been found in practice that in order to the proper discharge of the duties of the Commissioner of Indian Affairs he must go into the field and inspect the operations going on there.

In the absence of the Commissioner the office work here must go on. For several months in the year then the assistant commissioner must do his work and assume much graver responsibilities than are imposed on similar officers in the other bureaus. The kind of talent and executive ability required in this officer would in private business command double the salary proposed by the Senate amendment. Any one acquainted with General Upshaw, the present efficient and accomplished chief clerk, will at once agree with me that the salary we propose is small.

This office is as important as any of the corresponding offices in other departments. It now distributes \$6,000,000 of appropriations under some four hundred heads and subheads of the appropriation bills. Clearly if any assistant commissioner is charged with important duties it is the assistant commissioner of Indian Affairs; and it passes my comprehension how it was that the Committee on Appropriations, while recognizing the duties to be performed and creating this office, refused to allow the compensation which is given to all other officers of similar grade. I hope the Senate amendment will be concurred in.

Mr. TOWNSHEND. Mr. Chairman, I trust that the motion of my friend from Pennsylvania [Mr. STORM] will prevail. This officer is to have imposed upon him double duties, more onerous than those of any other assistant commissioner. He is to act both as chief clerk and as assistant commissioner.

Mr. HOLMAN. The gentleman will allow me to ask, who has performed the duties of assistant commissioner during the absence of the Commissioner within the last twelve months?

Mr. TOWNSHEND. There never has been any assistant commis-

sioner; and the office during the absence of the Commissioner has been left in the hands of a clerk.

Mr. HOLMAN. But who performed the duties of the Commissioner at such times?

Mr. TOWNSHEND. This clerk performed a part of the duty, but he was never authorized by law to perform the responsible duties contemplated in this bill.

Mr. HOLMAN. Are there any other duties to be performed during the absence of the Commissioner than those which this subordinate has performed?

Mr. TOWNSHEND. Yes, there is quite a different class of duties.

Mr. HOLMAN. How did it happen, then, that there was no person there to perform them?

Mr. TOWNSHEND. That was a defect in the law.

Mr. HOLMAN. But who actually administered the office during the absence of the Commissioner?

Mr. RYAN. Every official paper had to be signed by the Commissioner, and thus many papers were obliged to await his return before they could be sent out. There was no officer authorized to represent him officially.

Mr. TOWNSHEND. Mr. Chairman, heretofore when the Commissioner of Indian Affairs has been compelled to be absent the control of the business of the office has been placed in the hands of a mere clerk—a chief clerk as we term him—

Mr. HOLMAN. And no public interest has suffered.

Mr. TOWNSHEND. The scope of his authority was so limited that many important matters which ought to have been performed in the absence of the Commissioner were necessarily left undone, for the reason that no officer was invested by law with the authority to perform such duty.

The Commissioner of Indian Affairs, more than perhaps any other Commissioner in the departments, is required to be absent frequently from his office at Washington. It is important that he should go into the field at times and visit the different Indian agencies. When contracts are being let for supplies to the agencies the Commissioner is obliged to go to New York; and he has performed very valuable service by going there, having been enabled by giving his personal attention to contracts to save the Government hundreds of thousands of dollars.

Mr. WEAVER, of Iowa. And the Committee on Indian Affairs has recommended that he shall go into the field.

Mr. TOWNSHEND. Yes; as I understand, the Committee on Indian Affairs has recommended that the Commissioner of Indian Affairs, in order to properly understand the necessities of the Indian service, shall go into the field and examine the condition of the Indians on the reservations and at the different Indian agencies.

Mr. McMILLIN. Is it not a fact that the Commissioner is often necessarily away from his office here in Washington from one to three weeks at a time?

Mr. TOWNSHEND. I have just stated that he is often compelled to be absent for weeks; and under the law as it has existed heretofore the official duties of the position during his absence have been left in the hands of a mere clerk, or chief clerk, as you may term him. But there are certain important, necessary, and responsible duties which can be performed only by the Commissioner or by some one authorized by law to act as deputy or assistant commissioner.

Mr. CUTCHEON. I would like to inquire what necessity exists now which has not existed heretofore for this additional office?

Mr. TOWNSHEND. The necessity has existed heretofore. It has at times been very important that there should be an assistant Commissioner, but owing to the failure of the law to provide for such an officer many important duties have during the absence of the Commissioner been left undischarged.

Mr. CUTCHEON. I see that this is the creation of a new office, which I think is in general a movement in the wrong direction.

Mr. STORM. The amendment does not create an additional office.

Mr. TOWNSHEND. It does not increase the number of employes. Under this amendment an officer already in office will be required to perform additional duties. Besides discharging the duties he has heretofore performed he will be required to take the place of the Commissioner when that officer is necessarily absent from Washington. It would be gross injustice that this assistant Commissioner should be compelled to do double duty and bear greatly increased responsibilities while restricted to a less salary than any other assistant Commissioner in any of the Departments.

Mr. OATES. Both Houses have concurred in the necessity for such an office, and \$3,000 would seem to be a reasonable salary.

Mr. TOWNSHEND. It is very reasonable.

#### MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. BURNES having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCOOK, its Secretary, stated it had non-concurred in the amendment of the House to the bill (S. 2113) granting a pension to Mrs. Sarah Young, asked for a conference on the disagreeing votes of the two Houses, and had appointed as conferees on its part Mr. SAWYER, Mr. WHITTHORNE, and Mr. WILSON of Iowa.

\* It further announced that the Senate had agreed to the amendment of the House to the bill (S. 1666) granting a pension to Edward Corning, with an amendment, in which concurrence was requested.

It further announced the passage of the bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war, with amendments, in which concurrence was requested.

It further announced that the Senate insisted on its amendments disagreed to by the House on the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. DAWES, Mr. HARRISON, and Mr. MAXEY managers of said conference on its part.

It further announced the passage of the bill (H. R. 33) for the relief of Alexander K. Shepard, with an amendment, in which concurrence was requested.

It further announced the return to the House of Representatives of its concurrence of the bill (S. 100) for the relief of William H. Crook.

It further announced agreement to the amendment of the House to the bill (S. 2192) granting a pension to Abby L. Burbank.

It further announced the passage of the bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia, with an amendment, in which concurrence was requested.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 1018) for the relief of Patrick Cook;

A bill (S. 1802) for the relief of Isaac Harter;

A bill (S. 2455) granting a pension to Edward D. Patchin;

A bill (S. 2035) to authorize the Secretary of War to credit the State of Oregon with the sum of \$12,398.55, for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes;

A bill (S. 2157) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city by dumping or otherwise and to punish and prevent such offenses, and making other provisions in connection therewith;

A bill (S. 2475) for the relief of Samuel Noble; and

A bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. TOWNSHEND. In order to properly answer the inquiry of the gentleman from Michigan I would be glad to call the attention of the committee to the report of the Committee on Indian Affairs of the House in reference to the duties of this office and the increase of this work.

The report says:

The work of this bureau is constantly increasing. The increase in the year 1885 over 1884 was over 30 per cent., and the increase for the first quarter of 1886 over the first quarter of 1885, has been over 33 per cent.; and the increase for the three past months over a similar period in 1884 is about 46 per cent.

And, if the gentleman will permit me, I would like to have an extract from the report of Commissioner Atkins read in this connection.

Mr. HOLMAN. I believe the time for debate has expired.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WEAVER, of Iowa, was recognized, and yielded two and a half minutes to Mr. TOWNSHEND.

