

SENATE.

MONDAY, February 10, 1890.

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

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

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 29th ultimo, certain information in relation to the amount of Indian trust funds invested in State bonds which have not been paid at maturity, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 5th instant, a letter from the Chief of Engineers, accompanied by a report from Capt. Thomas W. Symons, Corps of Engineers, on the improvement of the entrance to Yaquina Bay, Oregon; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a letter from the secretary of the Territory of Utah, transmitting a memorial from the governor and Legislative Assembly of Utah, praying that no change be made in the reservation of the Southern Ute Indians of Colorado that will involve their transfer to Utah; which, with the accompanying paper, was referred to the Committee on Indian Affairs.

Mr. GIBSON. I hold in my hand a petition of the Merchants' Exchange of St. Louis, Mo., signed by Charles F. Orthwein, chairman, Henry C. Haarstick, Michael McEnnis, William L. Huse, John L. Douglass, Nathan Cole, Hugh Rogers, E. O. Stanard, Henry Hitchcock, Isaac M. Mason, J. C. Ewald, and Jerome Hill, in favor of the improvement of the Mississippi River between St. Louis and New Orleans.

I will state briefly the contents of the petition. It declares that the improvement of the Mississippi River is of the greatest national importance and affects the transportation interests of the country to a greater extent than any other water-way in existence; that the work now being carried on under the able management and direction of the Mississippi River Commission has resulted in very great value, and could it be prosecuted with vigor and without intermission would in a few years secure deep, safe, and uninterrupted navigation to the Gulf; that as an arbiter of rates the Mississippi River is the great factor in the transportation interests of the West.

With its improvement the increase of exports by the Gulf has kept steady pace, and from very small beginnings in 1872 has increased yearly until in 1889 nearly 20 per cent. of the entire exports of corn have gone from the United States by this route.

When it is considered that the export value of corn makes the price for the entire crop it can be readily understood how important the cheapening of transportation is to the agricultural States of the Ohio and Mississippi Valleys, for rail rates are compelled to follow river rates. The immense corn crop of the West is now being marketed at ruinous prices to the farmer, and a saving of 2 cents per bushel, which the river route now secures, and which would be increased if the Mississippi River was properly improved, means a very great sum to the producer when corn is selling in the interior at from 10 cents to 15 cents per bushel. The freight on corn from St. Louis to New Orleans has been less than 6 cents per bushel, making the freight to Liverpool via the river route less than 17 cents per bushel, and by the maintenance of this rate the rail rate to the East both for home consumption and for export was reduced to the minimum, namely, 12.88 cents per bushel, which would not have been secured except for the competition of the river route.

Therefore, says the petition, every consideration, both of economy and expediency, calls for the prompt and vigorous prosecution of this work by the General Government, and this can only be accomplished by liberal and continuous appropriations.

This committee for these reasons respectfully and earnestly petition the honorable Senators and Representatives of the great Mississippi Valley to urge the necessity and desirability of securing at once, without waiting for the river and harbor appropriation bill, the necessary appropriations for continuing the work of improving the Mississippi River between St. Louis and New Orleans in the same manner as has been done in the Senate for the Sault Ste. Marie Canal and other works by special bills for special work.

I move that the petition be referred to the Committee on Commerce. The motion was agreed to.

Mr. MANDERSON. I present a petition of the Bankers' Association of the State of Nebraska, in which they urge legislation which will reduce the tax upon the circulation of national banks from one-half per cent. to one-fourth per cent. every six months, and also recommend the passage of an act of Congress which will allow the refunding of the present issues of bonds by an issue of bonds bearing 2 per cent. interest, to be redeemable at the pleasure of the Government, these bonds to form the basis of a permanent national-bank circulation.

I move that the petition be referred to the Committee on Finance. The motion was agreed to.

Mr. SHERMAN presented the petition of Thomas E. Douglas, Command No. 23, Union Veterans' Union, of Mansfield, Ohio, and the petition of Hazlett Post, No. 81, department of Ohio, Grand Army of the Republic, praying for the passage of the per diem pension bill; which were referred to the Committee on Pensions.

Mr. CULLOM presented resolutions adopted by the Board of Trade of Chicago, Ill., favoring the passage of the Torrey bankruptcy bill; which were referred to the Committee on the Judiciary.

Mr. CHANDLER. I present the petition of William Patrick Henry, of Elberton, Elbert County, Georgia, wherein the petitioner sets forth that he voted the national Republican ticket at Elberton on November 6, 1888; that upon receiving his ballot the manager of the election publicly announced that it was the first and only Republican ticket voted that day, whereupon the petitioner was set upon by 200 or 300 Democrats who assaulted him violently and placed his life in extreme peril; and that he appealed to the courts, but owing to a partisan grand jury no one was punished for the outrage. The petitioner prays that this outrage may be investigated in order to show that the United States Government will protect the lives and liberty of its citizens.

I move that the petition be printed and referred to the Committee on Privileges and Elections.

The VICE-PRESIDENT. It will be so referred.

Mr. CHANDLER. With the order to print?

The VICE-PRESIDENT. The petition will be printed and referred to the Committee on Privileges and Elections, if there be no objection.

Mr. CHANDLER. I present the petition of J. L. Brooks and 136 others, legal voters of the county of Lauderdale, State of Mississippi, praying for the passage of a national law securing a free ballot and an honest count in all elections of Representatives in Congress, and that in addition such laws may be passed by Congress as it may have power to enact for the enforcement of the fifteenth amendment of the Constitution.

I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. CAMERON presented a petition of Typographical Union No. 112, of Scranton, Pa., favoring the restoration in the Government Printing Office of the scale of wages in force prior to 1877; which was referred to the Committee on Printing.

He also presented a petition of Charles E. Cooper, of Allegheny, Pa., praying that he be allowed a pension; which was referred to the Committee on Pensions.

Mr. ALLEN presented a petition and resolution of the Board of Trade of the city of Spokane Falls, State of Washington, urging upon Congress the importance and necessity of opening to use and settlement the Colville Indian reservation, consisting of 2,800,000 acres of land, after first securing to the Indians of that reservation in severalty such part of the reservation as may be necessary for their use; which were referred to the Committee on Indian Affairs.

Mr. WILSON, of Iowa, presented a memorial adopted by the monthly meeting of Friends of Salem, Iowa, remonstrating against any appropriation for the construction of a navy; which was referred to the Committee on Naval Affairs.

He also presented resolutions adopted by the Whiting Post, No. 247, Grand Army of the Republic, department of Iowa, of Belmont, Iowa, favoring the passage of a service-pension law for surviving ex-Union soldiers of the war of the rebellion; which were referred to the Committee on Pensions.

He also presented a petition of 67 citizens of Fairfield, Jefferson County, Iowa, praying for the passage of an act granting a pension to Mary R. Henderson; which was referred to the Committee on Pensions.

He also presented a petition of 39 farmers, citizens of the State of Iowa; the petition of 68 farmers, citizens of the State of Iowa; the petition of 38 farmers, citizens of Farnhamville, Iowa; the petition of 14 citizens of the State of Iowa; the petition of 39 members of the Elkhorn Farmers' Alliance, No. 1020, of Kingsley, Iowa, and a petition of Farmers' Alliance, No. 1129, of Peterson, Iowa, praying for the passage of an act to prohibit speculation in raw and manufactured farm products; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Giles Otis Pearce, of Davenport, Iowa, praying for the passage of an act making an appropriation for the payment of his claim against the Government; which was referred to the Committee on Claims.

Mr. VOORHEES presented a petition of the Board of Trade of Indianapolis, Ind., praying for the total repeal of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. VOORHEES. I present a petition of the Farmers' Mutual Benefit Association, praying for relief on certain important points set forth in their petition. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. STOCKBRIDGE presented three petitions of citizens of Michigan, praying for the passage of a law prohibiting speculation in grain; which were referred to the Committee on Agriculture and Forestry.

Mr. SPOONER. I present a petition, which appears to be numerously signed, in which the petitioners allege that they are citizens of the State of Mississippi, and humbly pray this honorable body to establish a republican form of government in that State, as required by Article IV, Section 4, of the Constitution of the United States, which declares that "the United States shall guaranty to every State in the Union a republican form of government." The petitioners allege that for the last fourteen years a republican form of government has not existed in Mississippi, but the majority are oppressed and their will suppressed, and the minority govern contrary to liberty, the Constitution, and free government.

I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. INGALLS presented a petition of Rev. G. W. Gayles and 603 other legal voters of Bolivar County, Mississippi, praying for the passage of a national law securing a free ballot and an honest count in all elections of Representatives in Congress, and that in addition such laws may be passed by Congress as it may have power to enact for the enforcement of the fifteenth amendment of the Constitution; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Saline County (Kansas) Farmers' Alliance, praying for legislation to suppress or control trusts and combines; which was referred to the Committee on Finance.

Mr. BECK presented resolutions adopted by the Legislature of Kentucky, urging the passage of a law to pay certain citizens of Cynthiana, in that State, for property destroyed by fire during a military engagement in that town in the late civil war, to accompany Senate bill 91, in regard to that subject-matter; which were referred to the Committee on Claims.

Mr. HOAR presented the petition of Abram French & Co., of Boston, Mass., praying for certain changes in the tariff duties on pottery; which was referred to the Committee on Finance.

He also presented a petition of the National Board of Trade, favoring the passage of what is known as the Torrey bankrupt bill; which was referred to the Committee on the Judiciary.

Mr. HALE presented a petition of Edwin H. Fittler, mayor of Philadelphia, Pa. and other citizens of the United States, praying that the Superintendent of the Census be directed to collect certain data in relation to the electrical industry; which was referred to the Committee on the Census.

Mr. EVARTS presented the petition of Theodore Sharts, of New York City, praying for an extension of his patent for the manufacture of improved vault lights, illuminating tiles, etc.; which was referred to the Committee on Patents.

Mr. VEST presented a petition of the members of Farmers and Laborers' Union No. 1689, citizens of Missouri, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. REAGAN. I present a petition of sundry citizens of El Reno and vicinity, in Oklahoma, praying that that town be made the county seat of Reno County. Inasmuch as the Territorial bill is now before the Senate for action, I move that the petition be laid on the table. I understand that the committee's bill has not provided for the location of county seats.

The motion was agreed to.

Mr. REAGAN. I also present a petition of sundry citizens of Oklahoma, representing that towns in Oklahoma were laid out after matters were settled in that territory; that taxes had been collected in them to build school-houses, support schools, build roads, and for other county expenses, and praying that they be allowed to carry out their contracts in good faith. I move, for the same reason, that this petition be laid upon the table.

The motion was agreed to.

Mr. PLUMB presented the petition of J. F. Glazebrook, late a private in Company B, First Arkansas Cavalry, praying payment for horses lost in the military service; which was referred to the Committee on Claims.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the improvement of the Mississippi River; which was referred to the Committee on Commerce.

He also presented a petition of citizens of the District of Columbia, praying that certain appropriations be made for street improvements in the District; which was referred to the Committee on Appropriations.

He also presented the petition of Pomona Grange, No. 118, of Johnson County, Kansas, praying for legislation to prevent trusts and combines; which was referred to the Committee on Finance.

He also presented the petition of Wadsworth Post, No. 7, Grand Army of the Republic, of Council Bluffs, Kans., praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the New Chillicothe Farmers' Alliance, of Kansas, praying that sufficient appropriations be made to construct deep-water harbors on the Gulf of Mexico, for the purpose of opening up a more direct communication with Central and South America; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Kansas, praying for legislation prohibiting speculation in grain; which was referred to the Committee on Agriculture and Forestry.

Mr. PADDOCK presented a petition of Post No. 165, Grand Army of the Republic, Table Rock, Nebr., urging the passage of a service-pension bill and a bill to equalize the difference in soldiers' wages between the worth of gold and paper money during the war; which was referred to the Committee on Pensions.

Mr. ALLISON presented a petition of James M. Cooper and others, of Knoxville, Iowa, praying that a pension be granted to Alexander Clear; which was referred to the Committee on Pensions.

Mr. BLAIR presented a petition of the New Hampshire ex-Prisoners-of-War Association, praying for the passage of a bill granting pensions to ex-prisoners of war; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred a petition of the White Cross University of Science, of Washington, D. C., praying for the erection of a temple of science with annex for public records, hall, and rooms; also, buildings for the use of the quadro-centennial exhibition at Washington, D. C., asked that the committee be discharged from the further consideration of the petition, and that it be referred to the Select Committee on the Quadro-Centennial; which was agreed to.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 1362) for the relief of Mary B. Hook, reported it with an amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Public Lands, to whom was referred the bill (S. 2304) to establish two additional land districts in the State of Washington, reported it with amendments.

Mr. FARWELL, from the Committee on the District of Columbia, to whom was referred the bill (S. 1748) for the relief of the Sisters of the Holy Cross in the city of Washington, D. C., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1179) to incorporate the Washington and Highlands Street Railway Company of the District of Columbia, reported it with an amendment.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them each with an amendment:

A bill (S. 328) to provide for the construction of a public building at Sterling, Ill.;

A bill (S. 1265) to provide for the purchase of a site for and the erection of a public building at Oakland, in the State of California;

A bill (S. 1313) for the erection of a public building at Cheyenne, Wyo.;

A bill (S. 859) for the erection of a public building at Chester, Pa.;

A bill (S. 1285) to provide for the construction of a public building at Helena, Mont.;

A bill (S. 1219) to provide for the construction of a public building at Salt Lake City, Utah;

A bill (S. 1590) to provide for the construction of a public building in the city of Stockton, Cal.;

A bill (S. 488) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs, in the Yellowstone National Park;

A bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I.;

A bill (S. 1231) for the erection of a public building in the city of Woonsocket, R. I.;

A bill (S. 77) to provide for the construction of a public building at Portland, Oregon;

A bill (S. 1306) for the erection of a public building at Hudson, N. Y.;

A bill (S. 166) for the erection of a public building at Virginia City, State of Nevada;

A bill (S. 221) providing for the erection of a public building at the city of Hastings, Nebr.;

A bill (S. 466) for the erection of a public building for a post-office and United States land office at the city of The Dalles, Oregon;

A bill (S. 78) to provide for the construction of a public building at Salem, Oregon;

A bill (S. 301) for the erection of a public building at Stillwater, Minn.;

A bill (S. 167) for the erection of a public building at Reno, State of Nevada; and

A bill (S. 1264) to provide for the erection of a public building at San Diego, Cal.

Mr. HOAR, from the Committee on the Judiciary, to whom the subject was referred, reported a bill (S. 2542) further to provide for the administration of oaths; which was read twice by its title.

Mr. PADDOCK, from the Committee on Public Lands, to whom were referred the following bills, reported adversely thereon, and they were postponed indefinitely:

A bill (S. 2220) to promote greater efficiency in the General Land Office;

A bill (S. 1606) to readjust the salary of the Commissioner of the General Land Office; and

A bill (S. 1328) to promote the efficiency of the General Land Office.

Mr. PADDOCK, from the Committee on Public Lands, to whom the

subject was referred, reported a bill (S. 2543) to promote the efficiency of the General Land Office; which was read twice by its title.

Mr. PADDOCK. I ask leave to file a written report hereafter to accompany the bill.

The VICE-PRESIDENT. Leave will be granted.

Mr. MOODY. Inadvertently the bill (S. 852) for the relief of Eli C. Officer was referred to the Select Committee on Indian Depredations. It should go to the Committee on Claims, and the Senator who introduced it desires that it be referred to that committee. I therefore report it back from the Select Committee on Indian Depredations and ask that it be referred to the Committee on Claims, with the accompanying papers.

The report was agreed to.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1120) to create the office of auditor of the General Land Office in the Interior Department, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JONES, of Arkansas, from the Committee on Territories, to whom was referred the bill (S. 1372) approving, with amendments, the funding act of Arizona, reported it with amendments, and submitted a report thereon.

COURTS IN SOUTH DAKOTA.

Mr. INGALLS. From the Committee on the Judiciary I report with amendments the bill (S. 620) to provide for the time and place of holding the terms of the United States district courts in the State of South Dakota, and as the bill concerns the administration of justice in one of the recently admitted States, whose Senators are very anxious that immediate action should be had, I ask unanimous consent that the bill may be now considered.

Mr. HARRIS. Let the bill be read at length, subject to objection.

The Chief Clerk read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE-PRESIDENT. The amendments of the Committee on the Judiciary will be stated in their order.

The first amendment was in section 2, line 1, after the word "of," to insert the words "the district;" so as to read:

That for the purpose of holding terms of the district court, etc.

The amendment was agreed to.

The next amendment was to strike out section 3 and to insert in lieu thereof:

Sec. 3. That the terms of the district court for the district of South Dakota shall be held at Sioux Falls on the first Tuesday of April and October in each year; at Pierre on the third Tuesday of May and November in each year; and at Deadwood on the first Tuesday of January and July in each year. And the provision of law now existing for the holding of said court on the first Monday in April and November in each year is hereby repealed, and all suits, prosecutions, process, recognizances, bail-bonds, and other things pending in or returnable to said court on the days last named are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had this act not been passed.

The amendment was agreed to.

The next amendment was in section 4, line 5, after the word "resides," to strike out all down to and including the word "found," in line 8, as follows:

When the defendant is a non-resident of either subdivision of the district, action may be brought in any division of the district wherein the defendant may be found.

The amendment was agreed to.

The next amendment was to strike out section 5 and to insert in lieu thereof the following:

Sec. 5. That the circuit court of the United States for said district shall be held at Sioux Falls on the first Tuesday of April and October in each year and at Deadwood on the first Tuesday of July in each year; and cases taken by appeal or writ of error from the district court held in the eastern or central divisions of said district respectively shall be returnable to the circuit court held at Sioux Falls, and cases taken by appeal or writ of error from the district court held in the western division of said district shall be returnable to the circuit court held at Deadwood. When the circuit and district courts are held as provided in this act at the same time and place, one grand and one petit jury only shall be summoned and served in both said courts.

The amendment was agreed to.

The next amendment was to add as a new section:

Sec. 6. That the clerk of the circuit court and the clerk of the district court respectively shall reside and have their principal office at Pierre, and each of said clerks may appoint a deputy to reside and have an office at Sioux Falls and Deadwood.

The amendment was agreed to.

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

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

ARREST OF ESCAPING OFFENDERS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 132) to amend section 1014 of the Revised Statutes of the United States, to report it back recommending its passage, with an amendment to the title. The bill is a very brief one and I ask that it may be passed at the present time. It is a bill that has heretofore been passed on the motion of the Senator from Tennessee [Mr. HARRIS].

The VICE-PRESIDENT. The bill will be read at length for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 1014 of the Revised Statutes of the United States be so amended that it shall apply to and authorize the arrest, according to the provisions of said section, of any offender against the laws of the United States, as well after as before trial, and his commitment to lawful custody, unless he shall give bail as required by law if entitled thereto; and if already convicted and sentenced the said offender shall be, by proper process, surrendered to the officials having authority to execute said sentence, or their agent, to be by them held and returned to any place required by the sentence of the court, or by law, for the due execution of said sentence and until duly and legally discharged; for which purposes the district judge may also issue his warrant of removal as required by said section if the said offender be arrested in any district other than that where the further proceedings are to be had after trial or the sentence of the court is to be executed.

Mr. HOAR. I will state simply in explanation that a doubt has been raised by a very eminent judge of high authority whether the existing provisions of law for the arrest of offenders against the United States, escaping from one district or State into another, applies to the case where the escape is made after trial and conviction; and this is intended simply to remove that difficulty.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HARRIS. I was not aware that a request had been made for the present consideration of the bill, and I was just going to make it. The bill was passed by the Senate at the last Congress, and I hope it will be passed now.

By unanimous consent, 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.

Mr. HOAR. I move to amend the title by adding the words "in relation to the arrest of offenders against the United States escaping from one district or State into another."

The VICE-PRESIDENT. That amendment to the title will be agreed to if there be no objection.

PRESIDENT PRO TEMPORE OF THE SENATE.

Mr. EVARTS. From the Committee on Privileges and Elections I report a resolution, the passage of which the committee recommend. I ask that the resolution be read and lie on the table. I shall call it up in the morning hour at an early day.

The resolution was read, as follows:

Resolved, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof when the Vice-President is absent.

The VICE-PRESIDENT. The resolution will be printed and lie over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 23) for the relief of Daniel V. O'Leary;

A bill (H. R. 346) to extend "An act to grant the right of way to the Kansas City and Pacific Railroad Company through the Indian Territory; and for other purposes;"

A bill (H. R. 1613) for the relief of Samuel Howard;

A bill (H. R. 1633) granting an increase of pension to Abram Duryee;

A bill (H. R. 1927) granting an increase of pension to George Colwell;

A bill (H. R. 3266) for the relief of Noah W. Yoder;

A bill (H. R. 3298) for the relief of the sufferers by the wreck of the United States steamers Trenton and Vandalia, and the stranding of the United States steamer Nipsic, at Apia, Samoan Islands;

A bill (H. R. 3403) for the relief of James M. McClelland;

A bill (H. R. 3592) granting a pension to Mrs. Anna Butterfield; and

A bill (H. R. 3834) to appropriate \$40,000 for the maintenance of the Marion Branch of the National Home for Disabled Volunteer Soldiers for the year ending June 30, 1890.

The message also announced that the House had passed the following bills:

A bill (S. 940) to authorize the construction and maintenance of a bridge across the Missouri River at a point to be selected in the county of Douglas, or in the county of Sarpy, in the State of Nebraska, and the county of Pottawattamie, in the State of Iowa, and make the same a post-route; and

A bill (S. 2015) to amend and alter an act entitled "An act to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, Iowa," approved August 6, 1888.

The message further announced that the House had passed the following concurrent resolutions:

A resolution for the printing of 1,000 extra copies of the report of the Zoological Park Commission and its accompanying maps;

A resolution for the printing of 50,000 copies of the treatise on the cotton-worm and boll-worm, by Professor Charles V. Riley;

A resolution for the printing of 500 copies of the consolidated index of claims reported by the Commissioners of Claims to the House of Representatives from 1871 to 1880; and

A resolution for the printing of 10,000 copies for the use of the House of the hearings now being held before the Committee on Ways and Means.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 583) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes; and

Joint resolution (H. Res. 79) for the relief of certain Chippewa Indians of the La Pointe agency, Wisconsin.

BILLS INTRODUCED.

Mr. BARBOUR introduced a bill (S. 2544) for the relief of Samuel Marsh; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 2545) for the relief of Robley D. Evans and Richard M. Green; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 2546) to prohibit the manufacture and sale of spirituous and intoxicating liquors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BECK introduced a bill (S. 2547) for the relief of Robert Langston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 2548) for the relief of the board of commissioners of the sinking fund of the city of Louisville, Ky.; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES (by request) introduced a bill (S. 2549) to increase certain pensions; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2550) authorizing George A. Anderson, S. N. Stewart, and James N. Sprigg to construct and maintain a ponton bridge across the Mississippi River at the city of Quincy, in the State of Illinois; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2551) for the relief of Martha E. Fleschert; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2552) to remove the charge of desertion from the record of William Martin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 2553) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the War Department standing against John McFarland and to grant him an honorable discharge; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 2554) for the relief of Julius A. Kaiser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2555) to increase the pension of Mary M. Gibson, widow of Commander William Gibson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2556) for the relief of William Brice & Co., of Philadelphia, and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SQUIRE introduced a bill (S. 2557) to authorize and meet the expenses of a survey of a ship-canal connecting Lakes Washington, Union, and Samamish with Puget Sound; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 2558) for the increase of pensions on account of the loss of an eye, and providing for artificial eyes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2559) for the relief of Thomas G. Corbin; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 2560) to increase the pension of Nelson Monroe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2561) granting an increase of pension to Mrs. Martha L. Downes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2562) to authorize the appointment of Assistant Surgeon Thomas Owens, United States Navy, not in the line of promotion, to the position of surgeon, United States Navy, not in the line of promotion, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. EVARTS introduced a bill (S. 2563) to regulate the appointment of appraisers at the port of New York, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. WILSON, of Iowa, introduced a bill (S. 2564) to amend section 707 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2565) providing for the erection of a public building at Muscatine, Iowa; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2566) granting a pension to Mary R. Henderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2567) granting an increase of pension to Edwin T. Shepard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MOODY (by request) introduced a bill (S. 2568) for the relief of Morris Appel, of Pennington County, South Dakota, who alleges loss of property by Indian depredations; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also (by request) introduced a bill (S. 2569) for the relief of Henry Bradley, of Yankton County, South Dakota, on account of Indian depredations; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also (by request) introduced a bill (S. 2570) for the relief of John Stange, of Yankton County, South Dakota, on account of Indian depredations; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

Mr. COCKRELL introduced a bill (S. 2571) granting a pension to Francis C. Smith; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

He also introduced a bill (S. 2572) granting jurisdiction and authority to the Court of Claims in the case of the towboat Future City, her barges, cargoes, etc.; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL. I introduce this bill in lieu of the bill (S. 1481) to authorize the Court of Claims to hear and determine to judgment the claim of the owners of the towboat Future City, barges, cargoes, etc., which was introduced by me December 18, 1889, and referred to the Committee on Claims. I move that the Committee on Claims be discharged from the further consideration of Senate bill 1481, and that it be indefinitely postponed, so as to relieve the committee from any attention to it.

The motion was agreed to.

Mr. BLAIR introduced a bill (S. 2573) granting a pension to Everett Jenkins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2574) granting a pension to Benjamin F. Brown; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2575) granting a pension to Margaret Flaherty; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2576) granting a pension to Mary G. Colby; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2577) granting a pension to Harris K. Frost; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2578) granting a pension to Margaret Ann West; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2579) granting a pension to Cornelia H. Keyes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2580) to vacate the location of the right of way made by the Choctaw Coal and Railway Company through the southeast quarter of section 33, township 12, range 3 west, in the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2581) for the relief of Joseph Dunlap; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SHERMAN introduced a bill (S. 2582) to amend an act entitled "An act to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' to said port of Columbus, Ohio," approved February 9, 1889; which was read twice by its title, and referred to the Committee on Commerce.

Mr. EVARTS introduced a bill (S. 2583) granting an increase of pension to Mrs. Mary H. Nicholson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2584) for the relief of Hiram W. Love, of the State of Iowa; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2585) for the relief of Mrs. Julia W. Jones, widow of Lieutenant Rowland M. Jones; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2586) granting a pension to Andrew J. Elliott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 2587) to correct and equalize the

rate of pension for certain army nurses; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2588) to amend rules and articles of war 79 and 90, and to improve the administration of justice in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON, of Maryland, introduced a bill (S. 2589) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the Benning's road, in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. STEWART introduced a bill (S. 2590) to incorporate the Cable Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CHANDLER introduced a bill (S. 2591) giving the Court of Claims jurisdiction of the claims on account of property of the Chesapeake Female College possessed and used by the United States military authorities; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a joint resolution (S. R. 56) providing for an immediate survey and estimate for the improvement of the St. John's River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a joint resolution (S. R. 57) for the relief of Capt. John Jackson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILL.

Mr. SHERMAN. I submit an amendment intended to be proposed to an appropriation bill, which I ask may be read and referred to the Committee on the Judiciary.

The amendment was read, and referred to the Committee on the Judiciary, as follows:

For the payment to the widow of the late Chief-Justice Morrison R. Waite, this sum being equal to the balance of his salary for one year, \$8,745.

WITHDRAWAL OF PAPERS.

On motion of Mr. CULLOM, it was

Ordered, That the papers in the case of Charles Head, administrator of the estate of Henry Head, deceased, be withdrawn from the files of the Senate, there being no adverse report.

MARION BRANCH OF NATIONAL SOLDIERS' HOME.

Mr. VOORHEES. A House bill came over awhile ago making an appropriation in an emergency for the Marion Branch of the National Soldiers' Home, which is located in Indiana. It is House bill No. 3834, to appropriate \$40,000 for the maintenance of the Marion Branch of the National Home for Disabled Volunteer Soldiers for the year ending June 30, 1890. I venture to ask the indulgence of the Senate to take that bill off the table and consider it at this time, and in that connection I present a letter from General William B. Franklin, president of the Board of Managers of the National Soldiers' Home, showing the necessity for the passage of the bill at this time.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Indiana? The Chair hears none, and the bill will be read at length.

The Chief Clerk read the bill (H. R. 3834) to appropriate \$40,000 for the maintenance of the Marion Branch of the National Home for Disabled Volunteer Soldiers for the year ending June 30, 1890.

Mr. VOORHEES. I ask for the reading of General Franklin's letter.

The VICE-PRESIDENT. The letter will be read.

Mr. ALLISON. I do not understand that the bill is now up for consideration.

The VICE-PRESIDENT. That was the request made by the Senator from Indiana.

Mr. ALLISON. I object until I ascertain what is in the letter.

Mr. VOORHEES. I am trying to give that information. I am sure my friend from Iowa will not object when he is in possession of the information. I am asking now that a letter from General Franklin, the president of the Board of Managers of the National Home, be read, showing the emergency which caused the bill to be passed, contrary to all rules, and with no rules at all over in the other House, and sent here at this time.

Mr. ALLISON. So I perfectly understood, but I wanted to hear the letter before the matter was taken up.

Mr. VOORHEES. I am asking for the letter to be read.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

HARTFORD, CONN., December 31, 1889.

DEAR SIR: I have been informed by Col. L. A. Harris, first vice-president Board of Managers, National Home for Disabled Volunteer Soldiers, and local manager of the Marion Branch of the National Home, that you have introduced a bill for the appropriation of \$250,000 for that branch. I sincerely hope that it will pass.

The Board of Managers has estimated \$311,000 for that branch for the fiscal year ending June 30, 1891. Of this amount the sum of \$120,000 is for maintenance, and the balance, \$191,000, for construction. The Appropriations Committee have the printed explanation of the estimate, and we hope will be induced to act favorably upon it. The estimate is also in the printed Book of Estimates.

But this branch is already in condition to take members, and there is an enormous pressure for admission to all of the branches now. It seems hard that destitute and crippled old soldiers should be kept out of the home during the winter and until 30th of June next, while it is now ready for the reception of at least two hundred men, and its capacity will be increased two hundred more in about two months.

I inclose, therefore, at the suggestion of Colonel Harris, a draft of a bill that I have prepared to meet the present emergency. I think that the passage of such an act would be a most excellent thing. It would at once utilize the Marion Branch as far as it is ready, and would enable the board to occupy the other buildings as soon as they are completed.

Without such action the buildings must remain to a great degree useless until the beginning of the next fiscal year, while in the mean time hundreds of disabled soldiers, old and crippled and destitute, must remain without care and shelter.

If the thing strikes you as proper, I hope that you will do what is in your power to have the bill passed. It is, of course, important that the clause making the money available at once should be retained. If the Appropriation Committee can be induced to view the urgency of the case as we do, it seems as if there ought to be no difficulty in getting such an act passed at once, but your judgment will doubtless suggest the best means of action in the matter.

The amount of \$40,000 is arrived at by considering that the maintenance of four hundred men for six months will cost \$100 per man. This is greater than it would be in a well established home, but the experience of the board shows that the cost of living in a new institution is materially greater than it is in one fully established.

Respectfully yours,

W. B. FRANKLIN,

President Board of Managers, National Home for Disabled Volunteer Soldiers.

HON. A. N. MARTIN,

Member United States House of Representatives, Washington, D. C.

Mr. VOORHEES. It will be observed that General Franklin drafted the bill himself and sent it here by Colonel Harris. I ask that a letter from Col. L. A. Harris, of Cincinnati, first vice-president of the Board of Managers of the National Home, be also read for a single sentence that occurs in it.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

OFFICE FIRST VICE-PRESIDENT BOARD OF MANAGERS.
400 West Seventh Street, Cincinnati, Ohio, February 3, 1890.

MY DEAR SIR: My mother's illness hurried me away from Washington, but she has improved somewhat since my return. I inclose you a letter which shows the pressing necessity for a speedy appropriation for the Marion Branch, which it might be well to show to the Military Committee. I have enough applications of such cases, or those on the threshold of the poor-house, to fill the two barracks of Marion at once.

Yours truly,

L. A. HARRIS.

HON. A. N. MARTIN,

Mr. VOORHEES. In justice to myself and to the Senate I now ask that the report made by the Committee on Military Affairs of the other House in connection with this bill be also read. It is not long and will take but a little time.

The VICE-PRESIDENT. The report will be read, if there be no objection.

Mr. VOORHEES. Does the Senator from Iowa still desire to have the report read?

Mr. ALLISON. I should be glad to have it read.

Mr. VOORHEES. Very well; let it be read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read as follows:

Mr. WILLIAMS, from the Committee on Military Affairs, submitted the following report:

Your committee having under consideration House bill 3834, "to appropriate \$40,000 for the maintenance of the Marion Branch of the National Home for Disabled Volunteer Soldiers for the year ending June 30, 1890," beg leave to make the following report:

On investigating they find that said home, under the provisions of an act passed by the Fiftyth Congress, have completed two barracks for the occupancy of disabled soldiers, which barracks have a united capacity for accommodating 300 men. All other branches of the home have more applicants than they can possibly accommodate, and as no provision was made by said act of the Fiftyth Congress for the maintenance of the disabled soldiers who can be accommodated by these barracks, the indigent soldiers who have applied for admittance to the Marion Branch of the National Home will have to be sent to the poor-houses of their respective counties in lieu of other means of maintenance.

The committee beg leave to incorporate in their report the resolution passed January 22, 1890, by the Board of Managers of National Military Home for Disabled Volunteer Soldiers, which reads as follows:

"Whereas there are now two barracks completed and ready for occupancy at the Marion Branch of the National Home for Disabled Volunteer Soldiers, which barracks have a united capacity for accommodating 300 men; and

"Whereas there are more applicants now for admission than the remaining barracks of all the branches of the home can accommodate; and

"Whereas said remaining branches are overcrowded and applicants for admission are necessarily denied; and

"Whereas there is no appropriation now available for the use of said branch:

"Resolved, That the president of the board be requested to submit these facts to the Congress of the United States, and to ask that the sum of \$40,000 be appropriated and made immediately available for all necessary purposes of subsistence, hospital, transportation, etc., for said Marion Branch, said money to be accounted for as moneys now severally appropriated for the remaining branches of the home, and subject to all the restrictions and requirements as to the expenditures of said various other appropriations."

In consideration of the above facts, the committee therefore recommends the passage of said bill.

The VICE-PRESIDENT. There being no objection, the bill is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment, the bill will be reported to the Senate.

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

TERRITORY OF OKLAHOMA.

Mr. PLATT. If there is no more morning business—

The VICE-PRESIDENT. Concurrent and other resolutions are now in order.

Mr. GIBSON. I ask unanimous consent to call up from the Calendar Senate bill 201.

Mr. PLATT. I thought I had the floor.

Mr. GIBSON. I ask a courtesy of the Senator from Connecticut. This is a bill that has heretofore passed the Senate, and it has been again reported favorably from the Committee on Public Buildings and Grounds. If it creates any opposition whatever, I shall withdraw my request for its present consideration.

Mr. PLATT. I move at this time, if I have the floor, that the Senate resume the consideration of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma.

Mr. GIBSON. Does the Senator decline to yield?

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Louisiana?

Mr. GIBSON. It will take but a moment to dispose of the bill I desire to have considered.

Mr. PLATT. I had the floor, as I supposed, to make this motion. I desire, if I have the floor, to have the Oklahoma bill taken up, and then I will consider the question as to whether I shall yield to the Senator from Louisiana.

The VICE-PRESIDENT. The Chair recognized the Senator from Connecticut, but for the moment thought there might be some further morning business.

Mr. PLATT. I move that the Senate resume the consideration of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma.

The motion was agreed to.

Mr. PLATT. I desire to say that I have had applications from several Senators to yield in order that they might secure the passage of bills this morning, but time is very precious with me. However, the Senator from Louisiana, I understand, is necessarily obliged to leave the Senate to be gone for several days, and I have made an exception in his favor of the requests that have been made.

Mr. GIBSON. I expect to leave in the course of the week, but I will take this opportunity to call the bill up, with the consent of the Senator from Connecticut.

Mr. PLATT. Very well.

PUBLIC BUILDING AT NEW ORLEANS.

Mr. GIBSON. I ask the Senate to proceed to the consideration of the bill (S. 201) to provide for a site for a public building at New Orleans, La.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase, acquire by condemnation, or otherwise provide a site for a building suitable for the accommodation of the post-office and other Government uses at the city of New Orleans, at a cost not to exceed \$800,000.

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

Mr. GIBSON. I am obliged to the Senator from Connecticut for his courtesy.

TERRITORY OF OKLAHOMA.

Mr. PLATT. Now, let us go on regularly.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma.

Mr. PLATT. Mr. President, the question, I believe, when this bill was last before the Senate, was upon an amendment proposed by the Senator from Kansas [Mr. PLUMB], and that amendment related to two matters. One was to amend between lines 44 and 52 of section 1. On an examination of those lines in conference with that Senator, I have concluded that the lines may as well be erased from the bill, and I understand if I can have the attention of the Senator from Kansas for a moment—

The VICE-PRESIDENT. The attention of the Senator from Kansas is requested by the Senator from Connecticut.

Mr. PLUMB. I will withdraw the amendments I proposed on the 6th of the month, the time the bill was formerly under discussion, except so much as is contained in lines 8 to 13, inclusive, of the printed amendments, with the understanding that the Senator from Connecticut will himself move to strike out the description of the tracts of land over which the jurisdiction of the Government is not to be extended.

Mr. PLATT. I move, then, to strike out between the parentheses, including the parentheses, in lines 44 to 52, page 3.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The proposed amendment is in line 44 of section 1, beginning with the word "saving," to strike out all down to and including the word "control," in line 52, as follows:

(Saving and excepting 1 acre of land in square form in the northwest corner of section 9, in township 16 north, range 2 west, and also 1 acre of land in the south-

east corner of the northwest quarter of section 15, township 16 north, range 7 west of the Indian meridian in the Indian Territory, which last-described 2 acres are hereby reserved for Government use and control).

The amendment was agreed to.

Mr. PLUMB. I now move to add what I send to the desk, to come in after the word "beginning" in line 44.

The CHIEF CLERK. In line 44 it is proposed to insert, in lieu of the matter stricken out, the following words.

Mr. PLATT. I do not think that is to be inserted in lieu of matter stricken out. That matter is stricken out, and now I understand the amendment to be to insert after the word "beginning."

Mr. PLUMB. There is nothing in lieu about it. I simply moved to insert.

Mr. PLATT. To insert after the word "beginning?"

Mr. PLUMB. Yes, sir.

The CHIEF CLERK. In line 44, after the word "beginning," it is proposed to insert:

Together with all that tract of land bounded on the east by the one hundredth meridian, on the south by the State of Texas, on the west by the Territory of New Mexico, and on the north by the State of Colorado and the State of Kansas, and known as the Public Land Strip, are.

So as to read:

And thence north to the place of beginning, together with all that tract of land bounded on the east by the one hundredth meridian, etc.

Mr. INGALLS. Is this the tract popularly known as No Man's Land?

Mr. PLATT. It is.

Mr. INGALLS. It is not contiguous or adjacent to the territory named in the earlier part of the bill, I believe?

Mr. PLATT. In a direct line it must be 125 miles west, I think.

Mr. INGALLS. Will there not be a practical embarrassment in including under one form of government portions of territory so far apart?

Mr. PLUMB. That is one of the difficulties of the situation undoubtedly, but still it is not singular, because we have had just that same question in the Territory of Dakota, and have to-day, where widely separated portions of country are ranged together under the same government and yet separated by means of the interposition of an Indian reservation; and, while this is probably a little farther, these two communities will be but little farther apart than were portions of Dakota. I think the difference between 50 and 100 miles is not material.

But, Mr. President, the necessity for the extension of government over No Man's Land is just as great as it is to extend it over Oklahoma proper, and I take it that the Senator from Connecticut does not contemplate that Congress will pass a separate bill for the organization of the Public Land Strip into a Territory. It has got, therefore, to be attached somewhere. The Senate has passed at different times bills upon this subject; one bill was to attach it to the State of Kansas; another to extend the laws of the Territory of New Mexico over it. These bills have failed, and that strip, embracing now probably five or six thousand settlers, has been all the time entirely without any government whatever. The desire of the people there undoubtedly is to become a part of the organization of the Territory of Oklahoma or of the Indian Territory as it is called. They deem that their interests lie in that direction. They think they would be better off associated with a people who are living under a Territorial government rather than with those living under a State government. But, for whatever reason, the opinion of these people is, I think, practically unanimous, and certainly all must see the necessity of doing something for them. We can not attach this strip to the State of Kansas now. If we pass a bill for that purpose, the State of Kansas has got to consent to it before it can take effect. That would result in postponing the project for a year at least, and, after all, the State of Kansas might not consent and the people on this strip during that period of time would be left entirely without government, a condition of things which ought not to be permitted any longer than it is possible to prevent it.

There is the physical difficulty which has been spoken of, the land which lies between Oklahoma and No Man's Land, but that gap can not long remain there. I believe that before this session of Congress adjourns we shall extend civil government over the Cherokee Strip, and there will be a line of settlement connecting No Man's Land with Oklahoma, and I believe it would be a dereliction of duty on the part of the Senate and Congress to refuse to avail itself of this opportunity of extending government over No Man's Land. The people there are just as much entitled to it as the people of Oklahoma. There are not so many of them, it is true. They have been longer without the benefits of government, and thereby have become to some extent used to it; but they want government. It is the duty of Congress to provide it for them, and this is the most convenient opportunity to do it that I know of, indeed the only one that is certain to give them a government within a reasonable period of time.

Mr. VEST. I should like to ask the Senator from Kansas if the Cherokee Outlet is between No Man's Land and Oklahoma.

Mr. PLUMB. Yes.

Mr. VEST. The people must go right across the Cherokee Outlet.

Mr. PLATT. You go in a straight line across a portion of the Cheyenne and Arapaho reservation, and thence across a portion of the Cherokee Outlet.

Mr. President, I can not accept this amendment. I agree that the presence of what is called No Man's Land in an unorganized condition presents an embarrassing situation, but this No Man's Land or Public Land Strip is a tract of land about 167 miles long and 34½ miles wide, lying south of the western part of Kansas and the eastern part of Colorado. It joins what is called the Cherokee Outlet on the west; and if Senators have the Indian Territory in mind as it appears on the map, it runs out to the west, making, as it were, a handle of the Indian Territory in a direct line from the Territory proposed now to be organized as Oklahoma. It must be at least 125 miles from that portion of the Territory where the public business is conducted.

