

asking increase in salaries of United States district judges—to the Committee on the Judiciary.

By Mr. WHEELER, of Alabama: Petition of citizens of Alabama, praying that Congress will not enact a bill taxing lard which contains cotton-seed oil—to the Committee on Agriculture.

Also, petition of Mobile Chamber of Commerce, for same purpose—to the Committee on Agriculture.

Also, petition of Hiram N. Roberts, for reference of his claim to Court of Claims—to the Committee on War Claims.

By Mr. WILSON, of Washington: Petition from residents of the State of Washington, relative to industrial lands—to the Committee on the Public Lands.

## SENATE.

TUESDAY, March 25, 1890.

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

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

### DIGEST OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a concurrent resolution from the House of Representatives; which was read, and referred to the Committee on Printing, as follows:

*Resolved by the House of Representatives (the Senate concurring), That there be printed 500 copies of the digest of claims referred by Congress to the Court of Claims for a finding of facts under the provisions of the act approved March 3, 1883, known as the Bowman act, now in manuscript, prepared under resolution of the House of Representatives on March 7, 1888, the same when printed to be placed in hands of the Clerk of the House for the use of Senators and members of the House.*

### PETITIONS AND MEMORIALS.

Mr. CULLOM presented a resolution of the Rockford (Ill.) Typographical Union, No. 213, in favor of the passage of Senate bill 232, in relation to copyrights; which was ordered to lie on the table.

He also presented the petition of Alfred B. Collister, of Patterson, Ill., praying for an honorable discharge from Company E, Twenty-eighth Illinois Volunteers; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Macoupin County, Illinois, praying that the law of the State of Illinois and the national law in relation to the transmission through the mails of obscene literature be harmonized; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa, presented a petition of Wisner Post, No. 187, Department of Iowa, Grand Army of the Republic, of Montezuma, Iowa, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 29 citizens of Ogden, Iowa, praying for the passage of an act prohibiting speculation in raw and manufactured farm produce; which was referred to the Committee on Agriculture and Forestry.

Mr. FAULKNER presented a petition of the Bricklayers and Masons' International Union, No. 4, of Wellsburgh, W. Va., signed by J. W. Jacobs, president, and W. H. Chuks, recording secretary, praying Congress to enact such laws as will secure to skilled and unskilled laborers who are citizens of the United States preference over aliens in the erection and construction by the Government or by contract of public buildings, navy-yards, fortifications, and other structures and works; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of Subordinate Union No. 11 of the Bricklayers and Masons' International Union of America, of Middletown, Conn., praying that on public works employment be given to citizens of the United States in preference to aliens; which was referred to the Committee on Education and Labor.

Mr. DAVIS presented a memorial of the Board of Trade of Mankato, Minn.; resolutions of the bar of Polk County, Minnesota; resolutions of the bar of Becker County, Minnesota; resolutions of the bar of Clay County, Minnesota; resolutions of the bar of Norman County, Minnesota, and resolutions of the bar of Marshall County, Minnesota, in favor of the passage of House bill 4587, providing for the terms and places of holding the courts of the United States in the district of Minnesota; which were referred to the Committee on the Judiciary.

He also presented a petition of 51 citizens of La Crescent, Houston County, Minnesota, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Winona, Minn., praying for the passage of the bill to establish an Indian industrial school at Pipestone, Minn.; which was referred to the Committee on Indian Affairs.

Mr. ALLEN presented a memorial of the Legislature of the State of Washington; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,  
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached

instrument of writing, *i. e.*, House memorial No. 17, for removing obstructions to navigation in the Upper Columbia River, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Olympia, this 17th day of February, A. D. 1890.

[SEAL.]

ALLEN WEIR, Secretary of State.

[House memorial No. 17.]

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

Your memorialists, the Legislative Assembly of the State of Washington, respectfully represent that the Columbia River, one of the great water ways of the world, can, with slight expense, be made navigable from Kettle Falls, in Stevens County, State of Washington, to a point in British Columbia more than 280 miles distant; that said river above said falls traverses a country of unexcelled fertility, rich in the precious minerals, in coal, iron, marble, and limestone, and in vast forests of pine, fir, and cedar trees; that Northeastern Washington, in the center of which lies the great and thriving city of Spokane Falls, needs to be brought into connection with said country by means of said river in order that there may be a mutual interchange of products; that the said Columbia River is navigable in British Columbia to and above the crossing of the Canadian Pacific Railway, and the said country will be greatly benefited by the competition for its freights of that great transcontinental line; that Kettle Falls, on said Columbia River is the natural and only point at which it is practicable for lines of railway and other highways to approach said Columbia River from Northeastern Washington, and that a line of railway from Spokane Falls to said point is now completed to within a few miles of said Kettle Falls, namely, the Spokane and Northern Railroad; that the only obstructions in said river above said Kettle Falls for more than 280 miles are at a place called the Little Dalles, in said Stevens County; that said obstructions are inconsiderable and can be removed and the river rendered navigable at all stages of water at an expenditure of not to exceed \$50,000, as is shown by the report of Lieut. Thomas W. Symonds, Engineer Corps, United States Army, made in the year 1881, Senate Executive Document 186; that considerable traffic between Northeastern Washington and said British Columbia has existed and been carried on by means of a line of steam-boats above said Little Dalles, but all freights to and from said boats has been required to be freighted by teams for a long distance over difficult and dangerous roads, and for that reason the said traffic has languished and nearly died away, but that the said traffic will be revived and immeasurably increased with the completion of the line of the said Spokane and Northern Railway Company to said Kettle Falls, and with the removal of the obstructions in the said river at the Little Dalles.