Mr. TOWNSHEND. That will be sufficient. I ask the Clerk to read what I send to the desk. This is from the report of the present Commissioner of Indian Affairs, Mr. Atkins. Those who have served here upon the floor with him will bear testimony that there was not a member in this House who was so anxious or who sought more sedulously to secure honesty and economy in the Departments of the Government than he.

The Clerk read as follows:

As will be seen from what immediately follows, it is my desire to assign to the chief clerk additional important labors. I deem it proper to call attention to the fact that the duties personally devolving upon the Commissioner of Indian Affairs, as the responsible head of the Indian Bureau, are unusually multifarious, complicated, and onerous, and to properly discharge them requires much more time and attention than can be given during business hours. The good of the service leads me to suggest that Congress be asked to give this bureau an assistant commissioner, who shall also perform the duties of chief clerk. To that officer could then be referred much of the routine work which may be performed equally well by another, but which now involves a large expenditure of time and labor on the part of the Commissioner, and to just that extent lessens his ability to devote his energies to the more important matters which relate to the general administration of Indian affairs.

[Here the hammer fell.]

Mr. HOLMAN. I hardly think that the gentleman from Illinois is justified when time is of very great value in occupying the attention of the committee in reading a report with which of course every gentleman is familiar.

Mr. WEAVER, of Iowa. I believe, Mr. Chairman, I am entitled to the floor.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. WEAVER, of Iowa. I yielded two and a half minutes to the gentleman from Illinois.

Mr. TOWNSHEND. That is correct.

The CHAIRMAN. The Chair will recognize the gentleman then immediately after the gentleman from Indiana concludes.

Mr. HOLMAN. I only rose to say a few words before asking for a vote. I am surprised at the action of the gentleman from Illinois. The Committee on Appropriations considered this subject and have recommended that the salary of this officer be fixed at \$2,500 a year, which is an increase of \$500 over his present salary. No gentleman is deceived about this matter.

The Indian Office is admirably administered, and its chief is one of the most upright, reliable, and efficient officers of the Government. The office is well conducted in every respect. But the duties which will devolve upon the assistant commissioner are substantially just the same as the chief clerk has hitherto performed and is now performing. An increase of salary of \$1,000 would be a very unusual—

Mr. TOWNSHEND. Not excessive at all, but it would simply equalize his salary with that of others performing the same duties, or less work in fact, and who are getting \$3,000.

Mr. HOLMAN. It would be an unusual increase. You have not increased any salary as much as \$1,000. In fact as a rule there have been no increases. You have provided salaries for the officer in charge of the Bureau of Labor and some others in excess of the average, and for adjusting private land claims in New Mexico, Arizona, and Colorado there were salaries provided for in excess of the usual salaries, but those are all the striking instances; but I do hope that this side of the House will adhere to the pledges made to the country against increases of salaries beyond a reasonable limit. An increase of \$500, making the salary \$2,500, might perhaps be reasonable and justifiable; that is the judgment of your Committee on Appropriations, who have examined the subject carefully; and I trust that a large increase like this \$1,000 to an officer who is now getting the usual salary of \$2,000 for clerk of a bureau will not be made.

Mr. STORM. Let me ask the gentleman from Indiana whether or not the original bill did not provide a salary of \$3,000?

Mr. HOLMAN. Oh, yes; the committee at one time had such an opinion.

Mr. TOWNSHEND. Let me ask the gentleman if he would not consider it unjust to limit this officer's salary to \$2,500 when we pay \$3,000 to other persons performing the same duties or less? This officer has really more duties to perform for the reason that the others have chief clerks.

Mr. HOLMAN. But there is some regard to be had to the character and responsibilities of the duties to be performed. While it is true that the assistant commissioner of Indian affairs holds a very important position, it of course is not up to the proportions of the Land Office, where the Commissioner receives \$4,000 and \$3,000 is paid to the assistant commissioner. I admit the salaries of the Land Office are not ample, as it is the great bureau of the Departments.

Mr. TOWNSHEND. And he has no more laborious duties to perform than the assistant commissioner of Indian Affairs.

Mr. HOLMAN. There is not so important a position at that salary in the Government.

Mr. CUTCHEON. I understand the gentleman to say that the duties will remain substantially the same as they are now performed by this official?

Mr. HOLMAN. Yes, sir. Substantially the same according to my understanding of the office.

Mr. WEAVER, of Iowa. Mr. Chairman, it is not an increase of salary, it is the creation of a new office and a provision for a reasonable salary. That is all it is. You impose new duties upon the gentleman who now acts as chief clerk and say he shall be assistant commissioner of Indian Affairs, and then the question arises what is a reasonable compensation? Now, sir, there are in the Interior Department the Commissioners of Indian Affairs, of Patents, of Pensions, and of the Land Office. They are all of equal rank, and certainly this bureau is of just as much importance as any other of them; a great deal more than some, I think, and it has a less force of employes than any one of the other Commissioners. I can see no good reason for making a distinction in any one of these salaries, all of which are low enough now. But, I repeat, this is not a question of increase of salary but the fixing of a salary of a new office created by the bill.

#### MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. HOLMAN took the chair as Speaker *pro tempore*.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved bills of the following titles:

An act (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road;

An act (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads;

An act (H. R. 5874) to provide for the taxation of railroad-grant lands, and for other purposes;

An act (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor;

An act (H. R. 4498) authorizing an additional appropriation of \$25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof;

An act (H. R. 5862) providing for the establishment of certain light-houses and fog-signals, and for other purposes; and

An act (H. R. 985) authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, and granting to the city of Marquette, Mich., certain lands for park purposes.

#### LEGISLATIVE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BURNES. The history of this item of appropriation may be interesting. In order that it may be known to this Committee of the Whole House I invite special attention to it. When the original bill was reported by the distinguished gentleman from Indiana to the House it contained a provision precisely similar to the Senate amendment now before us. The Committee on Appropriations then thought that \$3,000 was the proper salary for the assistant commissioner of Indian Affairs, and so the gentleman from Indiana reported in the bill. It was the deliberate judgment of the Committee on Appropriations. It was the free, voluntary offering of the committee.

When the bill was considered in Committee of the Whole the item was ruled out on a point of order and the Indian Department was left without any assistant commissioner. Considered in the Senate, the item was restored and comes back to us as an amendment of that body in the precise words, I believe, originally adopted by the House Committee on Appropriations and reported to the House as stated.

The assistant commissioner of Public Lands has a salary of \$3,000; and the original bill reported to the House contained an increase of such salary to \$3,250, with a chief clerk at a salary of \$2,250. The assistant commissioner of Patents has a salary of \$3,000, with a chief clerk at \$2,250. There are two assistant commissioners of Pensions, each of whom receive \$3,600, with two chief clerks, one at \$2,500 and the other at \$2,000.

The assistant commissioner of Indian Affairs is allowed no chief clerk. He performs all the duties of that office; all the duties of a chief clerk and nearly half the time the office duties of the Commissioner, who is required, necessarily, to visit Indian tribes and ascertain personally their condition and necessities. Why this inequality? It is admitted that this is one of the most important bureaus of the Government. Its distinguished head has made an honorable fame throughout the Republic, and surely his assistant commissioner should be as justly and liberally provided for as other officers of like grade. I am not an advocate of increased salaries, but I am of equality and justice.

There was a special Committee on Indian Affairs which went over the Western country last summer. They saw the necessity for this assistant commissionership and, if I mistake not, recommended its creation.

Mr. HOLMAN. Not at all.

Mr. BURNES. The Committee on Indian Affairs recommended it, I know, and I have before me their report upon the subject. My honorable friend from Indiana [Mr. HOLMAN], in reporting the original bill establishing this office and fixing its salary at \$3,000, must be held as committed to the propriety of both.