To get from Oklahoma to the Public Land Strip you must cross an Indian reservation upon which no white man can set his foot without permission of the Commissioner of Indian Affairs; then cross the Cherokee Outlet; that is, in a straight line. To come in in any other way would be to come across the Cherokee Outlet for the whole distance of 125 or 150 miles until a railroad is struck and then go down into Oklahoma. There are no roads in that country, and the only means of communication between the two portions of the Territory would probably be by going up into the State of Kansas 100 miles until a railroad was reached going east, and then following that to Arkansas City, and then down into the land which is proposed to be organized as the Territory of Oklahoma. I agree that there is unorganized territory there and the situation is embarrassing, but I can not believe that Congress should make a Territory consisting of two widely separated tracts of land.

The condition of Dakota has been spoken of as somewhat similar, but it is entirely dissimilar. The boundaries of the Territory of Dakota inclosed one tract of land known as the Territory of Dakota. Within those boundaries there was an Indian reservation which separated portions of the Territory; but what is proposed to be done here is just as incongruous as if you were to take a county in the State of Kansas in the northeastern portion of the State and another county in the southwestern portion of the State and say that those two tracts of land should constitute one county.

As has been said, the Senate at the last session proposed to put this land with the State of Kansas, but that bill did not pass the House of Representatives. We passed a bill also extending the laws of the Territory of New Mexico over it. That bill failed to pass the other House. But a bill did pass Congress which attached this land to the eastern district of Texas for judicial purposes. So it is not now without law, and I understand the Attorney-General has just rendered an opinion that this land does belong to the eastern district of Texas for judicial purposes. I agree that that is not a solution of the question at all, but when the Senator from Kansas says, what I believe is true, that it is probable that before the conclusion of this session of Congress we shall open the Cherokee Outlet and attach it to the Territory which we are now organizing, I think he has struck just the solution of this problem, and that is that we should leave the organization of this tract of country until the Cherokee Outlet shall be opened for settlement and attached to the Territory of Oklahoma. I think I should then be disposed to attach this Public Land Strip to the Territory as it shall be thus constituted.

But, Mr. President, there are very serious objections in the minds of some to attaching this Public Land Strip to the Indian Territory at all. Some think it ought to go to the State of Texas and become a part of the State of Texas, and so avoid all these questions. The committee holds—at least I, as representing the committee, hold—to its original idea, that the only thing to do now is to organize into this Territory of Oklahoma what is open for settlement and leave these other questions to be settled when we shall have this nucleus of a Territory upon which we can engraft other sections of land.

Mr. VEST. Mr. President, nothing is more certain in the future than that the Cherokee Outlet will be added to this Territory of Oklahoma. The question in my mind is whether the legislation proposed by the Senator from Kansas, if adopted by Congress, would cause the Indians to increase their demands for the Cherokee Outlet or would satisfy them that the future is inevitable as to their parting with the title they have and would facilitate or hasten the time when the Cherokee Outlet shall become part of Oklahoma Territory. It is not a question free from doubt. The principal objection is a geographical one. It is proposed now to jump over the Cherokee Outlet, to use that expression, and annex No Man's Land to a distant Territory more than 100 miles away.

Mr. CULLOM. One hundred and fourteen miles.

Mr. VEST. One hundred and fourteen miles separated from the other Territory.

But, Mr. President, whilst I dislike that sort of legislation and would infinitely prefer that this were a compact Territory, yet I am bound to recognize the fact upon indubitable evidence that the people of No Man's Land are to-day suffering for the want of government, and they are appealing to the Congress of the United States to give them some sort of stable government, so that they can rely upon their rights of property and of person, and that consideration with me overpowers the geographical argument to which I have alluded.

Mr. CULLOM. Why would it not be better to attach this strip of

country 34 miles wide and 150 miles long, more or less, either to Kansas or to Texas?

Mr. COKE. Yes; it is attached now for judicial purposes to Texas.

Mr. CULLOM. To the eastern district of Texas, it seems to be attached for judicial purposes, but why not attach it as a part of the territory of one of these two States, in preference to making this long handle 125 or 130 or 150 miles long?

Mr. PLATT. One hundred and sixty-seven miles long.

Mr. CULLOM. One hundred and sixty-seven miles long, and attach it to a little Territory the nearest point of which is 114 miles distant, with no roads between.

Mr. VEST. As a matter of course, the idea would be utterly beyond any sort of entertainment and nobody would entertain it for a minute if it were not for the fact that the Cherokee Outlet, as we know, will be attached to Oklahoma. I would oppose the organization of this Territory of Oklahoma as it is now to-day if I did not believe the Cherokee Outlet would be added to it.

Mr. CULLOM. Even if the Cherokee Outlet is attached to Oklahoma, still it seems to me that the Public Land Strip does not naturally belong to Oklahoma or the Indian Territory. It had better be attached to either of the States I have named.

Mr. VEST. If we go upon the idea of geographical propriety, which I suppose the Senator from Illinois is contemplating when he uses the word "natural," then the right way to adjust the matter would be to swap a portion of this territory for Greer County, Texas, but whether our friends from Texas will agree to give up one inch of the territory they have under any condition is a question I am not able to determine. My judgment is that they will not. I think territory and taxation stand pretty much alike, when once given they never can be taken away. Texas to-day is collecting taxes in Greer County, and I rather think she will continue to collect them as long as possible.

Mr. COKE. And she is expending a great deal of money there, too.

Mr. VEST. Understand me; I am not attacking the State of Texas; I know what would ensue immediately if I should make such an attack; but I say if geographical propriety is to be consulted, if we are to look at the dimensions, the regularity of outlines, then we ought to make an exchange with Texas and take Greer County and give her No Man's Land or a portion of it. But that is not proposed, and it will not be done, in my judgment. My friend will permit me to say that Texas is a little too large now; she is about the dimensions of five of the largest States of the Union. Are we to give her more territory or take No Man's Land as things stand and extend over it the Territorial government which we are organizing in Oklahoma?

I recognize the difficulties, and I say emphatically that rather than annex No Man's Land to Texas, contemplating what must ensue in the immediate future—the incorporation of the Cherokee Outlet into Oklahoma Territory—I shall vote for the amendment of the Senator from Kansas. I believe that above all things the people of the frontier should have stable and permanent government, and I believe that in the future the people of No Man's Land should be annexed to Oklahoma Territory, and not annexed to Texas.

Mr. JONES, of Arkansas. Mr. President, I shall vote against the amendment of the Senator from Kansas on the ground that, even if a territory of sufficient size were now organized as Oklahoma, the attachment to it of this narrow strip, a mere handle 30 miles wide and running for 165 miles to the west, would make an awkward shape for such a territory. It is exactly the width of the Texas Pan-handle. Its addition to Texas extends the Texas territory but a short distance. If the purpose of the Senate is to provide a stable government for the people of No Man's Land, the shortest and easiest way to provide that government is to cede that country to the State of Texas and allow the State courts and State government of Texas to take control of it.

I hope that the anticipations of the Senator from Connecticut and the Senator from Missouri and the Senator from Kansas as to the opening of the Cherokee Strip will be realized, but I am not so sanguine as they seem to be of such a consummation. For more than twelve months that matter has been discussed; at the end of the last session it was in about a shape to be realized; and yet nothing has been done. The representatives of the Cherokee Nation were here at that time insisting that all that it was necessary to do was that they should be treated with fairly, that we should not overlook them and disregard their rights, and they would be willing to cede that territory to the Government of the United States. We appointed a commission and it has spent months in that territory undertaking to accomplish this result, but no real step has been taken. Now I understand that the representatives of the Cherokees are in this capital, and they are insisting that in the near future some sort of an adjustment can be made. I venture the assertion now that if the Cherokee Strip is not opened until consented to by the Cherokee representatives it will never be opened. It has got to be done by the power that rests in the Congress of the United States or not at all. Whether this will be done I confess I have some doubts, some fears. I hope it will be done, but I doubt whether it will be.

Now, if you connect with Oklahoma that narrow strip of land, 30 miles wide and 170 miles long, lying nearly 150 miles from the nearest point of Oklahoma Territory, without any roads to connect them, without even a railroad going in a roundabout way, you will, it seems to

me, have really failed to provide any government for No Man's Land at all. The natural and rational way to do would be to attach it to the State of Texas, and I should be glad to see that done. At any rate the bill we are now considering would give some sort of government to the people in Oklahoma, where they have managed to maintain the *status quo* until now. It ought to be passed. We ought to do something for those people, and these outside and extraneous considerations ought not to be brought in here to impede the passage of a bill for some sort of government for the people in Oklahoma. That is a prime necessity. There is an immediate demand that something shall be done, and the necessary delay in passing this bill through the other House will be enough without adding anything on the outside that will raise discussion of numerous questions that may be settled well enough hereafter.

I should be glad if the Senator from Kansas would not press his amendment until we have disposed of the question embraced in this bill. After that is done, all the other questions relating to this Indian Territory can be taken up and considered *seriatim* and in proper order.

Mr. PLUMB. Mr. President, I do not anticipate that the addition of this amendment will in any way impede the passage of the bill. On the contrary, I think if it has any effect in that regard it will accelerate it.

This is not a question which concerns the Indian Territory. It is a question which concerns the rights of the people on the Public Land Strip and it concerns the duty of Congress to supply them with government. It is a little significant that no member of the Committee on Territories has risen to say that it is the expectation of that committee to report any bill for the separate organization of a government over No Man's Land. It therefore seems to stand confessed that either those people will get a government through the medium of this bill or they will not get it at all, except in the indefinite future.

The Senator from Arkansas thinks we ought to give this strip to Texas, and giving a liberal interpretation to that passage of Scripture, "To those who have shall be given and to those who have an abundance still more shall be given," I think perhaps Texas ought to have it. But suppose we give it to Texas, we shall have to wait until the Texas Legislature meets before we can know whether she will accept it, and meanwhile there is no government over that territory, and Texas may not agree to take it after all.

Mr. COKE. Will the Senator from Kansas allow me to interrupt him a moment?

Mr. PLUMB. Yes, sir.

Mr. COKE. Mr. President, Texas wants no more additional territory, so far as I am informed as to the wishes of the people of that State, though I am not authorized to speak for Texas as to this matter, nor is anybody else. She wants Greer County, over which she has a controversy with the United States. She believes that Greer County belongs to her. We are now trying to pass a bill through both Houses of Congress providing some method of settling the title to Greer County. With Greer County Texas is satisfied. If it will suit the purposes of the United States to attach No Man's Land to Texas for judicial purposes, as a matter of course our courts will entertain jurisdiction, but this we would regard as a temporary arrangement. So far as the permanent attachment of that territory to Texas is concerned, my view—and I only give my individual opinion—is that Texas does not want it and will only take temporary jurisdiction in order to be neighborly and help out until a permanent arrangement can be made with reference to it.

Mr. PLUMB. I have no doubt that is the case. So I presume if we were to pass a bill to-day to attach the Public Land Strip, or No Man's Land, as it is called, to Texas, we should be just as badly off as we are now; Texas would decline it, and, after a year or two of effort, we should have found out the will of Texas upon this point. Then, finding it to be adverse, we should still be confronted with this problem, and if then, as the Senator from Arkansas says, we should still be without the possession of the Cherokee Strip, we should be obliged perforce to attach it to Oklahoma in order to get a government for those people. If there are not enough people there to support a government it would be entirely inconsistent and improper to establish a Territorial government over No Man's Land.

Mr. President, this geographical separation of No Man's Land and Oklahoma is not very formidable. I have before me the map of Dakota. In South Dakota, included within the boundaries of the former Territory of Dakota, is the great Sioux Indian reservation. It is 126 miles from east to west. On the west side of it is a tier of inhabited counties, and the people of these counties have to cross that Sioux reservation or else go around it in order to join themselves in the operations with which they are connected with the people on the east side in the management of the affairs of that State. It is inconvenient, no doubt, and yet the people of South Dakota do not ask to have these counties cut off and attached somewhere else because of the inconvenience; and it is no more inconvenient to embrace the people of the Public Land Strip within the territorial jurisdiction of Oklahoma than it is to embrace the people living west of the Sioux reservation with those living east in the jurisdiction of South Dakota.

But, Mr. President, there is one thing that ought to be fundamental, that ought to rise far beyond anything which represents mere con-

venience, and that is the right of all the people of the United States, wherever located, to have extended over them the Government of the United States and have an opportunity for local self-government besides. That is what we have denied to the people of the Public Land Strip. The Senate has done its part in passing various bills to attach them to Kansas and New Mexico, and so on, but all these bills failed in the other House, and the fact that we have passed them heretofore does not absolve us from the necessity of taking action now.

As to the Cherokee Outlet I believe, as I said before, that prior to the adjournment of this Congress we shall have possession of and title to that Outlet. I do not think that as much has been done as might have been done in the direction of acquiring that title heretofore. I think the last Administration was derelict in the performance of its plain duty under the law of Congress in that direction, and when it comes to the operations of the last summer a sort of fatality seemed to attend the formation of the commission, whereby the commission did not get to work until very late, and they did not accomplish what otherwise they might have done.

Everything indicates that the Cherokee people have made up their minds that the inevitable can not be long avoided, that they must surrender, and that, of course, they will do upon fair consideration, whatever title they have, whether in possession, or in fee, or both, to the United States.

So, I anticipate before this Congress adjourns we shall pass a bill which will embrace within the jurisdiction of Oklahoma the Cherokee Strip, by reason of the fact that it will then be open to settlement. But whether that be so or not, we ought to avail ourselves of the present opportunity and give the people of No Man's Land a government, if they are willing to take it. The burden is theirs, not ours. We do not have to do the traveling; it will not inconvenience any member of Congress; it does not disfigure the statutes. The people down there want to go with Oklahoma, and they ought to have the right to do so.

One other thing I was going to say. There are two counties in Massachusetts out in the sea, and I expect there are times when it is inconvenient to get from one of those counties to the mainland. Michigan is similarly situated. It is a little too late when all these monstrosities appear on the map of the United States to say now that it is out of harmony with our ideas of proportion, and so on, to extend a government over two widely separated tracts of land.

Mr. PLATT. I think the Senator from Kansas does not apprehend the point I made. He does not if he tries to answer it by the Dakota illustration, for in Dakota we have only one tract of land surrounded by the boundaries which make the State. Nor is it so in Michigan or anywhere else in the United States. You might just as well pass a law in the New York Legislature that a certain tract, bounding it, which is the city of New York, and a tract, which is now the city of Albany, shall be the city of New York, and shall be under one government. They are only 150 miles apart. You can not make two men into one man. You can not make two separated counties into one county.

Mr. PLUMB. The Senator said I did not understand him at all. If he means that it is not within the purview, the scope, of human language to embrace these two comparatively separated communities under the same government, of course I did not comprehend him entirely, because I can not conceive it possible that he would advance a proposition of that kind.

Mr. PLATT. I did not mean to say that it could not be done, but I say it is too incongruous to be done.

Mr. PLUMB. What is there about it that does not attach to the map of South Dakota?

Mr. PLATT. The same incongruity as if you attempted to make Dakota and Idaho into one State. Can not the Senator see the difference? Dakota is all embraced in one boundary line.

Mr. PLUMB. If the people of these two organizations were willing to be embraced Congress could have allowed it.

Mr. PLATT. It would not have done so.

Mr. PLUMB. I do not know.

Mr. PLATT. It would not have been deemed proper to do it. It would be said that it was too incongruous a thing to do.

Mr. PLUMB. There is Dakota with 120 miles of Indian territory interposed between its eastern and western central portions. Now, it is 150 miles between No Man's Land and Oklahoma.

Mr. PLATT. If the Senator can not see the difference, I am sorry.

Mr. PLUMB. The incongruity is the same in the one case as in the other, only the distance is a little greater.

Mr. PLATT. If the Senator can not see the incongruity, I can not make him see it.

Mr. PLUMB. I confess my inability.

Mr. PLATT. But when the Senator says he believes, as I believe, that we are to open the Cherokee Outlet during this session of Congress, it seems to me that there is no such immediate haste developed all in a moment that we must act now and do this incongruous thing which, in after years, we may be entirely ashamed of. There is no unusual necessity for this thing being done at the present time. The same condition of affairs exists there which has existed for two or three years, and while we ought in some way to provide a government for that people, they are getting along without friction, as they are not

in Oklahoma. They have a voluntary government and they will not suffer particularly if this matter is postponed until the Cherokee Outlet shall be opened.

The PRESIDING OFFICER (Mr. MOODY in the chair). The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. I ask that the question be stated.

Mr. GIBSON. I ask that the amendment of the Senator from Kansas be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After the word, "beginning," on line 44, section 1, page 3, it is proposed to insert:

Together with all that tract of land bounded on the east by the one hundredth meridian, on the south by the State of Texas, on the west by the Territory of New Mexico, on the north by the State of Colorado and the State of Kansas, and known as the Public Land Strip.

The PRESIDING OFFICER. The roll will be called on the amendment.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. BATE (when Mr. FAULKNER's name was called). The Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. GIBSON (when his name was called). I am paired with the Senator from Minnesota [Mr. WASHBURN]. As he is not present, I withhold my vote.

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

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

Mr. TURPIE (when his name was called). I inquire if the Senator from Minnesota [Mr. DAVIS] has voted?

The PRESIDING OFFICER. He has not.

Mr. TURPIE. I am paired with him, and withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON], and therefore withhold my vote.

The roll-call was concluded.

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

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN], but I understand from the other side that this question is not of a political character, and therefore I vote "yea."

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "nay."

The result was announced—yeas 14, nays 19; as follows:

YEAS—14.

Berry,	Farwell,	Reagan,	Vest,
Cookrell,	George,	Stewart,	Wolcott.
Dolph,	Mitchell,	Stockbridge,	
Evarts,	Plumb,	Teller,	

NAYS—19.

Aldrich,	Chandler,	Hale,	Morrill,
Barbour,	Coke,	Hampton,	Pasco,
Bate,	Dixon,	Harris,	Platt,
Blair,	Eustis,	Jones of Arkansas,	Sherman.
Call,	Frye,	McPherson,	

ABSENT—49.

Allen,	Dawes,	Kenna,	Spooner,
Allison,	Edmunds,	McMillan,	Squire,
Beck,	Faulkner,	Manderson,	Stanford,
Blackburn,	Gibson,	Moody,	Turpie,
Blodgett,	Gorman,	Morgan,	Vance,
Brown,	Gray,	Paddock,	Voorhees,
Butler,	Hawley,	Payne,	Walthall,
Cameron,	Hearst,	Pettigrew,	Washburn,
Casey,	Higgins,	Pierce,	Wilson of Iowa,
Colquitt,	Hiscock,	Pugh,	Wilson of Md.
Cullom,	Hoar,	Quay,	
Daniel,	Ingalls,	Ransom,	
Davis,	Jones of Nevada,	Sawyer,	

The PRESIDING OFFICER. Only 33 Senators have voted upon this proposition. There is no quorum.

Mr. PLATT. Let the roll be called.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair—

Mr. HARRIS. The vote shows no quorum. The next thing in order is the call of the roll.

The PRESIDING OFFICER. The roll will be called.

The Secretary proceeded to call the roll, and the following Senators responded to their names:

Aldrich,	Blair,	Dawes,	George,
Allison,	Call,	Dixon,	Gibson,
Barbour,	Cameron,	Dolph,	Hale,
Bate,	Chandler,	Evarts,	Hampton,
Berry,	Coke,	Farwell,	Harris,
Blackburn,	Cullom,	Frye,	Hawley,

Hoar,	Moody,	Sawyer,	Vest,
Ingalls,	Morrill,	Spooner,	Walthall,
Jones of Arkansas,	Pasco,	Squire,	Wilson of Iowa,
Jones of Nevada,	Platt,	Stewart,	Wolcott.
McPherson,	Plumb,	Stockbridge,	
Manderson,	Ransom,	Teller,	
Mitchell,	Reagan,	Turpie,	

The PRESIDING OFFICER. Forty-nine Senators having responded to their names, the roll-call discloses a quorum present. The order of business at this hour is the unfinished business of Thursday last.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. Mr. President, proceeding with my remarks upon the education bill, I wish next to call the attention of the Senate to the question of illiteracy and suffrage.

Touching the effect of illiteracy upon the suffrage, I have formerly made certain calculations and observations of which, at the present time, in my judgment, no favorable modification is possible. In fact, the registration of Louisiana for the last election in that State showed an increase of illiterates among even the white voters, while that of the colored voters was much greater than that of the whites. The returns of registration to the secretary of state demonstrate this fact, as I was informed by that officer. The fact was also widely noted and commented upon by the press at the time.

In a recent convention of the colored people a delegate of distinction made the following observations, which I find reported in the Boston Daily Traveller of the 5th of this month, and which I read. The editor says, commenting:

The attitude of the colored men's convention, now in session in Washington, relative to national aid for education, is full of significance, and this should not be lost on the Senate in its consideration of the Blair education bill. The convention does not discuss emigration; it finds in such a plan no solution of the race problem; but it does plead for education. In his address last evening in support of a memorial to Congress in favor of the Blair bill, Mr. William H. Durpre, of Boston, the delegate at large from Massachusetts, said:

"With less than 2,000,000 voters, the colored race furnishes 1,016,580 of the 1,869,245 illiterate voters of the country. Here, surely, is a great field for demagogues. Knowing the weakness of ignorance, political parties can here operate and use and abuse us with the greatest impunity. Never while in this condition will we secure from any political party the full measure of justice and consideration. And here lies, too, the gravest menace to the Republic, whose safety is the supreme law of the land."

This illiterate vote of the country, which, whenever allowed a free ballot, guaranteed by the law of the land, will hold the balance of power and control the business and all other legislation of the Government, is not growing less, but is steadily on the increase. Old men, with the cruel marks of slavery upon them, ignorant because denied by slave legislation books, school, or any intellectual training, are being jostled and crowded by younger men, born since the war, just as ignorant of political duties because the localities in which they live are either too hostile or too poor, or both, to furnish them any school privileges. One million eighteen thousand six hundred and forty-six colored children of school age, according to the last census, have never seen the inside of a school-house. Only 784,709 have had any school privileges, and in many cases these have been exceedingly limited. Here is the great storehouse from which illiterate citizens come in a steady stream, ready tools for misrule and injustice.

And the editor proceeds:

These are weighty words. So long as this state of things exists there will always be a negro problem. The only possible remedy for this ominous state of affairs which has yet been proposed is the Blair bill.

In this immediate connection I call attention to a citation which I find in the last issue of Public Opinion, of date of February 1, in the criticisms so numerous published upon the recent and very able address of Mr. INGALLS in the Senate, and I find this from the New Orleans Picayune, which I read as an evidence from that part of the country touching the existing condition of illiteracy there:

Mr. INGALLS bases his demand upon the South to recognize the equal rights of the negroes on the supposition that the negro is advancing rapidly in education and in wealth, facts which statistics do not bear out, the condition of the black race being the same, if not worse than it was twenty-five years ago, as is conclusively proven by the figures of illiteracy and the assessment-rolls of the Southern States.—New Orleans Picayune (Dem.), January 26, 1890.

I should be glad if citations of that description from good Democratic authorities might attract the attention of the Senate.

By the Census Compendium (table 40), page 560, it appears that the total number of white males over twenty-one years of age in the country in 1880 was 11,343,005; native-born, 8,270,518; foreign-born, 3,072,487; colored, including Japanese, Chinese, and Indians, 1,487,344; making a total of 12,830,349.

In 1880 there were 105,465 Chinese, 148 Japanese, and 66,407 civilized Indians. I am aware of no means by which the actual number of voters in the United States can be ascertained, but if we add to the total of male population over twenty-one years of age one-eighth of the total of 1880 we have 1,603,793, and in all at this time 14,434,142. I apprehend that by this time there would have to be probably an addition of one-fourth, while this is a calculation which makes an addition of but one-eighth. Our population was 50,000,000 at the last census; it undoubtedly must be 65,000,000 now, and 15,000,000 is a little more than one-fourth to represent the increase at the present time. Therefore, there is not far from 14,500,000, possibly 15,000,000, voters in the United States at the present day; but with reference to proportion and averages the calculation is sufficiently accurate.

Assuming one-half the foreign-born males of voting age to be naturalized, we have a voting element as follows, making allowance for in-

crease of one-eighth in each element since the census was taken: Native-born white voters, 9,203,332; foreign-born white voters, 1,728,274; colored (excluding Chinese, Japanese, and Indians), 1,479,739; total voting population of the United States in 1884, 12,411,345; or in round numbers there will be 12,500,000 men whose ballots will or may decide the next Presidential election.

I have here a table which shows the condition of the suffrage, or the number of illiterate voters, in certain States at the time of the last census.

The suffrage number of illiterates in certain States.

States.	Total number of males of 21 years of age and upward.	Number of males of 21 years of age and upward who can not write.		
		White.	Colored.	Total.
Alabama.....	259,884	24,450	96,408	120,858
Arkansas.....	182,977	21,349	34,800	55,649
Delaware.....	38,298	2,955	3,787	6,742
Florida.....	61,699	4,706	19,110	23,816
Georgia.....	321,438	28,571	116,516	145,087
Kentucky.....	376,287	54,956	43,177	98,133
Louisiana.....	216,787	17,377	86,555	102,932
Maryland.....	232,106	15,452	30,873	46,025
Mississippi.....	238,532	12,473	99,068	111,541
Missouri.....	541,207	40,655	19,028	59,683
North Carolina.....	291,740	44,420	80,282	124,702
South Carolina.....	205,789	13,924	93,010	106,934
Tennessee.....	330,305	46,948	58,601	105,549
Texas.....	380,476	33,085	59,669	92,754
Virginia.....	334,505	31,474	100,210	131,684
West Virginia.....	139,161	19,055	3,830	22,885
Total.....	4,154,125	410,550	944,424	1,354,974

Of the above illiterates 69.7 per cent. are colored and 30.3 per cent. are whites. In ten of the above-named States more than 30 per cent. of the voters are illiterate.

In six of them the illiterates are about 50 per cent.

In South Carolina 52 per cent. are illiterate.

The State of Alabama has 120,858 illiterate voters. Its popular vote in 1880 was 151,507.

The State of Georgia has 145,087 illiterate voters. Its popular vote in 1880 was 155,651.

The State of Mississippi has 111,541 illiterate voters. Its popular vote in 1880 was 117,078.

The State of Louisiana has 102,932 illiterate voters. Its popular vote in 1880 was 97,201.

While it is true that in many of the States not one-half of those entitled to vote actually did so, yet the wonderful nearness of the number of illiterates to the number of those who exercised the right of suffrage is startling.

The truism that no government which rests upon universal suffrage can long continue unless the suffragists are intelligent, in the light of the above facts, presses itself upon our attention with renewed force. The words of James Madison, uttered in 1826, are a present warning: "A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy, or both." Nearly half a million of the white and almost a million of the colored voters in the South can not read the ballots which they cast. But thirteen years have elapsed since the latter class was given the ballot. At that time all of them were grossly ignorant not only of letters, but also absolutely devoid of all knowledge of the rights and obligations of citizenship. During the last ten years the number of illiterates in the country has increased about 400,000, though the percentage of illiteracy to the whole population has decreased nearly 2 per cent. It would, however, take forty years to dispel this illiteracy at this rate of diminution.

The percentage of illiterate white males over twenty-one years of age by the census of 1880 is 7.8, and of colored the rate is 68.7. There is no perceptible change in this percentage for the better, judging from the fact that the illiterate population increased, according to a statement of the Commissioner of Education, between the years 1870 and 1880, 581,814 persons. There is some confusion in the data, but I think there was an increase during that period substantially as estimated by the Commissioner. We would then have at the present time an illiterate white voting population of 852,665, doubtless a million at the present time; illiterate colored voters, 1,016,580, probably not far from 1,100,000 as the total of illiterates, and making an illiterate vote at the present day of not less than 2,000,000 in this country. At the time this calculation was made it was 1,869,245. Generally the number is placed at more than 2,000,000. Such estimates can never be more than approximately correct, but they are in my belief practically greatly understated, because the technical qualification of being able to write one's name, however crudely, is very slight evidence of capacity to comprehend political issues or to discriminate intelligently between candidates for public positions.

This observation derives special significance when it is still further considered that the enumeration must of necessity rely generally as to the possession of even this qualification upon the verbal statement of the party concerned, who is not likely to make an unpleasant admission of incapacity against himself.

I do not believe that more than two-thirds, or at the most three-fourths, of the voting population of this country is to-day in possession of a degree of proficiency in the arts of reading and writing that qualifies them, through the use of those arts, to exercise the right of suffrage more intelligently than do those totally illiterate. The school education of great multitudes is nominal, not real.

I purposely omit other data as to the distribution of the illiterate

vote. If it were uniformly dispersed it would be less dangerous. But concentrated as it is in masses at points along the line, while intelligence can never be too strong anywhere, and considering that a majority of one in Florida or in Oregon may decide the most important of national elections and determine the future history of the whole country, I for one find it impossible to sleep in peace over this volcano.

There are 145,000 illiterate voters in North Carolina and 117,000 in South Carolina. I clip the following from the National Republican:

Alabama has 120,858 illiterate voters; the popular vote of the State in 1880 was 151,507. Georgia has 145,087 illiterate voters; the popular vote here that year was 155,651. Mississippi has 111,541 illiterate voters; her popular vote in 1880 was 117,078. Louisiana has 102,932 illiterate voters and cast 97,201 votes.

Ratio of illiterate males 21 years of age and upwards.

Alabama.....	46.7
Arkansas.....	30.4
Delaware.....	17.6
Florida.....	38.6
Georgia.....	45.1
Kentucky.....	26.0
Louisiana.....	47.4
Maryland.....	19.4
Mississippi.....	46.7
North Carolina.....	42.3
South Carolina.....	51.9
Tennessee.....	31.9
Virginia.....	39.3
West Virginia.....	16.4
Missouri.....	11.0
Texas.....	24.0

The average ratio of illiterate males of the ages named in the above States is 32.3.

The ability to write is considered by statisticians the true test of illiteracy, as many persons through shame will not admit they can not read, but are not so likely to claim that they can write. Besides, a person who can read and not write is essentially an illiterate.

I have also a table showing the condition of the suffrage as developed by the census of 1880.

SUFFRAGE.

Table giving the popular majorities received at the last three Presidential elections and the number of illiterate voters as shown by the census of 1880.

States.	Electoral vote, 1880.	Popular majority, 1872.	Popular majority, 1876.	Popular majority, 1880.	Illiterate voters, 1880.
Alabama.....	10	10,828	33,772	34,569	120,859
Arkansas.....	6	3,446	19,113	18,828	55,648
Delaware.....	3	422	2,629	1,033	6,742
Florida.....	4	2,336	9,926	4,310	23,816
Georgia.....	11	9,806	79,642	49,874	145,087
Kentucky.....	12	8,855	59,772	43,000	98,133
Louisiana.....	8	14,634	64,627	27,816	102,932
Maryland.....	8	908	19,756	15,191	46,025
Mississippi.....	8	34,887	59,568	40,896	111,541
Missouri.....	15	29,809	54,389	55,042	59,683
North Carolina.....	10	24,675	17,010	8,326	124,702
South Carolina.....	7	49,400	964	54,241	106,934
Tennessee.....	12	8,736	43,600	20,514	105,549
Texas.....	8	16,595	49,955	98,383	92,754
Virginia.....	11	1,772	44,112	43,956	131,684
West Virginia.....	5	2,264	12,384	11,148	22,885
138					
California.....	6	12,234	2,738	78	29,472
Colorado.....	3			2,800	3,916
Connecticut.....	6	4,348	1,712	2,656	10,197
Illinois.....	21	53,948	19,630	40,716	49,807
Indiana.....	15	21,098	5,515	6,636	38,102
Iowa.....	11	58,149	50,191	78,000	17,211
Kansas.....	5	33,482	32,511	61,000	13,621
Maine.....	7	32,335	15,814	8,868	8,564
Massachusetts.....	13	74,212	40,423	53,245	31,892
Michigan.....	11	55,968	15,542	53,490	28,182
Minnesota.....	5	20,694	21,780	40,588	12,735
Nebraska.....	3	10,517	10,326	26,456	4,092
Nevada.....	3	2,177	1,075	879	2,367
New Hampshire.....	5	5,444	2,954	4,058	5,306
New Jersey.....	9	14,570	11,690	2,010	19,462
New York.....	35	51,800	26,568	21,033	81,266
Ohio.....	22	34,268	7,500	34,227	47,414
Oregon.....	3	3,517	547	671	3,674
Pennsylvania.....	29	135,918	9,375	37,276	72,880
Rhode Island.....	4	8,336	4,947	7,416	7,624
Vermont.....	5	29,961	33,838	27,000	6,813
Wisconsin.....	10	17,686	5,205	29,763	21,695
231					

a Or 94.

b Or 5, 303.

Mr. President, I have, from time to time, alluded to the fact that there seems to be an impression carefully cultivated that the provisions of this bill are only of importance with reference to the Southern States, but it is a fact that in nearly all, and perhaps in every one, of the Northern States, on the whole, the public-school system and education generally is lacking in the efficiency to which it has attained at previous periods in our history. It seems to be a settled fact, by the calculations in the latest reports of the Commissioner of Education, that

the public-school system has come to a stand-still; that while in a few of the Southern States it has improved or increased in efficiency somewhat, though there at the present time it is in its most advanced condition, it does not, throughout the entire country, reach to the educational necessities of more than one-half the population, and of that half of the population not beyond more than perhaps one-half or two-thirds receive the extent of education which the child should receive.

I wish at this point to read to the Senate remarks to be found on the 64th and 65th pages of the Report of the Commissioner of Education for 1887-'88, which is the last published—just issued, in fact. This authority states:

The total number of pupils enrolled is reported at 11,952,204, and the annual increase 234,776, showing a growth of 2 per cent. per annum.

Here, also, as in the case of school population, there are probably some different reports; Indiana and Iowa both show a heavy decrease—

"A heavy decrease." Note, Mr. President—

6.92 per cent. in the former case and 2.27 in the latter. On the other hand, in some States, as in Minnesota and Nebraska, there appears to be an abnormal increase.

Still, after taking all these circumstances into consideration, there seems no reason to doubt that the relative increase of school population and enrollment for the United States (2.20 and 2 per cent. respectively) is substantially as given in the tables, i. e., that the school enrollment is not increasing as fast as the school population; this is apparent again from the footing of column 5, where it is seen that 20.10 per cent. of the total population are enrolled in the public schools, as against 20.35 per cent. given in the report of this office for 1886-'87.

It will be instructive to compare these conclusions with the results deduced from the tables given on pages 90-92 of the report just referred to. It was there shown that during the ten-year period ending with 1887 there had been a decrease in the population of children enrolled in the public schools in all except the south Atlantic and south central divisions. It would seem now that the growth of the public-school system in the Southern States has nearly attained its maximum, after having reached a point in its development considerably below that occupied by the Northern States, as will appear from the summaries of column 6 of the following table. The statistics of one year, however, can not be relied upon to furnish a final determination upon this point, but need further confirmation. It is certain, however, that the public schools of the South are not growing at the rate they were during the ten years referred to.

It would be desirable to know if the falling off in the public-school enrollment were compensated by the increase in private-school enrollment. On this point private-school statistics are too meager to furnish definite information.

In fourteen States and Territories the average increase of the private-school enrollment was 6.93 per cent. (Table 8, column 6), a quantity much larger than the public-school increase in the same States.

The most complete and trustworthy data upon this head, however, are furnished by a group of States comprising Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. In these five States the school population increased 1.08 per cent. during the last year reported, while the public-school enrollment increased only 0.28 per cent., the actual increase being 4,938. But in the same States there was an increase in the private-school enrollment of 12,955. If these were added to the increase of public-school pupils there would result a total increase of pupils attending some kind of school of 17,894, or 1 per cent., which is nearly equal to the increase of school population. It may be said, therefore, that in these five States the proportional number of children attending some school, public or private, has not perceptibly decreased.

The conclusion presents itself, then, that in these States, and presumably elsewhere, there is going on a transfer of pupils from the public to private schools. This circumstance is of the greatest significance and demands careful consideration. The public school supplied with better teachers and better material appliances for education than ever before and more money is expended upon them. The cause of their retrograde movement in the older States of the North, if such exists, is to be sought for in connection with conditions arising from the growing complexity of our civilization and the development of ever greater extremes of wealth and poverty, but chiefly, perhaps, from the increasing prevalence of a belief in the necessity of certain forms and subjects of instruction that the public schools do not or can not give.

I pause only to call attention to the main proposition, which seems to be demonstrated by these returns, that the enrollment, the actual efficiency of the public-school system in this country is not keeping pace with the increase of population, and in this connection I ought to say that there is some increase in the private-school system of the country. It is difficult to know exactly to what extent, but it is estimated in this report that of the children who are educated in the country between 9 and 10 per cent., or nearly one-tenth, are educated in private schools. That is some increase, and would indicate that during the last ten years the number of pupils being educated in private schools has increased from about six hundred thousand to very nearly or quite a million.

Commissioner Dawson says in his last report—and I may as well read it in this connection—speaking of the condition of education bearing upon the labor and diversification of labor in the South, on page 32 of the report:

These remarks do only partial justice to the situation in 1880; but perhaps what has been said is enough to show that the burden of public education in the South is a real and heavy one. I believe that the history of the past decade will show that, though heavy, it has been cheerfully borne and will exhibit more favorable conditions.

The facts and relations shown by the figures given above demand certainly the serious attention of all persons interested in the public welfare, and most especially of all charged with the conduct of public affairs. If popular education be indeed the safeguard and popular liberty the bulwark of a free government, it is a matter of grave concern if one section of the country be found struggling against disparities in the effort to secure this protection and defense. The inequalities which have been pointed out are so interwoven with all the social and business interests of the different sections that it is impossible to indicate either the extent to which equality of educational provision is possible or the means by which it may be accomplished.

Judged by the experience of other communities the industrial condition of the South as disclosed by the census is the most hopeful augury for the free-school system. In the North industry, thrift, and liberty have found their natural outcome in a general demand for knowledge and in determined efforts for the supply of that demand. Is it not reasonable to look for the same results in the South? Indeed, her attitude with respect to that issue need no longer be simply that of hope or expectancy.

Again, on page 33:

It is easy to demonstrate the absolute necessity of both local and State taxation and to show further that under certain conditions national aid may properly be invoked for educational necessities of particular regions. This may be done either by a specific appropriation or by the appropriation of the proceeds of the sales of the public lands, and in either case the effect would be the same. The adjustment of the two principles of public action here pointed out, their due development and their judicious application, are among the great problems which are forced upon our thoughtful attention at the present time.

I wish now to introduce facts which have been gathered by the Bureau of Labor through the efforts of a lady who has been employed by the bureau, who has visited many of the important localities in the South and in the North, going from house to house, into the families, wherever a human being can go to ascertain any fact that bears upon human want or suffering or improvement—a lady of very high accomplishments and of very great ability. She is a lady who lives in the South, a Miss Graffenried, of Macon, in the State of Georgia. At my request she has compiled the facts which have come under her observation and which are now matters of record in possession of the office of the Bureau of Labor, which is an office, as all understand, of the Government. She writes this statement to me, addressing me as chairman of the Senate Committee on Education and Labor:

WASHINGTON, D. C., November 19, 1889.

DEAR SENATOR: With exceptional opportunities to know the appalling illiteracy existing in many States of the Union among our white population, I am convinced that, darkly as the picture has been drawn, the truth as to the lack of elementary education has never been stated with sufficient impartiality or emphasis. Ignorance to-day menaces our Republic, ignorance with which present school systems are inadequate to cope. The great North, flooded with the pauper peasantry of Russia, Poland, and Bohemia; the West, practically germanized; New England, by a million of French Canadians transformed from Puritanism to Romanism—all push hard the cotton-belt in the disgraceful record of illiteracy.

My own experience has proved that a vast proportion of Anglo-Saxons in the South are as benighted as the Africans. My section shirks responsibility on the plea that it is only the inferior, the alien, the lately enslaved race which gains us the reproach of being the most unlettered population in the Union. This is a shallow, uncandid, untrue defense; for our own native whites in the former slave States are more neglected than the colored people, to the shame, be it said, of every educated Southerner who supinely accepts without inquiry or effort the present deplorable condition in rural communities.

Employes in our textile industries are fair types of this immense class who are so completely untaught. By personal inquiry among cotton operatives in Augusta, Athens, Atlanta, Macon, and Columbus, Ga., including a few workers in miscellaneous occupations, it was ascertained that 28 per cent. neither read nor write; 37 per cent. read monosyllables, but 21 per cent. of these can not write; 34 per cent. read parts of a four-syllabled heading and write their name, while only 22 per cent. read all the heading. For the practical purposes of life 22 per cent. read and write and 78 per cent. are illiterates or on the verge. Not all these females are adults of a generation before the common-school era and now too old to learn. On the contrary, a goodly number of the neglected are but twelve years of age or younger. They are the girls of to-day, the woof of our society, the future wives and mothers of Georgia, often with gentle, winning natures and bright intellects, but as untouched by the civilizing influence of education as any South Sea Islander.

From the fourth report of the United States Department of Labor, the illiteracy among a certain number of working-women in six Southern cities may be ascertained: New Orleans, 6.4 per cent.; Savannah, 8.3 per cent.; Louisville, 9.4 per cent.; Charleston, 12.7 per cent.; Richmond, 21.6 per cent.; Atlanta, 23.2 per cent. It is significant that the rate for women and girls of native descent far exceeds the total illiteracy. In New Orleans, of native parentage, 6.7 per cent. can not read or write; in Savannah, 16.3 per cent.; in Louisville, 3.1 per cent.; in Charleston, 16.6 per cent.; in Richmond, 28.5 per cent.; in Atlanta, 28.5 per cent. of working-women of native parentage; in Providence, R. I., there are but 1.4 per cent. illiterate; in Newark, N. J., 2.6 per cent.; in Philadelphia, 1.3 per cent.; in Indianapolis, 2.4 per cent.; in New York, 1.7 per cent.; in Buffalo, 2.6 per cent.; while in Boston, Brooklyn, and Cleveland every woman encountered of native ancestry could read and write. The average illiteracy for the six Southern cities is 17.9 per cent.; for the six Northern, 2 per cent.; being 8.9 times greater at the South than at the North.