Wherefore your memorialists respectfully pray that an appropriation of a sum not to exceed \$50,000 be made by your honorable bodies for the removal of the obstructions in said river at the Little Dalles, said appropriation to be expended under the direction of the General Government as in other similar cases. And as in duty bound your memorialists will ever pray.

Passed the house January 29, 1890.

J. W. FEIGHAN, Speaker.

Passed the senate January 31, 1890.

CHAS. E. LAUGHTON, President.

Mr. SPOONER presented a petition of the Bricklayers and Masons' International Union, of La Crosse, Wis., praying for an amendment of the laws so that none but citizens of the United States shall be employed upon Government works; which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Grand Army of the Republic, Department of Wisconsin, urging the passage of Senate bill 1020, to authorize the President to restore Edwin R. Parks to his former place in the Army; which were ordered to lie on the table.

He also presented a petition of John E. Perkins Post, Grand Army of the Republic, Department of Wisconsin, of Augusta, Wis., praying for the passage of the dependent pension bill; which was ordered to lie on the table.

Mr. HISCOCK presented a petition of the Soldiers and Sailors' Association of Courtland County, New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HOAR presented the petition of Michael Collins and others, members of the Bricklayers and Masons' International Union of America, praying for the amendment of certain laws of the United States relating to the erection of public buildings; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Boot and Shoe Workers' International Union, remonstrating against any treaty being made with Russia of a certain character; which was referred to the Committee on Foreign Relations.

Mr. INGALLS presented a petition of ex-soldiers of Ingalls, Gray County, Kansas, praying for the passage of the bill to remove the limitations in the act granting arrears of pension; which was referred to the Committee on Pensions.

### REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 843) granting a pension to Thomas Todd, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5488) to increase the pension of Mary M. Gibson, widow of Commander William Gibson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2555) to increase the pension of Mary M. Gibson, widow of Commander William Gibson, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 766) granting a pension to William Leslie and wife;

A bill (S. 574) granting a pension to Mrs. Elizabeth M. Newman; and a bill (S. 851) granting a pension to James H. Preston.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 1365) granting a pension to Annie E. Dixon, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1672) granting a pension to Joseph Inboden; and

A bill (S. 1680) granting a pension to Catherine Kennedy, widow of Brian Kennedy, late private Company D, Tenth Regiment Ohio Volunteers.

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

A bill (S. 3177) granting a pension to Ursula Lucretia Haight;

A bill (S. 1546) granting an increase of pension to Mrs. Sallie M. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army; and

A bill (H. R. 3636) granting a pension to William H. Brimmer.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2320) granting a pension to William H. Haight, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 2861) for the relief of Helen E. Dewey, reported it with amendments, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 164) to refund moneys collected from William Schaus at the port of New York on an oil painting not subject to duty, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 1303) granting a pension to Mrs. Amanda L. Wisner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1302) granting a pension to John Bechen, sr., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 995) to increase the pension of Zachariah T. Crawford, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Agriculture and Forestry I report back sundry petitions signed by numerous citizens of Nebraska and Kansas, praying for legislation to encourage the sugar industry. These petitions were referred to the Committee on Agriculture and Forestry, and from that committee recently I reported to the Senate a bill on this subject, which was referred to the Committee on Finance. I ask that the Committee on Agriculture and Forestry be discharged from the further consideration of these petitions, and that they be referred to the Committee on Finance, to accompany the bill.

The report was agreed to.

Mr. MOODY, from the Committee on Pensions, to whom was referred the bill (S. 2976) granting a pension to Mary L. Bradley, formerly Mary L. Smith, who served as a nurse in the war of the rebellion, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2508) to reclassify and fix the salaries of persons in the railway mail service, known as railway postal clerks, reported it without amendment, and submitted a report thereon.

#### BILLS INTRODUCED.

Mr. MORRILL introduced a bill (S. 3256) to establish an educational fund, and apply the proceeds of the public lands and a portion of the receipts of certain land-grant railroad companies to public education and the more complete endowment and support of colleges for the advancement of scientific and industrial education; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. FARWELL introduced a bill (S. 3257) granting a pension to Mary Crook, widow of George Crook, late a major-general United States Army; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3258) granting a pension to Adaline L. Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 3259) granting a pension to Joseph Depoy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TURPIE (by request) introduced a bill (S. 3260) for the relief of the heirs of Dr. John H. Long; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 3261) for the relief of Maj. G. C. Goodloe, paymaster of the United States Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 3262) to amend an act approved February 28, 1887, entitled "An act relating to the importing and landing of mackerel, etc.;" which was read twice by its title.

