

George L. Borum, to be postmaster at Suffolk, in the county of Nansemond and State of Virginia, in the place of Florine A. Hines, whose commission expired January 13, 1889.

George D. Breed, to be postmaster at Chilton, in the county of Calumet and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889.

Theodore A. Burr, to be postmaster at Lancaster, in the county of Grant and State of Wisconsin, in the place of Theodore A. Burr, whose commission expired December 20, 1888.

John M. Hibbard, to be postmaster at Stoughton, in the county of Dane and State of Wisconsin, in the place of John M. Hibbard, whose commission expired December 20, 1888.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 21, 1889.*

##### SECRETARY OF ARIZONA.

Nathan O. Murphy, of Prescott, Ariz., to be Secretary of Arizona.

##### CONSUL-GENERAL AT VIENNA.

Julius Goldschmidt, of Wisconsin, to be consul-general of the United States at Vienna.

##### POSTMASTERS.

Edwin O. Shaw, to be postmaster at Newaygo, Newaygo County, Michigan.

James W. Hague, to be postmaster at Torrington, Litchfield County, Connecticut.

William E. Culver, to be postmaster at Las Animas, Bent County, Colorado.

John A. Fellows, to be postmaster at Pontiac, Livingston County, Illinois.

Mrs. Lucy Bowers, to be postmaster at Tipton, Cedar County, Iowa.  
William F. Carpenter, to be postmaster at Manning, Carroll County, Iowa.

Mrs. Sarah Earthman, to be postmaster at Griswold, Cass County, Iowa.

Charles H. Everitt, to be postmaster at Atlantic, Cass County, Iowa.  
Frank T. Piper, to be postmaster at Sheldon, O'Brien County, Iowa.

William F. Fitch, to be postmaster at Winchester, Middlesex County, Massachusetts.

George A. Draper, to be postmaster at Hopedale, Worcester County, Massachusetts.

Elias E. Fuller, to be postmaster at Taunton, Bristol County, Massachusetts.

Orville Van Wickle, to be postmaster at Matawan, Monmouth County, New Jersey.

Joseph W. Corning, to be postmaster at Palmyra, Wayne County, New York.

James M. Field, to be postmaster at Rye, Westchester County, New York.

James S. Brailey, to be postmaster at Wauseon, Fulton County, Ohio.

Charles S. McCoy, to be postmaster at Cadiz, Harrison County, Ohio.  
Henry R. Snyder, to be postmaster at Waverly, Pike County, Ohio.

Edward McGlachlin, to be postmaster at Stevens Point, Portage County, Wisconsin.

Adelmar M. Andrews, to be postmaster at Plankinton, Aurora, Dakota Territory.

*Executive nominations confirmed by the Senate March 23, 1889.*

##### ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Whitelaw Reid, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to France.

Frederick D. Grant, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Austria-Hungary.

##### ASSISTANT SECRETARY OF AGRICULTURE.

Edwin Willits, of Michigan, to be Assistant Secretary of Agriculture.

##### PROMOTIONS IN THE NAVY.

Lieut. Frank F. Fletcher, junior grade, a resident of Iowa, to be a lieutenant in the Navy.

Ensign Percival J. Werlich, a resident of Wisconsin, to be a lieutenant, junior grade, in the Navy.

Lieut. Alexander Sharp, junior grade, a resident of the District of Columbia, to be a lieutenant in the Navy.

Ensign Simon Cook, a resident of Missouri, to be a lieutenant, junior grade, in the Navy.

Lieut. Harry H. Hosley, junior grade, a resident of New Hampshire, to be a lieutenant in the Navy.

Ensign John H. Fillmore, a resident of Illinois, to be a lieutenant, junior grade, in the Navy.

Passed Assistant Engineer David Jones, a resident of Pennsylvania, to be a chief engineer in the Navy.

Assistant Engineer Reynold T. Hall, a resident of Pennsylvania, to be a passed assistant engineer in the Navy.

Passed Assistant Engineer James H. Chasmar, a resident of New York, to be a chief engineer in the Navy.

Assistant Engineer Ira N. Hollis, a resident of Kentucky, to be a passed assistant engineer in the Navy.

##### APPOINTMENT IN THE NAVY.

Edward Rhodes Stitt, a resident of South Carolina, to be an assistant surgeon in the Navy.

##### TERRITORIAL OFFICERS.

Oliver C. White, of Dayton, Wash., to be secretary of Washington Territory.

Henry N. Blake, of Montana Territory, to be chief-justice of the supreme court of the Territory of Montana.