May I not, Mr. Chairman, with appropriate curiosity, inquire why my distinguished friend in charge of the bill now resists the Senate amendment, which is but an indorsement of the action of himself and the Committee on Appropriations? What new light has he had on the subject since he reported the original bill? Why was this salary placed at \$3,000 a month or so ago, and, indorsed by the Senate, is now regarded as \$500 too high?

Mr. HOLMAN. Mr. Chairman—

Mr. BURNES. The distinguished gentleman must please pardon me. A moment ago he would not yield to me. Why should the indorsement of the Senate make us distrust our own original judgment? I can not believe that the distinguished gentleman from Indiana has taken fright by reason of such indorsement of his original provision.

Personally I care nothing about this matter, and have but a slight personal acquaintance with the gentleman upon whom the duties of this new position are likely to fall, but I am quite sure he is entitled to and will receive justice and equality of compensation with other officials of the same rank and service. The fact that he is a Tennessean will not be regarded by this committee as sufficient justification for an inadequate or inferior salary.

Mr. HOLMAN. I think the statement of my friend from Missouri [Mr. BURNES] is a little unfair. The gentleman ought be aware I never favored the increase of this salary to \$3,000. I consented to an increase to \$2,500. It is not a proper thing for him or myself to refer to what transpired in the Committee on Appropriations; and yet he

says because I reported the bill containing that provision I was in favor of it.

I appreciate the young gentleman who fills this position of chief clerk of the Indian Office as an active, efficient, and faithful public officer, and I should not have objected to \$2,500, as I understood it to be fixed in the first instance, and as I think other members of the committee understood it. The gentleman from Missouri talks about the salary being reduced from \$3,000 to \$2,500. It is simply a proposed increase from \$2,000 to \$3,000. If the gentleman from Missouri and the gentleman from Nebraska [Mr. WEAVER] and the gentleman from Illinois [Mr. TOWNSHEND] can find the creation of new offices and this increase of salaries in harmony with the pledges made by their friends, if not by themselves, all over the country two years ago, it is something I can not comprehend. It is not in conformity, as I understand, with the pledges on which these seats on this side of the House were filled.

Mr. TOWNSHEND. I will ask my friend if, when he becomes satisfied that the duties of an office have so greatly increased that there must be an additional officer to efficiently perform them, is not the public service benefited by the creation of such an office?

Mr. HOLMAN. The duties are as they have been heretofore. The Indian Office has always been an interesting one.

Mr. TOWNSHEND. Oh, no. The report I read shows they have increased 50 per cent.

Mr. WILSON. Before the vote is taken I wish to call attention to a remark of my colleague on the committee, the gentleman from Indiana [Mr. HOLMAN], which is not perhaps up to his usual standard of fairness. I do not suggest that he has intentionally deviated from that standard. But when he said he understood the committee originally fixed this salary at \$2,500 and added that that was the understanding of other members of the committee, I must say that I do not think that was fair to other members of the committee and to the clerk who keeps the records, in whom the committee have absolute confidence. I think the other members of the committee will bear me out in the statement that the amount of \$3,000, as originally reported by the gentleman in charge of the bill, was the amount originally agreed on.

Mr. HOLMAN. My understanding was that it was fixed at \$2,500; such was the opinion of at least one other member of the committee. But by no possibility could anything I said as to that be construed as throwing a shade of doubt on the correctness of the records of the committee.

The committee divided; and there were—ayes 23, noes 88.

So the motion to concur with an amendment was not agreed to.

Mr. STORM. I move to concur in the Senate amendment.

The amendment was concurred in.

Amendment numbered 157 was concurred in.

Amendments numbered 158, 159, 160, 161, and 162 were read together, and were non-concurred in.

The amendment 163 was read, raising the appropriation for compensation of the Commissioner of Pensions to \$5,000.

Mr. HOLMAN. I am instructed by the Committee on Appropriations to recommend concurrence in that amendment. It relates to the compensation of the Commissioner of Pensions. The salary was fixed by the action of the House at \$4,000, but the original recommendation of the Committee on Appropriations was \$5,000. The Senate has increased the amount from four to five thousand dollars, as originally recommended by the committee, and the committee now recommend concurrence in the Senate amendment.

Mr. PRICE. Mr. Chairman, I have not behind me, in my opposition to this amendment, the report of any committee, but I have behind me, in justification of the position which I take, certain facts which I think, if understood, may lead others to the idea that they ought not to concur in this amendment.

The first proposition I make against concurrence is that the provision is squarely in contravention of a distinct statute law. That may not have any particular bearing upon the subject in the minds of some gentlemen, but my next proposition is that being in contravention of law it is also in conflict with Rule XXI of this House, because it is in conflict with the law. The third objection that I make to concurring in this amendment is that other like officers, the other Commissioners, do not get this salary. The Commissioner of Patents does not get so much; the Commissioner of Indian Affairs does not get so much; the Commissioner of the Land Office does not get it; the Commissioner of Education does not get it; the Commissioner of Labor does not get it; the Commissioner of Railroads does not get it; the Commissioner of Agriculture does not get it. Now, I can not for the life of me see the propriety of violating the statute law and violating the rules of this House for the sake of placing this particular man's salary a thousand dollars higher than the law permits it to be, thus making a discrimination in his favor as against all these other officers. It is not necessary for me to prove to this House that he is not so good an officer as the others; but even upon the assumption that they are all equally good officers, and that their duties are equally onerous and equally well performed, it seems to me that there can be no good reason urged why an exception should be made in favor of this one unless, indeed, it be that gentlemen having much business to do in that office may find it more con-

venient to be friends than enemies of the Commissioner. But in the face of the additional fact that this officer in his last report told us that human ingenuity had been exhausted in that office to prevent the allowance of pension claims, I do not see why he should be rewarded with a thousand dollars extra salary in violation of law and in violation of the rules of this House.

Mr. CANNON. I desire to say a word about this matter in connection with the motion of the gentleman from Indiana to concur in the Senate amendment. As that gentleman has stated, when this bill was first reported to the House the salary recommended for the Commissioner of Pensions was \$5,000. Upon a point of order made by the gentleman from Texas [Mr. THROCKMORTON] it was cut down to \$4,000, because that was the amount of the salary fixed by the Revised Statutes. Some three or four years ago, however, there was an appropriation of \$5,000 made for the salary of the Commissioner of Pensions, and it has been kept at that figure from that time to this.

Now I want to say that, notwithstanding the fact that this salary is fixed by the Revised Statutes at \$4,000, I believe that a man who is competent to fill that great office ought to receive \$5,000 a year. It may be alleged that the present Commissioner of Pensions has not pleased all of us in the performance of his duties, and I will frankly say that he has not always pleased me, though perhaps he has pleased other gentlemen. But without reference to that question, the office itself, in view of the great responsibility which it imposes, is entitled to a salary of \$5,000 a year.

Upon the same principle we might consider the salaries of the other officers of the Government, commencing with the Chief Executive of the nation and coming down. I think the President of the United States ought to receive \$50,000 a year, although I am frank to say that if I were to consider that question from a personal point of view, with special reference to the present Executive, I might claim that he did not earn \$50,000 because of his many sins of omission and commission. But, on the other hand, his acts may meet the approval of other gentlemen, and, without reference to that question, I hold that the Chief Executive of the United States ought to have a salary of \$50,000 a year.