It should be borne in mind that these are the operatives in factories and that in the South they are the native white population, and do not include the colored population at all.

Good public schools being maintained in all these representative Southern centers—

And note these are representative Southern centers—

the inflowing of uneducated country workers is offset by increasing numbers of young girls enjoying municipal tuition. Yet by tests individually made astonishing facts were disclosed as to the extremely limited acquirements of thousands not classed in the fourth report as illiterates. In New Orleans, credited with only 30 illiterates out of 468 workers, 73, or 15 per cent., can not read ordinary words of two and three syllables.

This test of merely writing is practically no test at all, for the writing is simply the writing of the name often in the most incongruous and imperfect manner.

Two-thirds of the 73 can not write, while the remaining third barely write their name. But 3 of these are colored women. Many girls born in Louisiana or New Orleans have never entered a school-room. One eighteen-year-old beauty brought into the world in the shadow of Tulane University belongs to a family of nine, none of whom knows the alphabet. The illiterates are of native French, Spanish, Irish, German, and Italian parentage, and engaged in respectable callings. Neither in manner nor surroundings may they be classed with the untutored foreign roughs of the North. Though denied that birth-right of education which modern civilization presupposes, they are often genteel, intelligent, pretty, soft-voiced, well dressed, merely the lack of opportunity hindering their unfolding into the very flower of cultivated womanhood. No State that allows its bright young women, potential mothers of its future citizens, to abide in ignorance can ever feel the quickening of a higher life or attain true material and social prosperity.

Though only twelve illiterates were found in Savannah, many others are so unacquainted with script that—*horrible dictu*—they could not read even a love letter! A sensible girl of nineteen, born and reared in Savannah, assigns as a reason for not knowing the alphabet and never going to school: "It wuz done

full up an' I couldn't git in!"—a reason more impressive and pathetic for being couched in the "cracker" dialect, that training would have conquered. Most schools in Georgia, as I shall prove, are "done full up," to the exclusion of half the children who need to learn.

In Louisville, undisturbed during the civil war by contending armies, the public-school system should have rooted out illiteracy. But ignorance is widespread among descendants of immigrants from all the Southern Atlantic States and from England, Ireland, and Germany. While the fourth report shows 51 illiterates out of 538 workers, yet 91, or 16.8 per cent., are entirely unfitted for pursuits involving elementary reading and writing. Including a very few colored, nearly 17 per cent. of the industrial population is vanquished by simple English sentences. "Never at school," say some; "Learned a little, but have forgotten," wail others; "Began work too young," is a constant refrain. A girl of seventeen, born in Louisville, fails on words of two syllables, and the six others of her family neither read nor write. An adult, whose parents were native Kentuckians and illiterate, is with six brothers and sisters in the same condition, and she has toiled in a tobacco factory since she was five years old.

The unlettered, however, are not confined to the slandered tobacco workers. Girls whose parents own the home have never attended school; girls who have lived always on good farms have never been to school, there being no schools; girls whose accent, diction, and manner forbid the suspicion of illiteracy surprise one by inability to read. Disproving the claim that schools in Kentucky are now more numerous and efficient is the obstinate fact that the uneducated are chiefly between thirteen and thirty, and it is exceptional to find a worker under thirteen who can read. The present generation is as untaught as its forebears in that rank of society where, as sound economics would dictate, education should be most carefully provided by the State, for the rich and the leisure class can secure unaided all the advantages of culture.

So completely in Charleston is the prejudice against women entering industrial pursuits being overridden by irresistible need of bread and raiment that the girls in the factories there are of a superior social order, and the "bluest blood" flows in the veins of many toilers. The occupations open to self-supporting women being few, high-school and normal-school graduates leave, even in least desirable industries, the all-pervading ignorance. In a bagging mill, employing chiefly girls who have had whatever school advantages the present decade affords, on a pay-roll of 150, 40, or over 25 per cent., made a cross, being unable to write their names. Among 25 operatives tested there, 8, or 32 per cent., all white and nearly all of native parentage, were unable to read or write.

In the cotton mill under substantially the same conditions 30 per cent. were illiterate and 6 per cent. additional broke down on words of two syllables. If the candidate had attended country schools, illiteracy was a foregone conclusion, so brief had been her sojourn, so inefficient her instruction.

The inclusion of colored women stripping tobacco increases the percentage of illiteracy in Richmond. Discarding this element, the working-girls of that historic city fairly represent both the white population on small farms and in the outskirts of villages in the Old Dominion, and the municipal schools as built up since the war. In the cotton mills located across the James, in Manchester, are many worthy employes so benighted as not to know in what State they were born, claiming their county "Hanacker," "Dinwiddie," or "Hewitt," and stoutly denying Virginia. The children, though attending school a few weeks or months in Richmond or Manchester, are still unable to read. The illiteracy is a blot upon the Commonwealth. Of 33 operatives, more than half being minors, 20, or over 60 per cent., neither read nor write, and 87 per cent. are unable to read the Bible or indite the simplest sentences.

The most automatic processes of civilized existence are marvels to these simple, untaught creatures, power to read, to write, to count, inspiring awe and envy. A buxom rustic of twenty-four watched with bated breath the transcribing of statistical records, and at last, unable to repress her admiration, burst forth, "Wouldn't I shout for joy if I could shove a pen like that!" While shut off from advancement and culture, these women are not demoralized, nor are they degraded, although cradled and reared in ignorance. In one large model cigarette factory illiteracy is exceptional; in others, intelligent and respectable workers have in their whole lives attended school but twenty-three days or two months or not at all. The white women in the smoking-tobacco factories are as unenlightened as their sisters in the textile industries.

Atlanta, ambitious in all things, leads the illiteracy of the fourth report. Among 66 white operatives in the bag and cotton mills, 53, or 80 per cent., neither read nor write, while 45, or 68 per cent., are to all intents unlettered, incompetent to render trisyllables or to write more than their names. In other occupations also equally untaught girls abound, neat of garb, polite in address—victims of neglect through an educational system that does not help the masses, whole families, vast districts, being beyond the saving reach of learning. Else how account for a household of thirteen adults, all illiterate, native Georgians, with white skins and of the Caucasian type? The woman of the second generation, describing herself as "one them despicable ole maids," had ten sisters who had worked with her in cotton mills. Not one knows how to read. Worse still, the third generation is wholly uncared for and uneducated; three nieces from ten to fourteen years old are plodding in the Atlanta factories without ever having entered a school. In this culture-loving community, where colleges and universities flourish, such semi-civilization reigns unrebuked and unalleviated.

The report of the Atlanta board of education for 1888 showed a school population, between the ages of six and eighteen, of 12,794. The total enrollment is 7,346; 42 per cent. of those entitled to the privilege are non-attendants on the public schools. The total white eligibles are 7,332, the enrollment 5,504, 24 per cent. being unrepresented. The total colored school population is 5,462, the enrollment 1,842, 66 per cent. not attending. The inadequate seating capacity of the buildings accounts for the large number of absentees; since 6,773 children, or 52 per cent., can not be accommodated in the city schools, 33 per cent. of the white and 72 per cent. of the colored population are unprovided for.

Fulton County makes a poorer showing, with a total school census of 5,004 and an enrollment of 2,562, 48 per cent. of her youth never entering the schools. The total whites eligible are 3,024, the enrollment 1,686, 44 per cent. unavailing. The total colored school population is 1,980, the enrollment 876, 55 per cent. of the colored children remaining untaught. For 3,024 whites there are 30 schools, 5 unopened; for 1,980 colored, 13 schools, 1 unopened.

In my native city, Macon, Ga., the seat of a university and two colleges, one of the latter being the first college for women chartered in the world, the inadequacy of public educational facilities is still more deplorable. The total school population is 4,576, the enrollment 1,807, 2,769, or over 60 per cent., not attending the free schools. The total white eligibles are 2,126, the enrollment 1,398, 34 per cent. disregarding the privilege or failing of admission. The seating capacity and consequent actual attendance fall so far short of the enrollment as to render the insufficient accommodations more striking. The total colored school population is 2,450, the enrollment only 409; hence 83 per cent. are absentees or unaccommodated—a tremendous fact for white tax-payers to face!

Bibb County cares better than the city of Macon for the colored, to the detriment of her whites. With a school census of 5,801 and an enrollment of 2,944, 49 per cent. are either indifferent or cut off from education. The total whites are 1,939, those enrolled 1,186, 38 per cent. being untaught. The total colored are 3,862, those enrolled 1,758, 45 per cent. being left out. In city and county the whites have 23 schools, the colored have 19. The country schools are open 9 months, but are provided only with blackboards, all charts, illustrations, chalk, and pencils being mulcted from the teacher's salary.

In the counties where school facilities are offered only for two or three months attendance is sometimes more regular than where longer terms encourage such procrastination that nine-tenths of those enrolled are present but one-third of the session. Throughout the country districts the co-operation of parents with boards of education is lacking. The farmers depreciate mental work, believing in muscular forces that bring cotton and corn, but failing to grasp the truth that brain power must rule. They think taxes already too heavy and deplore having to pay a teacher to "sit up in the shade," Flowing all day under burning suns, their highest idea of the pedagogue's art is "sitting up in the shade." They regard the teacher as a parasitic gentleman of leisure and the school as a device for the suppression of industry.

This same observer has passed through many of the cities of the North, making careful examination, visiting from house to house in the same way.

The barometer of illiteracy denotes alarming conditions elsewhere, the South having no monopoly of educational shortcomings.

NEW YORK.

As shown by Hon. A. S. Draper, superintendent of public instruction, out of 423,000 children from five to twenty-one years old in New York City, June, 1888, there was a total enrollment of 240,330 and an average attendance of only 156,401. Yet the schools are so crowded that during the year 10,858 applicants were refused admission. Brooklyn, in October, 1888, had 9,024 pupils on half time for want of room in the buildings to permit their being taught on full time. Were adequate accommodations provided, 10,000 children there, not now in school or attending private schools, would avail themselves of free tuition.

The total attendance upon the schools when compared with the whole number of children of school age has grown less and less with strange uniformity. In the cities it is 57 per cent. less than it was in 1861, and in the towns it has fallen off 7 per cent.

CONNECTICUT.

Governor Lounsbury, of Connecticut, in his message, 1887, says: "The number of children [between the ages of four and sixteen] that did not attend school at all was 20,388. * * * No report of your able school board, no statistics of a census could show the frightful amount of illiteracy * * * all over the State. Within the last ten years thousands of boys and girls have passed beyond the limit of their school life, have gone out into the world, and to-day they are virtually unable to read and write. These children were not to blame, for they went to school all that they were sent, all, perhaps, that they were permitted to go. It was a few days in each of a few years. They learned all that they had the time to learn, * * * to read a few short sentences, to write their names; but any ordinary printed book is to them a sealed mystery, and any document to which they may sign their names is as far beyond their ability to decipher as though it were written in Sanskrit. * * * The number of days of compulsory attendance was set at sixty, when the most that could reasonably have been expected was that some scholars would learn more in sixty days of the year than they would forget in the remaining three hundred."

The admirable report of the board of education, Connecticut, April, 1889, gives photographs and verbatim copies of the average examination papers so wretched that the \$20.82 expended for each child in ordinary attendance is virtually thrown away. This exposure of illiteracy so angered the representatives from the eastern part of the State that they voted down a resolution to print another edition of the report. The board gives these facts:

"While these [excellent] school opportunities are offered to hundreds of children of foreign parentage, many children of old Connecticut stock have no chance of any education worthy of the name. * * * In nineteen towns of New London County two-fifths of all the older children attending school are unable to write. * * * Out of 35 children present, 22 could not write enough even to make an attempt at the examination. Some who could not write were over twelve years old and had been from six to eight years in school. * * * We can find no evidence that the subject of * * * is much better taught. In arithmetic, in one school, out of 19 tested who were between nine and ten years old, only 2 added correctly, and, out of 70 scholars * * * gave ten, 32 either did nothing or got the wrong answer."

"We desire specifically to call attention—

This is the report of school board committees, who are reporting officially—

"We desire specifically to call attention to the following evils:

"First. A large part of the teachers do not know how or what to teach. Second. The attendance is irregular. Third. The schools are open too short a time. * * * Fifth. The schools are insufficiently supplied with blackboards and other appliances. Sixth. Many school-houses are in very bad condition. Seventh. In many districts there is no endeavor to get a competent teacher. * * * In 50 towns and 157 establishments were found employed 1,574 children between fourteen and sixteen years of age; of these, 12 per cent. can not read or write. Many more can not read intelligently or write legibly. If the same ratio of illiteracy holds of the 25,000 in the State between fourteen and sixteen years of age, 2,000 children of advanced age can not read or write. * * * The schools in which one-third of the children of the State obtain their education are open not more than 150 days."

The report of the board of education of Rhode Island, January, 1890, calls attention to the fact—

Mr. PLATT. Will the Senator tell me from what Connecticut report he has been reading?

Mr. BLAIR. It is a compilation from the school reports in New London County, from the official reports.

Mr. PLATT. From the board of education?

Mr. BLAIR. So I understand.

Mr. PLATT. Of last year?

Mr. BLAIR. I so understand; the last report. This is not selecting any particular State. I have got a little of the same sort for New Hampshire further on.

Mr. PLATT. I understand that. I simply wanted to refer to the report.

Mr. BLAIR. I desire to impress upon the Senate that the condition of education in the North is most dangerous, and that it would be well if we could get over this self-righteous notion that we are much better off than our neighbors in the Southern States. There are causes operative there which require as anxious attention on the part of the legislators of this country as are operating in the South to-day. I continue the reading:

The report of the board of education of Rhode Island, January, 1889, calls attention to the fact that "there are thousands of children in this State of legal age who do not attend school a single day."

Mr. GEORGE. What State is that?

Mr. BLAIR. Rhode Island. I had hoped that Senators would read this matter. It would be some comfort if they did. It does seem to me as though facts of this kind were worthy of the attention of Senators, and they should try to obtain them from some source, either by listening to them as I read them or following them up in the RECORD, which, of course, is my only hope.

"There are thousands of children in this State of legal age who do not attend school a single day. It is not necessary to present arguments that this class is to contribute largely in the future to the number of the criminals and the impoverished. Of 64,395 enumerated, from five to fifteen years inclusive, 12,962 attend no school, an increase of 1,158 over the previous enumeration; 4,667, between seven and fifteen, have not attended any school; nearly 10 per cent. of the youth of a State which is spending \$600,000 annually upon her schools!"

The Commissioner continues:

"The great majority [of the small district or ungraded schools] are gradually dying out, * * * a vital question to the rural portions of the State. The percentage of attendants at all schools to the whole population has decreased 2.7 per cent. from last year."

By the census of 1885, in a total population of 304,284, Rhode Island has 26,313 illiterates over ten years of age, of whom 6,062 are native-born.

IN MASSACHUSETTS,

as shown by the State census of 1885, in a population of 1,581,961 ten years of age and over, there are 122,263 illiterates. Of these 108,365 are foreign-born, and make 21.5 per cent. of the foreign-born population ten years and over. These unfortunates are not all aliens or too old to have profited by the admirable free tuition of the Bay State, for of the native-born illiterates, 16.84 per cent. are from ten to thirteen years old and 14.53 per cent. are from fourteen to nineteen years old. The concentration of illiterates is found in the textile industries especially, and in the cotton-manufacturing centers public libraries and handsome schools often flank wretched tenement hovels containing a foreign-born population exceptionally uneducated.

Inquiries incidentally made in these centers during the course of another investigation show that in Taunton 12 per cent. of heads of families employed in cotton and iron manufactures can not read. For example, one household of five persons over fifteen years old is illiterate, while in another three adults and three children of school age are completely untaught. Fall River is one of the six cities named in the census of 1885 where the illiteracy reaches more than 20 per cent. Here, as was discovered by months of systematic visiting among the operatives in their homes, 21 per cent. of these parents are wholly unlettered. In a family earning over \$1,700 a year, the two adults and ten minors, from seven to twenty years old, can not read. In another, four grown persons and five children, aged from seven to twenty, can not read, though they live well and save money. In a good bay-windowed house, where a \$300 piano was suitably set off by good furniture, the parents are illiterate; while in a domestic circle consisting of eleven people, all over fourteen years old, ten have never been taught even elementary words. In a family of eight persons, over fourteen, together earning \$100 a month and spending \$150 on one church wedding, none can read.

Six well-dressed adults rent a large suite of rooms with good furniture; the man has \$700 in bank and four others boast bank accounts, yet none read. In another tenement, the parents and six children over nine years of age are all illiterate; their income is more than \$1,800 a year; their home is attractively fitted up with carpets, lace curtains, and pictures. The owner of four houses makes a cross, being unable to sign his name. English, Irish, Portuguese, and French Canadians are included in these results. Children of all nationalities enter the mills before reaching the legal age, and sometimes only one child out of four or five eligible attends school. The evasion of the factory and compulsory-education laws is confined to no one nationality.

In New Bedford 22 per cent. of the heads of households visited are illiterate and whole families lose their identity from inability to write or spell their name. A father, two young adult sons, and four children of school age have lived eleven years in Massachusetts, yet not one can read. Where are truant officers and factory inspectors while these untutored beings work in mills?

In Biddeford,

MAINE,

among nine adults and three children of school age, eight adults and two children can not read, nor are the two little ones even at school. In a household of fifteen members, containing four grown persons and seven children, ranging from seven to eighteen years, only three can read. The two adults of a native Maine family just write their name, not a word more, and another young householder, born in the State, is totally illiterate. In a home where nine persons are over seven years old, six can not read and none attends school. A white-curtained, carpeted parlor, with evidences of taste and refinement, holds nine polite and alert men and women, only two of whom have had any teaching. Illiteracy is plainly not confined to the roughs and the slums, but pervades the well-to-do middle classes. In Biddeford and Saco 36 per cent. of heads of families who were seen are unable to read.

Facts culled, my dear Senator, from your own State,

NEW HAMPSHIRE,

sound not unlike the records of barbarism. At Great Falls, the heads of five out of eleven families visited are totally illiterate. In a domestic circle of nine, five adults can not read; in another, numbering the same, eight persons being over school age, six of these are untaught. At Salmon Falls, in a family of twelve, neither the parents nor the seven children eligible for school attendance can read. In Dover, in a household of nine, eight privileged to go to school, only two read. The family has resided eight years in the United States, and is typical also in that two children under fourteen have worked in the mills the year round in defiance of the law.

In a neighboring manufacturing city, 21 per cent. of the working parents are illiterate. One couple has had nineteen children, fourteen now living, and none of the sixteen can write or spell his own name, which for identification is pricked in India ink on the father's arm.

At your very door, in your own Manchester, with its praiseworthy array of good schools, public and parochial, among the operatives encountered, 21.5 per cent. of heads of families must be classed among the unlettered. In a household of nine where the minors are all over eight years old, messengers scurried in every direction to bring the only scribe in the clan, that she might spell their surname. In a family of six persons, four children aged from seven to twelve can not read and have been at school only seven weeks, though resident for years in the State, showing the ineffectiveness of your compulsory-education clause.

Illustrating this point and also the loopholes in the factory laws, in a family living seven years in Manchester, there are several workers among the seven children who are over twelve years of age, and only the youngest reads. This couple had twenty children, nine dying before reaching their second year. Of the eleven who survive, but three had any teaching whatever. More strikingly indicative of lax administration of the statutes are parents and thirteen children, two workers under sixteen years and five minors between the ages of six and thirteen, only one of whom goes to school. Fourteen of the household ought to be able to read, yet not one knows a letter.

Are not these facts eloquent of the need, throughout even the States where education is most thorough, of better common schools and a deeper interest in learning? New England can not justly escape arraignment by insisting that the illiteracy which stains her fair fame is imported from Erin or that it is the illiteracy of an alien and fugitive race, the French Canadian. The latter is a race that struck root in the soil of America before your ancestors or mine were wafted hither, a race that has come to stay, a race that breeds women of singular beauty and men of brawn and brain, a race without whom your spindles would stop and the fires of your furnaces would be quenched. Yearly this docile, agricultural people, inferior chiefly because untaught, more largely affects your industrial equation. The problem of a dual future is before you. Unless your foreign brethren are lifted by education to the height of New England civilization, your level must inevitably sink to theirs.

I remain, with great respect, very truly yours,

CLARE DE GRAFFENRIED.

Hon. HENRY W. BLAIR,

Chairman Senate Committee on Education and Labor.

This lady is one of the most diligent and accurate observers and one of the most accomplished I have ever met. Receiving this communication in reply to my request, I felt it my duty to lay it before the Senate without any curtailment of its proportions. I think that document of itself, if it could be considered, could be read, could be understood by the Senate, would render it utterly impossible for the wise statesmanship that I know is in this body to fail to enact this bill into law.

I wish now, in this connection, to read an article which was furnished me at my request from a gentleman connected with Berea College, in the State of Kentucky. It was prepared for the public prints, for some one of the magazines I think, but ascertaining what the article is, and as it relates to a section of our country which is of the utmost importance and in regard to which there is comparatively little information, I obtained it and have leave to use it in this debate. It is entitled "The mountain whites of the South," by Rev. Frank E. Jenkins, of New Decatur, Ala., and is as follows:

I would claim your attention for a few minutes to a people who have been almost untouched by the currents of modern life and by the regenerating influences of a pure gospel.

I am not to take you in thought to a people in some remote corner, but to those who are in the heart of our country. The center of population in the United States has recently crossed the northern part of the region in which they live, and when the last census was taken it was scarcely 50 miles from some of their homes.

Stretching down through West Virginia, western Old Virginia, eastern Kentucky, western North Carolina, eastern Tennessee, and into northern Alabama and Georgia—a territory more than 500 miles long and 200 broad, twice the size of all New England—is the home of the mountain whites of the South. It is an undeveloped country, in some places of marvelous beauty and grandeur, and everywhere of wonderful natural resources. Great forests of valuable timber cover its surface, while underneath, to unknown depths and even cropping out in sight, is an almost solid mass of mineral wealth, placing it among the very first of the richest mineral regions of the world.

Here live between two and three millions of people, whose condition may well arrest the attention of this great Christian Conference, and through it appeal to the intelligent Christians of this nation for the help so sorely needed.

In speaking of this region as a whole, I would not forget that within it are several growing cities and towns whose inhabitants have gathered from North and South, and whose business enterprise and progressive spirit are justly becoming famous. Neither would I forget those valleys, whose rich soil has made them like the better portions of the South. Then the new influences which in the past half-dozen years have begun to follow the advent of the railroad here and there and the beginnings of christian work in such schools as Maryville College and Grant University, in Tennessee, Berea College and Williamsburg Academy, in Kentucky, have already marvelously changed limited portions. Then, too, the efforts of some of the States to improve their public schools have begun to have some effect. From personal observation, especially in eastern Kentucky, I can bear testimony to the encouraging improvement which has been made during the past three years. It is an improvement, but to one not familiar with the past it would seem almost impossible that matters could have been worse than they are now.

With these qualifications applying to a small part only of this extensive territory, I would turn to the great mass of the mountain whites, and tell you of a condition of things true, I am sure, of at least two millions of fellow-citizens of our own race.

In the time allotted me I can give merely an outline sketch, with here and there an illustration by which I hope may be led to seek to know more of this people and to do in some way a large work for them.

What was the origin of the mountain whites? is a question often asked. This must be ascertained partly from written records and oral traditions, partly by a study of their names, features, and characteristics, and partly by conjecture from a knowledge of their surroundings.

Their names at once announce their remote origin as English, Scotch, and Irish, and it requires no effort of the imagination to discern among them even yet the types of features of these different nationalities. But something has made their condition different from that of other people of the same general origin. I venture to suggest with some confidence four less remote sources.

The first white settlers followed Daniel Boone over the mountains from the earlier settlements in the Carolinas and Virginia. There were men of noble, rugged character among them, the outlines of whose original stamp may still be traced by those who come to know the mountain people. These were, I suppose, the chief source of the mountain whites.

The time came when slavery surrounded this whole mountain region, except on the north; it never penetrated it to any considerable extent. Only a few fertile valleys furnished the conditions for large plantations where slave labor could be made profitable. Occasionally a slave or two was held by some more enterprising mountaineer, but this was rare indeed. In the midst of slavery was a class of whites, too lazy and too proud to work, without sufficient intellect or energy to enable them to acquire properly enough to buy a slave. They sank into a condition scarcely above the brutes in intelligence or in manner of subsistence. The very slaves looked upon them with scorn and called them the "poor white trash," and thus well expressed their condition and character. Many of these drifted from the richer portions of the surrounding States to the mountains, where they could roll up their small log huts unmolested, and raise their little patches of corn, tobacco, and cotton, and let their swine run wild, and thus supply their meager wants. The descendants of this class are not hard to find, and they have proved missionaries of poverty and degradation to many whose origin ought to have led to something better.

A third source is one which would not be important enough to notice were we looking simply to numbers. But owing to the influence it has had we must not pass it by without notice. These mountains and valleys, almost unknown to

the world and where newspapers seldom come, furnished a safe retreat for any criminal who might make his way thither. Not inconsiderable is the number of those who have hidden away here and have here absorbed principles, habits, and all in the mountain people.

These three classes, with those who in numerous and often unaccountable ways stray about the world and bring up in the most unexpected places, have produced the mountain whites of to-day.

The pleasant stories of Charles Egbert Craddock have introduced these people to the world, with their peculiar dialect and manner of life. One acquainted with them recognizes the faithfulness of these pictures, though the necessities of a readable story throw a sort of romance about the mountain life which a face-to-face acquaintance quickly dispels.

These are a rural people. Their villages are few and small. At the county seats are little collections of houses with possibly a hundred or two hundred inhabitants. Other villages are rare.

Riding on horse or mule back over the rough mountain roads, you see here and there a cabin, perhaps less than a score in a long day's ride. If you are a stranger to the country, you will think there are a few people in it. You pass them all day long without seeing them. Bridle and foot paths, which a stranger would scarcely notice, run from the road into glens and nooks where springs are found. Follow one of these a little distance and you will find a log cabin surrounded by a patch of partially cleared ground, with the small trees cut away and the large ones killed by girdling and standing about as unsightly stubs. Here a few onions, a little corn, tobacco, and possibly cotton are growing.

A sad-faced woman, with her snuff-stick or tobacco-pipe protruding from her mouth or a quid of tobacco swelling out her cheek, is sitting in the door with her elbows resting on her knees and her face in her hands and gazing stupidly at you. A dozen or more solemn-looking, ragged, and dirty children are standing about and staring at you, and all of them, from the oldest to the youngest, probably chewing tobacco, which is regarded as one of the necessities of life in these mountains, for male and female, old and young, even down to the creeping babes. You see no smiles on these child-faces, and however quietly you stole upon this secluded home you heard no laughter from these solemn children. What did they ever have to make them laugh or smile?

You see no windows in this cabin; there are none. A single pane of glass in the house of a progressive mountaineer was a curiosity for years and people came long distances to see it. Five or six years ago an old lady walked nearly 20 miles on purpose to see the glass windows in one of our mission buildings, the first she ever saw.

The light enters the house chiefly through the door, though it finds its way also between the logs, and in the better sort of cabins through one or two small holes cut for the purpose.

The house is sometimes a single room, 15 or 20 feet square; sometimes has two rooms, each with an outside door, but none between. Rarely a rambling log structure of three or four rooms, and more rarely, since the recent approach of the saw-mill, a framed house will be seen. Paint is a recent importation, and you can ride for days without seeing a house which has ever been touched by it. In these cabins are no luxuries and few of those things which we have always reckoned among the necessities of life. You see a gun, a rough, home-made table, a few old chairs helped out with blocks and boxes, four or five rough beds in the living room, a few plates and other dishes, an iron kettle or two, no stove, but a rude fire-place, with a chimney of sticks or stones and mud, and you have made an inventory of the furniture for a family of twelve, fifteen, twenty, or more. This is not an exceptional but a characteristic home; anything better is the exception.

In this rude room that great family lives, cooks, eats, and sleeps. Here they are sick and here they die, with the neighbors from far and near packed in the room and staring at them. From this room they are carried, within a few hours after death as are necessary for the construction of a rough coffin, to be buried without even a prayer, amid the terrific screaming of the remaining members of the family. The "funeral will be preached" five, ten, or twenty years after the death, and will include in its scope all the members of the family who have died since the last funeral was celebrated.

I know of no way in which I can briefly give an idea of the intellectual condition of this people better than by describing the schools which were almost universal ten years ago and which still prevail to a large extent.

You are riding along a mountain road and you hear a humming noise in the distance coming through the trees. You go a little farther and distinguish human voices mingling together in loud discord. What is the matter? Nothing but a school at study and all studying at the top of their voices. Such a din! This is a "blab" school, though the modern advocates of this kind of school, and there are plenty of them, sometimes dignify them with the more elegant term vocal schools. I have met hundreds of these mountain children in our mission schools and elsewhere, and I never talked with one who had not been accustomed to the blab school, except the younger ones, who began their school life in a mission school.

Until within a short time the only text-book to be found in, I suppose, nine-tenths of the public schools was the spelling-book, and many a school to-day is but little in advance. This would have been worth more had the theory of spelling been a little more scientific. A word was regarded as correctly spelled when all the letters were named—no matter in what order. It could be spelled forward, backward, or both ways from the middle and still be correct! On my first visit to these mountains I spent an evening with an intelligent business man in one of the new mountain villages. He told me of his early life. He went to school and studied the spelling-book. He somehow heard that there were other things to study and longed to study them, but year after year passed and no opportunity offered itself. He studied the "blue-back" speller until with closed eyes he could mentally turn every leaf from the beginning to the end. He became a famous speller and easily carried off the laurels in the spelling matches in the neighboring schools. When he was nearly twenty years of age he somehow fell in with a teacher who had some new-fangled notions and who could teach him arithmetic and geography, and he took them up with all the eagerness of long-defeated desire. But to his dismay his spelling was pronounced incorrect, and that young man, with an exceptionally good mind, learned for the first time that the order of the letters has something to do with correct spelling.

The results of such schools were of little value and did not tend to commend education to either old or young, and comparatively few attended them.

You can find thousands of these people who never saw a dozen books in their lives, and even those who never saw one and do not know what the word book means, and more than a million who can neither write their own names nor recognize them in print. It is an intellectual condition which can be realized only when one is in the midst of it. When one is away from it he begins almost to doubt his own memory.

In attempting to give an idea of the moral and spiritual condition, of the greatness (?) of the mountain whites, it is almost impossible not to do injustice to some, to whom a general description does not apply. There are good people among them—good by nature and by grace. There are preachers of natural power among them, whose sterling character is portrayed in Miss Murfree's *Prophet of the Great Smoky Mountains*. There are good women among them, whose lives have stood forth in beautiful contrast to the evil about them. But after all has been said in this line that can be, there still remains a condition of things whose picture can scarcely be overdrawn.

Family feuds, or neighborhood wars, are raging continually. Some of them have recently gained the attention of the country through the newspapers, but

the worst has not been told; it can not be. These wars involve not only the immediate family, but distant relatives, and each feels in duty bound to kill, by fair means or by foul, any member of the other family he possibly can, until extermination on the one side or the other results.

Illicit distilling is regarded as an inalienable right. The caves and hidden nooks of these mountains are well adapted for this business, and even the United States revenue officers, who take their lives in their hands and dash with reckless courage into these well guarded places, are not able to drive it entirely out.

The relations of the sexes are such as can not be described. The evils are so great and involve so fully almost every family that public sentiment can scarcely be arrayed with any power against them. Grandchildren who never had a legal father are almost a matter of course as elements of the homes. The herding together in their little one-room cabins is a source of unbounded evil.

The religion of the region has in it few elements of power for good. These people are not unbelievers. They believe in God and in the Bible. They may know little about either, and their belief may be only a superstitious regard, but they never doubt the existence of God nor the truth of the Bible. An infidel is rarely heard of among them; I have known of but one. But religion is scarcely thought of as a power making for righteousness. It is a scheme for opening the door of heaven, not for saving the soul from sin. It regards the place of the future life, not the character which fits for it. A dream in some way connecting itself with religion is considered one of the most satisfactory proofs of conversion, and good lung power one of the best means of expressing spirituality.

The churches are churches only in name. They are not organized centers of spiritual life; they are not expected to be institutions for the moral reformation of society. Their meeting places are the rough, dirty, log school-houses, or an occasional log "church-house" of the roughest kind, like the school-house, only a little larger.

In the best churches meetings are appointed for once a month. There are no prayer-meetings, no organized church work. Few years ago the Sunday-school was unknown, and it is now, except as it has spread from mission centers. A little over two years ago a missionary organized the first Sunday-school ever opened in a region of more than 2,000 square miles in size, and gathered into five or six schools several hundred children. Of all these only ten had ever been in Sunday-school or knew anything about it.

The older people as a rule oppose the Sunday-school at first as an invention of the devil. There are thousands and thousands of square miles full of people, tens of thousands of children, where instruction in the Bible has never been given, where the voice of family worship has never been heard, and where no child has ever lisped a prayer at a mother's knee or heard that it is possible for a child to pray.

The ministers of these are uneducated. In many cases they can not read a word in the Bible or in a child's primer. Often they are openly immoral. I know of one in Tennessee still acting as a minister who, when he goes to a neighboring mining town, is sometimes hired by the roughs to pray and preach for them in the saloons for the sport it gives them. His charge for such a prayer or sermon is a drink of whisky!

Once a year it is the intention of each church to have a "big meeting" or revival services. The people gather in crowds from miles around. Three or four or more ministers are present, well supplied with tobacco, but perhaps without a Bible. The preaching is in a peculiar sing-song tone, which seems to be regarded as a necessity in preaching. The gestulation is wild and furious, Preacher follows preacher, each bent on working himself and the congregation into a state of intense excitement, and before long it begins. Then follow scenes which words can not describe. Marching, jumping, rolling on the floor, embracing, screaming, and above all and mingled with all the shrill sing-song of the preacher, wildly seeking to raise the excitement to a higher and higher pitch.

In the midst of one of these wild scenes in northern Alabama a few months since a somewhat underwitted boy in his teens became very happy, and his vigorous shouting and bodily contortions were inspiring others to rise to greater heights of happiness and enthusiasm.

Suddenly there was a lull and the voice of this lad came out clear and strong, and what he was shouting was understood for the first time. The inspiring sentiment which had seized hold of his mind and heart, and which he was shouting over and over in the religious ecstasy was this: "Run, chicken, with your head pecked off; ain't we having a good time?"

As the excitement goes on the "conversions" begin. The converts press forward and take the minister by the hand as a sign of their desire to "jine" him; they "jine the minister" instead of joining the church. They are baptized and thenceforth are good church members. They go back to their homes when the "big meeting breaks," with no thought of living a new life and with no expectation on the part of anybody that they will. Their religion does not involve morality and everybody can afford to be religious.

These churches are good fighting centers. In them ministers fight ministers and denominations fight denominations. Sectarianism is intensely bitter. The Evangelical Alliance would scarcely flourish there under present conditions.

Brethren of the intelligent churches of the United States, here is a mission field which is a standing shame to us. It ought to have been discovered long ago, entered and tilled for Christ. Now that it has been discovered it will be a greater shame if, ten years hence, any part of it shall be untouched by the elevating influences of the pure gospel. The need is scarcely greater in any mission field on earth. No people ever responded more readily to Christian work than do these mountaineers. By kindness and love their hearts are easily won. Their children can be gathered anywhere into day schools and Sunday schools. I never have seen elsewhere such rapid changes in character as I have seen among the young people of the southern mountains where pure Christian influences have touched them. Did time permit I could tell you stories of what I have seen and heard among these boys and girls which I know would thrill your hearts.

Shall such a mission field as this, within a ride of twenty-four hours from this temple, and eighteen hours from the metropolis of this Christian nation, and east of its westward-moving center of population, be left as it is, all white for the harvest, and so few reaping in it? Will not the Methodist Episcopal Church equip its Grant University and its other schools for a larger work; the Presbyterian Church do the same for its Maryville College and other institutions; the Congregational churches do the same for their Williamsburg Academy, Grand View Normal Institute, and other important schools? Will not these denominations and others multiply these Christian institutions until this whole mountain region shall be touched with the leavening influences of a pure and enlightened Christianity? This is a missionary work which must be done largely through Christian schools. Churches should be established to conserve the results of the Christian education, and to fill all the work with uplifting spiritual power. Churches without schools may add to denominational statistics, but they will not lift up the people as they need to be lifted.

One thing I want to make clear before I close. These people are not as a whole the "poor white trash" of the South. They are poor and they are ignorant, but they are not trash. A wrong start and their environment have made them what they are. Where the missionary schools and churches have been established, men and women of worth and ability have stepped out from among them and become strong helpers in building up new institutions. This people gave to the nation Abraham Lincoln and his successor in the Presidency of the United States. Other men of power have strayed away from their mountain homes in boyhood, come in contact with the currents and institutions of modern life, and shown the blood that was in them.

Boys and girls of good blood, sleeping intellects, and benumbed hearts are waiting by the thousands for the life-giving touch of the pure gospel. Give them that, you who have it committed to your trust, and in a few years they will show you, in their mountain country, new homes, new schools, new churches, a new ministry—in short, a regenerated society, and they will be pressing out into other parts of the land and to foreign lands, carrying on to others that which they shall have received from you.

The natural resources of their country will be developed and its wealth will enrich somebody. The native people should be awakened to develop intellectually and spiritually with the material development of the country in which they live, and to have a part in it. If for a time christian influences can be made to flow into this region and save it, when once its wealth shall be transferred to the pockets of the people and they shall be gathered into enlightened churches, the money and the sons and daughters of a regenerated people will be sent forth to continue the fulfillment of the great commission, "Go ye into all the world and preach the gospel to every creature."

This is a work that can not wait. The eyes of the business world are upon the forests and the outcroppings of the mineral stores. Railroads are pushing in. New lumber and mining towns are springing up and immediate missionary work is their only hope. These mountaineers, accustomed only to their secluded homes, come together in these towns to learn new vices in the saloon, the gambling den, and the brothel. A single one of these new towns, scarcely half a dozen years old, has had already more than a hundred men shot in it, and this awful work still goes on. Unless the christian work keeps pace with this kind of growth, this large territory will become notorious for bloody scenes as no portion of our land has ever been. Now is the time to pre-empt the country for Christ, by planting at strategic points the church and christian school, and through them to send forth to every part the pure, restraining, and elevating influences of the gospel.

We owe this people the gospel because Christ has given it to us for them. We owe them a debt of gratitude for what they have done in the history of our country. When it was fighting for its Independence and a great conspiracy was organized for its overthrow by an attack in the rear, the ancestors of this people, under the lead of that magnificent mountaineer, John Levier, and others like him, saved the country more than once from both savages and red-coats, for which they never received so much as one cent pay. When, in our great civil war, every part of the land was shaking with the terrible conflict of armies, the mountaineers stood side by side with the Union soldiers and bravely fought for their country or suffered in prisons rather than fight against it.

For what they are in their need, for what they are capable of becoming, for what they have done for our country, for what Christ has done for us and given to us for others, we are in duty bound to give them—and to give them at once—nothing less than the all-inclusive blessing, "the glorious gospel of the blessed God, which was committed to our trust."

This description, it is to be borne in mind, is from a man who knows the country, and it applies to between two and three millions of the white population of our own country, stretching all the way from this immediate vicinity to the lower extremity of the Alleghany Mountains, which is just back of the city of Columbus, Ga., on the Chattahoochee River. It applies to two or three millions of our own people, not the colored people, but the men who were Union men in the late war and without whom the Revolution might not have been a success; men who turned back the invasion of Great Britain in the South, coming over the mountains, not under the command of the Congress at all, but organizing among themselves for liberty. They came in the rear of the invader and drove him back to the coast, and, more or as much as Greene with the Regular Army and the militia of the United States, they gave the South to independence. In the late war we know that Kentucky and Tennessee and West Virginia gave nearly as large a number of soldiers to the Union as to the Confederate Army, and the men who were for the Union in Alabama, northern Georgia, the western part of both the Carolinas and Virginia, are the men who are here described, and they have a claim upon the nation which they have in two great wars saved. I have had many letters from them personally. They are not very well spelled, but they are very touching letters, letters from old soldiers begging for the passage of this bill, that their children may be educated, and it seems the part of brutality to deny them the help they beg for.

Now, Mr. President, I will proceed to put in some of the evidence in this case. It may take a considerable time, but as it does not take the time of the Senate, but simply my own, I do not think any one can complain that I spread upon the record that matter which will admonish the men who have this business in trust through all future time that if they defeat this bill they will deserve the utmost condemnation, and will suffer it at the hands of an outraged people and a posterity that will call them to account if no one does to-day.

It is apparent to all that, without any adequate effort to change the condition such as will constitute a cause that can be at all commensurate with the production of effect, things can not improve very much in this country from what they were revealed to be by the census of 1880. The population has increased at least 30 per cent. It had increased some 31 per cent. during the preceding decade; and the prosperity of the country must indicate, I think, as large an increase at least during the last ten years. The means of education have lessened rather than increased in many parts of the country. Where they have increased they have rarely, if at all, kept pace with the increase of the population. So, whatever I may be able to introduce here before the Senate on this occasion which has been obtained at a date subsequent to that which includes the information conveyed to us by the last census and is reliable information, must be pertinent to the question whether national aid is now needed for the promotion of education in the common schools of this country.

In the year 1884 the Louisiana Educational Society memorialized Congress upon the subject of national aid to common schools, praying for an appropriation, and their petition, presented by Senator GIBSON, is printed at length in the RECORD of March 11, 1884. It is an admirable although a distressing statement of the situation.

Mr. ALLISON. Will the Senator from New Hampshire give way to me? The Senator has spoken, I suppose, as long as he cares to speak for the day.

Mr. BLAIR. I should like to say in regard to that matter, I have an impression that I shall have to speak some time, because these facts are going to the Senate and the country and it will take me two or three days, at least, at the rate I am getting on. I feel that with Senators having matters that are pressing upon them perhaps I may be under the necessity of exercising a little courtesy if I am to receive so much in return.

Mr. ALLISON. I shall be glad to extend any I can in return. There are two or three bills on the Calendar that are personal to me and to my State that I should be glad to have considered now by unanimous consent.

The VICE-PRESIDENT. Before the Senator from Iowa proceeds, the Chair would like to lay before the Senate a message which he has received from the President of the United States.

Mr. ALLISON. Certainly.