John R. McFie, of the Territory of New Mexico, to be associate justice of the supreme court of the Territory of Dakota.

Frank R. Aikens, of the Territory of Dakota, to be associate justice of the supreme court of the Territory of Dakota.

Miles C. Moore, of Walla Walla, Wash., to be governor of Washington Territory.

##### UNITED STATES ATTORNEY.

John D. Fleming, of Colorado, to be attorney of the United States for the district of Colorado.

##### DISTRICT ASSOCIATE JUSTICE.

Andrew C. Bradley, of the District of Columbia, to be associate justice of the supreme court of the District of Columbia.

##### POSTMASTERS.

Stephen A. Pilley, to be postmaster at Troy, in the county of Pike and State of Alabama.

Charles E. Doty, to be postmaster at South Norwalk, in the county of Fairfield and State of Connecticut.

Seth Pratt, to be postmaster at Litchfield, in the county of Litchfield and State of Connecticut.

John W. Banbury, to be postmaster at Britton, in the county of Marshall and Territory of Dakota.

Edward S. Hoyt, to be postmaster at Griggsville, in the county of Pike and State of Illinois.

William R. Parks, to be postmaster at Petersburg, in the county of Menard and State of Illinois.

Alanson H. Reed, to be postmaster at Flora, in the county of Clay and State of Illinois.

James S. Reeves, to be postmaster at Union City, in the county of Randolph and State of Indiana.

De Witt C. Carr, to be postmaster at Fowlerville, in the county of Livingston and State of Michigan.

John M. Sutton, to be postmaster at Woodbridge, in the county of Middlesex and State of New Jersey.

Herman F. Fox, to be postmaster at Geneva, in the county of Ontario and State of New York.

Frederick R. Hoag, to be postmaster at Phelps, in the county of Ontario and State of New York.

Henry P. Horton, to be postmaster at Philmont, in the county of Columbia and State of New York.

George H. Shufelt, to be postmaster at Chatham, in the county of Columbia and State of New York.

George W. Baker, to be postmaster at Athens, in the county of Athens and State of Ohio.

Daniel Korns, to be postmaster at New Philadelphia, in the county of Tuscarawas and State of Ohio.

John F. Welch, to be postmaster at Nelsonville, in the county of Athens and State of Ohio.

Graham L. Rice, to be postmaster at West Superior, in the county of Douglass and State of Wisconsin.

John Buckley, to be postmaster at Cape Vincent, in the county of Jefferson and State of New York.

#### TUESDAY, March 26, 1889.

The Senate met at 1 o'clock p. m.

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

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

##### EXECUTIVE SESSION.

Messages in writing were received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty minutes spent in executive session the doors were reopened.

## CENTENNIAL ANNIVERSARY OF WASHINGTON'S INAUGURATION.

Mr. HISCOCK submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Senate members of joint committee appointed under the fourth section of the "Act making appropriations for sundry civil expenses," etc., approved March 2, 1889, to make arrangements to commemorate the centennial anniversary of the inauguration of George Washington, the first President of the United States, be authorized to appoint a clerk.

## TENURE OF PRESIDENT PRO TEMPORE.

Mr. GEORGE. I desire to give notice that to-morrow, immediately after the reading of the Journal, I shall call up the resolutions submitted by the Senator from South Carolina [Mr. BUTLER] relative to the tenure of office of the President *pro tempore*, for the purpose of submitting some remarks thereon.

On motion of Mr. ALLISON (at 2 o'clock and 25 minutes p. m.), the Senate adjourned until to-morrow, Wednesday, March 27, 1889, at 1 o'clock p. m.

## NOMINATIONS.

*Executive nominations received by the Senate the 26th day of March, 1889.*

## POSTMASTERS.

Walter W. Brashear, to be postmaster at Russellville, in the county of Pope and State of Arkansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889.

James F. George, to be postmaster at Dardanelle, in the county of Yell and State of Arkansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889.

Zachariah T. Grayson, to be postmaster at Prescott, in the county of Nevada and State of Arkansas, in the place of William R. White, whose commission expires March 27, 1889.

William B. Hodge, jr., to be postmaster at Marshall, in the county of Clark and State of Illinois, in the place of Peter Conohy, resigned.

Charles B. Prescott, to be postmaster at Holyoke, in the county of Hampden and State of Massachusetts, in the place of Charles B. Prescott, whose commission expired December 19, 1888.