So I might run down from one office of the Government to another. Many of the incumbents of those offices in their action do not accord with my idea of what such officers should be, and do not perform their duties as I think they ought to perform them, but I would have the salaries in proportion to the importance and responsibility of the offices, and then, if the incumbents of those offices do not perform their duties as the majority of the people think they ought to perform them, by and by the people will have a chance to be heard, and they will be turned out and others will be chosen who will perform the duties better. From this standpoint, sir, I think it is entirely proper that the office of Commissioner of Pensions should command a salary of \$5,000 a year.

Mr. CUTCHEON. I understood the gentleman from Illinois to say that this salary was fixed by law at \$4,000.

Mr. CANNON. The Revised Statutes fix it at \$4,000, but since 1881 we have been appropriating at the rate of \$5,000.

Mr. CUTCHEON. Now, if it is proper to make an appropriation of \$5,000 to pay a salary fixed by law at \$4,000, why would it not be equally proper to make an appropriation of \$6,000 apiece to pay the \$5,000 salary of each member of this House? In other words, if you begin this where are you going to stop? I do not think this salary is any too high for the Commissioner of Pensions, but I think we ought to amend the general law.

Mr. CANNON. I will say to the gentleman that since 1881 we have appropriated \$5,000 per annum for the Commissioner of Pensions.

Mr. CUTCHEON. Because we have done wrong for four or five years we are to do wrong indefinitely.

Mr. CANNON. I will say further that the Democratic majority here by many actions touching these appropriations have virtually confessed that all the pretenses they made in the Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses in regard to economy and the reduction of salaries was mere "leather and prunella," mere sham and shoddy.

Mr. RANDALL. Well, we are here yet.

Mr. CANNON. Those same gentlemen come here now and increase a number of salaries and create a number of new offices.

[Here the hammer fell.]

Mr. SPRINGER. Without any reference to the sufficiency or insufficiency of the salaries of other Commissioners, I think the Committee of the Whole will concur with me in the statement that the gentleman who now occupies the office of Commissioner of Pensions is entitled to a salary of \$5,000 a year. During the last fiscal year the amount of money that passed through that office was \$65,000,000. The number of certificates allowed—

Mr. DINGLEY. No money passes through that office.

Mr. PRICE. How much money does the Commissioner of Pensions handle?

Mr. SPRINGER. Well, the money is paid out upon the findings of the office of which he is the head; and if he handles not one cent—

Mr. CUTCHEON. Is not the money to pay pensions transmitted directly from the Treasury Department to the pension agencies?

Mr. SPRINGER. It is. But I am speaking of the responsibility which attaches to an office the decisions of which involve so large an amount of money.

Mr. PRICE rose.

Mr. SPRINGER. During the time the present Commissioner has been in office he has allowed original and increased applications for pensions to the number of one hundred and ten thousand, involving many millions of dollars. Now the business of the Pension Bureau imposes upon its head a vast amount of responsible and exacting labor. I think that a salary of \$5,000 is little enough.

Mr. PRICE. Will the gentleman from Illinois allow me to ask him—

Mr. HOLMAN. I move that the committee rise, the object being that we may extend the hour for adjournment.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. BLOUNT reported that the Committee of the Whole House on the State of the Union had had under consideration the legislative, executive, and judicial appropriation bill, with the amendments of the Senate thereto, and had come to no resolution thereon.

Mr. HOLMAN. I think the House is fully impressed with the necessity of completing this bill at the earliest moment in the hope that it may become a law by the 15th instant. I therefore ask unanimous consent that the House continue its session after 5 o'clock until the bill is completed—not as to a final vote, but as to the consideration of the Senate amendments.

Mr. RYAN. Why not have the final vote this afternoon?

Mr. HOLMAN. I will modify my motion and ask that the session continue till the bill be closed up.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the hour of adjournment be postponed to-day until the completion of the consideration of the Senate amendments to this bill.

Mr. O'NEILL, of Pennsylvania. In Committee of the Whole?

The SPEAKER. In the House also, as the Chair understands. Is there objection?

Mr. STRAIT. I object.

Mr. RANDALL. I hope the gentleman will not object.

Mr. HOLMAN. If the gentleman from Minnesota insists on his objection I shall ask the House at a suitable time to take a recess until 8 o'clock this evening.

Mr. STRAIT. I withdraw my objection.

The SPEAKER. If there be no further objection, the order requested by the gentleman from Indiana [Mr. HOLMAN] will be made.

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. I move that the House again resolve itself into Committee of the Whole on the state of the Union for the consideration of the Senate amendments to the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BLOUNT in the chair), and resumed the consideration of the amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. HOLMAN. I hope, Mr. Chairman, we shall now have a vote.

Mr. PRICE. I hope we shall not proceed to vote until we understand a little more fully the circumstances surrounding this vexed question. The gentleman from Illinois [Mr. SPRINGER] has undertaken to impress upon us the importance of raising this salary, because of the immense amount of money which, as he stated, passes through the hands of this officer. I tried at that point to ask him the question whether this officer gives any bond at all, whether he handles a dollar of money. But the gentleman would not give me an opportunity to put that question. Now, I assert that the Commissioner of Pensions gives no bond, handles no money, is responsible for no expenditure—

Mr. SPRINGER. I so stated.

Mr. PRICE. I did not hear the gentleman's statement.

Mr. SPRINGER. I so stated in answer to the gentleman from Michigan [Mr. CUTCHEON].

Mr. PRICE. Then, how does the amount of money expended by that Department cut any figure when we are determining the compensation this officer should receive, if he is under no bonds, handles no money, and is not under any financial responsibility?

Mr. SPRINGER rose.

Mr. PRICE. The gentleman will pardon me. He did not yield to me, and I must in this case pay him back in his own coin, although he is a genial gentleman whom I am ordinarily glad to oblige.

Mr. SPRINGER. Never mind compliments.

Mr. PRICE. When the gentleman speaks of the present Commissioner as more efficient than any other officer who ever occupied that position I dissent from that conclusion, and I wish to state the facts in justification of my dissent. When he took that office there were about five thousand claims passed up for final adjudication which had been examined, all the labor of which had been done except the final review by his predecessor. He took from his examiners a large force and put it



on the review board, causing the business to be retarded in the other departments. To the reorganization of his force much of the success of the admission of claims is attributable.

But another circumstance should not be forgotten. Up to that moment no case was ever briefed without having the name, number, post-office address, and time of filing, and also a brief of every paper filed in the case. That was charged to merely making a face brief, in which no reference at all is made to the papers in the case. That is the idea and the result of the brain of another man, an employé.

So that when you take the efficiency of the man, in the face of the declaration he has exhausted his ingenuity to prevent the passage of claims, you must not bring this in here as an inducement to me to give him a thousand dollars more than the law allows and more than is given to the head of any other bureau in this entire Government.

[Here the hammer fell.]

Mr. TOWNSHEND rose.

Mr. HOLMAN. I trust the debate will close.

Mr. TOWNSHEND. I have the floor.

Mr. HOLMAN. The gentleman will proceed.

Mr. TOWNSHEND. I trust the debate will not be complicated with the manner in which the present officer has administered the duties of that office. I submit any fair-minded member, if he will contemplate the amount of work performed by the Commissioner of Pensions, I do not care who fills the office—if he will consider the great responsibility and the vast amount of labor required to be done will admit the Commissioner of Pensions ought to receive at least \$5,000 a year.

I wish to correct an error into which my friend from Wisconsin has fallen. He seems to think we are here attempting to increase the salary of the Commissioner of Pensions. There is no increase over what has been paid preceding Commissioners.

Mr. PRICE. Above the law, it is.

Mr. TOWNSHEND. It is to give to the present Commissioner of Pensions what was given to the Commissioner of Pensions last year, and preceding years.

Mr. PRICE. It was never given until 1881.

Mr. TOWNSHEND. It has been given to every Commissioner of Pensions since then.