THE SIOUX INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

In pursuance of the power vested in me by the terms of the last clause of section 3 of the act of Congress approved March 2, 1889, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes," a commission as therein authorized was appointed, consisting of Charles Foster, of Ohio, William Warner, of Missouri, and General George Crook, of the United States Army. This commission was specially instructed to present to the Sioux Indians occupying the Great Sioux reservation, for their acceptance thereof and consent thereto in manner and form as therein provided, the act of Congress approved March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes."

The report of the commission was submitted to me on the 24th day of December, 1889, and is, with the accompanying documents and a letter of the Secretary of the Interior, herewith transmitted for the information of Congress. It appears from the report of the commission that the consent of more than three-fourths of the adult Indians to the terms of the act last named was secured as required by section 12 of the treaty of 1868, and upon a careful examination of the papers submitted I find such to be the fact, and that such consent is properly evidenced by the signatures of more than three-fourths of such Indians.

At the outset of the negotiations the commission was confronted by certain questions as to the interpretation and effect of the act of Congress which they were presenting for the acceptance of the Indians. Upon two or three points of some importance the commission gave, in response to these inquiries, an interpretation to the law, and it was the law thus explained to them that was accepted by the Indians. The commissioners had no power to bind Congress or the Executive by their construction of a statute, but they were the agents of the United States, first, to submit a definite proposition for the acceptance of the Indians, and, that failing, to agree upon modified terms to be submitted to Congress for ratification. They were dealing with an ignorant and suspicious people, and an explanation of the terms and effect of the offer submitted could not be avoided. Good faith demands that, if the United States accepts the lands ceded, the beneficial construction of the act given by our agents should be also admitted and observed.

The chief difficulty in the construction of the act grows out of its relation to prior treaties, which were by section 19 continued in force so far as they are not in conflict with the terms of the act. The seventh article of the treaty of 1868, relating to schools and school-houses, is by section 17 of the act continued in force for twenty years, "subject to such modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education."

Section 7 of the treaty of 1868 provides only for instruction in the "elementary branches of an English education," while section 17 of the act, after continuing this section of the treaty in force, provides a fund which is to be applied "for the promotion of industrial and other suitable education among said Indians." Again, section 7 of the treaty provides for the erection of a school-house for every thirty children who can be induced to attend, while section 20 of the act requires the erection of not less than thirty school-houses, and more if found necessary.

The commissioners were asked by the Indians whether the cost of the English schools provided for in section 7 of the treaty and of the school-houses provided for in the same section and in section 20 of the act would be a charge against the proceeds of the lands they were now asked to cede to the United States. This question was answered in the negative, and I think the answer was correct. If the act, without reference to section 7 of the treaty, is to be construed to express the whole duty of the Government towards the Indians in the matter of schools, the extension for twenty years of the provisions of that section is without meaning.

The assurance given by the commissioners that the money appropriated by section 27 of the act to pay certain bands for the ponies taken by the military authorities in 1876 would not be a charge against the proceeds of the ceded lands was obviously a correct interpretation of the law.

The Indians were further assured by the commissioners that the amount appropriated for the expenses of the commission could not under the law be made a charge upon the proceeds of their lands. This, I think, is a correct exposition of the act.

It seems from the report of the commission that some of the Indians at the Standing Rock agency asked whether if they accepted the act they could have the election to take their allotments under section 6 of the treaty of 1868 and have the benefits of section 8 and 10 of that treaty, and were told that they could. As the treaty is continued in force, except where it contravenes the provisions of the act, I do not see any difficulty in admitting this interpretation.

It will be found that the commission has submitted many recommendations, some of them involving legislation and others appealing to powers already possessed by the executive department. The consent of the Indians to the act was not made dependent upon the adoption of any of these recommendations, but many of them are obviously just and promotive of the true interests of the Indians. So far as these require legislation they are earnestly commended to the attention of Congress.

The Secretary of the Interior has prepared and submits with his letter transmitting the report of the commission the draft of a bill embodying those recommendations of the commission requiring legislation.

The appropriations necessary to carry into effect the provisions of the act should be promptly made and be immediately available.

BENJ. HARRISON.

EXECUTIVE MANSION, February 10, 1890.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 583) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes; and

A joint resolution (H. Res. 79) for the relief of certain Chippewa Indians of the La Pointe agency, Wisconsin.

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 6th instant, approved and signed the following acts and joint resolution:

An act (S. 600) to authorize the construction of a bridge across the Missouri River at some accessible point within one mile north and one mile south and east of the mouth of the Kansas River;

An act (S. 1098) creating three additional land offices in the State of Colorado; and

A joint resolution (S. R. 48) authorizing the continuation of the printing of a supplement to the Digest of International Law under the direction of the literary executor of the late Francis Wharton.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

Mr. ALLISON. I ask unanimous consent to proceed to the consideration of the bill (S. 902) for the erection of a public building at Sioux City, Iowa.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase or acquire by condemnation a site for and cause to be erected thereon a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, post-office, custom-house, internal-revenue office, and other Government offices at the city of Sioux City, Iowa, the cost not to exceed \$500,000.

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

PUBLIC BUILDING AT CEDAR RAPIDS, IOWA.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the bill (S. 903) for the erection of a public building at Cedar Rapids, Iowa.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase or otherwise provide a suitable site and cause to be erected thereon, at the city of Cedar Rapids, Iowa, a suitable and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, and for other Government uses, the cost not to exceed \$200,000.

The VICE-PRESIDENT. In line 21 the word "street" should apparently be "streets."

Mr. ALLISON. Yes; it should read "streets and alleys."

The VICE-PRESIDENT. That correction will be made, if there be no objection.

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

MISSISSIPPI RIVER BRIDGE AT CLINTON, IOWA.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the bill (S. 896) to amend and alter an act entitled "An act to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa," approved July 16, 1888.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment, to strike out section 3, in the following words:

SEC. 3. That the Secretary of War be, and hereby is, authorized to waive the necessity for such portion of the map, topography, shore-lines, direction and strength of currents, soundings, and bed of the stream provisions provided for in section 5 of said act as he may, by reason of the nearness of present bridge, the reports already or hereafter made to the War Department in reference thereto, or otherwise, deem unnecessary.

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.

MISSISSIPPI RIVER BRIDGE AT LYONS, IOWA.

Mr. ALLISON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 1297) to amend an act entitled "An act to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in line 12, before the word "Lyons," to insert "near;" so as to read:

That an act entitled "An act to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa," approved March 2, 1889, be, and the same is hereby, amended as follows, namely:

Strike out the title of said act and insert in lieu thereof the following:

"An act to authorize the construction of a railroad or wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa."

The amendment was agreed to.

The next amendment was, in line 19, after the words "Mississippi River," to strike out "at" and insert "at a location suitable to the interests of navigation from," and in line 23, before the word "passage," to insert "safe and convenient;" so as to read:

Strike out the first section of said act and insert in lieu thereof the following:

"That the Lyons and Fulton Bridge Company, a corporation organized and existing under and by virtue of the laws of the State of Iowa, its successors or assigns, be, and they are hereby, authorized to construct and maintain a bridge and approaches thereto, over the Mississippi River, at a location suitable to the interests of navigation, from a point in or near the city of Lyons, Iowa, to the opposite shore of said river, in the State of Illinois. Said bridge shall be constructed to provide for the safe and convenient passage of wagons, road-way vehicles of all kinds, animals, and foot-passengers, and, at the option of said corporation, its successors or assigns, may be so constructed as to provide for and be used for the passage of railroad trains, for such reasonable rates or tolls as may be fixed from time to time by said corporation, its successors or assigns, and subject to approval and change by the Secretary of War."

The amendment was agreed to.

The next amendment was in line 33, after the word "following," to strike out:

SEC. 2. That any bridge built under the provisions of this act may, at the option of the company building the same, be built with unbroken or continuous spans, or as a draw-bridge, or as a ponton draw-bridge: *Provided*, That if said bridge shall be made with unbroken and continuous spans the channel span shall be over the main channel of the river, and shall give a clear head-room of not less than 55 feet above extreme high-water mark, as understood at the point of location, and a clear width of water-way of not less than 350 feet, and the spans other than the channel span may have a head-room of less than 55 feet: *Provided*, That no part of the superstructure of said bridge shall give less head-room than 10 feet above high-water mark, and the piers of said bridge shall be parallel with the current of said river: *And provided further*, That if any bridge built under the provisions of this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river, at an accessible and navigable point, and with spans giving a clear width of water-way of not less than 200 feet on each side of the central or pivot pier of the draw: *Provided*, That if the pivot pier of said bridge shall be constructed within less than 565 feet of the west shore of said river, as defined by the low-water level, the span constructed west of the draw span may be less than 350 feet, and every part of the superstructure of said low bridge shall give a clear head-room of not less than 10 feet above extreme high-water mark, and the piers of said bridge shall be parallel with the current of the river where said bridge shall be erected: *And provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats: *And provided further*, That if any bridge built under the provisions of this act shall be constructed as a ponton bridge it shall be built subject (except as herein modified) to all the terms, requirements, and limitations contained in the act entitled "An act to legalize and establish a ponton railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874, so far as they may be applicable thereto: *And provided also*, That it shall be constructed with one suitable ponton draw of not less than 500 feet in width located over the main channel of the river, which shall be opened promptly upon reasonable signal for the passage of boats and as herein provided for a draw-bridge.

And in lieu thereof to insert:

SEC. 2. That any bridge built under the provisions of this act may, at the option of the company building the same, be built with unbroken and continuous spans, or as a draw-bridge, or as a ponton draw-bridge: *Provided*, That if said bridge shall be made with unbroken and continuous spans it shall have one or more channel spans, each giving not less than 350 feet clear channel way and not less than 55 feet clear head-room above high-water mark, and the clear head-room under other than channel spans may be less than 55 feet, but no part of the superstructure of such spans shall be less than 10 feet above high-water mark: *Provided*, That the interests of navigation be not injured by such reduction of height: *And provided further*, That if any bridge built under the provisions of this act shall be constructed as a draw-bridge it shall have two or more draw-openings, each giving not less than 200 feet clear channel way, and, in addition to said draw-openings, shall have one or more fixed channel spans, each giving not less than 350 feet clear channel way, and every part of the superstructure of draw-bridges shall give a clear head-room of not less than 10 feet above high-water mark: *And provided further*, That if any bridge built under the provisions of this act shall be constructed as a ponton draw-bridge it shall be built subject (except as herein modified) to all the terms, requirements, and limitations contained in the act entitled "An act to legalize and establish a ponton railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874, so far as they may be applicable thereto: *And provided also*, That it shall be constructed with one suitable ponton draw giving not less than 500 feet clear channel way, and such other ponton draws and other openings as may, in the opinion of the Secretary of War, be necessary: *And provided further*, That the piers of any bridge authorized by this act shall be parallel with the current of the river and the bridge itself at right angles thereto, and the spans of any such bridge shall be so located as to afford the greatest possible accommodation to the river traffic, and the draw-spans of any such bridge shall be opened promptly by steam or other reliable mechanical power upon reasonable signal for the passage of boats: *And provided further*, That the dimensions of all spans, not definitely fixed by this act, shall be such as in the opinion of the Secretary of War will best serve the interests of navigation: *And provided further*, That, for any two adjacent draw-openings of 200 feet each, one draw-opening of 300 feet may be substituted, if the interests of navigation be not injured thereby: *And provided further*, That if the physical characteristics of the locality where a bridge authorized by this act is to be constructed require, and the interests of navigation be not injured thereby, the length of the fixed openings or the number of draw-openings required by this act may be reduced by the Secretary of War.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SMITHSONIAN BUILDING.

Mr. MORRILL. I ask for the consideration of a couple of bills concerning the Smithsonian Institution.

Mr. BLAIR. I should like to go on a little further to-night, but I feel that I ought to give way to the Senator from Vermont.

Mr. MORRILL. These bills will cause no debate. If they do I shall withdraw the request for their consideration.

Mr. BLAIR. Very well.

Mr. MORRILL. I ask that Senate bill 2033, Order of Business 252, may be taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2033) providing for fire-proofing the roof of the Smithsonian Institution.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 5, after the words "and a," to strike out "wall-hole" and insert "well-hole;" in line 8, after the word "repairs," to insert "said work to be done;" and in line 9, after the words "of the," to strike out "Regents" and insert "Architect of the Capitol, with the approval of the Regents;" so as to make the bill read:

Be it enacted, etc., That for the purpose of fire-proofing the roof of the main hall, and that of the so-called chapel in the west wing of the Smithsonian building, and to put in a sky-light and a well-hole to admit light into the central portion of the lower hall of said building, and also to replace some wood-work of the towers and other repairs, said work to be done under the direction of the Architect of the Capitol, with the approval of the Regents of the Smithsonian Institution, the sum of \$45,000 shall be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated.

The amendments were agreed to.

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

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

NATIONAL ZOOLOGICAL PARK.

Mr. MORRILL. I now ask for the consideration of Order of Business 253, Senate bill 2284.

There being no objection, the bill (S. 2284) for the organization, improvement, and maintenance of the National Zoological Park was considered as in Committee of the Whole.

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

Mr. MORRILL. Instead of making a speech, I have taken pains to collect a good many facts in relation to this matter, which I ask to have printed in the RECORD instead of making any remarks upon the subject.

The VICE-PRESIDENT. The paper submitted will be printed in the RECORD if there be no objection. The Chair hears none.

The paper presented by Mr. MORRILL is as follows:

SMITHSONIAN INSTITUTION,
Washington, D. C., February 6, 1890.

DEAR SIR: I beg, in handing you the accompanying specifications in detail of the estimates for the expenses of the National Zoological Park for 1890-'91, to say that, while only the numbered items are intended to form heads of appropriations, it would be advantageous if these were rather lumped together than subdivided into even as many items as they now are; and I trust, if there be any amendment, that it will be in the direction rather of uniting than subdividing them. In particular, I hope that the amount for current expenses, now set at \$37,000, will be given in a lump sum.

I think that a simple inspection will show that all these items are not estimates made large with the expectation of their being cut down, but an economical and, I trust, evidently carefully considered statement of what seems necessary for a beginning. The only item which may seem to need explanation is that of the salaries of the twenty-four employes for the first year, when, as everything is in a state of preparation merely, it might be supposed that fewer would be needed; but it will be remembered that the park is not like a building, from which the public can be excluded during the process of construction, and that the public will doubtless insist upon making itself present everywhere from the first, so that I am rather apprehensive that more watchmen and laborers, rather than less, will be needed, with perhaps the possible occasion for the cost of consultation with a landscape gardener. I think I may feel entirely justified in stating also, from my past experience, that as soon as it is known that the Regents of this institution are ready to accept donations for the Government donations will come to them from all parts of our national territory, so that the need for accommodation will be more immediate and more pressing than would be inferred from the list of animals already under the charge of the Regents, which I inclose.

It now seems probable that there will be a small surplus from the appropriation of \$200,000 for purchase. It is impossible to say what this surplus, if any, will be until the courts have fixed the condemnation prices, but the commissioners hope it will be over \$10,000. You will be the best judge whether to provide in the bill for the application of any such contingent residue to general purposes, and also whether any provision for immediate availability is needed.

I inclose the list just referred to of animals now under the charge of the Regents on the Smithsonian grounds. It will be remembered that this represents the accessions of only two years, principally by gift, although there has been no wide publicity given to the fact that such a collection was commenced and though the secretary has been obliged in many cases to ask intending donors to delay their gifts until better provision could be made for caring for them.

I am, with great respect, yours, very respectfully,

S. P. LANGLEY, Secretary.

Hon. J. S. MORRILL,
United States Senate.

Explanations in detail of the estimates in the bill (S. 2284) for the expenses of the National Zoological Park for 1890-'91.

Item No. 1—For the shelter of animals.....	\$15,000.00
Includes—	
1. Large animal house (half permanent structure), to furnish immediate accommodations for sub-tropical animals and for lions, tigers, ostriches, kangaroos, camels, etc.; to cost \$10,000.	
2. An aviary, monkey, and reptile house, combined temporarily; to be the central portion of a permanent building for birds alone, but at first it must also provide for monkeys and reptiles; to cost about \$5,000.	
Item No. 2—For shelter-barns, cages, fences, and inclosures, and other provisions for the custody of the animals	9,000.00
Includes—	
1. Barn for buffalo and elk herds, \$1,500.	
2. Fences for 8 ruminant yards, and 6 shelter-barns, \$3,000.	
3. Series of 4 bear dens and cages, \$3,000.	
4. Series of 15 iron cages for wolves, foxes, etc., \$1,500.	
Item No. 3—For repairs to the Holt mansion to make the same suitable for occupancy, and for office furniture.....	2,000.00
Includes a new roof that will not leak, a sky-light and ventilator in large central room, repairs to plastering, new steps, a water-closet, furnace, office desk, book-cases, chairs, etc.	
Item No. 4—For the creation of artificial ponds and other provisions for aquatic animals.....	2,000.00
Includes the provision of two or three small ponds for the immediate accommodation of the aquatic quadrupeds, such as seals and sea-lions, beaver, otter, muskrat, etc., and the numerous water-fowls, herons, etc., which will begin to come in as soon as possession is taken.	
Item No. 5—For water supply, sewerage, and drainage	7,000.00
Includes—	
1. The laying of supply pipes to the buildings and yards, the erection of a supply tank, and the establishment of an engine on Rock Creek, to pump water into said tank; cost for first year, about \$4,500.	
2. The laying of sewer pipes from the two large buildings and the bear dens and a system of drains around the said buildings to keep them dry; cost, about \$1,500.	
NOTE.—It is to be understood that the above does not provide complete systems of water-supply, sewerage, and drainage, but merely a good beginning in those directions. These features are absolutely indispensable and the amount asked for is undoubtedly small.	
Item No. 6—For roads, walks, and bridges.....	15,000.00
Includes—	
1. 4,880 linear feet of macadamized roads, leading from main entrance down Adams' Mill road across to Rock Creek, and to opposite ridge (on Evans property); cost, \$10,440.	
2. Iron carriage and foot-bridge, \$2,560.	
3. About 5,000 feet of board walks, \$2,000.	
Item No. 7—For miscellaneous supplies, materials, and sundry incidental expenses not otherwise provided for.....	5,000.00
Includes miscellaneous hardware, lumber, paint, fuel, stationery, printing, horse and wagon, library, type-writer, tools, telephone, etc.	
Item No. 8—For current expenses, including the maintenance of collections, food supplies, salaries of all necessary employes, and the acquisition and transportation of specimens	37,000.00
Includes—	
1. Food for the animals, all kinds—hay, grain, meat, fish, vegetables, etc.	\$8,000
2. Heating apparatus and fuel for large animal building and aviary, total.....	4,000
3. Railway, steam-ship, and other transportation of specimens to the park	5,000
4. Purchase of rare specimens, not obtainable by donation	2,000
	19,000
5. Salaries of 24 employes, as per classified list, as follows:	
1 superintendent, salary	2,500
2 keepers, at \$900	1,800
2 assistant keepers, at \$600.....	1,200
1 clerk and property clerk	1,200
1 gardener and overseer of labor	1,000
6 laborers, at \$45 per month.....	3,240
1 copyist and clerk's messenger	480
1 messenger for superintendent.....	480
2 painters, at \$700.....	1,400
2 carpenters, at \$900	1,800
4 watchmen, at \$600	2,400
1 teamster	500
	18,000

List of animals under the charge of the Regents of the Smithsonian Institution.—One grizzly bear, 1 cinnamon bear, 3 black bears, 1 puma, 6 buffalo, 4 elks, 3 deer, 1 Rocky Mountain sheep, 4 Angora goats, 1 prairie wolf, 4 gray foxes, 4 red foxes, 1 cross fox, 2 porcupines, 7 raccoons, 5 opossums, 4 monkeys, 5 prairie dogs; with numerous reptiles and birds.

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

ISSUE OF ORDNANCE AND STORES TO WASHINGTON.

Mr. BLAIR. The Senator from Oregon [Mr. DOLPH] is anxious that I shall give way for the consideration of a bill and the Senator from Tennessee [Mr. HARRIS] desires the same thing. As soon as those two bills are disposed of, as I suppose they will be without debate, I shall ask to go on for a few minutes longer to-night.

Mr. DOLPH. I ask unanimous consent to have taken up for present consideration Senate bill 84, Calendar number 337, reported from the Military Committee by the Senator from Missouri [Mr. COCKRELL].

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 84) to authorize the Secretary of War to issue ordnance and ordnance stores to the Territory of Washington in

payment for ordnance and ordnance stores borrowed by the State of Oregon of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes.

The bill was reported from the Committee on Military Affairs with amendments, in line 4, before the words "of Washington," to strike out "Territory" and insert "State;" in line 6, after the word "said," to insert "State whilst a;" and in line 9, after the words "and the," to strike out "said charge against Oregon of \$12,398.55 on the books of the War Department is hereby directed to be canceled" and insert "acceptance by the State of Washington of the ordnance and ordnance stores herein authorized to be issued shall be an absolute discharge of the State of Oregon from any and all liability for said borrowed arms and accouterments;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and is hereby, directed to cause to be issued to the State of Washington, in full payment and liquidation of ordnance and ordnance stores borrowed by the said State of Oregon of said State whilst a Territory, and lost or rendered useless in service, ordnance and ordnance stores of the value of \$12,398.55, and the acceptance by the State of Washington of the ordnance and ordnance stores herein authorized to be issued shall be an absolute discharge of the State of Oregon from any and all liability for said borrowed arms and accouterments.

The amendments were agreed to.

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

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

The preamble was agreed to.

The title was amended so as to read: "A bill to authorize the Secretary of War to issue ordnance and ordnance stores to the State of Washington, in payment for ordnance and ordnance stores borrowed by the State of Oregon of said State whilst a Territory, during the Nez Percé Indian war of 1877 and 1878, and for other purposes."

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. HARRIS. Mr. President, a few days since the Senate considered Order of Business 193, being the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company. The bill was read the third time and the question is on its passage. The Senator from Maine [Mr. HALE] demanded the yeas and nays, and, apprehending that there was no quorum present, I abandoned further consideration at that time. The Senator from Maine was in his seat a moment since, and he gave me to understand that he would withdraw the demand for the yeas and nays. I simply want the bill disposed of. The question is, Shall the bill pass? it having been considered and reached that stage.

The VICE-PRESIDENT. The question now is on proceeding to the consideration of the bill.

There being no objection, the Senate resumed the consideration of the bill.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 23) for the relief of Daniel V. O'Leary—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 346) to extend "An act to grant the right of way to the Kansas City and Pacific Railroad Company through the Indian Territory, and for other purposes"—to the Committee on Indian Affairs.

The bill (H. R. 1613) for the relief of Samuel Howard—to the Committee on Claims.

The bill (H. R. 3298) for the relief of the sufferers by the wreck of the United States steamers Trenton and Vandalia and the stranding of the United States steamer Nipsic, at Apia, Samoan Islands—to the Committee on Naval Affairs.

The bill (H. R. 3403) for the relief of James M. McClelland—to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1633) granting an increase of pension to Abram Duryee;

A bill (H. R. 1927) granting an increase of pension to George Colwell;

A bill (H. R. 3266) for the relief of Noah W. Yoder; and

A bill (H. R. 3592) granting a pension to Mrs. Anna Butterfield.

REPORT OF ZOOLOGICAL PARK COMMISSION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring therein), That there be printed of the report of the Zoological Park Commission and its accompanying maps 1,000 extra copies, of which 250 copies shall be for the use of the Senate, 500 copies for the use of the House of Representatives, and 250 copies for the use of the Zoological Park Commission.

REPORT ON COTTON-WORM AND BOLL-WORM.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed for distribution 50,000 copies of the treatise on the cotton-worm and boll-

worm by Professor Charles V. Riley, issued by the Department of Agriculture, being fourth report of the United States Entomological Commission, of which 28,000 copies shall be for the use of the House, 14,000 for the use of the Senate, and 8,000 for distribution by the Secretary of Agriculture.

INDEX OF CLAIMS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 500 copies of the consolidated index of claims reported by the Commissioners of Claims to the House of Representatives from 1871 to 1880, now in manuscript, prepared by the Clerk of the House of Representatives under resolutions considered and agreed to by the House in the Forty-eighth and subsequent Congresses, the printed copy of said index to be delivered to the Clerk of the House of Representatives.

HEARINGS BEFORE COMMITTEE ON WAYS AND MEANS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House 10,000 copies of the hearings now being held before the Committee on Ways and Means, of which 3,000 shall be bound in cloth.

PORT OF ALBANY, N. Y.

Mr. EVARTS. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. BLAIR. There is an anxiety to pass so many bills that I will not try to go on further to-night, and the education bill can be understood to be the unfinished business. I yield.

Mr. EVARTS. I ask unanimous consent of the Senate to have taken up for consideration Order of Business 294, which is a House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24) to constitute Albany, N. Y., a port of immediate transportation.

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

PRINTING AND DISTRIBUTION OF BILLS.

Mr. MANDERSON. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 119, which is the joint resolution (S. R. 38) to regulate the printing and distribution of bills and joint resolutions.

Mr. INGALLS. That joint resolution is one of great public importance, and, if the Senator will pardon me, I think it had better be postponed until a time when there can be a fuller discussion.

Mr. MANDERSON. I think the only importance to the public is that the joint resolution shall be speedily passed. If the Senator desires to object, however, I can offer no resistance. This is a matter which has received the careful consideration of the Printing Committee. It is in the interest of a proper economy and is designed to reduce the large expenditure for the printing of private bills.

Mr. INGALLS. Let it be read for information.

Mr. MANDERSON. I think its reading will commend it to the Senator.

Mr. COCKRELL. I do not think we shall have time to consider that joint resolution this evening, unless we stay in session for some time. I think it is a very important measure. I confess that I do not know that I shall oppose it, but I have not had time to examine it, not supposing that it would be called out of its regular order on the call of the Calendar. Therefore I hope it will not be called up this evening.

Mr. MANDERSON. As a matter of course, I withdraw the demand. I wish to say, however, that it is a public matter, and I have no special interest in it except to lessen the expenditures for this purpose.

Mr. COCKRELL. I understand that, but I hope hereafter we shall go to the Calendar, so that Senators may understand what bills are to come up. I shall hereafter protest against the time of the Senate being farmed out for the consideration of special bills.

TOWN SITES IN ALASKA.

Mr. PLATT. I ask unanimous consent that Order of Business 126, which is the bill (S. 1859) providing for the acquisition of land for town sites and commercial purposes in Alaska, and for other purposes, be taken up for consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Connecticut?

Mr. INGALLS. I object.

The VICE-PRESIDENT. Objection being made, the bill will lie over.

AID TO COMMON SCHOOLS.

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

Mr. BLAIR. I call for the regular order.

The VICE-PRESIDENT. The regular order is the bill (S. 185) to aid in the establishment and temporary support of common schools.

PRINTING OF SAMOAN TREATY.

Mr. CULLOM. I yield to the Senator from Maine [Mr. FRYE] for a statement. I do not know what it may be.

Mr. FRYE. The Samoan treaty was printed for the use of the committee alone, and the edition has been entirely exhausted. There is great call for it from all over the country, and I simply ask that the usual number be printed for the use of the Senate.

The VICE-PRESIDENT. That order will be made, if there be no objection.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion.

The VICE-PRESIDENT. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 11, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 10th day of February, 1890.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Charles Emory Smith, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary of the United States to Russia, *vice* Allen Thorndike Rice, deceased.

SECRETARIES OF LEGATION.

J. Fenner Lee, of Maryland, to be secretary to the legation of the United States at Rio de Janeiro, to fill a vacancy.

Harrie R. Newberry, of Michigan, to be secretary of the legation of the United States at Madrid, *vice* Edward H. Strobel, recalled.

CONSUL-GENERAL.

Samuel Merrill, of Indiana, to be consul-general of the United States at Calcutta, *vice* Benjamin F. Bonham, resigned.

CONSULS.

Edward Bedloe, of Pennsylvania, to be consul of the United States at Amoy, *vice* William S. Crowell, recalled.

C. I. Croft, of North Dakota, to be consul of the United States at Carthage, United States of Colombia, *vice* William B. McMaster, recalled.

James R. Danforth, of Pennsylvania, to be consul of the United States at Kehl, *vice* Edmund Johnson, recalled.

Felix A. Matthews, of California, to be consul of the United States at Tangier, *vice* William R. Lewis, resigned.

Frederick M. Ryder, of Connecticut, to be consul of the United States at Quebec, Canada, *vice* Theodore W. Downs, recalled.

L. R. Stewart, of Virginia, to be consul of the United States at San Juan, Porto Rico, *vice* Edward Conroy, recalled.

Ferdinand A. Husher, of Minnesota, to be consul of the United States at Port Stanley and St. Thomas, *vice* James C. Quiggle, recalled.

Frank D. Hill, of Minnesota, to be consul of the United States at Montevideo, *vice* Edward J. Hill, recalled.

Henry R. Myers, of South Dakota, to be consul of the United States at San Salvador, *vice* Thomas T. Tunstall, recalled.

Levi W. Myers, of Iowa, to be consul of the United States at Victoria, British Columbia, *vice* Robert J. Stevens, deceased.

PASSED ASSISTANT SURGEON, MARINE-HOSPITAL SERVICE.

Asst. Surg. William J. Pettus, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

CHIEF-JUSTICE, NEW MEXICO.

James O'Brien, of Minnesota, to be chief-justice of the supreme court of the Territory of New Mexico, *vice* Elisha V. Long, resigned.

UNITED STATES DISTRICT JUDGE.

Cornelius H. Hanford, of Washington, to be United States district judge for the district of Washington, as provided by section 21, chapter 180, volume 25, Laws 1889, United States Statutes at Large.

UNITED STATES MARSHAL.

George N. Wiswell, of Wisconsin, to be marshal of the United States for the eastern district of Wisconsin, *vice* Francis H. West, whose term expires February 10, 1890.

SUPERVISORS OF CENSUS.

Benjamin Upton, jr., of Norfolk, Va., to be supervisor of census for the first census district of Virginia.

Richard A. Young, of Petersburg, Va., to be supervisor of census for the second census district of Virginia.

POSTMASTER.

John W. Schall, to be postmaster at Norristown, in the county of Montgomery and State of Pennsylvania, in the place of George Schall, whose commission expired January 29, 1890.

WITHDRAWAL.

Executive nomination withdrawn by the President, February 10, 1890.

John E. Haggart, to be marshal of the United States for the district of North Dakota, he having declined the appointment.

CONFIRMATION.

Executive nomination confirmed by the Senate February 10, 1890.

POSTMASTER.

Jacob M. Copes, to be postmaster at Phoenix, in the county of Maricopa and Territory of Arizona.

HOUSE OF REPRESENTATIVES.

MONDAY, February 10, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The SPEAKER. The Clerk will read the Journal of the proceedings of Thursday last.

Mr. BURROWS. Mr. Speaker, I ask unanimous consent that the reading of that portion of the Journal which recapitulates the names of members voting on the several roll-calls be omitted.

The SPEAKER. In the absence of objection, the Journal will be read in the usual form.

The Clerk proceeded to read the Journal.

Mr. GREENHALGE. Mr. Speaker, I ask unanimous consent that the reading of so much of the Journal as relates to the introduction and reference of bills be also dispensed with.

There being no objection, the remainder of the Journal was read.

Mr. McKINLEY. I move that the Journal of the proceedings of Thursday be approved.

Mr. McMILLIN. On that we ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nay 1, not voting 179; as follows:

YEAS—149.

Adams,	De Hsven,	Lansing,	Sherman,
Allen, Mich.	De Lano,	Laws,	Simonds,
Anderson, Kans.	Dingley,	Lind,	Smith, Ill.
Arnold,	Dolliver,	Mason,	Smith, W. Va.
Atkinson,	Dorsey,	McComas,	Smyser,
Baker,	Dunnell,	McCord,	Snider,
Banks,	Evans,	McCormick,	Spooner,
Bartine,	Ewart,	McKenna,	Stephenson,
Bayne,	Farquhar,	McKinley,	Stewart, Vt.
Belknap,	Finley,	Miles,	Stivers,
Bergen,	Flick,	Milliken,	Stockbridge,
Bingham,	Frank,	Moffitt,	Struble,
Bliss,	Funston,	Moore, N. H.	Sweeney,
Boothman,	Gear,	Morrill,	Taylor, Ill.
Bowden,	Gest,	Morrow,	Taylor, Tenn.
Brewer,	Gifford,	Morse,	Taylor, E. B.
Brosius,	Greenhalge,	Niedringhaus,	Taylor, J. D.
Browne, T. M.	Grosvenor,	Nute,	Thomas,
Buchanan, N. J.	Hall,	O'Donnell,	Thompson,
Burrows,	Hansbrough,	O'Neill, Pa.	Townsend, Colo.
Burton,	Harmer,	Osborne,	Towdsend, Pa.
Butterworth,	Haugen,	Payne,	Turner, Kans.
Candler, Mass.	Henderson, Ill.	Payson,	Vandever,
Cannon,	Henderson, Iowa.	Perkins,	Walker, Mass.
Carter,	Hermann,	Peters,	Wallace, Mass.
Caswell,	Hill,	Pickler,	Wallace, N. Y.
Cheadle,	Hitt,	Pugsley,	Watson,
Cheatham,	Hopkins,	Quackenbush,	Wheeler, Mich.
Clark, Wis.	Houk,	Raines,	Wickham,
Cogswell,	Kelley,	Randall, Mass.	Williams, Ohio.
Coleman,	Kennedy,	Ray,	Wilson, Ky.
Comstock,	Kerr, Iowa.	Reed, Iowa,	Wilson, Wash.
Conger,	Ketcham,	Rife,	Wright,
Connell,	Kinsey,	Rowall,	Yardley,
Culbertson, Pa.	Kuapp,	Russell,	The Speaker.
Cutcheon,	Lacey,	Sanford,	
Dalzell,	La Follette,	Scranton,	
Darlington,	Laidlaw,	Seull,	

NAY—1.

Buckalew.

NOT VOTING—179.

Abbott,	Breckinridge, Ark.	Carlton,	Craig,
Alderson,	Breckinridge, Ky.	Caruth,	Crain,
Allen, Miss.	Brickner,	Catchings,	Crisp,
Anderson, Miss.	Brookshire,	Cate,	Culbertson, Tex.
Andrew,	Brower,	Chipman,	Cummings,
Bankhead,	Brown, J. B.	Clancy,	Dargan,
Barnes,	Browne, Va.	Clarke, Ala.	Davidson,
Barwig,	Brunner,	Clements,	Dibble,
Beckwith,	Buchanan, Va.	Clunie,	Dockery,
Beiden,	Bullock,	Cobb,	Dunphy,
Biggs,	Bunn,	Compton,	Edmunds,
Blanchard,	Bynum,	Cooper, Ind.	Elliott,
Blount,	Caldwell,	Cooper, Ohio.	Ellis,
Boatner,	Campbell,	Cothran,	Enloe,
Boutelle,	Candler, Ga.	Covert,	Fitch,
	Carlisle,	Cowles,	Fithian,

Flood,	Lewis,	Paynter,	Stone, Ky.
Flower,	Lodge,	Peel,	Stone, Mo.
Forman,	Magner,	Pendleton,	Stump,
Forney,	Malsh,	Pennington,	Tarsney,
Fowler,	Mansur,	Perry,	Tillman,
Geessenhainer,	Martin, Ind.	Phelan,	Tracy,
Gibson,	Martin, Tex.	Pierce,	Tucker,
Goodnight,	McAdoo,	Post,	Turner, Ga.
Grimes,	McCarthy,	Price,	Turner, N. Y.
Grout,	McClammy,	Quinn,	Turpin,
Hare,	McClellan,	Randall, Pa.	Van Schaick,
Hatch,	McCreary,	Reilly,	Venable,
Hayes,	McMillin,	Richardson,	Wade,
Haynes,	McRae,	Robertson,	Walker, Mo.
Heard,	Mills,	Rockwell,	Washington,
Hemphill,	Montgomery,	Rogers,	Wheeler, Ala.
Henderson, N. C.	Moore, Tex.	Rowland,	Whiting,
Herbert,	Morey,	Rusk,	Whitthorne,
Holman,	Morgan,	Sawyer,	Wike,
Hooker,	Mitchler,	Sayers,	Wilber,
Kerr, Pa.	Norton,	Seney,	Wiley,
Kilgore,	Oates,	Shively,	Wilkinson,
Lane,	O'Ferrall,	Skinner,	Willcox,
Lanham,	O'Neill, Ind.	Spinola,	Williams, Ill.
Lawler,	O'Neill, Mass.	Springer,	Wilson, Mo.
Lee,	Outhwaite,	Stahnecker,	Wilson, W. Va.
Lehlbach,	Owen, Ind.	Stewart, Ga.	Wise,
Lester, Ga.	Owens, Ohio.	Stewart, Tex.	Yoder.
Lester, Va.	Parrett,	Stockdale,	

The Clerk recapitulated the names of those voting.

The following pairs were furnished from the Clerk's desk:

Mr. WILBER with Mr. RANDALL, of Pennsylvania, until further notice.

Mr. ROCKWELL with Mr. WHITTHORNE, until further notice.

Mr. FORNEY with Mr. CASWELL, until further notice.

Mr. EWART with Mr. BUNN, until further notice.

Mr. VAN SCHAICK with Mr. HENDERSON, of North Carolina, until further notice.

Mr. BREWER with Mr. MCCLAMMY, until further notice.

Mr. BELDEN with Mr. COVERT, until further notice.

Mr. CALDWELL with Mr. ROWLAND, for this day.

Mr. BROWNE, of Virginia, with Mr. BIGGS, on this vote.

The SPEAKER. The Chair desires to announce, in addition to the votes already recapitulated, the following names of members present and declining to vote, which the Clerk will read.

The Clerk read as follows:

Mr. BARNES, Mr. BLAND, Mr. BLOUNT, Mr. BOATNER, Mr. BRECKINRIDGE of Arkansas, Mr. BELLOCK, Mr. RYNUM, Mr. CARLISLE, Mr. CARUTH, Mr. CULBERSON of Texas, Mr. CUMMINGS, Mr. DARGAN, Mr. DOCKERY, Mr. ELLIS, Mr. FITHIAN, Mr. FLOWER, Mr. FORMAN, Mr. GOODNIGHT, Mr. HAYES, Mr. HEARD, Mr. HEMPHILL, Mr. HOLMAN, Mr. KILGORE, Mr. LANE, Mr. LANHAM, Mr. LAWLER, Mr. LEWIS, Mr. MARTIN of Texas, Mr. MCADOO, Mr. MCCLAMMY, Mr. MILLS, Mr. MONTGOMERY, Mr. MOORE of Texas, Mr. MORGAN, Mr. MUTCHLER, Mr. O'NEILL of Indiana, Mr. PARRETT, Mr. PRICE, Mr. REILLY, Mr. RICHARDSON, Mr. SAYERS, Mr. SKINNER, Mr. SPINOLA, Mr. TARNSEY, Mr. TUCKER, Mr. TURNER of Georgia, Mr. TURPIN, Mr. WALKER of Missouri, Mr. WIKE, Mr. WILLIAMS of Illinois, Mr. WILSON of Missouri, Mr. WILSON of West Virginia, and Mr. WISE.

The SPEAKER. On this question the yeas are 149, the nays 1, and there being a constitutional quorum present to do business the Chair announces that the Journal has been approved.

Mr. McMILLIN. I make the point of order that no quorum has voted, and I want the record to show that fact.

The SPEAKER. The Clerk will now read the Journal of the proceedings of Friday last.

The Journal of the proceedings of Friday last were read and approved.

ENROLLED BILLS.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that he had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 583) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes; and

A joint resolution (H. Res. 79) for the relief of certain Chippewa Indians of the La Pointe agency, Wisconsin.

OBSTRUCTION TO NAVIGATION IN THE MISSOURI RIVER, ETC.

Mr. HENDERSON, of Illinois. Mr. Speaker, I desire to submit a privileged report. I present a conference report on the disagreeing votes of the two Houses on Senate joint resolution 37, for the removal of obstructions to navigation of the Missouri River, and for other purposes.

The SPEAKER. The conference report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 37) for the removal of obstructions to navigation in the Missouri River, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendments, and agree to the same.

THOMAS J. HENDERSON,
BLINGER HERMANN,
N. C. BLANCHARD,
Conferees on the part of the House.

G. G. VEST,
J. N. DOLPH,
S. M. CULLOM,
Conferees on the part of the Senate.

Mr. HENDERSON, of Illinois. I ask the adoption of the report.

Mr. McMILLIN. Before the question is submitted I would like to

ask the gentleman from Illinois what the appropriation now amounts to, according to the conference report.

Mr. HENDERSON, of Illinois. The original Senate resolution appropriated the sum of \$250,000 for the removal of snags and obstructions—

Mr. McMILLIN. I remember that.

Mr. HENDERSON, of Illinois. And the House amended it by reducing the amount to \$75,000, and appropriated \$75,000 for the continuation of work at the mouth of the Columbia River. The Senate disagreed to the House amendments, but now, by this report, they have receded from the disagreement. I ask the adoption of the report.

The report was adopted.

INTRODUCTION OF BILLS.

Mr. McKINLEY. I ask unanimous consent that members having public bills to present for reference may be permitted to present them to the Clerk for reference to appropriate committees, to apply to this day only.

The SPEAKER. The gentleman from Ohio asks that bills of a public character may be presented in the same manner as bills of a private character, for reference, for this day only. Is there objection?

Mr. WILLIAMS, of Illinois. I object.

RULES.

Mr. CANNON. I report back House Report 23, which was recommended to the Committee on Rules, with the recommendation that the same be adopted.

The Clerk proceeded to read the report, already published in the RECORD.

Mr. CANNON. Unless some gentleman desires the reading of the report at this time it seems to me that it may be dispensed with. They can be obtained at the Doorkeeper's desk.

There was no objection.

Mr. HOOKER. I would like to suggest to the gentleman from Illinois that we have not as yet obtained copies of the report.

The SPEAKER. The Chair desires to say that they can now be obtained at the Doorkeeper's desk.

Mr. McMILLIN. I wish to state, and I think it ought to be stated, that we have made an effort to obtain them to-day, and have not as yet been able to secure them.

The SPEAKER. They can now be obtained at the Doorkeeper's desk.

Mr. CANNON. The reading of the report being dispensed with I desire to state—

The SPEAKER. Order can not be obtained until members have supplied themselves with copies of the report, and the gentleman will suspend.