George Budd, to be postmaster at Bozeman, in the county of Gallatin and Territory of Montana, in the place of Robert P. Menefee, resigned.

James M. Moore, to be postmaster at Anaconda, in the county of Deer Lodge and Territory of Montana, in the place of Benjamin F. Mahan, resigned. Charles H. Tracy was confirmed by the Senate October 2, 1888, but has never qualified as postmaster.

Clarence M. Reed, to be postmaster at Dunkirk, in the county of Chataqua and State of New York, in the place of Clarence M. Reed, whose commission expired December 20, 1888. Thomas Van Dezort was appointed and commissioned by the President, but his term of office has expired by limitation of law.

Edward B. Vreeland, to be postmaster at Salamanca, in the county of Cattaraugus and State of New York, in the place of Charles E. Gallagher, resigned.

Harper Brosious, to be postmaster at Alliance, in the county of Stark and State of Ohio, in the place of J. Kirk Allen, whose commission expired January 22, 1889.

James M. Clark, to be postmaster at New Castle, in the county of Lawrence and State of Pennsylvania, in the place of William Gordon, resigned.

William L. Pierce, to be postmaster at Gainesville, in the county of Cooke and State of Texas, in the place of Robert O. Denton, whose commission expires March 27, 1889.

Charles W. Jones, to be postmaster at Martinsville, in the county of Henry and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1888. Robert H. Jones was appointed and commissioned by the President, but his term of office has expired by limitation of the law.

John D. Hogue, to be postmaster at Tacoma, in the county of Pierce and Territory of Washington, in the place of John C. Weathered, resigned.

## UNITED STATES MARSHAL.

Oscar M. Spellman, of Arkansas, to be marshal of the United States for the eastern district of Arkansas, *vice* Thomas Fletcher, resigned.

## UNITED STATES ATTORNEY.

Charles C. Waters, of Arkansas, to be attorney of the United States for the eastern district of Arkansas, *vice* Joseph W. House, resigned.

## INDIAN AGENT.

Lee Morehouse, of Pendleton, Oregon, to be agent for the Indians of the Umatilla agency in Oregon, *vice* Bartholomew Coffey, suspended by an Indian inspector.

## ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Robert V. Belt, of Maryland, to be Assistant Commissioner of Indian Affairs, *vice* John J. Enright, whose temporary commission has expired and who failed of confirmation at the last session of the Senate.

## GOVERNOR OF MONTANA.

Benjamin F. White, of Dillon, Mont., to be governor of Montana, *vice* Preston H. Leslie, to be removed.

## GOVERNOR OF WYOMING.

Francis E. Warren, of Wyoming Territory, to be governor of Wyoming, *vice* Thomas Moonlight, to be removed.

## PROMOTIONS IN THE ARMY.

I nominate the officer herein named for promotion in the Army of the United States:

*Eighth Regiment of Infantry.*

Second Lieut. William A. Mercer, to be first lieutenant, March 9, 1889, *vice* Summerhayes, appointed assistant quartermaster with the rank of captain. BENJ. HARRISON.

Assistant Paymaster Harry R. Sullivan, a resident of Ohio, to be a passed assistant paymaster in the Navy, from the 19th June, 1888, to fill a vacancy (subject to the examinations required by law).

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 26, 1889.*

## COMMISSIONER OF PENSIONS.

James Tanner, of Brooklyn, N. Y., to be Commissioner of Pensions.

## INDIAN TERRITORY OFFICERS.

Zachariah T. Walrond, of Kansas, to be attorney of the United States court for the Indian Territory.

Thomas B. Needles, of Illinois, to be marshal of the United States court for the Indian Territory.

James M. Shackelford, of Indiana, to be judge of the United States court for the Indian Territory.

## SPECIAL FISCAL AGENTS.

Isaac Seligman and Leopold Seligman, trading under the name, style, and firm of Seligman Brothers, at London, England, to be special fiscal agents of the Navy Department at that place.

## COLLECTORS OF CUSTOMS.

James W. Wakefield, of Maine, to be collector of customs for the district of Bath, in the State of Maine.

Charles M. Bradshaw, of Washington Territory, to be collector of customs for the district of Puget Sound, in the State of Oregon and Territory of Washington.

Charles G. Edwards, of Minnesota, to be collector of customs for the district of Minnesota, in the State of Minnesota.

George W. McBride, of Michigan, to be collector of customs for the district of Michigan, in the State of Michigan.

Jeremiah Sullivan, of Montana, to be collector of customs for the district of Montana and Idaho.