Mr. PRICE. In violation of law.

Mr. TOWNSHEND. The duties of that office have been constantly increasing. It has been given to Mr. Dudley, who was the preceding Commissioner.

Mr. PRICE. In violation of law.

Mr. TOWNSHEND. No it was not in violation of law.

Mr. RYAN. We make laws here.

Mr. PRICE. It was in violation of law.

Mr. TOWNSHEND. The appropriation bills fixed the salary at \$5,000. I know the former Commissioner of Pensions, Dudley, received a salary of \$5,000. [Cries of "Vote!"] The salary was increased in view of the increased duties. Commissioner Dudley was compelled to take home with him at night papers in cases to keep up the work of the Department. [Cries of "Vote!"] I know General Black has been forced to do likewise and labor long after office hours. We only propose to give him what has been given for five years to the Commissioner of Pensions. [Cries of "Vote!"]

Mr. CUTCHEON. Lest there might be some misunderstanding as to the inquiry put to me I wish to say one word: that any man who is fit to be Commissioner of Pensions is fit to be a member of Congress, and that any man fit to be a member of Congress is worth \$5,000 a year. But I think we ought to begin first by changing the law, and thus making the appropriation in accordance with the law.

The amendment was concurred in.

Mr. HOLMAN. I ask unanimous consent that amendments numbered 164 and 165 be considered together.

Mr. PRICE. I rise to a question of order. Has the vote been taken on this proposition?

The CHAIRMAN. It has.

Mr. PRICE. I did not hear it, and would like to have it taken over again.

The CHAIRMAN. The Chair submitted the question distinctly and the committee acted upon it.

Mr. PRICE. Not so distinctly that we could hear it.

The CHAIRMAN. The Chair must direct the Clerk to proceed with the reading.

Mr. PRICE. Well, I guess you can get it through under the gag law without raising a row.

Amendments numbered 164 and 165 were non-concurred in.

Amendment numbered 166 was concurred in.

Amendments numbered 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, and 178 were non-concurred in.

Amendment numbered 179 was read, as follows:

To enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, \$10,000.

Mr. DINGLEY. I move to concur in that amendment.

Mr. HOLMAN. The Committee on Appropriations thought that subject ought to go to a committee of conference, and therefore recommend non-concurrence.

Mr. DINGLEY. It seems to me, Mr. Chairman, this is a very important matter and should be settled by the House.

Mr. HOLMAN. There is a doubt in the mind of the committee as to whether it properly belongs to that field of inquiry or not, and therefore we have recommended non-concurrence for the purpose of examining the question.

Mr. DINGLEY. I hope the House will concur in so important an amendment as that.

Mr. WEAVER, of Iowa. We ought to concur by all means.

The question was taken; and on a division there were—ayes 48, noes 75.

So the amendment was non-concurred in.

Amendments numbered 180 and 181 were non-concurred in.

Amendments numbered 182, 183, 184, 185, and 186 were concurred in.

Amendments numbered 187 and 188 were non-concurred in.

Amendments numbered 189, 190, 191, and 192 were concurred in.

Mr. SPRINGER. I would like to ask what reason there is why these surveys in Arizona and California have been cut down so much. This amendment of the Senate numbered 189 strikes out "\$2,000" and inserts "\$1,000," and the amendment numbered 191 strikes out "\$15,000" and inserts "\$5,000."

Mr. HOLMAN. It results from the fact, as the gentleman is aware, that the House, and the Senate also it seems, have reached the conclusion that it is not necessary this year to appropriate any considerable sum of money for this service, since there is but little business being done in the surveyors' offices and little will be done during the coming year. I think in the sundry civil bill we appropriated about \$50,000 for resurveys.

Mr. RYAN. The Senate concurs in the opinion of the House in that regard.

Amendments numbered 193 and 194 were concurred in.

Amendments numbered 195 and 196 were non-concurred in.

Amendment numbered 197 was concurred in.

Amendments numbered 198 and 199 were non-concurred in.

Amendments numbered 200 to 209, inclusive, except amendment number 207, were concurred in.

Amendment numbered 207 was read, as follows:

Strike out "eleven" and insert "four;" so that it will read "\$4,800."

Mr. KING. Mr. Chairman, I wish to move non-concurrence in the amendment in order to restore the figure which was incorporated by the House in the bill. I want to state, sir, that the House appropriated \$11,800 for this purpose. The appropriation last year was \$15,300, and the Senate has now cut it down to \$4,800. From the best information I can obtain this latter named sum is entirely inadequate to carry out the duties of that office. General Sparks telegraphs me, the present Commissioner of the General Land Office:

The total area of public lands remaining unsurveyed up to June 30, 1885, is 1,663,223 acres.

Mr. RYAN. Let me call the attention of the gentleman to the fact that the House refused to make any appropriation to survey the public lands for the next fiscal year.

Mr. HOLMAN. There is nothing to do in that office now.

Mr. KING. Well, I think it is wrong. I think there should be means provided for carrying on the office as contemplated by the policy that has been always practiced hitherto.

Mr. HOLMAN. But if there is no work to be done there is no necessity for keeping up a body of clerks.

Mr. KING. I would like the gentleman to explain why there should be an office if there is no work to do. The gentleman is an economist, and if there is an office without work, why not abolish the office entirely?

Mr. HOLMAN. That is what we propose to do next winter.

Mr. TOWNSHEND. We have abolished nearly all of them.

Mr. KING. I think you are inflicting a great injustice on the public service in this instance, and I hope the House will sustain me.

Amendment 207 was concurred in.

Amendments 210, 211, and 212 were non-concurred in.

Amendments 213 and 214 were read, as follows:

In line 2448 strike out "\$7,000" and insert "\$3,000."

In line 2449 strike out "\$9,500" and insert "\$5,500;" so that it would read: "For surveyor-general of the Territory of New Mexico, \$2,500; and for the clerks in his office, \$3,000; in all, \$5,500."

The committee recommended concurrence.

Mr. SPRINGER. I would like to know if there is any special reason for the reduction of the appropriation for clerks from \$7,000 to \$3,000 in the office of the surveyor-general of the Territory of New Mexico. It seems to me in that great Territory, which is twice as large in area as the State of Illinois, and the business of that office having been behind for some time, the amount for clerk-hire originally in the bill will be required to finish up the unfinished business of that office in the coming year. I think it is a very great risk to take to cut down that service more than one-half. I hope we will non-concur, and that this will go to a conference, that the matter may be investigated. Inquiry should be made either by the committee or by the Commissioner of the General Land Office of Mr. Julian, who is at the head of that office, and I would be ready to agree to what a man of his character would state as to the requirements of his office. I think he ought to be consulted as

to whether he can discharge the duties of his office on this great reduction.

The amendments were concurred in.

Amendment 215 was non-concurred in.

Amendment 216 was concurred in.

Amendment 217 was non-concurred in.

Amendments 218, 219, 220, 221, 222, and 223 were read.

Mr. HOLMAN. The committee recommend concurrence in all these amendments.

Mr. BRECKINRIDGE, of Arkansas. I request that amendments 220 and 221 be omitted from this vote.

The amendments just read, except 220 and 221, were concurred in.

The excepted amendments, 220 and 221, were as follows:

In line 2472 strike out "\$6,000" and insert "\$3,000;" in line 2473 strike out "\$8,500" and insert "\$5,500;" so that it would read:  
"For surveyor-general of the Territory of Washington, \$2,500; and for the clerks in his office, \$3,000; in all, \$5,500."