Mr. SPINOLA. While there is no other business before the House I would ask unanimous consent to present a bill for reference.

Mr. ALLEN, of Michigan. I will have to object unless the gentleman from Illinois [Mr. WILLIAMS] will withdraw his objection.

Mr. SPINOLA. This is a general bill.

Mr. ALLEN, of Michigan. A gentleman on your side of the House has objected to our introducing bills, and therefore I shall have to object to permitting your side doing so.

The SPEAKER. The Chair does not think it is possible to entertain the proposition at present.

Mr. McMILLIN. Before the gentleman from Illinois [Mr. CANNON] enters upon the discussion, I want to call his attention again to the fact in relation to these reports, that the copies now submitted do not contain what the document was to contain: a comparative statement in italics of the changes proposed by the new rules. That was very distinctly understood on the floor, but the pamphlet does not contain them; and we are asked to go into the discussion of the new rules without a copy of the proposed changes, for the printing of which provision was made by resolution of the House.

Mr. CANNON. I will say to the gentleman from Tennessee that I am informed by the clerk of the committee who was to prepare this comparative statement that for two days he was so seriously sick that he was not able to complete it. He has just informed me that the document referred to, being a comparative statement, is now on the press, and will be ready for delivery in an hour.

I have three or four sheets here now upon my desk which have just been furnished to me. The code offered, with the report of the committee and the views of the minority, are to be had at the Clerk's desk, and long before this code is reached for amendment the documents will be in possession of the House.

Mr. McMILLIN. I thought it but just to make a statement of the facts. I do not see by what authority that has been printed. It is not in the form contemplated by the resolution and not ordered by the resolution, and yet we are going forward in the discussion without even getting the comparative statements that were agreed upon and ordered by the House. I do not see why there should be such hurry.

Mr. CANNON. If the gentleman will allow me—I know he does not want to be unjust, but he seems to forget the fact that this is the report of the committee which is printed in a separate form, and the resolution directed the printing in another form.

Mr. McMILLIN. Well, then, the Speaker was in error—of course not intentionally so—in saying that the document that had been ordered was ready for distribution.

Mr. CUMMINGS. If the gentleman from Illinois will allow me, I wish to say that there are only 22 numbers of this report here ready to be distributed to the Democratic side.

Mr. CANNON. The report was printed in the RECORD of Thursday.

Mr. CUMMINGS. Well, every man has not a RECORD on his file. There should be enough numbers of it here to give a copy to every member.

Mr. CANNON. Two copies of the RECORD seems to me would be sufficient.

The SPEAKER. The Chair is informed that there has been a mistake made in the delivery; that they have been delivered at the document-room. They have now been sent for and will be sent up here.

Mr. CANNON. Now, Mr. Speaker, I would like to have the attention of the gentleman from Kentucky for a moment. I desire to ask the gentleman from Kentucky if he is now ready to indicate a proposition under which these rules can be considered.

Mr. CARLISLE. I am not yet ready to agree to the proposition made by the gentleman from Illinois this morning, though I think that, if the House will go on now with the discussion with the understanding between us this morning that it shall be under the hour rule, I hope to-morrow morning we will be able to make some agreement; in any event the gentleman has control of his own report and can take such a course as he thinks best.

Mr. CANNON. Then the understanding is that we go on under the hour rule to-day?

Mr. CARLISLE. Under the hour rule.

Mr. CANNON. I will proceed, and by to-morrow morning I think we may be able to agree with the gentleman from Kentucky touching the closing of debate and a vote on the code.

Mr. Speaker, the report of the committee tersely and clearly explains the changes from the rules of the last House and those contained in the present code; and as gentlemen have for some days had possession of the report—

Mr. MILLS. Mr. Speaker, let us have order. We desire to hear the gentleman from Illinois.

The SPEAKER. Gentlemen must take their seats and observe order.

Mr. CANNON. As gentlemen have for some days had possession of the report, I will not, in the opening statement I shall make, refer in full to the changes recommended in the proposed code, but only to those of importance.

There were forty-seven rules in the old code of the rules of the last Congress. Of those rules, twenty-nine are recommended in the proposed code without any change whatever. The changes in the proposed code from the former rules of the House are found within eighteen rules, and in most of those eighteen the changes are merely formal, being, in the main, matters of rearrangement and changes of phraseology. So that the real, material changes from the old code are comprised within four or five rules, and during the time that I shall occupy the floor I shall proceed to speak of these material matters.

The Committee on Rules in framing this code has, to the best of its ability, prepared and reported a code of rules under which the will of the majority of the House shall be ascertained and expressed with accuracy and with the utmost expedition consistent with fair and due debate and consideration.

The committee believe that there should be radical changes touching the manner and the conduct of the business of the House, and the changes recommended in this report are so radical and so proper in our opinion that some gentlemen upon the other side have denounced them as "revolutionary." Before I refer to these rules particularly I want to say that for many Congresses I have sat in my place as a member of the House and have seen, under the rules of former Houses, the Speaker, frequently without the aid of even a minority of one, but frequently with the aid of a minority of one or at least of a small minority, absolutely hold at arm's length the great majority of the Representatives of the people upon both sides of the House. So far as former Congresses are concerned, especially those of recent date, you may search the whole range of parliamentary history and nowhere in any English-speaking country will you find such instances of absolute power as that exercised by the Speaker of those Congresses, under the code of rules which then prevailed, with or without the aid of a minority of the House of Representatives.

Do you ask for instances and cases? I will give them. In the Fiftieth Congress and the Forty-ninth—and I am not now speaking of the desirability of any particular legislation, but only the treatment of certain legislation which was proposed—in each of those Congresses the Senate of the United States passed what was known as the Blair educational bill. That bill came to this House, was referred to a committee, and there, under the rules of the House, at the will of the Speaker, although a great majority of the House upon both sides desired to consider it, it slept the sleep of death in each of those Congresses, and the majority was, as I have said, held at arm's length by the will of the Speaker. Do you want other instances? Political campaigns were

made in North Carolina and in Virginia in which Democratic Representatives excused themselves for not repealing the internal tax upon tobacco by saying that the Speaker of the Forty-ninth Congress and of the Fiftieth Congress, under the rules of the House, would not allow the consideration of a bill for that purpose, and that, too, although the great majority of the members of the House desired its consideration. Do you want other instances? Within the recollection of every member of the last Congress, one man, the gentleman from Iowa [Mr. WEAVER], stood for three days against 324 Representatives here and said to them, "You shall not consider any matter of legislation unless you first agree with me that the Oklahoma bill shall be considered."

Mr. O'FERRALL. Will the gentleman allow me to ask him a question? To what Virginia Democrats does he refer as having made that explanation to their constituents?

Mr. CANNON. Oh, it is a matter of current history, and I dare say if the gentleman—but I will not say, because I was not in the gentleman's district. [Laughter.] Mr. Speaker, I desire to go on without interruption.

Mr. O'FERRALL. I only desire to say, Mr. Speaker—

Mr. McMILLIN. I want to ask the gentleman from Illinois one question right on the point which he is presenting.

Mr. CANNON. Very well.

Mr. McMILLIN. I desire to ask the gentleman from Illinois—

The SPEAKER. The gentleman from Illinois has expressed a desire to proceed without interruption.

Mr. McMILLIN. If the Speaker will allow me, with the permission of the Speaker and the permission of the gentleman from Illinois [Mr. CANNON], I will ask the gentleman from Illinois a question.

The SPEAKER. One moment. The gentleman from Tennessee [Mr. McMILLIN] must not be moved about this matter. The gentleman from Illinois [Mr. CANNON] has expressed a desire not to be interrupted—

Mr. McMILLIN. But the gentleman from Illinois [Mr. CANNON] has consented that I may interrupt him. Now, Mr. Speaker, will you consent?

The SPEAKER. That must have been since the gentleman indicated that he desired not to be interrupted.

Mr. CANNON. I give way to the persistency and good nature of my friend from Tennessee.

Mr. McMILLIN. What I wish to ask the gentleman from Illinois is this: He criticizes the former Speaker of this House, the gentleman from Kentucky [Mr. CARLISLE], for not having recognized several gentlemen, outside of the rules, to call up certain measures. Now I wish to ask him if he does not leave that discretion of recognition or non-recognition to the Speaker by the code of rules which he presents here.

Mr. CANNON. Oh, not at all, as I will show the gentleman.

Mr. McMILLIN. The discretion remains still.

Mr. CANNON. But I want to say that the criticism which I made of the gentleman from Kentucky [Mr. CARLISLE] was not at all personal, as he will understand. I am dealing with conditions in the last Congress under the rules and with conditions now. What was the result of that exercise of the Speaker's power? The result was that the business of sixty millions of people piled up on the Calendars, and not more than 5 per cent. of it could receive consideration, and, in fact, under former codes of rules, almost as much time was given to obstruction by the minority as was given to the consideration of the business of sixty millions of people. The consequence was that there came to us, from right-thinking members of the last Congress and of this, in their cooler moments, and from conservative public sentiment throughout the country, a demand that we should reverse the engine and should so construct a code of rules as to enable a majority of the representatives of the people, in the shortest possible time consistent with fair debate and consideration, to register the will of the people in the shape of law.

The Committee on Rules have attempted to do this in the code which they have reported here. And the material matters about which there will be difference of opinion are, I take it, first, the provision which cuts up dilatory motions by the roots; second, the provision under which gentlemen present in the House of Representatives to prevent legislation shall (if they be in fact present) be counted as part of the quorum under the Constitution to aid legislation; third, the provision of the rules by which 100 shall constitute a quorum in the Committee of the Whole; and, fourth, the daily order of business as contained in Rule XXIV of the proposed code.

Now, first, as to dilatory motions, I desire to read the report of the committee touching clause 10 of Rule XVI, which provides—

No dilatory motion shall be entertained by the Speaker.

The report of the committee on this point is terse and direct, and covers the ground upon which this rule is recommended, and is as follows:

This clause is merely declaratory of parliamentary law. There are no words which can be framed which will limit members to the proper use of proper motions. Any motion the most conducive to progress in the public business or the most salutary for the comfort and convenience of members may be used for purposes of unjust and oppressive delay. The majority may be kept in session for a long time against reason and good sense, sometimes at the whim of a single member, and sometimes for a still longer period, at the will of one-fifth

who are misusing the provision of the Constitution for yeas and nays, by the aid of simple motions proper in themselves, but which are improperly used.

In the early days such prostitution of legitimate motions caused by anger, willfulness, and party zeal was not so much as named among legislators. Today the abuse has grown to such proportions that the parliamentary law which governs American assemblies has found it necessary to keep pace with the evil, and to enable the majority, by the intervention of the presiding officer, to meet, by extraordinary means, the extraordinary abuse of power on the part, sometimes, of a very few members. Why should an assembly be kept from its work by motions made only to delay and to weary, even if the original design of the motion was salutary and sensible? Why should one-fifth, even, be entitled to waste a half-hour of themselves and of four other-fifths by a motion to adjourn, when the majority manifestly do not want to adjourn?

If the suggestion should be made that great power is here conferred, the answer is that as the approval of the House is the very breath in the nostrils of the Speaker, and as no body on earth is so jealous of its liberties and so impatient of control, we may be quite sure that no arbitrary interruption will take place, and, indeed, no interruption at all, until not only such misuse of proper motions is made clearly evident to the world, but also such action has taken place on the part of the House as will assure the Speaker of the support of the body whose wishes are his law. So that in the end it is a power exercised by the House through its properly constituted officer.

Now, motions made in this House if used to forward legislation or for legitimate purposes are perfectly proper; but the moment motions proper in themselves, framed to assist the House in shaping legislation, are used, not for the purpose of consideration, but by a minority of one or more to hold the majority at bay and say that legislation shall not be had, that moment they are perverted from the legitimate use for which they are made, they become dilatory and would fall within the clause of this general rule.

Mr. WISE. Will the gentleman allow me to ask him a question?

Mr. CANNON. I would prefer that my friend—

Mr. WISE. It is directly on this point.

Mr. CANNON. I would prefer that my friend should allow me to proceed at present with my remarks, and at the close of what I have to say on this rule—

Mr. WISE. I just wanted to ask the gentleman a simple question with reference to clause 10, which he has just quoted.

Mr. CANNON. All right.

Mr. WISE. Do not your proposed rules leave it with the Speaker to determine what motions are dilatory?

Mr. CANNON. Primarily, yes.

Mr. WISE. Absolutely?

Mr. CANNON. No.

Mr. WISE. Where have you provided any control upon his will?

Mr. CANNON. Now, if the gentleman will take the report of the committee touching clause 10—

Mr. WISE. I have taken it.

Mr. CANNON. Of Rule XVI and read it, he will see that it does not confer absolute power upon the Speaker in this respect. Whether a motion is proper or dilatory under this rule is a question of fact.

Mr. WISE. Who is to determine it?

Mr. CANNON. The Speaker, primarily. The gentleman can not throw up his hand and chop my sentences off in the middle. The organ of this House, as the organ of every deliberative body, determines primarily questions of order—

Mr. WISE. Will the gentleman from Illinois—

Mr. CANNON. I will not yield further now. I want to answer the gentleman's question first. But I want to say, as the report says, that there is no legislative body on this earth so jealous of its privileges and power as the House of Representatives. The Speaker is a member, as you and I are. We made him, and a majority of this House can unmake him at any time, because it is the privilege of the House, and not of the Speaker. So that when a motion becomes dilatory no Speaker would dare to refuse to entertain it until it becomes patent to all the House that it is a dilatory motion, and then he ought to refuse to entertain it.

But gentlemen will say, is there no appeal? Yes, even under general parliamentary usages. After that side of the House had set down its foot and said that an election case should not be considered, after a day and a half had been used in dilatory motions, finally, when one motion to adjourn was piled on top of another, the Speaker, under general parliamentary usages, as was his right and duty, said: "I decline to entertain that motion for the reason that it is dilatory." But gentlemen on the other side took an appeal to the House from the declination of the Speaker; the question was voted upon by the House, and a majority said, "The Speaker in declining to entertain that motion did right." The election case went on; its consideration was continued; and from that time on, with every effort made to continue the dilatory tactics, the Speaker said, "Under general parliamentary law and by the instruction of the House, I refuse to entertain another dilatory motion or an appeal from such refusal."

Now, I say his ruling was right; I say that is what this rule means; and you have come to the point where you must lodge this power with the Speaker subject to the revision of the House or the Speaker and a majority of four-fifths of the House must abdicate power, one and all, and let a minority of one or of a handful of members run the House and the country.

Gentlemen say this is "tyrannical." I deny it. But if it be tyrannical, then the "tyranny" is exercised by the Speaker sustained by the majority of the House; and on the other hand the tyrannical minority

that has controlled heretofore fails to control now. If I must choose between the "tyranny" of a constitutional majority, responsible to the people, or the "tyranny" of an irresponsible minority of one, I will stand by the Constitution and our form of government, and so act as to let the majority rule.

Now, Mr. Speaker, the press of the country has taken some notice of these rules. I have been surprised, from time to time, to pick up the New York Times, a very enterprising paper, and various other newspapers, and to find them talking about "tyranny" and "Czarism." Why, this question has been discussed for years. I hold in my hand an editorial of the New York Times, published during the last session of the last Congress. I will read portions of it which bear upon this question. Suffice it to say that it condemns in the most positive language—more radical and positive language than I can use—dilatory proceedings.

Listen while I read:

FILIBUSTERING RUN MAD.

The recent filibustering in the House of Representatives illustrates a condition of things that is very little appreciated. It is the result of the development of a bad theory which was established in reconstruction days. Dilatory tactics have heretofore been resorted to by a political minority for the purpose of preventing the enactment of political measures. It has been held, although government by majorities is supposed to be the genius of our institutions, that it is not inharmonious with the principle of representative government to protect the minority from the aggressions of the majority. When Mr. RANDALL, therefore, aided by Speaker Blaine, filibustered against the force bill, the country looked upon his conduct with tolerance. Indeed, a large majority of the intelligent voters approved of it.

By a gradual process of evolution the theory that the rules may be properly overturned in the defense of political minority has developed into a doctrine that any minority, however small, on any question pending or likely to come up, may put a stop to all business until a contract is entered into by the majority, or by the Speaker, that some measure of business will not be considered. This is filibustering run mad. The idea that all public business may be stopped because at some future, undefined time the majority of the House may pass a bill which is opposed by a few members, revolutionizes all theories of the [one line of copy illegible]. It places the power of the legislative branch of the Government in the discretion of one man. It offers a bribe to corruption. It is a premium upon indolence and stupidity. A bribe-taker may effectively stand in the way of all legislation until he kills the bill which he is paid to oppose. A lazy or stupid member may defeat a measure by brute force simply because he is unable to conduct an honest and intelligent opposition, when the measure is under consideration.

On the first Monday of this month it was expected that the public business in Congress would proceed. It was the day on which motions by individual members to suspend the rules are in order. This proceeding, however, follows the call of States for the introduction of bills. Some weeks since an effort was made to do away with the call of States on Mondays when motions to suspend the rules are in order. The Committee on Rules reported a resolution to that effect, but the filibusters resorted to dilatory tactics and defeated the attempt. It was the failure of this rule that made it possible for a minority of five to waste a day on which much of importance might have been accomplished.

Five men controlled the House and prevented legislation which two-thirds of the members favored. Never before had the art of obstruction reached such perfection. Government by the minority was in the ascendant, and the minority was so small that the next step in the evolution of Mr. RANDALL's theory is irresistible. Unless the evil which prevailed on the first Monday of February is cured, the time is soon coming when all legislation in the House of Representatives must be by unanimous consent, which is possible only in the case of unimportant bills or of universal log-rolling schemes.

That was the tone of the press, Democratic and Republican, at the close of the Fiftieth Congress.

Now, Mr. Speaker, having said this much in reference to the rule prohibiting dilatory motions, I pass on to discuss clause 3 of Rule XV in the proposed code. It is as follows:

3. On the demand of any member, or at the suggestion of the Speaker, before the second roll call is entered upon, the names of members [sufficient to make a quorum] in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the members voting, and be counted and announced in determining the presence of a quorum to do business.

I call attention to the general parliamentary law, to adjudications of courts, both State and national, and the practice of general legislative assemblies in the several States in harmony with this rule.

In the case of *Launtz vs. The People*, *ex rel.*, 113 Ill. Rept., the charter of the city of East St. Louis provides that "a majority of the councilmen shall constitute a quorum to do business," directs the council "to determine the rules of its proceedings in conformity with the usual practice of deliberative bodies," requires the council to "keep a journal of its proceedings" and that "the yeas and nays, when demanded by any member present shall be entered on the journal," makes the mayor its presiding officer at city council meetings, and gives him the casting vote in the case of a tie, and in no other.

There were eight members in the body of the city council, of which five members constituted a quorum. On the 21st and 29th of May, the council being duly convened and all its members present, the motion was made to approve the defendant's bond, who was city treasurer, and one-half of the aldermen, 4, and the mayor, voted to approve the bond, and the other half refused to vote.

The court held that where a city council consisting of eight aldermen and the mayor are all present, or a quorum is present, and the election of an officer is properly proposed, whoever receives a majority of those who vote will be elected, although a majority of the members of the council may abstain from voting or even may protest against the election. If they neglect to vote, it is their own fault, and such neglect shall not invalidate the act of the others, but be construed an

assent to the determination of the majority of those who vote. The court further says:

What [is] the propriety of giving to a refusal to vote more potency than to a vote cast or allowing a gain from the violation of duty in making the refusal to vote of more effect in guiding the action of a body of which one is a member than voting?

The supreme court of Indiana, on the 10th of December, 1883, by unanimous opinion of the court in the case of the Rushville Gas Company vs. The City of Rushville and others, held that a resolution may be legally adopted by the vote of three of the six members of the city council where the other three are present and refuse to vote, as the vote of the majority of the quorum present is effective. The act authorizing the incorporation of the city of Rushville provided that a majority of the members of the council should constitute a quorum to do business. The same principle is involved and asserted in many cases—I will not take time to read them—amongst others, *The State vs. Green*, 37th Ohio St., 227; *County of Cass vs. —*, 95th U. S., 369; *St. Joseph Township vs. Rodgers*, 16th Wallace, 644; *State vs. Rennick*, 37th Missouri, 270; *Everett vs. Smith*, 22d Minnesota, 53; *2d Burrows*, 1017; *4th Term R.*, 810; *21st Pickering*, 148.

The doctrine is well established that "those who are present and who help to make up a quorum are expected to vote on any question, and their presence alone is sufficient, whether they actually vote or not." If eighteen are present and nine vote, all in the affirmative, the measure is carried; the refusal of the other nine to vote being construed as a vote in the affirmative, so far as any construction is necessary. The highest parliamentary authority is explicit and uniform to the same point. In discussing this question a few days ago in the House, I read from *Principles of Procedure in Deliberative Bodies*, by Hon. George Glover Crocker, president of the Massachusetts senate, a statement of the well established principle touching this matter, as follows:

If a quorum is present, vote valid, though less than quorum votes.—It may be laid down as a general rule that it is the duty of every member of an organization not only to be present at its meetings, but also to vote upon the questions which arise. Hence it is that a vote is binding and valid upon an assembly if a quorum of the assembly is present, even if a quorum does not vote. If a quorum is present a motion is carried, if supported by a majority of those who actually vote. Any other course would enable a small minority, by neglecting their duty, to have more power than they would have if they voted. Thus, if 50 members constitute a quorum and 50 members are present, it would be obviously wrong to allow 1 member who is opposed to a pending motion to prevent the passage of the motion by abstaining from voting, when, if he voted, the motion would be carried by a vote of 49 to 1.

In all cases, however, where in a counted vote it appears that a quorum has not voted, the presumption is thereby raised that a quorum is not present; and unless this presumption is overturned the vote must be considered void. This presumption can be overturned by proof that a quorum was actually present at the time the vote was taken, and, if it is so overturned, then the vote is valid. If a quorum does not vote, but is in fact present, the secretary should make entry in the records that on a count of the assembly it was found that a quorum was present.

I state now, Mr. Speaker, not *in extenso*, that the universal practice under English and American parliamentary law and the practice of nearly all parliamentary assemblies except this, heretofore, has been to hold under law or constitution similar to ours that a majority shall constitute a quorum to do business; that the presence of that quorum is sufficient, although less than a quorum votes.

The Speaker cited the case in New York; the case in Tennessee was cited; and the case in the State of Kentucky, from which the gentleman comes who so greatly feared a revolution in this matter, was also quoted. Take the opinions of the courts in Illinois, in Indiana, in Missouri, in Maine, in Massachusetts, indeed everywhere—upon this point they are in harmony with this position.

But, sir, judge of my surprise a few days ago, when the gentleman from Virginia [Mr. O'FERRALL] obtained the floor, and who seems to me, when in possession of the floor on that side of the House, at times to rise up to leadership. A few days ago, when he held the floor, he closed his speech with a whole page of sentences like this:

The die is perhaps cast, Mr. Speaker; the decree has perhaps been rendered; the edict has perhaps gone forth, and under the arbitrary, tyrannical, and czar-like ruling of you, Mr. Speaker, before another sun shall set the Democratic party on this floor will number one less than now, and the Republican party one more than now, and the party of great moral ideas will have one more in its ranks here to aid in its scheme of extreme, radical, and revolutionary legislation.

Again he says:

Let the finger of autocratic power in this House direct the way to those who will follow it. Let the voice of autocratic power sound through these halls and command those who may obey it; but as for me and my people—

He is sweet on my people—

but as for me and my people I protest against this usurpation, against this outrage, against this violation of the sacred rights of the weak, against this cruel and wicked and unconstitutional violation of the rights of the minority. [Applause on the Democratic side.]

And what was all that about? Why a majority of this House called up an election case and said the governor of the State of West Virginia, within the observation of the people of the whole country, had committed a fraud and had given to a Democratic sitting member a certificate to which he was not entitled. The Committee on Elections reported in favor of turning him out. Then it was that on that side of the House to a man you rose up in your might and power and said a majority shall

not even consider, much less vote, to turn out this Representative whose only constituent was the governor of the State of West Virginia. We said that we would, and you said that we should not. We proceeded under the Constitution, and by virtue of our right as representatives to assert our legislative and political manhood, we said we will, and we did. Then went up the cry of distress from the gentleman from Virginia. Oh, he said, it was unconstitutional to count a hundred men as present and not voting who were really present and did not vote.

I am constrained, in view of that speech, to call the attention of the House to the constitution of a great Commonwealth amongst the States, a constitution precisely similar to the Federal Constitution. Let me read:

A majority of the members-elect to each house shall constitute a quorum to do business. * * * A smaller number may adjourn from day to day. * * * One-fifth may call the yeas and nays, and when called they shall be spread upon the journal, etc.

Precisely the same as the Federal Constitution.

Now let me read you rule 69 of the house of representatives of that great Commonwealth.

Mr. MORSE. What State is that?

Mr. CANNON. I will tell you in a minute. I read from the session rules of 1887-'88 of that Commonwealth:

Upon a division of the house on any question a member who is present and fails to vote shall on demand of any other member be counted on the negative of the question, and when the yeas and nays are taken shall, in addition, be entered upon the journal as present and not voting.

Mr. MORSE. You have not given us the State.

Mr. CANNON. That is the constitution of the State that is called the mother of Presidents—the State of Virginia—and that is the rule of the house of representatives of the State of Virginia.

Mr. O'FERRALL. I am glad the gentleman from Illinois has drawn a clear distinction between the constitution of the State of Virginia and the rules of its house of representatives—

Mr. CANNON. Drawn a distinction?

Mr. O'FERRALL. Because there is no such constitutional provision. There is a rule of the house of representatives to that effect, but no constitutional provision.

Mr. CANNON. Oh, I will say to my friend from Virginia that the constitutional provision of the State of Virginia touching a quorum is couched in precisely the same words as is the constitutional provision of the United States, and for multiplied years in this Democratic stronghold—

Mr. TUCKER. And the gentleman should also remember that it required a rule to make it effective.

Mr. O'FERRALL. The Legislature of Virginia shows by the adoption of this provision that no such power was given under the constitution.

Mr. STEWART, of Vermont. Why, under the constitution the rules of the house of representatives were adopted. They could not have been otherwise adopted.

Mr. O'FERRALL. Let me state—

Mr. CANNON. The constitution provides—the constitution of the State of Virginia, to which I have just referred—exactly as the Federal Constitution provides, that each house may adopt rules and regulations for its own government. In that regard the constitutional provision of the State is precisely in the same words as the Federal Constitution.

And I say to the gentleman from Virginia that I am reliably informed, in fact, that for years and years the Democratic house of representatives in the State of Virginia has acted under that constitution and under that rule, and counted a quorum which was present and did not vote, and, where the yeas and nays were not called, has counted and voted them too in the negative. And yet my friend from Virginia gets up here on this floor and gives notice that in these, the last days of this unheard-of proposition, when liberty is tottering upon her throne, when war, pestilence, and famine are abroad, the gentleman from Virginia, with flaming eye, uplifted arm, and flowing hair, will lead the column and defend to the last the liberties of the country as the brave three hundred defended the Pass of Thermopylae. [Laughter.]

Now, gentlemen, we have counted a quorum in this House and entered their names on the Journal when they were present, through the Speaker, and the action of the Speaker has been ratified time and time again by the House; and in placing this rule in the code we do it as a matter of convenience, so that the Clerk may perform that duty under the eye of the Speaker and hand the names when the vote is handed to the Speaker. If gentlemen on that side want to go to the country upon the principle contained in this rule, we are ready to go and let the people choose between us. But as sure as we remain here and remain in a majority during this Congress, after due consideration and debate, a majority of the House of Representatives in the Fifty-first Congress will perform the function that the Constitution and the people make it their duty to perform.

And I desire at this point, in justification, if justification be needed in the light of history of this House for the last two weeks, to read from the New York Sun an interview of the honorable gentleman from Texas, the leader of the Fiftieth Congress and strong among the leaders on that side of this Congress, a gentleman who has the courage of his

convictions, so far as I have noticed, upon all occasions, in the House and out of the House. The head line of the New York Sun is:

CONGRESSMAN MILLS ON THE SITUATION—A WISE, SAFE, AND TRULY DEMOCRATIC PROGRAMME ANNOUNCED BY THE TEXAS STATESMAN.

WASHINGTON, October 6.

Hon. ROGER Q. MILLS, of Texas, is in the city. It is the first time that Mr. MILLS has been here since the adjournment of Congress. He is looking well and claims to be cheerful. While Mr. MILLS will not be the leader of the Democratic side during the coming session, the chairman of the Ways and Means Committee will surely be heard from.

I know he will. That pile of manuscript upon his desk there does not stand for nothing. [Laughter.]

Mr. McMILLIN. You will probably hear from it before long.

Mr. CANNON (reading):

In conversation to-day Mr. MILLS said that though in the minority the Democrats were fully conscious of their power, and would use it. "We do not propose," said he, "that the Republican majority shall pass a single measure without our consent. For instance, you may depend upon it that the rules of the House will not be changed by the Republican majority in any essential feature. We do not propose to permit them to be changed as is desired by Mr. REED and others in any particular feature. Nor will we permit any of the proposed legislation looking to a control by Congress of the elections, for we see very plainly what the purpose of that is. The same can be said of the contested cases that would come up before Congress. We do not propose to let the Republican majority be further increased *ad libitum* by turning out Democratic members, as seems to be the purpose. In other words, we propose to exercise the control of the House just as much as though we were still in the majority, because we know our minority is strong enough to make us the virtual rulers."

Mr. MILLS. Will the gentleman yield for a moment?

Mr. CANNON. Well, I would like to continue—

Mr. MILLS. Do you believe yourself that I uttered such sentiments as that?

Mr. CANNON. Well, I really do not know. [Laughter.]

Mr. MILLS. But I ask you if you believe it.

Mr. CANNON. I did, of course; unless the gentleman will now deny it. I have seen no denial.

Mr. MILLS. I do deny it.

Mr. CANNON. The gentleman knows well—

Mr. MILLS. Let me say to the gentleman that he knows well enough, for he has been with me for sixteen years, that I have not uttered such sentiments, and that I am as far from uttering such sentiments as any other member on this floor, himself not excepted.

Mr. CANNON. Now, then, I am glad to give the gentleman from Texas an opportunity to deny that interview. I could have wished—although that is a matter of taste—as it went all over the United States and fired the Democratic heart, that it might have been denied some time after the 6th of October and before the 10th of February. [Laughter.] I am glad that the gentleman disavows it, and I am glad that as the country is heard from upon this question of majority rule the gentlemen upon the other side have put on their thinking caps and are watching how the cat jumps and what the people want.

Now, then, giving the gentleman the benefit, as he is entitled to it, of this refutation of that interview, I want to say one thing, that the gentleman himself and every Democratic member of this House, without exception, undertook to write that interview, not in words, but by action or non-action for six days in the last two weeks in this House of Representatives. Anybody deny that? Words and interviews are one thing and action or non-action another. I do not care what a man says; it is what he does or attempts to do that I care about, whether the action be negative or affirmative.

Now, the gentleman from Georgia [Mr. TURNER] and his worthy colleague from Georgia [Mr. CRISP], when this question was under consideration a few days ago, had much to say about Czarism and tyranny. What! Tyranny to count gentlemen present under the Constitution when they were present? Oh! that will break up the country! Let us see about that.

Take the district of the gentleman from Georgia [Mr. CRISP]. Now, the gentleman has probably 30,000 voters in his district, and yet only 1,700 of those 30,000 went to the polls and chose him as a Representative of 30,000 voters in this House. Now, then, I will ask the gentleman if he indorses the principle that will allow 28,300 electors to silently sit by in his district and protest against any election, while 1,704 vote for and elect him. Why, if you carry this principle to a legitimate conclusion, that it requires a vote one way or the other (a majority of a quorum), then by analogy no man is justly entitled to a seat in this House unless a majority of the voters in his district did vote.

Mr. CRISP. A word merely in answer to my friend from Illinois in regard to Representatives here and business: The Constitution of the United States provides that it shall require a majority of the Representatives here to do business; but there is no such provision as to a popular election before the people.

Mr. CANNON. My friend, we talk about the Constitution. In that same Constitution I find rights given to every citizen of the United States. I will not make further comment. I only said by analogy, and upon correct principle, that the logic which requires a majority of all this House to vote in addition to being present would require a majority of the electors in a Congressional district to vote.

Mr. McMILLIN. Does not my friend know that, on the contrary, the Constitution and laws which govern a popular election provide

specifically that the candidate getting the highest number of votes, whether that be a majority or a mere plurality, shall be entitled to the certificate?

Mr. CANNON. I will answer—

Mr. McMILLIN. I think the gentleman does not wish to use any unfair argument, and he knows all that.

Mr. CANNON. I will answer frankly, yes; and in answering I will state further that in every State in this Union with constitutions similar to the Constitution of the United States the law is the same, as interpreted by the Supreme Court of the United States, which provides that, a quorum being present, a majority of those that vote legislate; and that law is as great and high as the law to which the gentleman refers. I was only speaking by way of illustration of the case of the gentleman from Georgia to show that if a correct principle would require non-action in one case it would in the other. I beg the pardon of the House for having detained it so long upon this proposition.

There is not an honest laboring man, in my opinion, there is not a man of culture throughout the length and breadth of this country, but knows in his heart, when free from passion or partisan bias, that our construction of the Constitution is right and that it is absolutely necessary to be asserted and defended or the Republic ceases to be a government of the majority and becomes a government of a minority, a mere aristocracy. I will never stand here when this question is presented and a precedent is to be made helping to do that thing. If the people want to revolutionize our form of government, let them do it after they directly have discussed and taken action as the Constitution provides.

Now, sir, I come to speak of another rule proposed. Clause 2 of Rule XXIII provides in substance that a quorum in the Committee of the Whole shall consist of 100 members.

The reasons for making the quorum 100 in the Committee of the Whole are so tersely and clearly given in the report of the Committee on Rules that I read the same, as follows:

This proposition is not a new one. For many years past, since the Thirtieth Congress, as the business of Congress has steadily increased, numerous propositions have been introduced in the House by members of long service, looking to a reduction of the number necessary for a quorum in the Committee of the Whole, but the issue has never been presented to the House, owing to the fact that until recently it has never been confronted with the question of the want of a constitutional quorum through the refusal of the members present in the House to vote when their names were called in the House, or by division in the Committee of the Whole, thus breaking a quorum. It has never been made a political question and never should be. It goes directly to the bottom of the question of transacting business in the Committee of the Whole.

The Constitution provides, Article I, section 5, clause 1, that "a majority of each House shall constitute a quorum."

Neither House of Congress has ever had a rule fixing the number of a quorum in the Committee of the Whole, but from the First Congress to the present the practice has been to require the same number as in the House. The quorum of the House of Commons (consisting of 670 members) is 40. The Committee of the Whole, like a standing or select committee, has merely advisory powers and jurisdiction. Its action concludes nothing, and must be reported to the House, which approves or rejects, as it pleases. The same principle is true with respect to a quorum of standing and select committees. The House has never adopted a rule on this subject, and it has been a common practice for such committee, in arranging its days of meeting, order of business, etc., to fix the number of its quorum, which is less than a majority of its whole number. So far, therefore, as the constitutional or legal question is concerned, it has never been denied or questioned that it was entirely competent for the House to select any number it might please as a quorum of the Committee of the Whole. The only question involved is one purely of legislative expediency and propriety.

The reason that the issue has never heretofore been presented is due entirely to the fact that until recent years members have not sat in their seats in the House and refused to vote when their names were called.

The House, for convenience, commits temporarily its jurisdiction to standing and select committees. It never parts with or permanently surrenders it. That jurisdiction so committed is returned to the House with the bill or proposition, and is again referred by the House for convenience to a Committee of the Whole. That the action of that committee is purely preliminary and advisory is demonstrated by the facts that no proposition pending therein can be laid upon the table, that the previous question can not be ordered therein, that a motion to reconsider can not be made, that the yeas and nays can not be taken, and, finally, that it can not adjourn.

The action of the Committee of the Whole being, therefore, purely advisory and concluding nothing, it is clear that this provision can not be in contravention of the Constitution—which is silent on the subject—and is in harmony with the well recognized principles and practice of the English Parliament, the original sources of our parliamentary rules and practice and of modern constitutional governments.

I pause merely long enough to say that many men have heretofore advocated this. That great parliamentarian, once a member of this House and afterwards Vice-President, noted everywhere for his intelligence and his conservatism—William A. Wheeler—favored a provision similar to this. It was favored by many great commoners from time to time. A gentleman now dead, but formerly a member of this House, Mr. Garfield, introduced a resolution like this. Another gentleman, the gentleman from Iowa, Mr. Kasson, and the gentleman from Kentucky [Mr. McCREARY] and another gentleman from Kentucky, not in this Congress, Mr. Willis, and other gentlemen from time to time have advocated this provision.

Why, gentlemen, in the English Parliament of between six and seven hundred members in committee and in the House of Parliament 40 make a quorum!

This proposition is to make the number one hundred a quorum in Committee of the Whole, and I want to say that, after sixteen years of service in this cause, I am satisfied that at the sessions of the Committee of the Whole there are not present one-half of the time one hun-

dred members. I have stood by this desk hour after hour in charge of appropriation and other bills, begging gentlemen not to make the point of "no quorum." I have time and again accepted amendments and bought the poor privilege of going on with the consideration of bills by accepting amendments upon condition that gentlemen would abstain from making the point of "no quorum." What does the Committee of the Whole do? It considers matters committed to it by the House, just as the Appropriations Committee or as the Ways and Means Committee considers matters committed to it. The Committee of the Whole consists of all the members of the House, if they want to be present, as they ought to be, and after that committee considers the business then it reports it back with a recommendation, and then, for the first time, the House acts and accepts or rejects the recommendation of the Committee of the Whole.

Now, Mr. Speaker, there are other desirable amendments in this code of rules. One is that the Committee of the Whole may determine, in the absence of a direction on the part of the House, its own business. Gentlemen remember that under the rules of the last House the House would resolve itself into Committee of the Whole and there would be perhaps 500 bills upon the Calendar. The House desired, say, to reach No. 500. The only way that could be done, under the rules, was to go into committee; then somebody would object to bill No. 1, and then, under the rule, the committee would dissolve and go back into the House, and the House would determine whether bill No. 1 should be considered in Committee of the Whole, and that meant a yea-and-nay vote, occupying an hour's time. Then the House would go back into Committee of the Whole and bill No. 2 would be reached, and somebody would object to that bill, and the committee would resolve itself back into the House again, and another hour's time would be consumed. So that to reach bill No. 500, if every point was insisted upon, five hundred hours would be required. Those were rules to expedite business. By this code we propose to give to the Committee of the Whole the right to determine what bill or what business it will consider.

I now call attention to Rule XXIV.

Order of Business, Rule XXIV in the proposed code, has been completely reconstructed as compared with Rule XXIV in the old code, and I can perhaps best explain it by reading the report of the committee covering the same:

Instead of the former rule requiring on Monday a call of States and Territories for the introduction of bills, etc., it has been proposed by clauses 1 and 3 of Rule XXII to refer all bills, etc., to appropriate committees, as required under Rule XI and clause 5 of Rule XXI, by delivering them, in the case of private bills, to the Clerk, and, of public bills, to the Speaker.

Corrections in case of erroneous reference have also been provided for, giving, in the opinion of the committee, all reasonable opportunity for legitimate motions touching the proper reference of a bill. The reference of joint and concurrent resolutions and memorials of State and Territorial Legislatures and of resolutions of inquiry addressed to heads of Executive Departments has been provided for as previously stated.

Clause 2 of the former rule has been amended by the substitution of the following, namely:

Business on the Speaker's table shall be disposed of as follows:

Messages from the President, reports and communications from the heads of Departments, and other communications addressed to the House and bills, resolutions, and messages from the Senate shall be referred to appropriate committees without debate; but House bills with Senate amendments, except revenue and general appropriation bills and river and harbor bills, may be at once disposed of, as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported on by a committee of the House on motion directed to be made by such committee.

The committee do not deem it necessary to say more with respect to the amendment of former clause 2 than that it affords an opportunity for the House to complete the legislation upon which it has already substantially passed. The amendments may be, and usually are, unimportant, and relate to the form rather than the substance of the bill. Under well recognized principles, therefore, of legislative procedure, this enables the House either to conclude legislation or put the matter into conference.

It will be noticed, however, that if either the Senate amendment to the House bill or the original Senate bill is subject to a point of order under Rule XX and clause 3 of Rule XXIII, it must have such reference and there receive its first consideration.

Clause 3 of the proposed code restores unfinished business to its ancient position and privilege, giving it the status to which it was entitled in the House for nearly a century, and to which, under the common parliamentary law and practice, it is legitimately entitled.

After unfinished business has been disposed of there comes a period for action by the House under direction of committees upon bills of a public character which do not appropriate money. This will facilitate the passage of much legislation of local value and some of national importance.

This period must be sixty minutes, and at the option of the House may be much longer. At the end of sixty minutes, however, the House has the option to go to the Committee of the Whole House on the state of the Union either generally or to consider a designated bill.

Messrs. CARLISLE and RANDALL make a minority report from the Committee on Rules, assigning reasons why they are unable to concur with the majority in the changes proposed in the rules of the House. In that report, in referring to Rule XXIV, they complain that under clause 4 no bill on the House Calendar can be reached in the morning hour for consideration unless called up by the committee that reported it and that under clause 5 of the same rule no individual member can make an original motion for the purpose of considering any particular bill on the Union Calendar. They admit that a motion by the direction of a committee to designate a particular bill on the Union Calendar for consideration is amendable on the motion of a member designating another bill.

I call the attention of the House to the fact that the proposed clauses of new Rule XXIV confer much greater power upon the House, upon the committees of the House, and upon individual members than did the rules of the Fiftieth Congress. Under the rules of the Fiftieth Congress no committee or individual member could submit a motion that the House designate a particular bill for consideration on either of the Calendars. So the criticism of the minority is not just in this particular; I may say hardly ingenuous. The individual member by amendment may take the sense of the House in directing the Committee of the Whole to consider a particular bill under the new rule. Neither committee nor individual member, under the old rule, could in any case take the sense of the House by a motion to designate a particular bill for consideration.