## POSTMASTERS.

James M. Clark, to be postmaster at New Castle, Lawrence County, Pennsylvania.

Charles L. Merriam, to be postmaster at Shelburne Falls, in the county of Franklin and State of Massachusetts.

John E. Mole, to be postmaster at Adams, in the county of Berkshire and State of Massachusetts.

Charles J. Wonsler, to be postmaster at Tama, in the county of Tama and State of Iowa.

James L. King, to be postmaster at Topeka, in the county of Shawnee, and State of Kansas.

Ed. F. Jones, to be postmaster at Holton, in the county of Jackson and State of Kansas.

Allen Chadwick, to be postmaster at Armourdale, in the county of Wyandotte and State of Kansas.

James S. Neville, to be postmaster at Bloomington, in the county of McLean and State of Illinois.

William H. Cullimore, to be postmaster at Centralia, in the county of Marion and State of Illinois.

Winslow W. Avery, to be postmaster at Plymouth, in the county of Plymouth and State of Massachusetts.

Theodore A. Burr, to be postmaster at Lancaster, in the county of Grant and State of Wisconsin.

George D. Breed, to be postmaster at Chilton, in the county of Calumet and State of Wisconsin.

James M. Hibbard, to be postmaster at Stoughton, in the county of Dane and State of Wisconsin.

George L. Borum, to be postmaster at Suffolk, in the county of Nansemond and State of Virginia.

William D. Walton, to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania.

Mary V. Shay, to be postmaster at Watsonstown, in the county of Northumberland and State of Pennsylvania.

Mary B. Higley, to be postmaster at Minersville, in the county of Schuylkill and State of Pennsylvania.

Joseph K. Johnson, to be postmaster at Coshocton, in the county of Coshocton and State of Ohio.

John R. Crain, to be postmaster at Jamestown, in the county of Greene and State of Ohio.

John C. Witcher, to be postmaster at Rockdale, in the county of Milam and State of Texas.

WEDNESDAY, March 27, 1889.

The Senate met at 1 o'clock p. m.

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

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

HENRY V. POOR.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That there be allowed and paid to Henry V. Poor, from the contingent funds of the Senate, the sum of \$500 in full compensation for the preparation of statistical matter in the service and under the directions of the Committee on Foreign Relations.

COMMITTEE ON MINES AND MINING.

Mr. MITCHELL. I ask that the resolution offered by me a few days since may be taken up for the purpose of reference.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. MITCHELL, March 23, 1889, as follows:

*Resolved*, That the Committee on Mines and Mining be, and it is hereby, authorized to continue the inquiry authorized by the Senate at its last session into the causes of delay in considering uncontested cases in the mineral division of the General Land Office, and to report to the Senate at its earliest convenience.

Mr. MITCHELL. I move that the resolution be referred to the Committee on Mines and Mining.

The motion was agreed to.

TENURE OF PRESIDENT PRO TEMPORE.

Mr. GEORGE. I suppose that this is the appropriate time for me, in accordance with the notice I gave yesterday, to call up the resolutions offered some days ago by the Senator from South Carolina [Mr. BUTLER] for the purpose of submitting some remarks thereon. I ask that the resolutions may be read.

The VICE-PRESIDENT. The resolutions will be read.

The Chief Clerk read the resolutions submitted by Mr. BUTLER on the 20th instant, as follows:

*Resolved*, That the tenure of the President *pro tempore* does not expire at the meeting of Congress after a recess, the Vice-President having appeared to take the chair.

2. *Resolved*, That the presence of the Vice-President does not have the effect to vacate the office of President *pro tempore*.

3. *Resolved*, That the office of the President *pro tempore* be held at the pleasure of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolutions, on which question the Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. GEORGE. Mr. President, in order to understand the question presented by the resolutions of the Senator from South Carolina it is necessary to consider the force and meaning of two clauses of the Constitution. The first is Article I, section 3, clause 4, which reads as follows:

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

It will be noted that this clause of the Constitution does not say that the Vice-President of the United States shall preside over the Senate, but that he "shall be President of the Senate," and it will be seen before I get through that there is a marked difference between this clause of the Constitution and that other clause which provides that the Chief-Justice of the United States shall preside over the deliberations of the Senate when they are trying the impeachment of the President of the United States. In that clause the language is, "The Chief-Justice shall preside," not that he shall be President of the Senate, but that as the Chief-Justice of the United States he shall preside for the time being over the Senate.