Mr. BRECKINRIDGE, of Arkansas. I happen to know something about the business of the office of the surveyor-general of Washington Territory, being intimately connected with those who are in office there; and I know that the field-notes of the past year have not been worked up. I therefore suggest to the gentleman from Indiana, who perhaps has not this information, that there is a full year's work on hand to be done. I would suggest to him that we non-concur in order to maintain liberty of action.

Mr. HOLMAN. On the suggestion made as to the extent to which the field-notes are behind, I have no objection to this going to the conference.

The amendments 220 and 221 were non-concurred in.

Mr. SPRINGER. I ask unanimous consent to return to the Senate amendments relating to the office of surveyor-general of the Territory of New Mexico, for the purpose of moving non-concurrence for the same reason that the amendments relating to Washington Territory have just been non-concurred in. I think there should be an opportunity for a further investigation of this matter.

Objection was made.

Amendments 224 and 225 were concurred in.

Amendments 226, 227, 228, 229, and 230 were non-concurred in.

Amendment 231 was concurred in.

Amendment 232 was non-concurred in.

Amendment 233 was read, as follows:

For postage required to prepay matter addressed to Postal Union countries, \$100.

Mr. HOLMAN. I am instructed to move to concur with the amendment which I send to the desk.

The Clerk read as follows:

On page 79, after line 23, insert as a separate paragraph the following:

"For the following additional force rendered necessary under the provisions of the act of January 20, 1885, providing for the ascertainment of the claims of American citizens for spoiliations committed by the French prior to July 31, 1801, namely, two law clerks at \$2,000 each, and one stenographer at \$1,600, to be employed for one year, to be appointed by the Attorney-General; in all, \$5,600."

Mr. SPRINGER. I ask the gentleman from Indiana what that has to do with an appropriation for postage to Postal Union countries?

Mr. TOWNSHEND. It is put in as a new paragraph. It is an independent paragraph.

Mr. SPRINGER. But you have no right to attach an independent paragraph to the bill at this stage.

The CHAIRMAN. Does the gentleman from Illinois raise the question of order?

Mr. SPRINGER. Is it moved as an amendment to the Senate amendment?

Mr. TOWNSHEND. From conversations I have had at the Department I am satisfied that this is absolutely necessary. I hope no point will be made upon it.

The Senate amendment 233 was concurred in with the proposed amendment.

Amendment 234 was concurred in.

Amendment 235 was read, as follows:

Strike out the following:

"For salaries of the district judges of the United States for California, the northern district of Illinois, the eastern district of Louisiana, Massachusetts, Maryland, New York, New Jersey, the southern district of Ohio, and for Pennsylvania, twelve in all, at \$4,000 each, \$48,000.

"For salaries of the district judges of the United States for Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Indiana, the southern district of Illinois, Iowa, Kentucky, Kansas, the western district of Louisiana, Maine, Mississippi, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, North Carolina, the northern district of Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, forty-four in all, at \$3,500 each, \$154,000."

And insert:

"For salaries of the fifty-six district judges of the United States, \$203,500."

Mr. HOLMAN. The committee recommend non-concurrence.

Mr. MORROW. I move to concur. The paragraph proposed to be stricken out made a reduction of \$1,000 on the salary of the district judge for the State of California, and a reduction of \$500 on the salary of some other judge whose district I can not ascertain by merely looking at the bill.

But there is a reduction of \$1,000 in the House bill restored by the Senate amendment. Now, the law provides that the salary of the district judge for California shall be \$5,000, and this appropriation bill proposes to give him \$4,000. In other words, it reduces his salary \$1,000, and compels him to go to the Court of Claims to get the balance. The Senate amendment, however, brings up the salary to the amount at which it is fixed by law, and for that reason I propose that the House concur in the amendment.

When this matter was under discussion the other day in the House, it was suggested by the gentleman from Pennsylvania [Mr. RANDALL] that the salaries of various officers in California had been adjusted at a time when living expenses were very high there, and that the time had now come when those salaries should be cut down. But the committee should remember that for years and years the salary of the district judge of California was paid to him in greenbacks when the currency of the Pacific coast was gold coin. The result of that was that for many years the district judge of California received only something like \$2,000 or \$2,500 annually for his services. However, he had a life position, and he had the assurance of the law that he would receive \$5,000 a year, and he went on and performed his duties honorably and satisfactorily, and no judge stands higher than Judge Hoffman in that respect.

Mr. CANNON. I will ask the gentleman from California if the Constitution does not provide that the compensation of judges shall not be diminished during their continuance in office?

Mr. MORROW. I was about to allude to that. As gentlemen know, there is a constitutional provision, just cited by the gentleman from Illinois [Mr. CANNON], which prohibits a reduction in the salaries of United States judges during their term of office. Of course I understand the proposition here is that this is an appropriation bill, and that it does not change the legal salary, but simply appropriates a thousand dollars less for the payment of the salary; but the effect of it will be that, if the judge does not go to the Court of Claims, this appropriation bill will absolutely change his salary. Such legislation is wrong in itself, and furthermore it is small business, which ought not to be entered upon by the House of Representatives of the United States.

Another point. The judicial salaries in California have been recently reviewed by the convention which adopted our new constitution. That body considered this whole matter of the proper salaries for the judges, and the result was that that convention, which was in favor of cutting down salaries generally, determined that our supreme court judges should have \$6,000 a year. That is the result of a recent revision by the new constitutional convention in California. Now, if the judges of the supreme court of the State ought to receive \$6,000 a year, certainly \$5,000 is not too large a salary for the district judge, having jurisdiction over the whole State.

Therefore, Mr. Chairman, upon the ground of merit, upon the ground of law, upon the ground of the Constitution of the United States, I hold that the Senate amendment ought to be concurred in.

Mr. CUTCHEON. Does the Senate amendment appropriate the amount of the salary fixed by the statute law?

Mr. MORROW. It does.

Mr. SPRINGER. I desire to ask the gentleman from California whether this office was not created at this session of Congress?

Mr. MORROW. No, sir. The office has not been created by this Congress. This House has passed a bill providing a district judge for the southern district of California, but that bill has not passed the Senate, and no one can tell what will be its fate. This appropriation is for the district judge of California, who is now Judge Hoffman.

Mr. SPRINGER. Does that judge receive his salary under a special law?

Mr. MORROW. I do not understand that he does.

Mr. SPRINGER. What is the amount of the salary fixed by law?

Mr. MORROW. Five thousand dollars a year.

Mr. SPRINGER. Is that salary fixed by the general law, or have we simply appropriated that much for the salary in the annual appropriation bills?

Mr. MORROW. I think it is fixed by a general law. The judge has held this office for over thirty years.

Mr. SPRINGER. If the judge is receiving his salary under a general law, I admit that we can not reduce it.

Mr. MORROW. He is, and that is the point.

The question was taken on the motion of Mr. MORROW to concur in the Senate amendment, and it was lost—ayes 53, noes 55.

So the amendment was non-concurred in.

Amendments numbered 236 and 237 were non-concurred in.

Amendments numbered 238 and 239 were concurred in.

Mr. HOLMAN. Mr. Chairman, I move that the committee do now rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, with the Senate amendments thereto, and had directed him to report them back to the House with sundry recommendations.

Mr. HOLMAN. Mr. Speaker, I think it was agreed that there should be a separate vote in the House on certain propositions.

Mr. REAGAN. A separate vote is to be taken on amendment No. 38.

Mr. HOLMAN. I believe there was a similar understanding in regard to the record in the Fitz-John Porter case. I now move the previous question on the amendments.

The previous question was ordered.

Mr. PRICE. I desire a separate vote on amendment No. 163.

The SPEAKER. The Chair will first put the question on ordering the previous question, after which any gentleman will have the right to demand a separate vote on any amendment.