Nor is the criticism of the minority correct touching the operation of clauses 4 and 5 of Rule XXIV, covering business in the morning hour. Under clause 5, after one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole on the state of the Union, or, on direction of a committee, a motion to consider a particular bill, to which motion one amendment designating another bill may be made. The clause then provides that if either motion be determined in the negative it shall not be in order to make either motion again until the disposal of the matter under consideration or discussion.

The effect of this clause is, and by the committee was intended to be, when the sixth order of business is reached, to give one hour for the consideration of bills called up by committees from the House Calendar. If, at the expiration of the hour, the House shall not resolve itself into Committee of the Whole, then the morning hour shall continue during that day or until the matter under consideration in the morning hour is disposed of. If not disposed of before adjournment it would come up again next day in the morning hour for consideration and would be considered for one hour, and one hour only, unless the House should again refuse to go into Committee of the Whole for consideration of business on the Calendars.

The minority also complain that upon a motion by direction of a committee the rules may be suspended by a majority vote (clause 1, Rule XVIII) to fix a day for the consideration of a bill previously reported, and that if such motion is made by an individual member it would require a vote of two-thirds. That is true; but the individual member has just as much power in this respect under the new code as he had under the old code. And it seems to me proper that, if the rules should be suspended at all by a majority vote fixing a day for the consideration of a bill, they should only be suspended by motion, on direction of a committee to consider a bill which has been considered in committee and reported to the House and placed upon the Calendar. Consideration and legislation are necessarily largely controlled by committees.

It is impossible for an individual member to do more as a general rule than intelligently exhaust the business of the particular committee or committees on which he may serve. And we all understand that, in at least three-fourths of the business considered by the House, from necessity we are compelled to trust the investigations, reports, and recommendations of the respective committees. But I say again that under the new code both committee and individual members have greater power to effect legislation than under the old code.

The SPEAKER. The time of the gentleman has expired.

Mr. MCKINLEY. I ask unanimous consent that the gentleman [Mr. CANNON] be allowed to continue for ten minutes.

Mr. MILLS. I hope the gentleman will be allowed to take all the time he desires.

There was no objection to the request of Mr. MCKINLEY, and it was so ordered.

Mr. CANNON. Of petitions, memorials, and bills, Rule XXII. The committee recommend the adoption of clauses 1 and 2 of Rule XXII, being the same as former Rule XXII, and add thereto clause 3, as follows:

All other bills, memorials, and resolutions may in like manner be delivered indorsed with the names of members introducing them to the Speaker, to be by him referred, and the titles and references thereof shall be entered on the Journal and printed in the RECORD of the next day, and correction in case of error of reference may be made by the House in accordance with Rule XI within three days immediately after the reading of the Journal, but the reading shall be by title only.

Prior to the Forty-ninth Congress all bills, private and public, were introduced in the House and received their appropriate references to committees. In the Forty-ninth Congress it was provided by this rule that bills of a private nature, with petitions or memorials, could be delivered to the Clerk for reference, etc. This saved much valuable time and has operated well; and the Committee on Rules have provided in clause 3 that all other bills, memorials, and resolutions may in like manner be delivered, indorsed, etc., to the Speaker, to be by him referred to the appropriate committees, with provision for correction of reference in case of error. I have no doubt the adoption of clause 3 will add to the convenience of members and result in the saving of much time to the House.

Rule XIII (Calendars) provides for three Calendars of business re-

ported from committees, the same as in the rules of the last Congress, and adds clause 2, as follows:

All reports of committees, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar under the direction of the Speaker, in accordance with the foregoing clause.

It is believed by the committee that this clause will save much valuable time daily, heretofore consumed in receiving reports from committees and referring them to the Calendar, as the Clerk, when the reports are handed to him, under the direction of the Speaker, can make the references without consuming the time of the House.

In clause 50 of Rule XI we add: "The Committee on Territories, bills for the admission of new States" and "the Committee on Invalid Pensions, general pension bills." The effect of this amendment is to include those two committees among those having the privilege of reporting at any time upon the matter designated.

I am satisfied that these two provisions will both be adopted; and as they are important subjects I believe it to be the duty of this House to take bills reported from both those committees as indicated and consider them, and that, too, at an early day, giving liberal, wise, and just legislation.

Mr. ROGERS. Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. CANNON] a question.

The SPEAKER. The time of the gentleman from Illinois has expired. The gentleman from Texas [Mr. MILLS] is recognized.

Mr. MILLS. Does the gentleman from Illinois wish to continue?

Mr. ROGERS. I would like to ask the gentleman from Illinois a question.

The SPEAKER. The gentleman from Texas has the floor.

Mr. MILLS. Mr. Speaker, the code of rules which the majority of the committee have reported to the House for its adoption is a new departure in parliamentary law. It is a proposition to reverse the legislative engine and to run back on the track upon which we have been running forward for a whole century. It is a code based upon a newly discovered idea, that in this country minorities have no rights, and that majorities are all-powerful, that they speak by inspiration, that their utterances are infallible and their actions impeccable. It is the resurrection of the old, exploded idea of centuries ago that the king is the divinely appointed agent of the Almighty, and of course "the king can do no wrong."

It is not, Mr. Speaker, the theory upon which our fathers built this great temple of free government. It is not the theory upon which our Government has been administered for a century. The great object of our Government, as proclaimed in the Declaration of Independence, is to secure the inalienable rights of the citizen. That great instrument proclaimed to the world that—

All men are created equal; that they are endowed by their Creator with certain inalienable rights—

Rights which can not be surrendered, rights which can not be transferred, rights which men can not permit to be taken from them and at the same time maintain their character as free men—among which are life, liberty, and the pursuit of happiness; and that to secure these rights—

Governments do not grant them, but—

to secure these rights—

With which they are endowed by their Creator—

governments are instituted among men, deriving their just powers from the consent of the governed.

Upon this broad declaration have been erected the great family of American constitutions—this, the Federal Constitution, the central one of the whole, and those of the States, conforming to this great principle, that our governments are instituted to secure the rights of the citizen.

How are these rights to be secured? Certainly not by subjecting them all to the caprice and whim of a majority. Oh, no; our fathers never meant to do anything of that sort. Why, sir, they knew that power when vested either in a million of people or in one man, without any limit upon its exercise, is a tyrant. Hence our Government is a government of checks and balances. It is a government of limitations, delegations, and prohibitions.

Within the jurisdiction of the majority the majority is supreme. When it speaks within its rightful limits there is no power beyond it; there is no appeal from its decision; its judgment is final and conclusive. I hope I am now understood as to the power of the majority.

The gentleman from Illinois [Mr. CANNON] knew (for he knows me well) that I was incapable of uttering the nonsense which he read from the New York Sun and which was copied from some Republican paper. It is not the first time, Mr. Speaker, that I have been misrepresented. I saw, pending the canvass in Iowa last fall, a statement in an Iowa paper that I had come out in favor of putting a tax on hides, for the protection of hides, because I come from a country where there are a great many beeves. And that was published all over the State of Iowa, I suppose in every Republican paper; and I doubt not that every Republican member of Congress on this floor has quoted it from the stump. I never uttered such a sentiment. The only time I ever spoke on the subject at all was to say in reply to a letter written to me from the

West that under no circumstances would I ever consent to put a tax on hides or any other raw material.

Yes, Mr. Speaker, majorities within their limits as defined by the Constitution are supreme. That ought to be satisfactory. But there are some powers that our fathers thought it dangerous for majorities to have, and they said that majorities should not have them. They put majorities under the ban of suspicion. They surrounded them with limitations. They directed the vigilant and watchful eye of the citizen on all their movements. A majority can raise and support an army, but it can not raise and support a church. It can create a court, but it can not create an establishment of religion. In that the minority is superior to the majority. One man can establish his own religion, build his own church, and contribute what he pleases to its support, and sixty millions of people are utterly powerless to prevent him from doing so as long as the Constitution of the United States remains the supreme law of the land.

Here, sir, is one place where the minority is superior to the majority. A majority can create a navy, but it can not create a military commission to try any citizen in time of peace. A majority can close our ports, but it can not close our mouths. Free speech is one of the rights which are safely secured within the bolts and bars of the Constitution; it is far beyond the reach of the strong arm of the majority. A majority may suppress an insurrection, but it can not suppress the freedom of the press. The press, though it be in a small minority, is still more powerful than the majority. A majority may prevent the assembling of a hostile army, but it can not prevent the peaceable assembly of the people to petition the Government for a redress of their grievances. A majority may make a rule or a law, but it can not suspend the habeas corpus unless in time of war, when the public safety is endangered.

A majority can levy taxes on imports, but it can not levy taxes on exports. A minority of a thousand or of ten thousand can send out of the country and all over the world what they please, and a majority of sixty millions can not prevent it. A majority can not pass bills of attainder or *ex post facto* laws. Why is this? Among the people from whom we came majorities did all these things. In England the Parliament is the seat of supreme power. It can do what it wills, and no minority can obstruct or prevent it. It can crown and uncrown the king at pleasure. It can make and unmake the British constitution. It has not only passed bills of attainder and *ex post facto* laws, but it has declared what is orthodoxy and prescribed the religious belief of the people. It has butchered the people, broken them on wheels, burned them at stakes, and dyed the land with English blood to compel the minority to think, speak, feel, and act as the majority wished them to do.

Unfortunately for England and for humanity she had no written constitution as our fathers gave to us to protect us; yes, to "secure" us in the enjoyment of the inalienable rights with which we were endowed by the Creator. To avoid these great crimes for which unrestricted majorities in the English Parliament are responsible, our fathers established this Government to secure—remember the word "secure"—to themselves and their posterity the rights with which nature and nature's God endowed them. They said in many things majorities should be supreme and in many others that minorities should be supreme. In all matters of religion the minority is absolutely supreme over themselves and absolutely beyond the reach of political government as long as they do no injury to others.

We see again in the Constitution an interdiction against the power of the majority over the personal right of the citizen. It is prohibited from making any law to try him for an infamous crime except on the indictment of a grand jury. It can not deprive him of trial by jury. It can not deny him the compulsory power of the Government to bring his witnesses to testify in his behalf. It can not deny him the right to be confronted with his accusers face to face. In all these cases the power of the majority is declared by the Constitution to be dangerous to the liberty of the citizen. Here the citizen, though the humblest in the land, can sit within the fortress of the Constitution, and, sheltered by its power, bid defiance to the will of legislative majorities.

But, Mr. Speaker, it is not only in our national Constitution we see these limitations thrown around majorities. It is so in every State constitution in the Union. What is it for? It is to protect the minority; that is what it is for. It is a check to the madness of the majority, or its caprice, or its wantonness, to use the word employed by Mr. Jefferson. It is to take away from it that power which all history shows it has so grossly abused.

The Constitution of the United States prescribes the rules for the government of the great body of the people of the United States. The constitution of each State prescribes the rules for the government of the people of each State. The Constitution of the United States confers the power on this House to prescribe the rules for its government.

The rules prescribed under the power conferred by the Constitution of the United States are for the protection of the minority, and they have done it from the foundation of the Government. That is one of the objects of making rules. It is not alone to facilitate business. Of course rules are intended to secure the orderly procedure of the business of this body, but at the same time they are intended to cause the House to halt, to pause, to reflect, and in some instance, where it may become

necessary, to go back and inquire of the sober second thought of the people again. It is on the sober second thought of the people our Government rests. The people themselves may become mad. They may become wanton with power, and the very security of our free institutions rests on the fact that the sober second thought, in the language of one of our illustrious forefathers, will bring them back to a sense of their duty to their fellow-citizens and themselves, and thus preserve the blessings of free government for themselves and their posterity.

My friend on the other side felicitates himself upon the wonderful triumph that he and his party gained in the struggle of the last six or eight days, and said that a minority has been setting itself up against the will of the majority, and that the majority of the House on that side had said that they would unseat Jackson and they did unseat him, that they could do it, and they would do it, and they did do it, and he congratulates himself and the majority of the House upon the splendid victory achieved in the struggle thus ended.

Mr. Speaker, what we have done on this side of the House was simply to call the attention of the people of the United States to the fact that the majority in this House had broken the bounds assigned to it by the Constitution of the United States, and that it was ravaging like a wolf in the fold at night, that it was coming into the House in defiance of the constitutional mandate to make rules for the government of its procedure, rules for the protection of the minority as well as rules for the expression of the will of the majority in the prosecution of the business before the House.

Mr. Speaker, we have appealed to the sober second thought of the people with the claim that the majority shall first make rules for the conduct of the business of the House, and, having done that, then to try the case presented upon its merits. If, in that event, the contestant was entitled to his seat, award it to him; but if, on the other hand, the contestee was admitted to have the right to the seat, let him hold it. But instead of that they said they intended to empty the seat, that they had the power and the manhood to do it, and that they would do it. And so, Mr. Speaker, they did. But I once heard of a story that is applicable here, a story of a little bull that had the hardihood to get in front of a locomotive running at sixty miles an hour and boldly challenged its advance. He did not stay very long, it is true. After the train passed there was nothing left of the belligerent little bull but his horns and hoofs; and some one standing by and watching the result of the contest said, "Little fellow, I admire your courage, but damn your judgment." [Laughter.]

I call the attention of the House to the words of Mr. Jefferson in his manual of parliamentary law. This manual is the first code of procedure adopted by Congress, and from the beginning it has been the general parliamentary law of the House until rules are adopted by each succeeding House. This code was prepared by Mr. Jefferson when, as Vice-President, he was presiding over the Senate. That body made some rules, but they referred to the decision of their Presiding Officer without debate or appeal all questions of order arising under their own rules or where their rules had made no provision. The tribute to his ability and impartiality was something like that paid by our friends on the other side to the ex-Speaker who sits by my side. Such a manifestation of the esteem of a legislative body was a high compliment, and one which was highly appreciated both by Mr. Jefferson and Mr. CARLISLE. In seeking for information to enable him to prepare his manual where did he go? He had to go somewhere. But he did not go to the State Legislatures nor to the Continental Congress. Both of these had obtained their information from the British Parliament. It was then the greatest legislative assembly in Christendom.

Referring to the order of the Senate, he says:

This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel, weightily and seriously, this confidence in his discretion, and the necessity of recurring for its government to some known system of rules, that he may neither leave himself free to indulge caprice or passion, nor open to the imputation of them. But to what system of rules is he to recur as supplementary to those of the Senate? To this there can be but one answer. To the system of regulations adopted for the government of some one of the parliamentary bodies within these States or of that which has served as a prototype to most of them.

This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States. It is deposited, too, in publications possessed by many and open to all. Its rules are probably as wisely constructed for governing the debates of a deliberative body and obtaining its true sense as any which can become known to us; and the acquiescence of the Senate hitherto, under the references to them, has given them the sanction of their approbation.

Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I have here endeavored to collect and digest so much of these as is called for in ordinary practice, collating the parliamentary with the Senatorial rules, both where they agree and where they vary.

He did not go to the States. In one of his letters he said he did not consider the rules and decisions of the Continental Congress, because they were unreliable. But here was the correct source of parliamentary law; here was the great body which for five hundred years had been in existence. It is true it had been guilty of the grossest excesses in its early history; it had beheaded kings and filled the land with the blood of their subjects; but it was at that time the fountain of parliamentary law. It had been presided over by a long line of the ablest men who ever presided over any legislative assembly in the world. And this was the body to which Mr. Jefferson went to ascertain what was

the general parliamentary law. He did not go, I repeat, to the State Legislatures; he did not go, like our distinguished Speaker, to a State Legislature, to quote some overruled decision in the State of Tennessee; he did not go to the decision of the lieutenant-governor of the State of New York; but to the source, the great source, of parliamentary law—the Parliament of Great Britain itself. And now let us see what he says about rules and their importance. Mr. Jefferson says:

Mr. Onslow, the ablest among the speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that "nothing tended more to throw power into the hands of the administration and those who acted with the majority of the House of Commons than a neglect of or departure from the rules of proceedings—"

The very thing you gentlemen have been doing for two months—that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were in many instances a shelter and protection to the minority against the attempts of power."

That is what Speaker Onslow says. What does Mr. Jefferson say in regard to that?

So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measure proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

This, Mr. Speaker, is what we have been contending for. We have been contending for rules—rules which provide the mode of procedure in the orderly dispatch of the business of the House, rules which have been provided for the protection and preservation of the rights of the minority, whether that minority be 1 or 160. We have asked for a code like that of our fathers. We have asked for the old institutions of our fathers. We have stood here and remonstrated with the majority on that side of the House against sweeping that code out of existence, a code which we have had for a century, a code under which our nation has grown from 3,000,000 to 65,000,000 of people, under which we have grown to be the most prosperous, the most powerful, and most intelligent people on the earth.

But it is now proposed to tear down all the barriers interposed by our fathers for the protection of the rights of the citizen and permit the majority to make rules to pass bills in violation of the Constitution, to pass them practically without opposition, without consideration, without mature deliberation.

Pass these rules and there remains no limitation on the power of the majority. Pass the rules as you have reported them, tear down the barriers, and enthroned arbitrary power.

But we are told, Mr. Speaker, that it is necessary to silence the minority because some Democrats in the last House of Representatives, some one or two, called for the reading of some bills—

Several MEMBERS. Republicans, too.

Mr. MILLS. But they called Mr. Weaver by name. It is true that a little filibustering has occasionally occurred. But are all these great barriers that were intended for the preservation of the inalienable rights of the citizens to be removed? Are the obstructions interposed for the protection of the Treasury to be removed out of the way? Our friends are so alarmed at the scandal of filibustering that they forget the part they have played in its performance. They forget who introduced it into Congressional legislation.

When did it start here and who started it? Mr. Speaker, it is the legitimate offspring of the Republican party. The two motions which your committee have reported to eliminate from our rules—the motion to adjourn and the motion to fix a day to which the House shall adjourn—have been in our code for a hundred years. They came from the British parliament. They are in Jefferson's Manual. They have been adopted by the House of Representatives and the Senate, and are hoary with age; and yet these two motions were never used to obstruct legislation until 1854, when a Republican minority in the House of Representatives alternated them 128 times to prevent the passage of the Kansas-Nebraska bill. But it did not ruin the country by their obstruction; they appealed from the House to the public judgment whether that bill ought to pass. They called upon the Legislative Assembly to pause, to deliberate, to re-examine again while they made an appeal to the sober second thought of the people.

There is no reason why these motions should be used for obstructing legislation. The fact is they are never used except on most extraordinary occasions and when some extraordinary measure is being proposed to be enacted into law. And when that occurs it is not an unmixed evil to delay the legislation till the public mind can be consulted and the public judgment had.

It is sometimes used to prevent one man from getting into Congress or to prevent another from being turned out; but in all these cases where it has been used in my experience (and I am one of the oldest members of the House; only a few others have been here longer than I have, and only three or four as long as I have) I have never seen filibustering tactics resorted to in the House except when one side or the other thought the majority was being guilty of a flagrant wrong.

I have seen a number of election cases tried and brought to vote here without the exhibition of any obstructive tactics. The Speaker, else-

where, has referred to the fact that filibustering was never known in election contests before 1882, and that statement accords with my recollection. But there had never been any occasion for it before that time. The Republicans had control of the Government in all its branches prior to that time and since 1861. They had created returning boards for the Southern States that certified their candidates into the House, whether they were elected or not. The minority could not filibuster against their admission when they were already in.

My predecessor was elected to the Forty-second Congress by five or six thousand majority, but the certificate was given to his opponent and he took the seat the voters had given to another. When my friend from Illinois [Mr. CANNON] and myself came into the Forty-third Congress, two Republican members sat here through the whole term of two long years, until the last night of that term, and after the sun had gone down and it was dark and the lamps were lighted the Republican Committee on Elections called up and had adopted their unanimous report that neither one of them had been elected. That was the action of a majority that we are now told can do no wrong. We have been told by the Speaker in another place that there were scandals in filibustering in 1882. Was there no scandal in this?

Here were two constituencies denied the right of representation, and that fact admitted by the unanimous report of the committee, and yet it failed to attract the special wonder of the majority. If these men had not been in the House by the action of a fraudulent Republican returning board and it had been proposed to seat them in defiance of the will of the constituencies, it would have been a wrong so flagrant that it would have provoked a stubborn parliamentary obstruction.

In 1882, when parliamentary obstruction was first resorted to in election cases, the Republicans again had control of the House; but the returning boards had passed into history and the Representatives elected by the people were given the certificates of their election, and on those certificates they had been admitted to the House, and the majority again tried, though by a different method, to disfranchise the constituencies by unseating the elected members and seating those not elected, and that provoked the minority to use the parliamentary tactics to defend the right of electors to choose their own Representatives.

In 1882 a Republican Congress turned out one Democratic member who had a majority of 8,036 votes, another who had a majority of 5,272 votes, and reported in favor of turning out another who had a majority of 8,468 votes, and the report would have been adopted but the Congress expired before the report could be adopted and the defeated contestant sworn in. It was to prevent these flagrant wrongs that filibustering first made its appearance in election cases.

But to come down to more recent times. In the last House of Representatives we saw the perpetration of this same "scandal" by the Republican minority. The very mention of filibustering nauseates their stomachs now, but it was a labor of love to them then. They are now wrestling with penitential agonies over our sins, but they feel no compunctious visitations of conscience over their own. Who was it that from day to day refused to permit the House to consider the report of the committee in the contested-election case of Sullivan against Felton? Who was it that resorted to dilatory motions every time the committee called up that case? Who was it that prevented the House till the last moment of the term from acting on that report? It was the very gentlemen who are now denouncing dilatory motions as scandalous. And, Mr. Speaker, you and the majority on the floor to-day, who, after the elections in the fall of 1888 had given you this House, began your crusade against the rules because they permitted dilatory motions, yet yet, in February and March of 1889, were using dilatory motions to keep in one of your members and are now condemning dilatory motions, to enable you to unseat our members in the present House.

There is another feature of the proposed code to which I want to call the attention of the House and the country. It is proposed to invest the Speaker with power to contradict the record provided by the Constitution. The Constitution declares that in a certain contingency a recorded vote shall be had and at all times a majority shall be required to constitute a quorum. It is now proposed that the Speaker may add to, vary, or contradict that record, and that against the uniform ruling of all the Speakers that have ever presided over the House from the beginning of the Government. The record of this House is like the record of a court, it imports absolute verity. No man can attack the record of a court in a collateral inquiry. No man can say its records are not true or that the record does not contain all the facts, and supplement it by the statement of a bystander.

The judge can not do it, when it is collaterally called in question. The clerk can not do it, and no party can. The record is conclusive. The Constitution has provided that a record of the yeas and nays shall be made in certain cases, and the record shall decide whether a quorum has voted and which side has the majority. In the face of this plain provision, the Speaker decides, and the majority sustain him, that he can look out over the assembly and write down as present anybody that he pleases, whether he is present or not. He is to be the judge, not the record, not even the House. The record is made by the answer of the member under the supervision of the whole body, taken down by the Clerk, read to the House, vouched for as accurate and then approved. But all this is abrogated and the voice of one man is substituted

in its stead, and he is authorized to make the Journal say what he wants it to say, whether that be correct or not.

If it were in the power of the House to confer this authority it should not be conferred on any man. What we contend for is this unbroken line of decision by all the Speakers of the House. The rule proposed is condemned by the public opinion of the country. Instead of expediting legislation, the country is erecting checks and barriers against it in every direction. In all the later constitutions adopted by the States, it is declared in unequivocal and unmistakable terms that bills shall be passed only by an affirmative vote of the majority of all members elected to the Legislature, and the vote taken by yeas and nays. This provision is found in the constitutions of Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland, Michigan, Missouri, Nebraska, Nevada, New Jersey, Oregon, Pennsylvania, and Tennessee, and in Kentucky as to all appropriations over \$100.

Mr. CLUNIE. You have omitted California.

Mr. MILLS. My friend from California says the same provision is in the constitution of California.

Mr. SPRINGER. And also in New York.

Mr. MILLS. My friend from Illinois says it is also in the constitution of New York.

Mr. STEWART, of Georgia. And in the constitution of Georgia.

Mr. MILLS. I have found it in the constitutions of the States I have mentioned. My examination of the constitutions was hurried and I overlooked the States mentioned by my friends.

Now, Mr. Speaker, why has the change been made? Here is the evidence of a great reform in public sentiment. We never see a change of this kind without there has been a mischief which the law is intended to remedy. In the interpretation of a law a court will always look to the old law, the mischief, and the remedy.

The old law was that State Legislatures had railroaded legislation to the public injury. The old law had permitted the perpetration of numerous and great wrongs, and the old law was changed to prevent the continuance of that evil, and the constitutions of these States which have been adopted in recent years have adopted a check on railroading legislation. They have, for the protection of the people and in the interest of honest and wise legislation, required a ye-and-nay vote and the affirmative vote of a majority of all members elected to pass a bill.

This has been the rule in Congress, where the ye-and-nay vote is called, without interruption, from the beginning, and now, when the public have become disgusted with the wrongs occurring in State Legislatures and have changed State constitutions to make representative bodies conform to the rule held in Congress, we are abandoning the rule of our fathers and taking up the discarded and condemned code of the older State Legislatures, this very condemned and reprobated rule which Mr. Speaker Blaine said had led to the greatest legislative frauds ever committed.

Mr. CARLISLE. Scandals.

Mr. MILLS. He said "frauds." I will read just what he did say about that. This is a good time to do it. Mr. Coburn, of Indiana, in the Forty-third Congress, wanted the majority to do the very thing that the gentleman from Illinois [Mr. CANNON] wants them to do now. He wanted the majority to rule, and rule right or wrong. He wanted them to exhibit "their manhood" and show what they could do, and he pointed out substantially the same way to the Speaker now pointed out by the Speaker and his Committee on Rules. But what said Speaker Blaine, one of the most distinguished parliamentarians now living? He said:

There can be no record like that of the yeas and nays, and from that there is no appeal. The moment you clothe your Speaker with power to go behind your roll-call and assume that there is a quorum in the Hall, why, gentlemen, you stand on the very brink of a volcano.

When the present Speaker was looking up authorities on this question, if he was looking for the right way, why did he not go back and examine the decisions made by previous Speakers of the House? In reply to Mr. Coburn, Mr. Blaine further said:

The very principle enunciated by the gentleman from Indiana has been the foundation probably for the greatest legislative frauds ever committed. Where a quorum in the judgment of the Chair has been declared to be present in the house against the result of a roll-call, these proceedings in the different Legislatures have brought scandal on their names.

My friend from Kentucky [Mr. CARLISLE] was right; he said the rule had produced both fraud and scandal in legislation.

I am no prophet, nor am I a prophet's son, but I venture to predict that if you adopt the old, reprobated, and discarded rules that have produced frauds and scandals in State legislation you will see the same cause producing the same effect in national legislation. "An evil tree can not bring forth good fruit." Break down the barriers, silence the voice of the minority, crush out all opposition, expedite and accelerate the speed of all bills as they move through the House, and you will wish before the Fifty-first Congress expires that you had permitted the minority to challenge your measures, to put you on guard, and cause you to give more thought and more careful examination to all proposed legislation.

You will wish you had kept the House abreast of the public opinion of the day. You will wish, instead of going to bad precedents in State Legislatures, you had kept in the beaten path of Congressional prece-

dents. Even before the adoption of rules the general parliamentary law was well established that we should keep in the line marked out by the rules of preceding Houses. Mr. Blaine, on this point, said in the Senate, in the Forty-sixth Congress:

What has been held by the gentlemen who have occupied the [Speaker's] chair has been that, in the absence of an existing House adopting rules, instead of falling back on what has been loosely termed general parliamentary law—and I never knew any yet who was able to determine what that was—the House fell back on the rules of the nearest analogous body pending any discussion on new rules, and the nearest analogous body was the preceding House. That has been uniformly held by persons holding the chair of the House.

Now, if that has been uniformly held by all the Speakers of the House from Speaker Muhlenberg to Speaker CARLISLE, if it has been the unbroken current of decision of the greatest parliamentary body on earth, why did Speaker REED go to Tennessee to inquire what was general parliamentary law?

Mr. McMILLIN. And to a decision already overruled.

Mr. MILLS. And to a decision twice overruled, as I am informed by the public press. Why did he go to the State of New York? He could have found decisions to the contrary in the other States. He could have found a decision in the State of Illinois, made by a Republican speaker, that he could not go behind a roll-call.

But that was not the decision the Speaker wanted. He had determined to silence the minority. He had determined that Democrats should be railroaded out of the House. He had determined that certain measures should be expedited through the House. He was not looking for correct decisions. He was looking for something to throw in the faces of the minority when they complained of his usurpation. He was hunting for something, for anything, to help him in the position he had resolved to take. Now, if the Speaker of the House can make the Journal as he pleases, if he can make the quorum as he says he can and as he has done, why did he not continue to make the quorum on the vote to vacate Jackson's seat?

There has not been a constitutional quorum in the House since the day of its organization, last December, till the vote was taken on unseating Mr. Jackson and seating Mr. SMITH. Yet on that vote the Speaker was careful to vote himself and the majority were careful to have the constitutional quorum present. Why was this? It was a confession that the decision of the Speaker in counting a quorum outside of the record could not stand a judicial examination. On that question Mr. Jackson could have gone to the courts; on the other rulings he could not.

You delayed the vote until you brought here your sick men, in order to make a constitutional quorum of your own number. Why, sir, that was a confession that your decision was wrong. Having confessed the wrong, as you have done by your vote, you ought to have renounced and abandoned it and taken up the right. But, instead of that, you are going on again in the same course where we have no way to review your decision, where the question can not be taken to the courts. When the occasion arises again when you want to unseat some member who has been duly elected, you will again take care that the decision shall not be in such a shape as to be taken to the courts; you will have here your 166 members. You will not risk an appeal to the courts of the country in such a way as to secure a review of the decision of the Speaker.

Mr. Speaker, my friend from Illinois [Mr. CANNON] says that he is in favor of removing all impediments out of the way; that it is the policy of his party to "expedite legislation," to expedite the execution of the will of the majority, to railroad your measures through the House. That, Mr. Speaker, is not in accordance with the views of our fathers. If you will look at your constitutions you will see in every line and between the lines delay, debate, consider, pause. Why do the constitutions of nearly all the States require a bill to be read on three several days? That is the provision in nearly all the States. In some of them the constitution refuses to let a bill be passed at all by unanimous consent until it has been read on three several days. That is not expedition; that is not railroading.

The people want deliberation and calm investigation of all questions. They do not want a great library of laws passed. Our fathers built this Government upon the theory that the people who are least governed are best governed; that the fewer the laws the better; that the larger the amount of liberty allowed to the citizen the better it is for him. They believed the Creator knew best how man should be governed. He knew better than any man can know how the happiness of the human race could be best promoted. Hence they thought that laws to protect people in the enjoyment of life, liberty, and the pursuit of happiness were enough. We believe with our fathers that we do not want many laws and we do not want them rapidly made. One of the greatest authors that ever wrote in the English language, second only, in my judgment, to Shakespeare, I mean Henry Thomas Buckle, who wrote the History of English Civilization, was so disgusted with the constant interference of government with the rights of the citizen that he laid it down as a rule that there is but one wise act that any legislative assembly can pass, and that is an act to repeal a former law.

It was not the idea of our republican fathers that we wanted a government to be passing laws every hour of the day, interfering constantly with the liberties of the people. We want to have as little law as possible, as little intermeddling as possible with the affairs of the people.

We want to protect and preserve the natural rights of the citizen; and in order to do this these checks and balances have been provided in the constitutions of all the States, as well as in the Federal Constitution, and in the rules of proceedings of all legislative bodies, the object of which, as I have said, is to compel legislative assemblies to go slow, to deliberate, to debate, to reflect, to pause, to examine the pending question in all its aspects, to let party passion and party madness die, to let judgment resume its sway. These are the things that wise legislation demands; and this is all we have asked.

In challenging the ruling of the Speaker, in challenging the will of the majority as it has been placed before us, we have only appealed to the intelligent judgment of the country. We have only said that we want rules in this House which will protect the people against rash, ill-advised, and unwise legislation. We want mature consideration given to every question. We want the right defended. We want the wrong prevented. And where measures are dictated by partisan considerations and filled with injustice we want the right to check them and to require the majority party to pass them by their own votes. We are not charged with the responsibility of legislation. The majority party have been charged by the people with that duty.

We are in the opposition to that party and to its measures. We claim the right to discharge the duties placed on us by our constituents in the way that seems to us the most effective. We say you should pass your own measures by your own votes. You have no right to compel us to assist you in accomplishing that to which we are opposed. Why should we be compelled to aid you in making a quorum? If in our judgment that is the proper course for us to pursue in discharge of the trust confided to us, you should not compel us to act against our interests and the interests of our people.

You have the majority. Keep them in the House and attend to your own business, and do not put any part of it on our shoulders. You show that you can have a majority when it is absolutely necessary, why can not you have it all the time?

We only want the safeguards our fathers have thrown around the rights of the people in the Constitution. We simply pause here to emphasize to the country the wrong you are doing. We refuse to vote. We stop and invoke the public judgment on the conduct of the majority. From their judgment we appeal to the judgment of the people of the country, and by that judgment we are perfectly willing to abide. [Applause.]

Mr. MILLS. Mr. Speaker, if I have any time left I will yield it to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I inquire how much time the gentleman has remaining?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. MILLS. Of course the gentleman from Pennsylvania [Mr. BAYNE] is entitled to the floor, and I will yield my time to the gentleman from Georgia when he gets the floor.

The SPEAKER. The Chair so understands. The gentleman has ten minutes.

Mr. BLOUNT. I wish to have no misunderstanding about it.

Mr. BAYNE. Mr. Speaker, we have heard in the last two weeks upon this floor the statement frequently repeated that we have no rules. I deny that proposition. Although we have not had a system of rules reduced to form, we have had a system known as general parliamentary law containing regulations for the orderly proceeding of the business of this body, and they are much better than those we have had for a number of years past. The rules we have been acting under in the present Congress, and which are known as the general parliamentary law, have enabled us to make progress with the public business and to accomplish something, whereas under the rules which obtained in former Congresses we were disabled, not only at the instance of a minority, but often at the instance of a single individual, from proceeding with the public business.

To those who regard words as things it may seem we had no rules, but to those who regard well defined parliamentary principles as sufficient rules for parliamentary action, we have seemed to do fairly well, and so far both the law and its administration have met with the approval of the country.

Mr. Speaker, the provision of the Constitution that "each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal"—that provision has but one object, and that one object is to advise the people of the country, when one-fifth of a quorum demand it shall be done, that members shall have their votes recorded on the question presented for their consideration. No other purpose was in view.

The contention on the other side has been not directly, but by a sort of indirection, to convey the impression to the people of the country that the record of the vote thus secured was for the purpose of showing whether or not a quorum was present to do business. That is no part whatever of that provision of the Constitution. It was never once thought of as the object to be attained by recording the vote. On the contrary, the sole object sought to be attained was that the members might be required to show to their constituents how they voted on measures, that they might be held responsible and accountable for such voting.

Story on the Constitution distinctly states that the object of this clause—the one requiring the recording of the yeas and nays on the demand of one-fifth—

the object of the whole clause is to insure publicity to the proceedings of the Legislature, and a corresponding responsibility of the members of the Legislature to their respective constituencies.

Further, the proposition in the Constitution which says—

Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide—

plainly means, first, that a majority shall constitute a quorum to do business and, second, that a minority may compel the attendance of absentees. Now, the fact that upon a minority is conferred the power to send for those who are absent, and to bring them into the presence of that minority, indicates as plainly as language can tell it that the presence of the absentees shall count for something. And what can it count for unless it be to make a quorum? If that be not true, the effect of bringing the absentees into the Hall of the House and making up a sufficient number to constitute a quorum would be simply a monumental farce, an absurdity which could not be explained upon any basis of reason whatever. For if a minority be here and sufficient absentees be brought into the Hall to constitute a quorum, and that quorum shall be permitted to sit silent without voting or being counted to make a quorum, of what possible use is that provision of the Constitution which enables the minority to compel the attendance of the absentees and bring them into its presence? None whatever. To so interpret that provision as to make the compulsory presence of absentees count for nothing in making a quorum, unless they shall so choose, would be a reproach to the framers of the Constitution. Such interpretation would attribute to the fathers the incomprehensible folly of framing nonsense.

Now, Mr. Speaker, will anybody claim, and especially those great constitutional lawyers on the other side of the House, who seem to have such a veneration for the great principles our fathers enacted in that solemn instrument, that that provision means nothing or will accomplish nothing? They must make this concession if they insist that after the bringing into this presence of the absentees, enough to make a quorum, they may still sit silent and not vote and thus enable the point to be made that no quorum is present to do business. The meaning of that provision is plainly that this minority is empowered by the terms of the Constitution to bring into its presence the absentees for the purpose of making a quorum to do business; and it can mean nothing else and it means nothing more. To state these propositions, Mr. Speaker, it seems to me to be to argue them, and there I leave them.

But gentlemen on the other side have, and as I must think by a sort of indirection also—and notably my friend from Kentucky [Mr. CARLISLE], my friend from Georgia [Mr. CRISP], and others—argued that we have broken over the precedents of a hundred years in the mode of doing business here in the last few days. I deny it, sir.

Not until 1832, if I am correctly informed, had a member of the House of Representatives refused to vote. Not until that period of time had any single member of the House of Representatives refused to vote on any questions presented to the House. In that year, on some occasion, John Quincy Adams declined to vote. And what was the inspiration of the House of Representatives at that time when that distinguished gentleman was present and refused to vote? Why, he was threatened with a resolution of expulsion from this body.

Mr. McMILLIN. But I believe they did not undertake to count him as present to make a quorum.

Mr. BAYNE. That may be, for they didn't need to do so at that time. They had a quorum present and voting without him. It was a pure question of recalcitrancy in refusing to vote, and the inspiration of the men of that day was to expel him from the body because he refused to vote.

Now, that can not be called a fair test because it did not affect the progress of legislation. It did not stop, as the minority of the House does now by refusing to vote, the progress of legislation. The first time, I believe, in the whole history of this Government when a sufficient number refused to vote to stop the business of legislation was in 1854. I believe I am correct about the date.

In 1854 a very considerable number of the members of the House refused to vote and thus stopped legislation. It was not for a long period of time, but it continued for some days. But they did it, at all events, at that time, and therefore, I repeat, the first time this question had arisen in such form as to command the attention of the country, because it would necessarily lead to the stoppage of legislation, was in 1854; so that from the beginning of the Government down to the Thirty-third Congress this question had never been fully raised. Now, why do gentlemen on the other side of the House say that the unbroken rule has been for one hundred years that those sitting silent can not be counted to make a quorum? It is an unfair allegation and not in consonance with the fact.

But, Mr. Speaker, I do not know of a single one of the legislative bodies in this country nor of a single corporation in the country where the members have been sustained in sitting silent and refusing to vote; while, on the other hand, from the courts of justice in nearly every

State in the Union have come decisions which recognize the duty to vote and the right to count the membership present to make a quorum.

I wish to call attention to a few of these cases. One case is that of the Commonwealth vs. Green, reported in 4 Wharton, a decision of the supreme court of Pennsylvania. The decision was rendered by Chief Justice Gibson, one of the ablest lawyers that ever presided over any court in this country. The question was raised from the proceedings of the general assembly of the Presbyterian Church. The assembly was presided over by a moderator, and a number of those who were present refused to vote. The moderator counted them.

In the opinion Judge Gibson says:

When a question is put by the established organ, silence is acquiescence with the majority, because each member is supposed to have assented beforehand to the process pre-established to ascertain the general will.

But this rule of implied assent is inapplicable to a measure which is essentially revolutionary and based upon no pre-established process of ascertainment whatever.

There he held that in that body, a corporation having no fixed rules, ruled by general parliamentary law, the presiding officer had the right to count as present, in order to make a quorum, those who sat silently in their seats. My friend from Ohio [Mr. BUTTERWORTH] cited a case from South Carolina where the same ruling was made by Justice Nott, of the supreme court of that State. I shall not read it, but shall print it with my remarks. It is the case of the State vs. Francis de Lisselline, 1 McCord, page 63, and in giving his opinion Justice Nott says:

The constitutions of this State and of the United States declare that a majority shall be a quorum to do business; but a majority of that quorum are sufficient to decide the most important question. It has already been stated that eleven constitute a quorum of the board of trustees of the college, which is composed of twenty-nine members. Six constitute a majority of that quorum, and the concurrence of that number, when only eleven are present, has always been held conclusive on the whole body. In the case of Rex vs. Foxcroft (2 Burr, 1017), the whole number of electors was twenty-five; out of that number twenty-one assembled pursuant to summons. A particular person was nominated, for whom nine voted, eleven refused to vote at all. The person who received the nine votes was held duly elected. Lord Mansfield said, "Whenever electors are present and do not vote at all, they virtually acquiesce in the election made by those who do;" and Justice Wilmut, in the same case, mentioned the case of Rex vs. Withers, where, out of eleven voters, five voted and six refused, the court held that the six virtually consented. See also the case of Sir Robert Salisbury Cotton vs. Davis, 1 Strange, 53, where it was held that a majority of the number present was sufficient. It appears, therefore, that whether we consider the case upon principle or authority we are led to the same result.

The gentleman from Ohio [Mr. BUTTERWORTH] also cited the case of The State ex rel. vs. Green, 37 Ohio State Reports, 234, in which the supreme court of Ohio says:

In holding, as we do, that the relator was duly elected, we do not contravene the well settled rule that in all deliberative bodies the majority must govern. We simply hold that the law cast upon each member of council the duty of voting for some one; that by being present and keeping silent when called on to vote they are presumed to acquiesce in the vote given. This acquiescence creates the presumption that the choice of their voting is the choice of a majority of all present and not voting.

And in a case recently decided in the State of Indiana, which to my mind is one of the strongest that could be adduced in support of the proposition that those present may be counted to constitute a quorum, the supreme court gave an opinion from which I shall ask the Clerk to read the portion marked.

The Clerk read as follows:

The mayor of the city of Rushville appointed a committee, composed of the members of the common council, to investigate and report upon the question of the expediency of buying an electric-light plant and machinery. The committee in due time reported to the common council in favor of making the purchase. On the 3d day of April, 1889, action was taken on the report, at a regular meeting, at which all of the members of the common council were present, and the following resolution was introduced:

"Resolved, That the report of the special committee relating to the lighting of the city be adopted, and that the officers therein named be instructed to sign the contract named therein."