The next clause of the Constitution which it is necessary to consider is clause 5 of the third section of the first article, which reads as follows:

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.

It is argued that the language "shall choose \* \* \* a President *pro tempore* in the absence of the Vice-President," means only to fix the time or the occasion in which the election shall be made, and does not in any way fix the tenure of the office of President *pro tempore*.

Such was the argument of Senator Collamer in 1861 when this question was before the Senate.

Under this view, the Senate having elected a President *pro tempore* during a particular absence of the Vice-President, the person so elected not only acts as President of the Senate during that particular absence of the Vice-President but after his return still holds his office with power to act during any subsequent absences of the Vice-President whenever and as often as they may occur.

This construction grants power to the Senate to elect a regular permanent officer, who shall stand empowered, whenever the occasion—the absence of the Vice-President—may occur, to act in his stead. If it had been the intention of the framers of the Constitution to provide for such an officer who should sit in place of the Vice-President whenever the latter should be absent, it seems unaccountable that this power to elect should be vested only when the Vice-President was absent and when the Senate was unorganized. If such a regular and permanent substitute had been intended so as to prevent a hiatus in the organization of the Senate, it would seem appropriate that such election should be made at any time provided by the rules of the Senate, and that these rules would require a selection to be made to anticipate the necessity, just as it is now argued that the selection when made should hold good to meet all subsequent occasions when the Vice-President is absent.

It is argued, however, the literal meaning of the terms used in the Constitution, "shall choose a President *pro tempore* in the absence of the Vice-President," embraces only the idea of the occasion of the election and has no reference to the tenure of the person elected.

But, if we are to stick to the literal meaning of the terms used, the construction contended for can not be maintained. Literally the terms contain a command that the Senate "shall elect a President *pro tempore* in the absence of the Vice-President." This command must be obeyed as it is expressed. The Constitution does not say "shall elect" in the first absence of the Vice-President, or in the second or third or any other designated absence, but in the absence—that is, any absence. And thus it is established that whenever an absence occurs there must be an election.

But I do not mean to rest the argument upon any mere strict literal interpretation of the Constitution. I rely on that merely to overturn a conclusion claimed to be warranted by such an interpretation. A Constitution, like a statute, should be construed so as to give full force and effect to the words used—taken in their ordinary signification—giving to technical words their technical meaning. And all words should be construed with reference to the context without doing violence to their plain meaning. They should be construed with reference also to all other parts of the instrument, so that the whole may be harmonious and consistent.

If an appropriate word be used generally in the Constitution to express a clear and distinct idea, the same in all instances in which the word is used, it will be conclusively presumed that when another word is used, which of itself has a clear and distinct and different meaning in its primary and ordinary sense, it was not used in the sense of the first word, even though the last sense may be its secondary or remote signification. For it can not be supposed that in a solemn instrument like a constitution, wherein every word has been well and carefully weighed, its framers having adopted and used a particular word to express a particular idea, whenever such idea is expressed, would abandon that word in one place only and for the expression of the same idea use another word, which though capable in a secondary sense of expressing that idea yet generally has a different signification.

Taking the words "Vice-President" and "President *pro tempore*," we find the former used in the Constitution several times and the latter only once, to wit, in the clause under consideration.

The former, Vice-President, is always used to designate a permanent or continuing officer, whose main duty is to act, according to the plain meaning of the word, in the place or instead of another, being his full substitute when an occasion shall arise for such action. He is to all intents and purposes Vice-President, though he may never act as President. The office consists in his legal capacity to act, when occasion for such action arises, and in action then, and only then. The office itself is not called into being in the first instance when such occasion arises, as is the President *pro tempore*, and does not cease when such occasion shall pass away. The officer is selected at the same time and in the same manner as the President of the United States, to act as a substitute for him, fully and completely, whenever and as often as the constitutional occasion for such action may arise. When not so acting he is required by the Constitution to perform other duties, which duties are in nosense vicarious, but original; he is "President of the Senate."

It will be noted that the Constitution in fixing a presiding officer of the Senate does not do so by an enumeration and definition of the powers of the Vice-President. It does not say that it shall be the duty of the Vice-President to preside over the Senate, or that he shall act as President of the Senate. The difference between the Constitution on this subject and that clause providing for the presidency of the Chief-Justice in an impeachment of the President is marked. There it is said, "The Chief-Justice shall preside"—preside as Chief-Justice over the Senate. In the clause under consideration the provision is: "The Vice-President of the United States shall be President of the Senate." Another and distinct office is given to him. He holds both. The two offices are