The previous question was ordered.

Mr. HOLMAN. I ask unanimous consent that as to all amendments on which a separate vote is not requested the action of the Committee of the Whole House on the state of the Union be concurred in.

The SPEAKER. Gentlemen will now indicate any amendments on which they desire separate votes.

Mr. PRICE. I ask for a separate vote on amendment No. 163, increasing the salary of the Commissioner of Pensions.

Mr. REAGAN. I ask for a separate vote on amendment No. 28, on page 14, the amendment inserting the names of "A. H. Pickens and H. T. Lyle."

Mr. WEAVER, of Iowa. I ask for a separate vote on amendment No. 179.

Mr. CUTCHEON. It was understood there should be a separate vote on amendment No. 119. That was the agreement in Committee of the Whole.

The SPEAKER. The gentleman has a right to call for a separate vote on any amendment without regard to any agreement.

If there be no objection the recommendation of the Committee of the Whole on the state of the Union will be concurred in as to all amendments of the Senate except those on which a separate vote has been asked.

There was no objection.

Amendment numbered 28 (on which a separate vote was asked by Mr. REAGAN) was read, as follows:

After the words "two chief pages," in line 326, insert "A. H. Pickens and H. T. Lyle."

The SPEAKER. The Committee of the Whole House on the state of the Union reports in favor of concurring in this amendment. The question will be taken on concurrence.

The question being taken, there were—ayes 66, noes 61.

Mr. REAGAN. I make the point that no quorum has voted.

Tellers were ordered: and Mr. REAGAN and Mr. BUTTERWORTH were appointed.

Mr. REAGAN. I demand the yeas and nays.

The yeas and nays were ordered, there being—ayes 31, noes 99; more than one-fifth voting in the affirmative.

#### ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill (H. R. 1840) granting a pension to Samuel F. Garnett; when the Speaker signed the same.

Mr. BRUMM. I move that the House do now adjourn.

Mr. HOLMAN. Oh, no.

The motion was agreed to; there being—ayes 89, noes 44; and accordingly (at 5 o'clock and 20 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. J. M. ALLEN: Petition of Thomas P. Shell, of Zachariah Belue, and of Andrew Kramer, of Prentiss County; of James A. Mahan, of Mrs. Mary A. Harris, of Mrs. Judah McKinney, of Hardin Patterson, and of T. R. Willett, son of Richard H. Willett, of Tishomingo County; of J. W. Thomas, executor of Mary J. Dunn, deceased, and of Susan S. Merrill, of Lee County; of Wiley H. Nabors, administrator of William Lasley, of Itawamba County; of Thomas N. Cheves, of Alcorn County; of Jefferson Burnett, of Rienzi County, and of Albert Jones and Mary E. Jones, of Kossuth, Miss., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. C. M. ANDERSON: Petition of 40 persons, asking for the removal of charge of desertion of Alonzo Mercer—to the Committee on Military Affairs.

By Mr. BLANCHARD: Concurrent resolution of the General Assembly of Louisiana, relative to coast defenses and naval armament—to the Committee on Naval Affairs.

By Mr. BUTTERWORTH: Papers in support of House bill granting a pension to George W. Rogers, late of the Seventy-third Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: Petition of Mrs. F. P. Ferriera, widow of F. P. Ferriera, of Duval County, Florida, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of Robert W. Spang, to correct military record—to the Committee on Military Affairs.

By Mr. FINDLAY: Petition of George J. Keller, of Company H, One hundred and fifteenth Regiment Illinois Volunteer Infantry, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. GAY: Concurrent resolution of the General Assembly of Louisiana, asking for the improvement of the Calcasieu River, Louisiana—to the Committee on Rivers and Harbors.

By Mr. EUSTACE GIBSON: Petition of E. L. Neale, administrator of William P. L. Neale, deceased, late of Mason County, West Virginia, praying that his war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition for the relief of Anthony McCole—to the Committee on Invalid Pensions.

By Mr. KING: Petition of Louisa B. Martin, of Tensas Parish, Louisiana, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MAYBURY: Petition of J. H. Wendell & Co. and others, citizens of Detroit, Mich., protesting against the consolidation of certain customs districts—to the Committee on Ways and Means.

By Mr. J. W. REID: Petition of 30 business firms in the tobacco trade, of Oxford, N. C., praying for a repeal of the tax on tobacco—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of the executors of Thomas Hood, of Rutherford County, Tennessee, for relief—to the Committee on War Claims.

By Mr. RIGGS: Petition of C. H. Alden and others, of Griggsville, Ill., for the passage of Senate bill 1886.

Also, resolution of Maj. Sam Hays Post, No. 477, Grand Army of the Republic, of New Hartford, Ill., for the same—to the Committee on Invalid Pensions.

By Mr. ROGERS: Petition of Thomas B. Paine, of Johnson County, Arkansas, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ST. MARTIN: Documents in support of House bill 9190, for the relief of the New Orleans Gaslight Company—to the same committee.

Also, memorial of Eugene Rillieux, of New Orleans, La., asking that his claim be reinstated in the Court of Claims—to the Committee on Claims.

Also, concurrent resolution of the General Assembly of Louisiana, relating to the improvement of the Calcasieu River—to the Committee on Rivers and Harbors.

Also, concurrent resolution of the same, relative to the cemetery at Camp Moore, Louisiana—to the Committee on Military Affairs.

Also, resolutions of the same, relative to our national defenses—to the Committee on Naval Affairs.

By Mr. SPOONER: Petition of second lieutenants of the Signal Corps, for transfer to the line of the Army—to the Committee on Military Affairs.

Also, papers relating to House bill granting increase of pension to Mary E. Martin—to the Committee on Pensions.

By Mr. CHARLES STEWART: Petition of citizens of Chambers County, Texas, for removal of bar at Double Bayou, Tex.—to the Committee on Rivers and Harbors.

By Mr. WOODBURN: Papers in the claim of Col. H. C. De Ahna—to the Committee on Claims.

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 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. J. A. ANDERSON: Petition of Thomas W. Wilson and 33 others, of E. J. Dennison and 38 others, and of A. M. Barker and 64 others, citizens of the fifth district of Kansas.

By Mr. BAKER: Petition of Harry Barclay and 90 others, of John H. Murray and 55 others, and of George W. Watts and 80 others, citizens of the thirtieth district of New York.

By Mr. BARKSDALE: Petition of J. D. Compton and 110 others and of W. J. Benning and 161 others, citizens of the seventh district of Mississippi.

By Mr. BRADY: Petition of John L. Artis and 41 others, citizens of Petersburg, Va.

By Mr. BRUMM: Petition of Thomas J. Boyle and 85 others and of Daniel Bacon and 98 others, citizens of the thirteenth district of Pennsylvania.

By Mr. BUNNELL: Petition of Peter Gardner and 22 others and of William H. Stiles and 30 others, citizens of the fifteenth district of Pennsylvania.

By Mr. J. M. CAMPBELL: Petition of C. E. Springer and 127 others citizens of the seventeenth district of Pennsylvania.

By Mr. T. J. CAMPBELL: Petition of Larrity Schellie and 105 others and of John Gaffey and 100 others, citizens of the eighth district of New York.

By Mr. R. H. M. DAVIDSON: Petition of J. O. Connor and 222 others and of E. Delmar and 203 others, citizens of the first district of Florida.

By Mr. DOCKERY: Petition of J. L. Fant and 515 others, of John Loe and 523 others, and of John Grout and 83 others, citizens of the third district of Missouri.