Three of the six members composing the common council voted in favor of the resolution, but the other three members, although present, declined to vote, and the mayor declared that it was adopted. By virtue of this resolution the city is about to enter into a contract with the companies named in the report for the purchase of an electric-light plant and the power to run it, for which the city is to pay the sum of \$10,150. Acting under the resolution, the Edison Manufacturing Company has put up poles, strung wires on them, and placed in operation a system of electric lights, and the city will buy the plant and machinery, unless enjoined. The city has contracted with the Buckeye Engine Company for a steam-engine and appliances to be used in operating the machinery of the Edison company plant at a cost of \$2,200. Unless enjoined, the city will issue bonds to pay for the plant, machinery, engine, and appliances.

The meeting at which the resolution was adopted was a regular one, attended by all the members of the common council, and all who voted at all voted in favor of the resolution. The question, therefore, is, Does the fact that three of the members present declined to vote authorize the conclusion that the resolution was not legally adopted? In our judgment it does not. The rule is that if there is a quorum present and a majority of the quorum vote in favor of a measure it will prevail, although an equal number should refrain from voting. It is not the majority of the whole number of members present that is required. All that is requisite is a majority of the number of members required to constitute a quorum.

If there had been four members of the common council present and three had voted for the resolution and one had voted against it or had not voted at all, no one would hesitate to affirm that the resolution was duly passed, and it can make no difference whether four or six members were present, since it is always the vote of the majority of the quorum that is effective. The mere presence of inactive members does not impair the right of the majority of the quorum to proceed with the business of the body. If members present desire to defeat a measure they must vote against it, for inaction will not accomplish their purpose. Their silence is acquiescence rather than opposition. Their refusal to vote is, in effect, a declaration that they consent that the majority of the quorum may act for the body of which they are members.

The rule we have asserted is a very old one. The doctrine is thus stated by

one of the earliest writers on municipal corporations: "After an election has been properly proposed whoever has a majority of those who vote, the assembly being sufficient, is elected, although a majority of the entire assembly altogether abstain from voting, because their presence suffices to constitute the elective body, and if they neglect to vote it is their own fault and shall not be deemed to invalidate the act of the others, but be construed an assent to the determination of the majority of those who do vote."—(*Willcock Municipal Corp.*, Sec. 546.)

In a recent American work it is said: "Those who are present and who help to make up the quorum are expected to vote on every question, and their presence alone is enough to make the vote decisive and binding, whether they actually vote or not. The objects of legislation can not be defeated by the refusal of any one to vote when present. If eighteen are present and nine vote, all in the affirmative, the measure is carried, the refusal of the other nine to vote being construed as a vote in the affirmative, so far as any construction is necessary." (How & Bemis *Municipal Police Ordinances*, 42.) The principle involved is asserted in many cases. (*State vs. Green*, 37 Ohio Stat., 227; *Lountz vs. People*, 113 Ill., 137; *County vs. Johnson*, —569; *St. Joseph Tp. vs. Rogers*, 16 Wall., 644; *State vs. Mayor*, 307 Mo., 270; *Everett vs. Smith*, 22 Minn., 53; *Olaknon vs. Wainright*, 2 Burr., 1017; *King vs. Belbringer*, 4 Tem. Rep., 810; *Inhabitants vs. Stearns*, 21 Hick., 148.)

Mr. BAYNE. Mr. Speaker, that decision quotes decisions from a large number of the States. I understand the supreme court of the State of New Hampshire has just decided the same point. In the Indiana case the facts were that three members of the council voted while three others sat silent. The body was composed of six members and the burgess. The burgess declared the measure carried.

Throughout the range of judicial decisions in this country, I challenge gentlemen on the other side to present a solitary case where it has not been held that those present may be counted to constitute a quorum to do business in any corporation.

Now, as to rules which have obtained in parliamentary bodies in this country the gentleman from Illinois [Mr. CANNON], in his able speech a short time ago, cited the case of Virginia, where it is a rule of the house of delegates that members shall vote, and he alluded to the fact that the language of the constitution of Virginia and that of the Constitution of the United States are precisely alike with respect to the provision for a quorum and bringing in absentees. The Speaker of the House has cited to this body the decision of Lieutenant-Governor Hill, of the State of New York, then presiding over the senate, when he counted as present, in order to make a quorum, members who sat silent, and declared the measure thus supported carried.

In the senate of Massachusetts it was held by the presiding officer of that body in the year 1885:

It is immaterial that a quorum does not vote if a quorum is present. Those who do not vote may be presumed to be of opinion with the majority of those who do and to be content with the action taken, since they express no dissent. Any other rule would occasion great practical inconvenience, as in every legislative body most questions pass without a vote cast on either side, *namine deservente*, and this practice is convenient and unobjectionable. The opposite rule would put it in the power of a few members, possibly of a single member, to defeat the will of the majority and prevent the transaction of business by breaking a voting quorum. Now, it is the duty of every member to vote, and rule 53 of the senate expressly requires every member to vote on a call of yeas and nays, unless excused, but practically the rule depends for its enforcement solely upon the sense of duty of members.

There is, however, another rule (rule 12) which forbids a member to absent himself from the chamber without leave unless there is a quorum without his presence, which rule the chair or the senate can enforce by closing the doors; and the constitution expressly empowers any number of senators less than a quorum to compel the attendance of absent members. The obvious purpose of both the constitutional provision and the rule would be defeated if members, brought in or kept in, could still block the public business by sitting mute and refusing to vote. All reasons for the requirement of a quorum are fully answered by its presence. For these reasons the point of order that a quorum has not voted can not be entertained, if at all, only so far as to ascertain whether a quorum is present.

That ruling, I understand, was made by Mr. Crocker, the presiding officer of the senate of Massachusetts, himself an authority on parliamentary law.

Now, Mr. Speaker, in the State of Ohio, in 1884, in the house of representatives, a number of members, Republicans I believe they were, refused to vote. Mr. Myers, a gentleman well known, I understand, to the politicians of the State of Ohio, presented a protest which contained the following among other allegations:

Whereas article 2 of the constitution of the State of Ohio sets forth the powers, privileges, and duties of members of the General Assembly; and

Whereas section 6 of article 2 sets forth that "a majority of all members elected to each house shall be a quorum to do business" [the language being identical with that which is contained in the Constitution of the United States], * * *

We therefore do earnestly and soberly protest against the revolutionary action of the Republicans of this house who, with a few honorable exceptions, attempted on Friday, February 1, 1884, to delay public business, and by their voluntary silence disfranchised their constituents, thus defeating the objects and violating the principles of a representative system of government.

The question was put by the speaker on amendments. The yeas and nays were taken, and resulted—yeas 40, nays 3.

This did not constitute a quorum.

Before the announcement of the vote and at the end of the roll-call, that 35 members (naming them), being present and not voting, be excused from voting. This was agreed to.

The chair thereupon decided that there was a quorum of members present, and the amendments of the committee were agreed to.

The bill was engrossed and read a third time.

On this motion yeas were 47, nays 5.

Not a quorum.

The speaker directed the clerk to call the names of those present and refusing to vote, and not excused; thereupon the clerk called Messrs. Brown, Brooks, and others, who failing to respond to their names, the speaker *pro tempore* directed that the fact be noted in the journal. Mr. Brunner, the speaker *pro tempore*, decided that a quorum was present, and that a majority of a quorum having voted in favor of the motion it was agreed to, and he therefore ordered the bill to be engrossed and read a third time.

An appeal was taken from this decision, but it was sustained by 45 yeas to 25 nays.

There is a case in point sustaining the action that has been taken here by the Speaker. The gentleman from Ohio [Mr. BUTTERWORTH] cited a case which occurred in the senate of the State of Kentucky, where the presiding officer counted those who were present to make a quorum. The facts in that case were derived from the gentleman from Kentucky [Mr. WILSON], who was a member of the senate at that time, and the language of the constitution of Kentucky is analogous to that of the Constitution of the United States.

I am credibly informed, too, that the late governor of the State of Indiana, Governor Gray, when he was presiding officer of a branch of the Legislature of that State, counted members as present who refused to vote, to make a quorum. Those members, I believe, then undertook to leave the hall, whereupon the presiding officer ordered the doors to be closed, confined the members within the hall of the senate and counted them as present to constitute a quorum. What we know here as "filibustering" was carried on to such an extent in the State of Indiana that the Legislature of that State enacted a law making it a penal offense for any member to absent himself from either body of the Legislature for the purpose of breaking a quorum and fixed the penalty at a fine of \$1,000. So that the gentleman from Indiana [Mr. BYNUM], who seemed to take such umbrage at the ruling of our Speaker and who protested with much more vigor than discretion against that ruling, comes from a State where this extreme measure was found necessary to bring the members of the Legislature to a sense of the responsibility that rested upon them, and, although they could not be compelled by act of the Legislature to vote, they were compelled, under this law and under this penalty of \$1,000, to remain in the legislative hall, and if they left to break a quorum they became subject to this penalty.

The way the Indiana politician does nowadays is not to leave the legislative halls without carrying his resignation in his hands to be transmitted to the governor of the State; and I believe Indiana legislators have done even that on one or two occasions for the purpose of breaking a quorum.

I am informed also by my friend from Tennessee, Judge HOUK, that in both branches of the Legislature of that State presiding officers have held that members present should be counted to make a quorum to transact public business, just as members of the Fifty-first Congress have been counted here by the Speaker.

Thus, Mr. Speaker, it has been held by the courts as well as by parliamentary bodies all over this country that members present may be counted to constitute a quorum to conduct the proper business of the corporations, public or private, to which they are accredited. Any other system would not only prove nugatory, but it would constitute a case of suicide; it would defeat the very aims and objects that are to be accomplished by corporate or parliamentary bodies.

Now, what is the difficulty that is sought to be remedied? The new rules proposed for our consideration and now under discussion make a change in clause 4 of Rule XVI, which, as it has been in force heretofore, reads as follows:

When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order.

The motions which enabled the parliamentary prevention of the public business were that to fix a day to which the House should adjourn and the motion to take a recess. Those motions under the old rules were privileged motions; and, as I understand, gentlemen on the other side of the Chamber desire that the old rules in this respect shall be re-established.

Now, Mr. Speaker, I want the Clerk to read from the RECORD a specimen of our proceedings under the old rule, so as to give an "object lesson" of the way that the rule worked and the way in which it would work if we should adopt it in the present House of Representatives.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Wednesday, January 9, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will read the Journal.

Mr. WEAVER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. Clause 1 of Rule I provides that—

"The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same."

I make the point of order that the Journal can not be read until it is ascertained that a quorum is present.

The SPEAKER. That point of order was made during the last session of Congress, and the Chair sustained it. It is not only a rule of the House, but the Constitution itself provides that it shall require a majority of the members-elect to transact business; and the reading and approval of the Journal is the transaction of business, because the Journal is nothing more than memoranda made up by an officer of the House, until it is approved by the House.

The Clerk will call the roll.

The roll was called, and the following members answered to their names:

Abbott,	Dingley,	Kean,	Rice,
Allen, Mass.	Dockery,	Kelley,	Richardson,
Anderson, Iowa	Dunn,	Kerr,	Rockwell,
Anderson, Miss.	Elliott,	Ketcham,	Rogers,
Anderson, Ill.	Enloe,	Kilgore,	Romels,
Atkinson,	Ermentrout,	Lafoon,	Rowell,
Baker, N. Y.	Farquhar,	Laidlaw,	Rowland,
Baker, Ill.	Felton,	Lane,	Sawyer,
Bankhead,	Finley,	Lanham,	Sayers,
Barnes,	Fisher,	Latham,	Scull,
Biggs,	Flood,	Lawler,	Seymour,
Bingham,	Foran,	Lind,	Shaw,
Blanchard,	Forney,	Lodge,	Shively,
Bland,	French,	Long,	Smith,
Blount,	Fuller,	Lynch,	Sowden,
Bound,	Funston,	Macdonald,	Spooner,
Bowden,	Gaines,	Maish,	Springer,
Brewer,	Gallinger,	Mansur,	Stewart, Tex.
Brower,	Gest,	Martin,	Stewart, Ga.
Brown, Ohio	Gibson,	Mason,	Stockdale,
Brown, J. R., Va.	Glass,	Matson,	Stone, Ky.
Brumm,	Goff,	McClammy,	Stone, Mo.
Bryce,	Granger,	McCreary,	Struble,
Bunnell,	Grimes,	McKenna,	Symes,
Burnes,	Grosvenor,	McKinley,	Taulbee,
Burnett,	Groat,	McKinney,	Taylor, E. B., Ohio.
Burrows,	Hall,	McMillin,	Thomas, Wis.
Campbell, F. N. Y.	Hare,	McRae,	Thompson, Cal.
Campbell, T. J., N. Y.	Harmer,	McShane,	Tracey,
Candler,	Hatch,	Mills,	Townsend,
Cannon,	Haugen,	Moffitt,	Turner, Kans.
Catchings,	Hemphill,	Moore,	Turner, Ga.
Ceadle,	Henderson, Iowa	Morgan,	Vandever,
Chipman,	Henderson, N. C.	Morrill,	Walker,
Clardy,	Hiestand,	Morrow,	Warner,
Clark,	Hires,	Newton,	Washington,
Conger,	Hitt,	Nichols,	Weaver,
Cothran,	Holmes,	Oates,	Weber,
Cox,	Hooker,	O'Donnell,	Wheeler,
Crain,	Hopkins, Ill.	O'Ferrall,	White, Ind.
Crisp,	Hopkins, Va.	O'Neill, Pa.	Whiting, Mich.
Crouse,	Hopkins, N. Y.	Osborne,	Wilkinson,
Culberson,	Houk,	Outwaite,	Williams,
Cummings,	Hovey,	Patton,	Wilson, Minn.
Cutcheon,	Howard,	Payson,	Wilson, W. Va.
Dalzell,	Hudd,	Peel,	Wise,
Davenport,	Hunter,	Perry,	Woodburn,
Davidson, Ala.	Hutton,	Peters,	Yardley,
Davidson, Fla.	Jackson,	Pugsley,	Yoder,
Davis,	Johnston, Ind.	Randall,	Yost.
Dibble,	Johnston, N. C.	Reed,	

The SPEAKER. Two hundred and three gentlemen are present, and there is a quorum.

Mr. WEAVER. I move the House adjourn; and pending that motion, I move that when the House adjourn to-day it be until Friday next.

Mr. RANDALL. I suggest that the roll-call, as directed by the Speaker, was for the purpose of knowing whether there was a quorum present, and when the Speaker found a quorum present the next requirement is that the Journal be read.

The SPEAKER. The requirement is the Speaker shall direct that the Journal be read. The Chair thinks the House may adjourn to prevent the reading of the Journal at any time it thinks proper. Such motions have been made before, and the House has adjourned without the reading of the Journal.

The question was taken on adjournment until Friday; and the Speaker announced that the "noes" seemed to have it.

Mr. WEAVER. Division.

The House divided; and there were—ayes 3, noes 139.

Mr. WEAVER. No quorum.

The Chair appointed Mr. WEAVER and Mr. CRISP as tellers.

Mr. JACKSON. I demand the yeas and nays.

Mr. CRISP (to Mr. JACKSON). Do not do that; we will get a quorum presently.

Mr. JACKSON. I will withdraw the demand for the yeas and nays.

After some time spent in counting, the tellers reported—ayes none, noes 139.

The SPEAKER. No quorum has yet voted.

The tellers continued the count, and finally reported—ayes none, noes 163.

So the motion that when the House adjourn to-day it adjourn to meet on Friday next was disagreed to.

Mr. WEAVER. I move that when the House adjourn to-day it be to meet on Saturday next.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WEAVER. Division.

The House divided; and there were—ayes none, noes 115.

Mr. WEAVER. No quorum.

Mr. WEAVER and Mr. CRISP were appointed tellers.

The House again divided; and the tellers reported—ayes none, noes 106.

The SPEAKER. No quorum has yet voted.

Mr. GROSVENOR. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I want to know whether during the attempt to obtain a quorum it would be in order for Mr. CRISP to address the House on the rights of a minority being protected under our form of Government. [Laughter.]

The SPEAKER. It would not.

The tellers again reported—ay 1, noes 163; so the motion to adjourn till Saturday was not agreed to.

Mr. WEAVER. I move that when the House adjourn to-day it be to meet on Monday next.

Mr. CRISP. I make the point of order that that is more than three days.

The SPEAKER. It is four days.

Mr. WEAVER. Then I move that the House take a recess until half past 2 o'clock.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WEAVER. Division.

The House divided; and there were—ayes 3, noes 153.

Mr. WEAVER. No quorum.

Mr. WEAVER and Mr. CRISP were appointed tellers.

The House divided; and the tellers reported—ayes none, nays 90.

The SPEAKER. No quorum has yet voted.

Mr. REED. Mr. Speaker, I would like to inquire of the gentleman from Georgia [Mr. CRISP] whether there is anything else that can be done to protect the rights of the minority. [Laughter.]

Mr. CRISP. Mr. Speaker, the gentleman from Georgia has said nothing to indicate that he was at all objecting to this.

Mr. PAYSON. How does the minority feel about it?

Mr. ROGERS. There is no minority.

Mr. WEAVER. This is a fight for the rights of the majority.

Mr. PAYSON. I think we ought to be advised as to how "the minority" himself [Mr. Weaver] feels as to his own situation. [Laughter.]

The SPEAKER. Upon the pending question the tellers report—ayes 2, noes 161.

The noes have it, and the motion is not agreed to.

Mr. WEAVER. I move that the House take a recess until half past 1 o'clock.

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. WEAVER. I ask for a division.

The House divided; and there were—ayes none, noes 81.

Mr. WEAVER. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Georgia [Mr. CRISP] and the gentleman from Iowa [Mr. Weaver].

The House divided; and the tellers reported—ayes none, nays 117.

The SPEAKER pro tempore (Mr. HATCH). No quorum has voted. There is evidently a quorum present in the House, and the Chair hopes members will come forward and vote.

Mr. STEELE (at half past 1 o'clock p. m.). Mr. Speaker, I make the point of order that the time named in the pending motion to take a recess has arrived, and that the motion therefore fails, and I now call up the bill (S. 944) to increase the pension to Mrs. Elizabeth Scott.

Mr. WEAVER. Regular order.

The SPEAKER pro tempore. The Chair will state to the gentleman from Indiana [Mr. Steele] that the House is dividing and no quorum has voted.

Mr. STEELE. But the time during which it was proposed that the House should take a recess has expired.

The SPEAKER pro tempore. The question is under consideration, and it is for the House to determine. The Chair will again remind members that no quorum has voted. There is obviously a quorum present, and the Chair hopes that gentlemen will come forward and vote and make a quorum.

Mr. STEELE. But the hour to which the gentleman from Iowa [Mr. Weaver] moved to take a recess having expired, is it not in order to make that point?

The SPEAKER pro tempore. That is a matter for the House to determine. The Chair will state to the gentleman [Mr. Steele] further that even if that question were determined his motion would not be in order, because the Journal of yesterday's proceedings has not yet been read. No motion is in order until after the Journal has been read.

Mr. STEELE. I wish to discuss the point of order, but I yield now to my friend from Michigan [Mr. BREWER].

The SPEAKER pro tempore. The gentleman is not in order.

Mr. WHITE, of New York. Mr. Speaker, would it be in order to inquire if protection to the rights of the minority is the palladium of our liberties to-day? [Laughter.]

The SPEAKER pro tempore. The Chair does not think that is a parliamentary inquiry. If members who are present desire that the business of the House shall proceed they will come forward and vote and make a quorum. It is for them to determine whether the business of the House shall be blocked in this way or not.

The tellers reported—ayes none, noes 152.

Mr. WEAVER. No quorum.

Mr. MCCREARY. I move a call of the House.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCCULLOUGH. When a motion is made and, upon a vote, the ayes are none, does not the motion fail?

The SPEAKER pro tempore. Not unless there is a quorum. The gentleman from Iowa [Mr. Weaver] insists upon the point that no quorum has voted. The question is on the motion of the gentleman from Kentucky [Mr. MCCREARY] that a call of the House be ordered.

A call of the House was ordered—ayes 73, noes 5.

The SPEAKER pro tempore (Mr. HATCH). The roll-call discloses the presence of 232 members, being more than a quorum.

Mr. MCCREARY. As a quorum is present, I move to dispense with further proceedings under the call.

The motion of Mr. MCCREARY was agreed to.

Mr. WEAVER. I move that the House take a recess until forty minutes past 2 o'clock.

The SPEAKER pro tempore. There is already a motion pending, which must be determined. The tellers will resume their places. The question is on the motion submitted by the gentleman from Iowa [Mr. Weaver] that the House take a recess until half past 1 o'clock to-day.

Mr. WASHINGTON. I make a point of order—

The SPEAKER pro tempore. The point of order which the Chair understands the gentleman desires to make has already been overruled. This is a question which must be determined by the House.

Mr. WASHINGTON. I call the attention of the Chair to the fact that it is now 2 o'clock.

The SPEAKER pro tempore. That is a matter for the House. The motion having been made must be voted on. The House is dividing on the question.

Mr. WEAVER. I make the point that the vote must now be taken de novo.

The SPEAKER pro tempore. The Chair so holds.

Mr. BUCHANAN. I rise to a parliamentary inquiry. I understand the pending motion is that the House take a recess until half past 1 o'clock.

The SPEAKER pro tempore. It is.

Mr. BUCHANAN. It now being half an hour past that time, what would be the effect of this motion if adopted?

The SPEAKER pro tempore. The Chair will determine that when the House votes upon the proposition.

Mr. BUCHANAN. But my point is this: If the motion were adopted, would it not throw us over until half past 1 o'clock to-morrow? I ask the question in good faith.

The SPEAKER pro tempore. The Chair will state to the gentleman from New Jersey that such would not be the effect.

The House again divided; and after some time the tellers reported—ay 1, noes 162.

So the motion of Mr. Weaver was not agreed to.

Mr. WEAVER. I move that the House take a recess until fifteen minutes past 3 o'clock.

The SPEAKER (having put the question). The noes seem to have it.

Mr. WEAVER. I call for a division.

The question being again taken, there were—ayes 3, noes 34.

Mr. WEAVER. No quorum.

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

The yeas and nays were ordered, 48 voting therefor.

So the question was taken; and it was decided in the negative—yeas 3, nays 184, not voting 136; as follows:

YEAS—3.

NAYS—184.

So the House refused to take a recess.

The vote was then announced as above recorded.

Mr. WEAVER. I have no objection to the Journal being read.
The SPEAKER. The Clerk will read the Journal.
The Journal of yesterday's proceedings was read and approved.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. BAYNE] has expired. The gentleman from Georgia [Mr. BLOUNT] is recognized.

Mr. BAYNE. I ask unanimous consent to have read a single paragraph from Thomas Carlyle's History of Frederick the Great. This extract is from page 406 of volume 6. I simply desire to show the analogy between the proceedings of the Polish Diet under the Polish law and those of the American House of Representatives under the rules the other side of the House is contending for, and there I shall leave the matter.

There being no objection, the Clerk read as follows:

In 1652 the incredible law of *Liberum Veto* had been introduced, in spite of John and his endeavors. *Liberum Veto*, the power of one man to stop the proceedings of Polish Parliament by pronouncing audibly "*Nie pozwalam, I don't permit!*" Never before or since among mortals was so incredible a law. Law standing indisputable, nevertheless, on the Polish statute-book for above two hundred years, like an ever-flowing fountain of anarchy, joyful to the Polish nation. How they got any business done at all under such a law? Truly they did but little; and for the last thirty years, as good as none. But if Polish Parliament was universally in earnest to do some business and veto came upon it, honorable members, I observe, gathered passionately round the vetoing brother, conjured, obtested, menaced, wept, prayed; and, if the case was too urgent and insoluble otherwise, the *Nie pozwalam* gentleman still obstinate, they plunged their swords through him, and in that way brought consent. The commoner course was to dissolve and go home again, in a tempest of shrieks and curses.

Mr. BLOUNT. Mr. Speaker, a story is told that in my State, during the administration of Governor Bullock, when he appointed ignorant magistrates for partisan purposes, a distinguished lawyer went before one of them for the purpose of arguing a cause, carrying along with him a number of legal authorities for the purpose of persuading the magistrate to his own conclusions. The magistrate looked at him gravely and said, "Square, you can read your books, if you please, but my wife and I have settled this question this mornin' 'fore breakfast." And, sir, when we come now to the question of the rules of this House, it seems that they have already been settled in a Republican caucus. Notwithstanding, however, this organization in advance of debate to determine upon the rules of this House, I shall endeavor to present the reasons why many of the proposed rules should not be adopted.

Mr. GROSVENOR. Will the gentleman allow me to ask him a question at this point?

Mr. BLOUNT. What does the gentleman desire?

Mr. GROSVENOR. I would like to ask a question, if the gentleman will yield to me.

Mr. BLOUNT. Well, you did not let me into your caucus, but I will let you come in now with your question.

Mr. GROSVENOR. I want to know whether the Democratic caucus did not resolve in advance that they would oppose the adoption of these rules?

Mr. BLOUNT. They did, after understanding your programme.

Mr. GROSVENOR. Exactly; then we are even on that score.

Mr. BLOUNT. You started off on that line of policy. We had reasons for our course. I will say to the gentleman, however, that we passed no resolution in caucus—

Mr. GROSVENOR rose.

Mr. BLOUNT. Now, Mr. Speaker, I must ask to be allowed to proceed in order.

Sir, in this code of rules submitted to the House there are changes proposed which to me are exceedingly grave and demand careful and just consideration. I wish first to invite the attention of the House to two paragraphs proposed as a part of Rule XXIII:

2. Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 members, the chairman shall cause the roll to be called, and thereupon the committee shall rise and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear the committee shall thereupon resume its sitting without further order of the House.

3. All motions or propositions originating either in the House or Senate involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payment out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. Speaker, I maintain that the provision proposing to fix 100 as a quorum in Committee of the Whole is unconstitutional and without precedent in any parliamentary body. I maintain further that this, in connection with other provisions of these rules—the provision, for instance, allowing the Committee of the Whole to select any bill that it pleases in committee, instead of being guided by the Calendar—will result in combinations in Committee of the Whole and in legislation which will redound to the dishonor of the House of Representatives. I maintain further that the attempt to make 100 a quorum of the Committee of the Whole is a reversal of all the theories in regard to the purposes of a Committee of the Whole.

I trust I may be pardoned if I invite the House at perhaps an unpleasant length to an examination of this question in the House of Commons of Great Britain, and follow that with its history in the House of

Representatives from the beginning of the Government down. It is well, sir, we should retrace its history in the past, for it has had the sanction of ages and of the grandest intellects of the earth.

I ask attention, first, to 2 Hatsell, page 177:

On the 5th of January, 1640, it was declared as a constant rule that Mr. Speaker is not to go to his chair till there be at least forty in the house.

I read this as an example of the various orders as to a quorum in the house.

On the 23d of April, 1735, there not being forty members in a Committee of the House, Mr. Speaker resumed the chair, and, there being then forty members present, proceeded in business. On the 22d of March, 1733; the 23d of February, 1746; the 2d and 4th of April, 1755; the 9th of March, 1757; and the 10th of May, 1758, Committees of the Whole House break for want of forty members.

And when it gets to the matter of a quorum in the Committee of the Whole House no order but the practice of the committee is cited, showing in the House of Commons the Committee of the Whole naturally and logically must have the same number for a quorum as the House.

This rule that forty members should be present was certainly intended to prevent questions being carried by surprise and in a thin House; and, as it is essential to the fairness of proceeding, it has therefore, I believe, been observed invariably, both as to the number present when the speaker takes the chair and as to his quitting it again immediately, if it is after 4 o'clock.

The same authority says:

It appears from several instances that the practice of the house has extended this rule to the Committees of the Whole House; and that it is equally necessary if forty members are not present for the chairman immediately to leave the chair and for the speaker to resume it.

Further on he says:

When there is a division in the house or a committee of the house and it appears upon the report of the numbers that forty members are not present, and the house or the committee are upon this immediately adjourned, there can be no decision upon the question then under consideration, though upon the report of the numbers the majority should be ten to one.

Mr. Speaker, this same authority fixes the number of the House of Commons at that time at 658 members. I state this in answer to a question of my friend from California [Mr. CLUNIE].

Perhaps it might be well for me here to say that when our forefathers came to fix the Constitution of the United States and to regulate the character of the House of Representatives and the Senate of the United States they discarded the rule of Parliament to the extent they required the majority of both bodies necessary to the transaction of business.

I wish to invite the attention of the House to the same authority (3 Hatsell) on the subject of rules of the house in the matter of supplies.

On the 18th of February it was resolved:

That if any motion be made in the house for any public aid, or charge upon the people, the consideration and debate thereof ought not presently to be entered upon, but adjourned till such further day as the House shall think to appoint; and then it ought to be referred to the Committee of the Whole House, and their opinions to be reported thereupon before any resolution or vote of the house do pass therein.

This same author cites in various Parliaments the same regulation in the matter of voting supplies.

After citing instance after instance of similar resolutions in various Parliaments he enters upon his observations upon the same:

The House of Commons have with great wisdom imposed these rules and restrictions upon themselves in the exercise of that great and most important privilege "the sole and exclusive right of granting aids and supplies to the Crown," in order (as it is their duty when they are imposing burdens upon their fellow-subjects to give every opportunity for free and frequent discussions) that they may not by sudden and hasty votes incur expenses or be induced to approve of measures which might entail heavy and lasting burdens upon themselves and their posterity. It is upon this principle that, as long ago as the year 1667, the house laid it down for a rule "that no motion or proposition for an aid or charge upon the people should be 'presently' entered upon;" that by this means due and sufficient notice of the subject should be given, and that the members should not be surprised into a vote, but might come prepared to suggest every argument which the importance of the question may demand.

Another part of the same order, "that such propositions shall receive their first discussion in a Committee of the Whole House," is no less wise and prudent. There every member may speak as often as he finds it necessary and is not confined, in delivering his opinions, by those rules which are to be observed when speaking in the house, and which in matters of account and computation would be extremely inconvenient, and would necessarily deprive the house of much real and useful information. * * * and it appears to be one of those rules which, as it has its foundation in prudence and an attention to the case of the people, ought to be in all instances invariably observed.

Mr. Speaker, it is well for us to weigh carefully the proceedings of the House of Commons in determining the amount of taxes and the amount of appropriations, in all of which this rule was deemed of the highest importance and received the most careful consideration. It was there the uniform rule, solemnly avowed for hundreds of years, that the House itself should not act on these subjects until they had first gone to a Committee of the Whole House for debate and consideration, and for recommendation to the House. Then, sir, in the course of time, the First American Congress assembled.

On the 1st day of April, I think it was, a quorum of that body was obtained, and about the 7th of that month rules were adopted and provision for a Committee of the Whole was made, and it was provided there that the rules of the House should obtain in the Committee of the Whole, except such as related to debate. They carried into the Committee of the Whole a requisite that it should consist of a majority of the whole House, and during the same month of April—

Mr. MCKINLEY. Was it a rule that fixed a quorum in committee?

Mr. BLOUNT. The same rules of procedure in Committee of the Whole were established as prevailed in the House, except that, as I have said, relating to debate.

Now, Mr. Speaker, we will follow that same thought a little further, and upon an examination it will be found that within a few days thereafter, and during the same month, the question of tariff legislation was acted upon and referred to a Committee of the Whole and debated for a long period before it was reported to the House.

Later on, in the Third Congress, the rules were rendered somewhat more comprehensive. The same jealousy on the subject of taxation and the appropriation of the public revenues which is to be found in the proceedings of our ancestors in the British House of Commons is closely followed and plainly reiterated here. We find in the rules:

No motion or proposition for a tax or charge upon the people shall be discussed upon the day it is made or offered. * * * Every such proposition shall receive its first discussion in the Committee of the Whole House. * * * All proceedings touching the appropriation of money shall be first moved and discussed in a Committee of the Whole House.

* * * The rules of proceeding in the House shall be observed in committee in so far as they may be applicable, except that limiting the time of speaking, etc.

And here, sir, the same doctrine is recognized that the rule of proceeding in Committee of the Whole required that they should have a quorum to do business, just as the House is required to have a quorum before it can transact business. The substance of this rule has continued from then until now.

In 1837 the Manual of Mr. Jefferson was added to the rules by a vote of the House, and has since then been a part of the legislative code of the House of Representatives. But through those rules and through this long practice thereunder there has never been a question, so far as the Journal of the House discloses or so far as I have been able to discover in debate, making any distinction between a quorum of the House and that required to transact business in the Committee of the Whole House on the state of the Union.

Mr. Speaker, the English authorities which I have cited might be supplemented by various others, but I have not thought fit to trespass upon the patience of the House by the recitation of authorities which are simply cumulative, and especially before a body of such high intellectuality. It is said by the majority reporting these rules, as it has been urged elsewhere, that the committee of one hundred is authorized by the Constitution; that a Committee of the Whole is not a body doing business; that it simply debates and recommends.

Well, let us examine this. I wish to call the attention of the House just at this point to the following language in the Constitution of the United States:

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

It is claimed that a Committee of the Whole House is not the House in the sense of the Constitution, and therefore no infraction of the provision which I have just read is caused by the proposed change.

I wish to ask, where is the House when the Committee of the Whole is in session? Has it adjourned? Has it taken a recess? If it has not, it is in session. It goes into committee by a resolution declaring that the House resolve itself into a Committee of the Whole House on the state of the Union. It can be nothing but the House. You have designated it as a committee; but it is the House. You have your standing committees and your special committees carved out of the House, which, when the House is not in session, may assemble itself or themselves and proceed according to their own methods on any matter which is referred to them and which they desire to take up, or which they are directed to examine by the order of the House; and they can not sit while the House itself is in session.

Now, how is it with the Committee of the Whole House on the state of the Union? That committee can not possibly sit until the House and a quorum of the House shall have assembled. It is from that body, which is organized under the Constitution, that is formed a Committee of the Whole House; and out of that body alone may a Committee of the Whole House be born. That is the only way you can reach it. That committee can not adjourn. Each member of the House can fully participate in its proceedings. When that committee rises and makes its report, it makes it to the House, and the House may adjourn, but the committee can not. What, then, sir, is there in this name? Is this the way you propose to fritter away the Constitution of your country? Is it by sticking to the letter you mean to destroy its very life and spirit?

"Do business," says the Constitution. You say that debate on the great subject of taxation, the burdens imposed upon the people, on the expenditures of millions of dollars for the public service, and reporting resolutions and bills thereon to the House, which for centuries in the British Parliament and from the beginning of our Government until now has been considered indispensable before the House could act on these subjects, is not doing business? And that the suggestion of amendments on the subject of tariff or on the subject of expenditures is not doing business? And to report that matter to the House to dispose of is not doing business? And do you assert that fol-

lowing this situation of a bill, as the result of this debate and the perfection of a measure, the previous question ordered on the passage of a bill in the House, excluding further debate and amendment, does not give the character of doing business to the work of the Committee of the Whole, has not fastened its result upon the legislation of the Government from the beginning of the Government down until now? Why, Mr. Speaker, certainly no gentleman upon a second thought will pretend to stand by any such conclusion, and if you need any further aid in construing the Constitution let us look to the following language of that instrument:

But a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

What is it the House can do when it has no quorum? It can send for absentees; it can adjourn; and by the rules of law and of common sense it excludes the right and power on the part of that body to do any other than those two things. Yet gentlemen are claiming that they can take up bills involving millions of dollars, in relation to taxation of the people and to expenditures, and debate them, and that is not doing business. Ay, verily, sir; in the light of this construction of the Constitution, it does seem to me that there is a reckless defiance, a persistent purpose on the part of those gentlemen who have declared their purpose that the majority shall rule, even at the expense of the Constitution of their country.

Then, Mr. Speaker, the Republican caucus has decreed that from now henceforth 51 members of the House of Representatives, made up of 330, can take up and discuss the most intricate questions of taxation, can take up and discuss the expenditures of this great Government in all its comprehensiveness; has determined under this rule that less than one-sixth of the Representatives of the United States, this little body, this insignificant body, is the vast repository provided for discussing questions of taxation, for discussing expenditures, and recommending its action to the House of Representatives. Then we shall have the previous question upon it, and we will have it railroaded through in a manner that will make the English-speaking people stand aghast at the progress of radical thought in the nineteenth century.

Again, sir, in this little, insignificant committee, invested with these powers, it is further provided:

In Committees of the Whole House business on the Calendars may be taken up in regular order or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee; but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

Hitherto the proceedings in Committee of the Whole have been regulated by the Calendars; taken up and arranged to suit no one, to accomplish no purpose. How will it be after this? You will have various projects in Committee of the Whole. You will have propositions in relation to funding the debt of Pacific railroads; you will have them relating to the expenditures of millions of dollars for educational purposes; you will have them involving millions for the purpose of subsidizing steam-ship lines; you will have others, perhaps unprecedented in the history of expenditures in this country, involving hundreds of millions in the matter of the Navy.

It will be idle, sir, for me to undertake to call up from the history of the past the various schemes and persons and forces behind those schemes which will find in the Committee of the Whole House of 100, 51 of whom may make a recommendation, the very finest facility for accomplishing their purposes. Hitherto the Calendar has prevented combination among those various interests. It was not in the power of this scheme, or that, or the other to go into the committee and by a union of forces for the purpose of throwing aside that Calendar get at the great schemes they have struggled to accomplish in past years and have been defeated in the doing of it hitherto only by the rules of this House. They will find, sir, the very best facilities in that committee hereafter.

Talk of log-rolling, if you please, on river and harbor bills, log-rolling in the matter of public buildings; but, sir, when you shall have organized your Committee of the Whole on this basis, these things will dwindle into insignificance, and the country will stand aghast at the result they will be able to accomplish.

More than that, sir, this committee of one hundred may, by a vote of the majority of the members present, at any time after five-minute debate is begun on a proposed amendment to any section or paragraph, close all debate upon said section or paragraph. The House may have remitted to this committee the great consideration of important measures, and yet when you come to that debate out of which the most light is evolved—the five-minute debate—it is competent in that little body to limit debate to five minutes on either side. For the first time in our history do we find a Committee of the Whole limiting debate.

Mr. Speaker, the country will think when this taxation shall have been accomplished, when these expenditures shall have been fastened upon it, that that committee will have done a vast amount of ill; and, sir, I fear that it will not stop there. Heavy burdens may be fixed upon us to-day which to-morrow can not be removed, and it may endure for generations.

This report contains another matter of considerable moment. Rule XV provides:

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and, in all calls of the House, the doors shall be closed, the names of the members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged.

This is an extraordinary remedy. In the Third Congress there was an effort in the Senate of the United States to make it as one of the rules of the body that members should be fined for non-attendance. They were unable to adopt it. Legislators, under the rules of this House, have since that period attempted the same thing, by placing it in the code of rules, and it has been a failure; never executed. In the British Parliament this same authority, Hatsell, on the subject of enforcing the attendance of members by fines, declares that it has never been executed, and for hundreds of years it has never been attempted; yet today, Mr. Speaker, we have a proposition presented to us that absentees shall be sent for, brought to this House and retained here (their attendance secured and retained), and the House shall determine upon what condition they are to be discharged. They are not simply brought into this Hall, but they are to be put into custody, they are to be put into whatever custody the majority of the House shall see fit, and they are to continue in that custody until the majority of this House shall determine upon the time and manner of their discharge.

Mr. Speaker, I say that the genius of our institutions, the genius of the Anglo-Saxon civilization, which has never permitted it in England, for centuries, and has made it absolutely a nullity here, will revolt at this monstrosity. The scene of members brought in and fastened. How? In the discretion of that body, by whatever means it sees fit, kept here under the dictation of that majority and required to remain in that sort of condition as legislators to make a quorum to transact business. Sir, you will have facilities for legislation; you will have your committee of 100 as a quorum. That committee may close debate on any proposition in five-minute debate. It may go to any stretch it pleases; it may combine for the purpose of making many and excessive drafts upon the Treasury. The moneyed lords will be gladdened when the sanctity of the Constitution is gone, when the long-barred bolts of the Treasury are broken, and when they may imprison the Representatives of the people if needed to consummate their wicked schemes.

Mr. Speaker, I know it is to be attempted. I know it has been decreed that this scene shall be made possible on the floor of the House of Representatives of the United States. It does not betoken the old-time jealousy of freemen. It does not betoken the old-time jealousy of power. It does not call up the scenes of conflict between barons and kings. It does not call up the conflicts between them and the people, nor the characters therein formed. You have dispensed with the diadem. Its specter has passed away.

In the progress of civilization the laws of primogeniture have passed away. The tyranny of the land-holders has gone with it. But, sir, do not be led into the belief that these securities, that these constitutional proceedings, that this jealousy of power which has characterized our race in the past and grown out of those conflicts, has come to be obsolete. We have another tyranny to confront us. We have the tyranny of the majority, which, sometimes under the direction of corrupt influences, sometimes under hasty legislation, sometimes from one cause or another, needs extreme measures of resistance; and, Mr. Speaker, for the people and for the minority of this House I am not willing silently to see these scenes enacted here without making a protest, even when I know it is to be unavailing.

In addition to this matter of facilitating business, we have another provision in relation to delay. There was a practice under the old rule, when bills were introduced on Monday for reference, to send up bills containing many pages and have them read, with the view of preventing the House from reaching the next business in order, to wit, the suspension of the rules. In this way the gentleman from Kansas [Mr. ANDERSON] has prevented time and time again the consideration of a bill funding the debt of the Pacific railroads. So I have seen the consideration of important measures, under the suspension of the rules and with only thirty minutes' debate, prevented by this device. Sir, I appeal to any American citizen of intelligence, of virtue, and of honesty whether or not the passage of such measures hastily and without due consideration ought not to have been prevented, even by such means.

Again, sir, there was a habit of making a motion to adjourn, a motion to adjourn to a particular day, and a motion to take a recess, these motions succeeding each other in order and having a roll-call upon each, thereby causing delay and preventing the consideration of measures. I admit, sir, that those practices produced some delay; they produced some inconvenience; but I will undertake to say that the history of the use of that power shows a record of obstruction to legislation which can be justified in good conscience. Not that I mean to reflect upon the character of the persons who may have been seeking the consideration of certain measures, but because the reasons lying at the bottom of the opposition were deep enough to justify such obstruction.

These were the obstructive methods resorted to in the House, so far as I know, since I have been a member of it. These were the delays that our friends upon the other side have declaimed against and have declared must come to an end. You have accomplished that, gentlemen, by an express provision of these new rules, but you have not been content to pause there.