By Mr. EVANS: Petition of John G. McAnall and 180 others and of Jacob Bonne and 180 others, citizens of the seventh district of Pennsylvania.

By Mr. EVERHART: Petition of citizens of Chester City, Pa.

By Mr. FISHER: Petition of J. J. Miller and 148 others, of Lincoln Pierce and 47 others, of John M. Craig and 150 others, of L. N. Forbes and 26 others, of W. G. Beard and 72 others, and of R. G. Oatman and 58 others, citizens of the tenth district of Michigan.

By Mr. FLEEGER: Petition of Fred. Kamerer and 61 others and of Thomas Perry and 760 others, citizens of the twenty-sixth district of Pennsylvania.

By Mr. FORAN: Petition of Frank Kaderavek and others, of Cleveland; and of George W. Russell and 27 others, citizens of the twenty-first district of Ohio.

By Mr. GILFILLAN: Petition of O. L. Patch and 97 others, of Charles Reeves and 60 others, and of James J. Galvin and 46 others, citizens of the fourth district of Minnesota.

By Mr. HALE: Petition of citizens of Randolph County, Missouri, and of Robert H. Wilson and 726 others, citizens of the second district of Missouri.

By Mr. HAYNES: Petition of P. Gagner and 24 others, of A. B. Smith and 75 others, of M. O'Dowd and 47 others, and of W. H. Walsh and 97 others, citizens of the first district of New Hampshire.

By Mr. HIESTAND: Petition of W. L. Carpenter and 52 others, citizens of the ninth district of Pennsylvania.

By Mr. HILL: Petition of J. Garrison and 13 others, and of W. R. Bowers and 22 others, citizens of the sixth district of Ohio.

By Mr. LAIRD: Petition of Oliver Sutton and 71 others, and of C. H. Cooley and 52 others, citizens of the second district of Nebraska.

By Mr. LANHAM: Petition of citizens of Coalville, Tex.

By Mr. LAWLER: Petition of John J. Coffey and 720 others, of A. J. Cornell and 66 others, of L. M. Furlien and 87 others, and of W. A. Goin and 63 others, citizens of the twentieth district of Illinois.

By Mr. LORE: Petition of W. S. Knight and 74 others, citizens of the first district of Delaware.

By Mr. MAHONEY: Petition of L. E. McCann and 80 others and of R. H. Campbell and 36 others, citizens of the fourth district of New York.

By Mr. MILLIKEN: Petition of M. S. Goodrich and 110 others and of R. E. Matthewson and 45 others, citizens of the third district of Maine.

By Mr. MILLS: Petition of citizens of McGregor, Tex.

By Mr. MORRISON: Petition of John Owen and 106 others, of William Koelle and 79 others, of Joe Davis and 100 others, and of L. J. Miller and 44 others, citizens of the eighteenth district of Illinois.

Also, petition of Walter Mason and others, citizens of Saint Clair County, Illinois.

By Mr. NEECE: Petition of H. C. Sallenberger and 270 others, of Thomas Maguire and 136 others, of J. E. McGrath and 60 others, of Ed. S. Keen and 23 others, of William E. Smothers and 150 others, of Neil Corbett and 151 others, of John Ely and 70 others, of J. W. Adolphus and 55 others, of John L. Sullivan and 51 others, and of O. S. Lee and 40 others, citizens of the ninth district of Illinois.

By Mr. NEGLEY: Petition of Calvin Wyatt and 202 others and of Isaac Cline and 86 others, citizens of the twenty-second district of Pennsylvania.

By Mr. THOMAS B. REED: Petition of Samuel Harris and 132 others, of Henry A. Pare and 54 others, and of Pierre Beaudoin and 34 others, citizens of the first district of Maine.

By Mr. RIGGS: Petition of J. H. Richardson and others, citizens of Quincy, Ill.

By Mr. ROWELL: Petition of C. A. Smith and 34 others, of Charles Stone and 35 others, and of John Conley and 170 others, citizens of the fourteenth district of Illinois.

By Mr. ST. MARTIN: Petition of J. J. Cameron and 93 others, of O. H. Jackson and 270 others, of R. W. Harris and 51 others, of John R. George and 22 others, of Thomas W. Muller and 92 others, and of John Brasch and 53 others, citizens of the first district of Louisiana.

By Mr. SESSIONS: Petition of B. D. Viger and 43 others and of John Sullivan and 117 others, citizens of the thirty-fourth district of New York.

By Mr. SEYMOUR: Petition of Fred. Dexter and 60 others, of John Baur and 62 others, of John J. Fogan and 134 others, of William J. Flood and 44 others, and of William O'Keefe and 83 others, citizens of Connecticut.

By Mr. SHAW (by request): Petition of Patrick Martin and 102 others, of William Wilson and 56 others, of F. R. Bradbury and 23 others, and of George H. Edwards and 45 others, citizens of the second district of Maryland.

By Mr. STORM: Petition of Frank Sweeney and 142 others, citizens of Freeland, Pa.

By Mr. WILKINS: Petition of D. E. Davis and 135 others and of Griffith Lewis and 26 others, citizens of the sixteenth district of Ohio.

## SENATE.

TUESDAY, July 13, 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 and approved.

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents proceedings and resolutions of a convention of Republican editors of the State of Ohio, held in the city of Columbus, July 8, 1886, praying for an investigation of charges in respect to the election of Hon. H. B. PAYNE as Senator from that State; also a petition of officers and members of the Republican executive committee of Crawford County, Ohio, making the same prayer; also a petition of 16 citizens of Shane's Crossing, Mercer County, Ohio, making the same prayer. The petitions will be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore* presented five petitions of citizens of Ohio, 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 presented six petitions of citizens of Massachusetts, 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. PALMER presented a petition of the American Humane Association, praying for certain legislation in regard to the transportation of live-stock; which was referred to the Committee on Commerce.

He also presented the memorial of Harris & Matthews and 7 other dealers, of Negaunee, Marquette County, Michigan, remonstrating against the passage of the proposed oleomargarine law; which was ordered to lie on the table.

### CONSIDERATION OF THE CALENDAR.

The PRESIDENT *pro tempore*. If there are no "concurrent or other resolutions" the morning business is closed, and the Calendar under the special order of July 7 is now in order. The first case on the Calendar will be stated.

The bill (S. 2207) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868," was announced as first in order.

Mr. GEORGE. I ask leave to present a petition at this time.

The PRESIDENT *pro tempore*. Again the Chair will call the attention of the Senate to the rule.

Mr. GEORGE. I had the petition in my desk at the time petitions were called and overlooked it.

The PRESIDENT *pro tempore*. The Chair will again call the attention of the Senate to the special rule under which the Senate is acting. There being but two days left for the operation of this special rule, the Chair feels bound to enforce the rule strictly hereafter, because the time is taken from the Calendar. The Senator from Mississippi will have an opportunity to present the petition at half past 12 o'clock.

Mr. GEORGE. Very well.

### ILLEGAL TONNAGE DUES.

Mr. SPOONER. Order of Business 1228, being Senate bill 1651, was yesterday passed over informally. Does not that come up now?

The PRESIDENT *pro tempore*. It will be read if the Senator calls it up. It is subject to call.

Mr. SPOONER. It was passed over informally, and I supposed that it would be first in order in the call of the Calendar this morning.

The PRESIDENT *pro tempore*. When the bill is passed over informally it is not laid before the Senate until called up.

Mr. SPOONER. I ask that that bill be taken up.

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

The Chief Clerk read the bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues.

Mr. EDMUNDS. Let us hear the report.

Mr. FRYE. It is a very long report.

Mr. HOAR. I suggest that the Senator from Wisconsin be allowed to make a statement first.