You have provided that the Speaker shall entertain no dilatory motion. You have not defined a dilatory motion; you have declared your inability to define it. I took up the other day a volume containing a record of appeals from the decisions of the Speakers of this House on questions of order, beginning with the First Congress and coming on down through more than fifty years. Once that book was a great authority. It was a book well worthy of being printed and stored away in your libraries for the purpose of guiding future legislators in parliamentary proceedings.

But your rules propose to abolish all that, and henceforth that book will be simply a matter to be examined by those who are curious in literary antiquities. You propose to leave it with the Speaker to determine what are dilatory motions. You have been so eager to "railroad" legislation and to exclude every possibility of obstructing you in your headlong course that you have parted with the power of appealing from his decision and have left him to declare what is dilatory and what is not, without any right of appeal.

Mr. CUTCHEON. Mr. Speaker, does the gentleman claim that the right of appeal does not remain the same as heretofore?

Mr. BLOUNT. Under "general parliamentary law" I have seen the Speaker refuse to entertain an appeal from his own decision on a point of order.

Mr. CUTCHEON. But we are going back to rules now.

Mr. BLOUNT. Well, if you do that under general parliamentary law, which is so indefinite, when you have given your Speaker power without limit to determine what are dilatory motions, why may not he declare an appeal from his decision to be a dilatory motion?

Mr. BRECKINRIDGE, of Kentucky. And can the gentleman from Michigan [Mr. CUTCHEON] point out anywhere in these rules a provision where the right of appeal is given from the decision of the Chair as to what is a dilatory motion? There is no provision by which the Speaker, declining to entertain a motion upon the ground that it is "dilatory," can be made to entertain an appeal from that decision.

Mr. HAYES. And does the gentleman from Michigan understand that an appeal will still lie?

Mr. CUTCHEON. I certainly understand that an appeal does lie, and that it lies under universal parliamentary practice.

Mr. BLOUNT. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman from Georgia has the floor.

Mr. BLOUNT. Mr. Speaker, you have specified in these rules every proceeding you could think of that had been used, as you thought, to delay business. And when you had done that, when you had cut off all inventions you could conceive of for delay, you feared there might be something still left, and so you put in a clause that covers everything, allowing the Speaker to declare that he will entertain no proposition that in his judgment he considers dilatory.

With your Committee of the Whole of one hundred members, to range over the whole field of the Calendar; with fifty-one to come into the House and make recommendations of expenditures; with the power to demand the previous question upon such report; with the power to have all questions of order that may arise in the course of your business cut off as dilatory motions—this is the magnificent picture you are presenting to the nation; unique, without precedent, without precedent in this country and without precedent in any country where liberty is recognized. Ay, and in doing this you have ridiculed the suggestion that the precedents you contravene are hoary with age and venerable with the wisdom of many generations of statesmen. You have discovered that you are wiser than your fathers; you have determined that you will correct all the past, and you have submitted to us this code of rules upon which you say you will go to the country.

My friend from Ohio [Mr. BUTTERWORTH] has told us that "revolutions never go backward." He has proclaimed the purposes of his party in this direction, and the declaration has gone to the country. But, sir, the gentleman mistakes the nature of the "revolution." It is not a revolution of the people; it did not emanate from the people; it has not the authority of the people behind it. It simply comes from a body of a few men, who, on coming into power, are determined to use it for all that it is worth. It is but an illustration of the tendency in human nature—in individuals, in judicial and in legislative bodies—to stretch the charter of their power to the last limit.

For a number of years—ever since the Forty-seventh Congress—the persons engaged in manufacturing have not been able to dictate measures of taxation to the country. The men who made themselves notorious in the Forty-second Congress by scandalizing the National Legislature in the expenditure of millions of dollars as subsidies have not found the party in power that was able and willing to answer their schemes. Since the close of the Forty-third Congress there has not been for the Republican party the opportunity to make large expenditures. The Forty-seventh Congress found the country largely in distress, and it was restrained. But now you have the opportunity to commend

yourselves to the ship-building interest by the expenditure of large sums of money upon a navy.

You have the opportunity for the expenditure of money for the making of contracts in relation to various subjects of taxation, which, by reason of the fact that your party is in power in the Senate and in the executive branch, can not in human possibility be curtailed within the next four years. In the Forty-third Congress, after you had been defeated at the polls, you adopted a system of taxation. In the Forty-seventh Congress—at its close—by a trick in parliamentary law, the subject was brought up in this House and you passed a tariff bill which has stood from that time until now.

It is exceedingly important to you in reference to matters of taxation, matters of expenditure and subjects relating thereto, that you shall use this little majority that you have in the interest of the manufacturers, in the interest of the ship-builders, in the interest of the subsidy-seekers, in the interest of unconstitutional expenditures in the matter of education, in the interest of various measures which could not have any opportunity where there was not outside, as it were, a mortgage on the powers of the majority in relation to the legislative policy of the country.

Mr. Speaker, I do not claim the power of looking forward into the future; what the results of the next election may be are uncertain; but there are some things to which we may safely adhere: a due regard to the people whom we represent in the matter of taxation and especially a due regard to them in maintaining intact the restraints which the Constitution has put upon our power in the transaction of business. [Applause on the Democratic side.]

Mr. GROSVENOR. Mr. Speaker, I desire to submit a few remarks on the pending question; but as I presume the House does not wish to have me proceed now I will myself move to adjourn.

Pending the motion to adjourn, the following business was transacted by unanimous consent:

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 881) to provide an American register for the schooner barge Mexico, of Pensacola, Fla.;

A bill (S. 1023) to provide an American register for the steamer Bernard, of Philadelphia, Pa.;

A bill (S. 1093) to provide an American register for the steamer Jamaica, of New York; and

A bill (H. R. 3834) to appropriate \$40,000 for the maintenance of the Marion Branch of the National Home for Disabled Volunteer Soldiers for the year ending June 30, 1890.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage without amendment of the bill (H. R. 3834) to appropriate \$40,000 for the maintenance of the Marion Branch of the National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1890.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 132) to amend section 1014 of the Revised Statutes of the United States, in relation to the arrest of offenders against the United States escaping from one district or State into another;

A bill (S. 201) to provide for a site for a public building at New Orleans, La.; and

A bill (S. 620) to provide for the time and place of holding the terms of the United States district courts in the State of South Dakota.

SENATE BILLS REFERRED.

The SPEAKER laid before the House bills of the following titles; which were severally read twice, and referred as indicated:

The bill (S. 620) to provide for the time and place of holding the terms of the United States district courts in the State of South Dakota—to the Committee on the Judiciary.

The bill (S. 201) to provide for a site for a public building at New Orleans, La.—to the Committee on Public Buildings and Grounds.

The bill (S. 132) to amend section 1014 of the Revised Statutes of the United States, in relation to the arrest of offenders against the United States escaping from one district or State into another—to the Committee on the Judiciary.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President was received, by Mr. PRUDEN, one of his secretaries, and also announcement of the approval of bill (H. R. 495) to provide certificates of honorable service to those who have served in the United States Navy or Marine Corps who have lost their certificates of discharge.

SIoux INDIAN LANDS.

The SPEAKER laid before the House the following message from the President.

The Clerk read as follows:

To the Senate and House of Representatives:

In pursuance of the power vested in me by the terms of the last clause of section 3 of the act of Congress approved March 2, 1889, entitled "An act making

appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes," a commission as therein authorized was appointed, consisting of Charles Foster, of Ohio, William Warner, of Missouri, and General George Crook, of the United States Army. This commission was specially instructed to present to the Sioux Indians occupying the Great Sioux reservation, for their acceptance thereof and consent thereto in manner and form as therein provided, the act of Congress approved March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes."

The report of the commission was submitted to me on the 24th day of December, 1889, and is, with the accompanying documents and a letter of the Secretary of the Interior, herewith transmitted for the information of Congress. It appears from the report of the commission that the consent of more than three-fourths of the adult Indians to the terms of the act last named was secured as required by section 12 of the treaty of 1868, and upon a careful examination of the papers submitted I find such to be the fact, and that such consent is properly evidenced by the signatures of more than three-fourths of such Indians.

At the outset of the negotiations the commission was confronted by certain questions as to the interpretation and effect of the act of Congress which they were presenting for the acceptance of the Indians. Upon two or three points of some importance the commission gave, in response to these inquiries, an interpretation of the law, and it was the law thus explained to them that was accepted by the Indians. The commissioners had no power to bind Congress or the Executive by their construction of a statute, but they were the agents of the United States, first, to submit a definite proposition for the acceptance of the Indians, and, that failing, to agree upon modified terms to be submitted to Congress for ratification. They were dealing with an ignorant and suspicious people, and an explanation of the terms and effect of the offer submitted could not be avoided. Good faith demands that, if the United States accepts the lands ceded, the beneficial construction of the act given by our agents should be also admitted and observed.

The chief difficulty in the construction of the act grows out of its relation to prior treaties, which were by section 19 continued in force so far as they are not in conflict with the terms of the act. The seventh article of the treaty of 1868, relating to schools and school-houses, is by section 17 of the act continued in force for twenty years, "subject to such modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education."

Section 7 of the treaty of 1868 provides only for instruction in the "elementary branches of an English education," while section 17 of the act, after continuing this section of the treaty in force, provides a fund which is to be applied "for the promotion of industrial and other suitable education among said Indians." Again, section 7 of the treaty provides for the erection of a school-house for every thirty children who can be induced to attend, while section 20 of the act requires the erection of not less than thirty school-houses, and more if found necessary.

The commissioners were asked by the Indians whether the cost of the English schools provided for in section 7 of the treaty and of the school-houses provided for in the same section and in section 20 of the act would be a charge against the proceeds of the lands they were now asked to cede to the United States. This question was answered in the negative, and I think the answer was correct. If the act, without reference to section 7 of the treaty, is to be construed to express the whole duty of the Government towards the Indians in the matter of schools, the extension for twenty years of the provisions of that section is without meaning.

The assurance given by the commissioners that the money appropriated by section 27 of the act to pay certain bands for the ponies taken by the military authorities in 1876 would not be a charge against the proceeds of the ceded lands was obviously a correct interpretation of the law.

The Indians were further assured by the commissioners that the amount appropriated for the expenses of the commission could not under the law be made a charge upon the proceeds of their lands. This, I think, is a correct exposition of the act.

It seems from the report of the commission that some of the Indians at the Standing Rock agency asked whether if they accepted the act they could have the election to take their allotments under section 6 of the treaty of 1868 and have the benefits of section 8 and 10 of that treaty, and were told that they could.

As the treaty is continued in force, except where it contravenes the provisions of the act, I do not see any difficulty in admitting this interpretation.

It will be found that the commission has submitted many recommendations, some of them involving legislation and others appealing to powers already possessed by the executive department. The consent of the Indians to the act was not made dependent upon the adoption of any of these recommendations, but many of them are obviously just and promotive of the true interests of the Indians. So far as these require legislation they are earnestly commended to the attention of Congress.

The Secretary of the Interior has prepared and submits with his letter transmitting the report of the commission the draft of a bill embodying those recommendations of the commission requiring legislation.

The appropriations necessary to carry into effect the provisions of the act should be promptly made and be immediately available.

BENJ. HARRISON.

EXECUTIVE MANSION, February 10, 1890.

The message was referred to the Committee on Indian Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, the following leaves of absence were granted: To Mr. HENDERSON, of North Carolina, for two weeks, on account of important business.

To Mr. McCLAMMY, indefinitely, on account of sickness in his family.

CHICKAMAUGA PARK.

On motion of Mr. GROSVENOR, the report on the bill (H. R. 6454) to establish a national military park at the battle-field of Chickamauga, on account of the public demand, the supply being exhausted, was ordered to be reprinted.

CORRECTION OF REFERENCES.

The SPEAKER. The Committee on Invalid Pensions will be discharged from the consideration of bills of the following titles, and they will be referred to the Committee on Pensions:

A bill (H. R. 4822) granting a pension to John Gallagher; and

A bill (H. R. 4299) increasing the pension of Mrs. Dorothea D. Yates.

SANITARIUM BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEERS.

Mr. SPINOLA, by unanimous consent, introduced a bill (H. R. 6777) for the establishment, operation, and maintenance of a hospital to be

known as the Sanitarium Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, Ark.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PORT OF DELIVERY, CAIRO.

Mr. SMITH, of Illinois, by unanimous consent, introduced a bill (H. R. 6778) to provide for the establishment of a port of delivery at Cairo, in the county of Alexander, in the State of Illinois, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LICENSE OF MASTERS, MATES, AND PILOTS OF STEAM-VESSELS.

Mr. BROOKSHIRE, by unanimous consent, introduced a bill (H. R. 6779) to amend section 4443 of the Revised Statutes of the United States, in relation to the licenses of masters, mates, and pilots of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TO REFUND CERTAIN LICENSE FEES TO OFFICERS OF STEAM-VESSELS.

Mr. BROOKSHIRE also, by unanimous consent, introduced a bill (H. R. 6780) to refund certain license fees to licensed officers of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSES, GREAT LAKES.

Mr. BURTON, by unanimous consent, introduced a bill (H. R. 6781) providing for sundry light-houses and other aids to navigation on the Great Lakes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF THE BIG SANDY RIVER.

Mr. PAYNTER, by unanimous consent, introduced a bill (H. R. 6782) making an appropriation to continue the improvement of the Big Sandy River; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDING, LAWRENCE, KANS.

Mr. FUNSTON, by unanimous consent, introduced a bill (H. R. 6783) for the erection of a public building at Lawrence, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SUGAR.

Mr. FUNSTON also, by unanimous consent, introduced a bill (H. R. 6784) to establish a school in connection with the chemical division of the Department of Agriculture for instruction in the manufacture of sugar; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MANUFACTURE, ETC., OF ALCOHOLIC LIQUORS AS A BEVERAGE.

Mr. PICKLER presented a petition of the National Temperance Society; which was ordered to be printed in the RECORD, and referred to the Select Committee on the Alcoholic Liquor Traffic. It is as follows:

To the United States Senate and House of Representatives:

The undersigned, citizens of the United States, respectfully and earnestly ask your honorable body, by an appropriate joint resolution, to adopt and propose to the several States an amendment to the Constitution of the United States, which, when ratified, will prohibit henceforth the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage in the United States and in every place subject to their jurisdiction.

In behalf of the board of managers of the National Temperance Society.

THEO. L. CUYLER, *President.*

J. N. STEARNS, *Corresponding Secretary.*

CONGRESSIONAL DISTRICTS FOR THE ELECTION OF REPRESENTATIVES IN THE FIFTY-SECOND CONGRESS.

Mr. WICKHAM, by unanimous consent, introduced a bill (H. R. 6785) to provide that Congressional districts for election of Representatives in the Fifty-second Congress shall be the same in territory as those from which Representatives in the Fifty-first Congress were or may be elected; which was read a first and second time, referred to the Select Committee on the Election of President, Vice-President, and Representatives in Congress, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CRISP. If the gentleman from Ohio [Mr. GROSVENOR] does not desire to go on to-night, Mr. Speaker, I move that the House do now adjourn.

Mr. GROSVENOR. I do not desire to go on to-night.

The SPEAKER. The gentleman from Ohio has a motion to adjourn pending.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

PRIVATE BILLS, ETC.

Under the rule, private bills of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 6821) to relieve Woolery Robertson from the charge of desertion—to the Committee on Military Affairs.

By Mr. ADAMS: A bill (H. R. 6822) granting a pension to Ella Harbison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6823) to increase the pension of John A. Rolf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6824) increasing the pension of W. P. Harrison—to the Committee on Pensions.

By Mr. ANDREW: A bill (H. R. 6825) for the relief of W. R. Boag—to the Committee on Military Affairs.

By Mr. BOWDEN: A bill (H. R. 6826) giving William K. Mayo the rank and pay of rear-admiral on the retired-list of the Navy—to the Committee on Naval Affairs.

By Mr. BUCHANAN, of Virginia: A bill (H. R. 6827) for the relief of William Paxton—to the Committee on War Claims.

By Mr. BURROWS: A bill (H. R. 6828) for the relief of Dennis Kane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6829) for the relief of H. S. Sheldon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6830) for the relief of Charles Misner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6831) for the relief of Mary Cathran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6832) for the relief of Lea May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6833) for the relief of Daniel Graff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6834) for the relief of George W. Barto—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6835) for the relief of George R. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6836) for the relief of Robert Park—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6837) for the relief of E. E. Hazard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6838) for the relief of Mary C. Zeek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6839) for the relief of Sarah E. Flowers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6840) for the relief of A. G. Barton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6841) for the relief of A. F. Wescott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6842) for the relief of Anna Isabella Lawton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6843) for the relief of Margaret Batt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6844) for the relief of Joseph Kemer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6845) for the relief of William Redmond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6846) for the relief of Harriet Melchor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6847) for the relief of J. A. Whitcomb—to the Committee on Pensions.

Also, a bill (H. R. 6848) for the relief of C. J. Gibbs—to the Committee on Military Affairs.

Also, a bill (H. R. 6849) for the relief of William M. Hitchcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6850) for the relief of Chauncey P. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6851) for the relief of Henry Sigel—to the Committee on Pensions.

Also, a bill (H. R. 6852) for the relief of Stanley Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6853) for the relief of John Harvey—to the Committee on Military Affairs.

Also, a bill (H. R. 6854) for the relief of Henry Myers—to the Committee on Military Affairs.

Also, a bill (H. R. 6855) for the relief of Elias J. Breese—to the Committee on Military Affairs.

Also, a bill (H. R. 6856) for the relief of Parker J. Rhoads—to the Committee on Military Affairs.

Also, a bill (H. R. 6857) for the relief of Isaac Bone—to the Committee on Military Affairs.

Also, a bill (H. R. 6858) for the relief of J. H. Rector—to the Committee on Military Affairs.

Also, a bill (H. R. 6859) for the relief of William Keene—to the Committee on Naval Affairs.

Also, a bill (H. R. 6860) for the relief of Sylvester Munger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6861) for the relief of F. M. Eddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6862) for the relief of William Cotton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6863) for the relief of J. S. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6864) for the relief of George H. Murdock—to the Committee on Military Affairs.

Also, a bill (H. R. 6865) for the relief of E. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6666) for the relief of Solomon Lusk—to the Committee on War Claims.

Also, a bill (H. R. 6667) to amend section 10 of an act entitled "An act making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes," approved July 28, 1866—to the Committee on War Claims.

By Mr. CANDLER, of Georgia: A bill (H. R. 6668) for the relief of Elizabeth C. Davis—to the Committee on Pensions.

Also, a bill (H. R. 6669) for the relief of William Holder—to the Committee on War Claims.

By Mr. CANDLER, of Massachusetts: A bill (H. R. 6670) for the relief of Sylvander Jefferts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6671) for the relief of Peter Quigley—to the Committee on Military Affairs.

Also, a bill (H. R. 6672) for the relief of Frank P. Carr—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 6673) for the relief of Mrs. Cassa Simpson—to the Committee on War Claims.

Also, a bill (H. R. 6674) for the relief of Henry Rickman—to the Committee on War Claims.

Also, a bill (H. R. 6675) for the relief of the board of commissioners of the sinking fund of the city of Louisville, Ky.—to the Committee on Claims.

Also, a bill (H. R. 6676) granting a pension to John J. Tully—to the Committee on Pensions.

By Mr. DINGLEY: A bill (H. R. 6677) granting a pension to Enoch M. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6678) granting a pension to Harriet G. Howse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6679) to increase the pension of John L. Gowen—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 6680) for the relief of Asbury Hartshorne—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 6681) for the relief of R. M. Moss—to the Committee on War Claims.

Also, a bill (H. R. 6682) for the relief of Silney Helm—to the Committee on War Claims.

By Mr. FITHIAN: A bill (H. R. 6683) to remove the charge of desertion against Charles W. Hammond—to the Committee on Military Affairs.

Also, a bill (H. R. 6684) granting a pension to David N. Deames—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6685) for the relief of Henry Dugar—to the Committee on Military Affairs.

Also, a bill (H. R. 6686) for the relief of Coplin McKelvey—to the Committee on Pensions.

By Mr. FLOWER: A bill (H. R. 6687) for the relief of George F. De Freitas—to the Committee on Claims.

Also, a bill (H. R. 6688) asking an increase of pension for Mary H. Nicholson—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 6689) granting an increase of pension to Jacob E. Taylor—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 6690) for the relief of Charles F. Hansell—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 6691) granting a pension to John E. Creswell—to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 6692) for the relief of H. N. F. Read—to the Committee on Military Affairs.

By Mr. KINSEY (by request): A bill (H. R. 6693) for the relief of Uzzi J. Kemp—to the Committee on War Claims.

Also (by request), a bill (H. R. 6694) for the relief of the heirs or legal representatives of Green Watts—to the Committee on War Claims.

Also (by request), a bill (H. R. 6695) for the relief of estate of Willis Potter—to the Committee on War Claims.

Also (by request), a bill (H. R. 6696) for the relief of Jane Salterfield—to the Committee on War Claims.

Also (by request), a bill (H. R. 6697) for the relief of Lewis P. Hicks—to the Committee on War Claims.

Also (by request), a bill (H. R. 6698) for the relief of W. P. Brewington—to the Committee on War Claims.

Also (by request), a bill (H. R. 6699) for the relief of Charles M. Roberts—to the Committee on War Claims.

Also (by request), a bill (H. R. 6700) for the relief of the heirs or legal representatives of George A. King, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 6701) for the relief of Henry Hiltibrand—to the Committee on War Claims.

Also (by request), a bill (H. R. 6702) for the relief of James H. Moyer—to the Committee on War Claims.

Also (by request), a bill (H. R. 6703) for the relief of William Dequire—to the Committee on War Claims.

Also (by request), a bill (H. R. 6704) for the relief of Theodore P. Russell—to the Committee on War Claims.

Also (by request), a bill (H. R. 6705) for the relief of the estate of William Thomas, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 6706) for the relief of the heirs or legal representatives of Robert Watts—to the Committee on War Claims.

Also (by request), a bill (H. R. 6707) for the relief of the heirs or legal representatives of James Addison—to the Committee on War Claims.

Also (by request), a bill (H. R. 6708) for the relief of the heirs or legal representatives of Bazel Wilson—to the Committee on War Claims.

Also (by request), a bill (H. R. 6709) for the relief of the heirs or legal representatives of C. A. Wadlow—to the Committee on War Claims.

Also (by request), a bill (H. R. 6710) for the relief of Daniel White—ner—to the Committee on War Claims.

Also (by request), a bill (H. R. 6711) for the relief of John Albert—to the Committee on War Claims.

Also (by request), a bill (H. R. 6712) for the relief of I. G. Whitworth—to the Committee on War Claims.

Also (by request), a bill (H. R. 6713) for the relief of G. B. Goggins—to the Committee on War Claims.

Also (by request), a bill (H. R. 6714) for the relief of James Miller—to the Committee on War Claims.

Also (by request), a bill (H. R. 6715) for the relief of N. B. Allen—to the Committee on War Claims.

Also (by request), a bill (H. R. 6716) for the relief of Andrew J. Loyd—to the Committee on War Claims.

Also (by request), a bill (H. R. 6717) for the relief of J. J. A. White—ner—to the Committee on War Claims.

Also (by request), a bill (H. R. 6718) for the relief of L. J. Cundiff—to the Committee on War Claims.

Also (by request), a bill (H. R. 6719) for the relief of James Dunlap—to the Committee on Military Affairs.

By Mr. LANE: A bill (H. R. 6720) for the relief of J. W. Kinyon—to the Committee on Military Affairs.

By Mr. LIND: A bill (H. R. 6721) granting a pension to August Seiter—to the Committee on Invalid Pensions.

By Mr. MCKINLEY (by request): A bill (H. R. 6722) for the relief of George Kendall and William Kendall—to the Committee on Claims.

By Mr. MOFFITT: A bill (H. R. 6723) granting an honorable discharge to Henry M. Brainerd—to the Committee on Military Affairs.

Also, a bill (H. R. 6724) granting a pension to George W. Robbins—to the Committee on Invalid Pensions.

By Mr. MORRILL: A bill (H. R. 6725) to increase the pension of Lee H. Utt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6726) granting a pension to Isaac Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6727) to remove the charge of desertion against David Dunwoody—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 6728) granting a pension to Ezra Landon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6729) granting a pension to Thomas Lawson—to the Committee on Invalid Pensions.

By Mr. PAYSON (by request): A bill (H. R. 6730) for the relief of Neil Fisher—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 6731) for the erection of an equestrian statue of ex-President Zachary Taylor—to the Committee on the Library.

Also (by request), a bill (H. R. 6732) granting a pension to Lilla May Pavy and others—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 6733) for the relief of John Mellifont and Ellen Riordon—to the Committee on Claims.

Also (by request), a bill (H. R. 6734) for the relief of the heirs of Frederick W. and Caroline G. Gieseking—to the Committee on Claims.

Also, a bill (H. R. 6735) for the relief of John H. Davidson—to the Committee on Claims.

Also (by request), a bill (H. R. 6736) for the relief of William and John Beattie—to the Committee on Claims.

Also (by request), a bill (H. R. 6737) for the relief of F. B. Stewart—to the Committee on Claims.

Also (by request), a bill (H. R. 6738) to refund to the heirs of Calvin Durand certain customs duties improperly collected—to the Committee on Claims.

Also (by request), a bill (H. R. 6739) to authorize the Court of Claims of the United States to ascertain the amount of special damages sustained by Mrs. M. C. Henderson by a change of the grade on M and Twenty-fourth street, in the city of Washington, D. C.—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 6740) for the relief of Mary C. Henderson—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 6741) for the relief of the widow and children of Peter H. Cookus—to the Committee on Claims.

Also (by request), a bill (H. R. 6742) for the relief of John O'Brien—to the Committee on the District of Columbia.

By Mr. QUACKENBUSH (by request): A bill (H. R. 6743) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company—to the Committee on the District of Columbia.

By Mr. RAY: A bill (H. R. 6744) for the relief of James B. Groomes—to the Committee on War Claims.

By Mr. ROGERS (by request): A bill (H. R. 6745) for the relief of Lewis S. Bateman—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 6746) granting a pension to William H. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6747) granting a pension to De Witt C. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6748) for the relief of the estate of Joseph Dodson—to the Committee on War Claims.

By Mr. SNIDER: A bill (H. R. 6749) granting a pension to Betsey Gunn—to the Committee on Invalid Pensions.

By Mr. SMYER: A bill (H. R. 6750) granting a pension to Mrs. Anna Sands—to the Committee on Invalid Pensions.

By Mr. STOCKBRIDGE: A bill (H. R. 6751) to pension Thomas M. Pinkind—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 6752) to increase the pension of Annie Dulany—to the Committee on Invalid Pensions.

By Mr. STEWART, of Georgia: A bill (H. R. 6753) for the relief of the owners of the steamer Leesburg—to the Committee on War Claims.

Also, a bill (H. R. 6754) granting a pension to Mrs. E. Jossey—to the Committee on Pensions.

Also, a bill (H. R. 6755) granting a pension to A. B. Reeves—to the Committee on Pensions.

Also, a bill (H. R. 6756) granting a pension to Joseph Morris—to the Committee on Pensions.

Also, a bill (H. R. 6757) granting a pension to William Crowford—to the Committee on Pensions.

By Mr. EZRA B. TAYLOR: A bill (H. R. 6758) granting a pension to James Ellis—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 6759) for the relief of Mrs. Ella P. Murphy—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 6760) for the relief of D. H. Dickason—to the Committee on Claims.

Also, a bill (H. R. 6761) granting a pension to Minerva Westfall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6762) for the relief of James K. P. Addis—to the Committee on Military Affairs.

Also, a bill (H. R. 6763) granting a pension to Burrell E. Townsend—to the Committee on Pensions.

By Mr. TURNER, of New York: A bill (H. R. 6764) for the relief of George C. Jenks—to the Committee on Claims.

By Mr. WADE: A bill (H. R. 6765) for the relief of Eberhard Giebler—to the Committee on War Claims.

Also, a bill (H. R. 6766) for the relief of Jacob Kern—to the Committee on Claims.

Also, a bill (H. R. 6767) for the relief of Susanah J. Rose—to the Committee on War Claims.

Also, a bill (H. R. 6768) granting a pension to Edward Holder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6769) granting a pension to Elisha L. Elom—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: A bill (H. R. 6770) for the relief of William Garrett—to the Committee on War Claims.

Also, a bill (H. R. 6771) for the relief of William Holt—to the Committee on War Claims.

Also, a bill (H. R. 6772) for the relief of Andrew Johnson—to the Committee on War Claims.

By Mr. WICKHAM: A bill (H. R. 6773) to remove the charge of desertion from the military record of James C. Loftus—to the Committee on Military Affairs.

By Mr. YODER: A bill (H. R. 6774) to increase certain pensions—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 6775) to pension R. C. Martin—to the Committee on Pensions.

Also, a bill (H. R. 6776) for the relief of Rufus Ingalls—to the Committee on Claims.

Change of reference.

A bill (H. R. 6200) for the relief of Frederick Coleman—Committee on Pensions discharged, and referred to the Committee on Naval Affairs.

PETITIONS, ETC.

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

By Mr. BAKER: Memorial of the Chamber of Commerce, Rochester, N. Y., favoring passage of H. R. 450, transferring the revenue-marine service to the Navy Department—to the Committee on Naval Affairs.

By Mr. BLANCHARD: Memorial of General G. Mason Graham, of Louisiana, asking for increase of pension to veterans of the Mexican war—to the Committee on Pensions.

By Mr. BOWDEN: Petition of William K. Mayo, commodore, United States Navy—to the Committee on Naval Affairs.

By Mr. BRECKINRIDGE, of Arkansas: Petitions of E. P. Baxter and J. A. Wallis, that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BREWER: Petition of John Gillooly Post, No. 114, Grand Army of the Republic, of Brighton, Mich., in favor of more liberal pension legislation—to the Committee on Invalid Pensions.

By Mr. BUCHANAN, of Virginia: Petition of J. M. Luther and others, Marion, Va., in reference to duty upon barytes—to the Committee on Ways and Means.

By Mr. CARUTH: Papers to accompany H. R. 3438, granting an increase of pension to John Taaffe—to the Committee on Invalid Pensions.

By Mr. CASWELL: Petition of R. McBeath and 50 others, citizens of Whitewater, Wis., praying for a census showing the ownership of homes and the amount of the indebtedness thereon—to the Select Committee on the Eleventh Census.

By Mr. CONGER: Petition of Lewis S. Bateman, for relief—to the Committee on Invalid Pensions.

Also, petition of citizens and letter-carriers of Des Moines, Iowa, for the passage of H. R. 3863, fixing the maximum pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CONNELL: Petition of 80 leading citizens and firms of Omaha, Nebr., favoring passage of H. R. 3863, fixing maximum pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CRAIN: Proposition of W. M. Douglass, of Galveston, Tex., to procure deep water at Aransas Pass, Texas, and accompanying maps and papers—to the Committee on Rivers and Harbors.

By Mr. CUTCHEON: Remonstrance of shippers, etc., of Ludington, Mich., against H. R. 592, to increase the safety of loaded vessels, etc.—to the Committee on Merchant Marine and Fisheries.

By Mr. DOLLIVER: Petition of Henry Dillon Post, No. 150, department of Iowa, Grand Army of the Republic, for the service-pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Asbury Hartsborn—to the Committee on Invalid Pensions.

By Mr. ELLIS: Papers to accompany H. R. 4056, for the relief of H. R. Sands—to the Committee on War Claims.

By Mr. FITHIAN: Petitions of Lodge No. 586, Lodge No. 1377, Lodge No. 622, Lodge No. 1039, and Decker Lodge, F. M. B. A., against monopolies and trusts—to the Committee on Agriculture.

Also, petitions of soldiers of Crawford County; Rose Hill Post, Grand Army of the Republic, Jasper County; citizens of West Liberty, and soldiers of Billett, Lawrence County, Illinois, praying for speedy pension legislation—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6022, for the relief of Jacob Taylor, and H. R. 4533, to pension Hester A. Hicks—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 6021, for the relief of James Madison; H. R. 4536, for relief of Mason Hedrick; H. R. 1639, for the relief of Henry Roark; H. R. 1635, for the relief of John C. Weaver; and H. R. 5698, for relief of Sarah Grisson—to the Committee on Claims.

Also, papers to accompany H. R. 5640, for relief of William H. Parsley; H. R. 4535, for relief of Osman Mann; H. R. 4538, for relief of Thomas Underhill, and H. R. 5067, for relief of Archibald Huley—to the Committee on Military Affairs.

Also, papers to accompany H. R. 4534, for relief of William Edwards; H. R. 1638, for relief of James M. Gullett; and H. R. 1636, for relief of Elijah Griffiths—to the Committee on Pensions.

By Mr. GEISSENHAINER: Petition for the improvement of Shark River, New Jersey—to the Committee on Rivers and Harbors.

By Mr. GROUT: Memorial of citizens of Washington, asking for a free bathing beach in the city—to the Committee on the District of Columbia.

Also, papers in claim of L. A. Noyes—to the Committee on Claims. Also, memorial of Sheldon Marble Company, relative to duty on sawed marble—to the Committee on Ways and Means.

By Mr. HARMER: Petition of Charles F. Hansell, for reissue of pension—to the Committee on Invalid Pensions.

By Mr. HEARD: Petition of S. A. Edmundson and 28 others and of James J. Akand and 72 others, citizens of Polk County, Missouri, asking for the removal of special limitation on pension claims of State militiamen—to the Committee on Invalid Pensions.

Also, petition of citizens of Camden County, Missouri, in favor of pension to Joseph D. Ash—to the Committee on Invalid Pensions.

By Mr. HENDERSON, of Iowa: Memorial of the National Guard Association of the United States, urging changes in the militia law, increased appropriations, etc.—to the Committee on the Militia.

Also, memorial of the Old Tippecanoe Club, of Chicago, Ill., in favor of the Blair educational bill—to the Committee on Education.

By Mr. HITT: Memorial of Board of Trade of Chicago, for consolidation of revenue-cutter service with Navy Department—to the Committee on Naval Affairs.

By Mr. KELLEY: Petition of Otter Creek Lodge, F. M. B. A., of Coffey County, Kansas, asking for free coinage of silver, for the revision of the tariff in the interests of the agricultural interests, for the payment of the national debt at the earliest possible moment, for justice to the soldier, for the abolishment of trusts and combines, and abolishment of the national-banking system—to the Committee on Coinage, Weights, and Measures.

Also, petition of Wadsworth Post, Grand Army of the Republic, department of Kansas, asking for passage of service-pension law—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of H. B. Moore and 137 others, citizens of Albia, Iowa, for service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of Iowa State Miners' Association, favoring legislation to protect lives of miners in the Territories, and indorsing H. R. 3839—to the Committee on Mines and Mining.

By Mr. LEE: Papers in the claim of Amelia A. H. Richards—to the Committee on War Claims.

By Mr. McCLELLAN: Petition of C. C. Walters and 116 others, for the granting of a pension to Joseph D. Williamson—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of citizens of the District of Columbia, for improvement of Massachusetts avenue, southeast—to the Committee on Appropriations.

Also, petition of Daniel Wooden, for increase of pension—to the Committee on Invalid Pensions.

By Mr. McKINLEY: Petition for abolition of duty on copper ingots, bars, wires, etc.—to the Committee on Ways and Means.

By Mr. MORRILL: Petition of J. W. Boyd and 75 members of the National Soldiers' Home, Wisconsin, asking the passage of H. R. 4569, the furlough bill—to the Committee on Military Affairs.

Also, memorial of Grand Army of the Republic post at Nortonville, Kans.; Dr. J. Tennant and 92 others, not soldiers, of Carson City, Mich., and of Grand Army of the Republic post, Westmoreland, Kans., in favor of a service-pension—to the Committee on Invalid Pensions.

Also, memorial of Farmers' Alliance, of Leavenworth County, Kansas, for the free coinage of silver, etc.—to the Committee on Coinage, Weights, and Measures.

By Mr. O'DONNELL: Petition of the Florida Conference of the Methodist Episcopal Church, in favor of the Blair educational bill—to the Committee on Education.

By Mr. OSBORN: Petition of Wilkes-Barre (Pa.) post-office clerks, relating to classification—to the Committee on the Post-Office and Post-Roads.

By Mr. PARRETT: Petition of Lodge No. 1174, F. M. B. A., against monopolies and trusts—to the Committee on Agriculture.

Also, memorial of the Board of Trade of Indianapolis, in favor of the repeal of the interstate-commerce law—to the Committee on Commerce.

Also, petition of Alex. Sides and 42 citizens of Gibson County, Indiana, in favor of free coinage of silver, etc.—to the Committee on Coinage, Weights, and Measures.

Also, petition of R. Selby and 24 others, that a bounty of 50 cents be paid on each barrel of flour exported in vessels built and owned in the United States—to the Committee on Ways and Means.

By Mr. PAYSON: Papers in cases of William and John Beattie and Calvin Durand—to the Committee on Claims.

Also, papers in case of Capt. N. Fisher—to the Committee on Military Affairs.

By Mr. PEEL: Papers relating to claim of John Miser—to the Committee on War Claims.

By Mr. PETERS: Memorial of Farmers' Alliance of Waco, Kans., against the Windom silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. SCRANTON: Petition of Methodist Episcopal clergy of Scranton, Pa., for a Sunday-rest law—to the Committee on the Judiciary.

By Mr. SENEY: Petition of 22 citizens of Point Pleasant, Ohio, for passage of the Ingalls pension bill without the fifty-year clause—to the Committee on Invalid Pensions.

By Mr. SHIVELY: Petition of the religious Society of Friends, of Indiana, praying that American citizens be prevented furnishing alcoholic liquors to the people of the Free Congo State—to the Select Committee on the Alcoholic Liquor Traffic.

Also, papers, etc., in the claim for pension of Horace B. Hollenback—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Petition of employes of customs at Sault Ste. Marie, Mich., for 30 days' leave of absence, as other Government employes—to the Committee on Ways and Means.

Also, protest of John H. Gillett and others, against the passage of House bill No. 592, to increase the safety of loaded vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. STOCKBRIDGE (by request): Petition of Mrs. Annie Dulaney, for increase of pension—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: Papers in the claims of Mary E. and Albert Jones, William A. Lewis, Malinda Noblin, Phillip B. Pope, Eliza Phillips, Charles Robinson, G. W. Ragan, and Wilkie McHan, executors of Solomon Taylor—to the Committee on War Claims.

By Mr. STONE, of Kentucky: Petition of F. M. B. A. of Lexington, Ky., against monopolies and trusts—to the Committee on Agriculture.

By Mr. TAYLOR, of Tennessee: Petition of Thomas Payne that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of Thomas Neilson—to the Committee on War Claims.

By Mr. TOWNSEND, of Colorado: Petition of D. H. Dickasen, for relief—to the Committee on Claims.

Also, petition of James K. P. Addis, for relief—to the Committee on Military Affairs.

Also, petition of Minerva Westfall, for pension—to the Committee on Invalid Pensions.

By Mr. WALKER, of Missouri: Petition of S. E. Carleton and 21 others, citizens of Bollinger County, Missouri, to remove special limitations on pension claims of State militiamen—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: Petition of William Holt, that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, memorial of Nashville Typographical Union, No. 20, regarding the Chace international copyright bill—to the Committee on the Judiciary.

By Mr. WIKE: Memorial of the Millers' National Association relative to tariff on jute—to the Committee on Ways and Means.

By Mr. WILSON, of West Virginia: Papers in the claim of William Light—to the Committee on War Claims.

By Mr. WISE: Petition of colored citizens of Virginia, relative to the affairs of the Freedman's Savings and Trust Company—to the Committee on Banking and Currency.

SENATE.

TUESDAY, February 11, 1890.

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

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

PETITIONS AND MEMORIALS.

Mr. EDMUNDS. I present the petition of a convention of colored people held at Okolona, Miss., reciting the sufferings of the colored people there, and praying for the passage of the Blair educational bill and a bill granting bounty to colored soldiers in the late war, etc. As the educational bill has been reported, I think the petition had better be referred to the Committee on Military Affairs in respect of the other part of it.

The VICE-PRESIDENT. The petition will be referred to the Committee on Military Affairs.

Mr. EDMUNDS presented the petition of the governor and Legislative Assembly of the Territory of Utah, praying for such legislation as will enable the governor and Legislative Assembly to create and organize a fourth judicial district in that Territory; which was referred to the Committee on the Judiciary.

Mr. WILSON, of Iowa, presented a petition of 29 farmers, citizens of Rochester, Iowa, praying for the passage of an act to prohibit speculation in raw and manufactured farm produce; which was referred to the Committee on Agriculture and Forestry.

Mr. MANDERSON presented a petition of citizens of Custer County, Nebraska, praying that the tariff schedules be so changed as to put lumber on the free-list; which was referred to the Committee on Finance.

He also presented two petitions numerously signed by the Omaha (Nebr.) Letter-Carriers' Association, praying for the passage of House bill 3863, increasing the pay of letter-carriers, etc.; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented the petition of A. M. Weathers and other citizens of Barry County, Missouri, praying for the passage of a bill increasing the pension of Murran Pressley; which was referred to the Committee on Pensions.

Mr. INGALLS presented the petition of J. B. Shaw and 130 other citizens of Indiana, and the petition of Severance Post, No. 191, of Severance, Kans., Grand Army of the Republic, praying for the passage of the bill removing the limitation in the act granting arrears of pension; which were referred to the Committee on Pensions.

He also presented the petition of D. B. Fowler and 65 other citizens of New Lexington, Ohio, and the petition of the Toronto (Kans.) Post, No. 199, Grand Army of the Republic, praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

Mr. INGALLS. I present the memorial of R. E. Smith and other citizens of the District of Columbia, remonstrating against the passage of the Sunday law, which I ask may be referred to the Committee on Education and Labor.

Mr. BLAIR. I ask the Senator if the petition relates to the bill which proposes legislation having reference only to the District of Columbia or the general bill.

Mr. INGALLS. The general bill, I understand.

The VICE-PRESIDENT. The petition will be referred to the Committee on Education and Labor.

Mr. INGALLS presented resolutions adopted by the Leavenworth (Kans.) Farmers' Alliance, urging the abolition of the national-bank system, the free coinage of silver, etc.; which were referred to the Committee on Finance.

Mr. BLAIR presented a petition of the West Philadelphia Woman's Christian Temperance Union, of the State of Pennsylvania, officially signed, praying for the suppression of the liquor traffic with the native