Mr. HOAR. I will state that this is a substitute for the bill which I introduced a day or two ago, containing a little better description of the territory to which it relates. I move that the bill be referred to the Committee on Fisheries.

The motion was agreed to.

Mr. PLATT introduced a bill (S. 3263) for the relief of Lewis G. La Tour; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3264) granting a pension to Sarah Ann Noe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a bill (S. 3265) to authorize the extension of the Columbia Railway Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 3266) for the relief of Eliza J. Bell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 3267) granting a pension to Thomas H. Hart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3268) to amend sections 4783 and 5486 of the Revised Statutes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3269) for the relief of the administratrix of the estate of George W. Lawrence; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3270) for the relief of the administratrix of the estate of George W. Lawrence; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN introduced a joint resolution (S. R. 66) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. GORMAN. In this connection I present the correspondence in relation to this affair, as well as a copy of a joint resolution passed by the General Assembly of Maryland, in which they have taken action for the purpose of getting this man a testimonial of their appreciation; and I move that the papers may be printed in the usual form as a document for the use of the Senate, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GEORGE introduced a joint resolution (S. R. 67) proposing an amendment to the Constitution of the United States; which was read the first time by its title.

Mr. GEORGE. I ask that the joint resolution be read at length and referred to the Committee on the Judiciary.

The joint resolution was read the second time at length, and referred to the Committee on the Judiciary, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as a part of said Constitution, namely:*

#### ARTICLE XVI.

The Congress shall have power concurrent with the several States to make all laws which shall be necessary and proper to suppress combinations in restraint of trade and production, and to prevent transactions which create a monopoly or increase or depress the price of commodities which are or may become subjects of commerce among the States or with foreign nations.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. SPOONER, it was

*Ordered*, That Nicholas T. Lawrence have leave to withdraw his papers from the files of the Senate.

#### DISTRICT SCHOOL BUILDINGS.

Mr. FAULKNER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the commissioners of the District of Columbia are requested to inform the Senate whether the new eight-room school buildings, which have been constructed, or now in process of construction, under the last appropriation for that purpose, have been or are being so constructed as to render them as nearly fire-proof as possible, and, if not, what additional appropriation would be required to render said buildings already constructed or in process of construction fire-proof.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 525) to establish two additional land offices in the State of Montana.

#### ENROLLED BILLS SIGNED.

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

A bill (S. 1296) for the relief of the owners, officers, and crew of the British bark *Chance*; and

A bill (H. R. 6099) granting an increase of pension to Elmer A. Snow.

## ALASKA SEAL FISHERIES.

Mr. MORRILL. I ask unanimous consent to call up Order of Business 709, being Senate bill 3025, as it is rather important that the bill should be passed at once. I will send to the desk to have read a communication from the Secretary of the Treasury showing the necessity for immediate action on the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3025) to enable the Secretary of the Treasury to gather full and authentic information as to the present condition and preservation of the fur-seal interests of the Government in the region of Alaska, as compared with its condition in 1870; also, full information as to the impending extinction of the sea-otter industry, and kindred lines of inquiry, etc.

The bill was reported from the Committee on Finance with an amendment, in line 18, before the word "dollars," to strike out "twelve" and insert "ten;" so as to read:

Such agent to receive as compensation the sum of \$10 per day while actually thus employed.

The amendment was agreed to.

Mr. MORRILL. I have a letter from the Secretary of the Treasury, directed to the Committee on Ways and Means, and as this letter is quite full I ask to have it read.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., March 13, 1890.

SIR: I have to acknowledge the receipt of your letter of the 11th instant, inclosing House bill 7938, "to enable the Secretary of the Treasury to gather full and authentic information as to the present condition of the fur-seal and sea-otter interests of the Government in Alaska," etc., for such suggestions as I deem appropriate.

Under the provisions of a similar act (approved April 22, 1874) the Secretary of the Treasury was enabled to procure a detailed and authoritative statement and survey of the real condition of those valuable fur-seal preserves of our Government as they then existed. This monograph, prepared and published by the Treasury Department under these auspices, has been the unquestioned authority and basis for all estimates and comparisons touching the conduct of affairs in the seal islands ever since, and has been extensively republished by the United States Fish Commission and the Tenth Census, United States of America.

But since then, and especially during the last four years, an unlooked-for and positive danger to these interests has arisen and seriously threatens their well-being and perpetuation. I refer to the great injury which the illegal killing of fur-seals in the open waters of Behring Sea has inflicted upon the "breeding" and "hauling" herds of fur-seals that annually repair to the Pribylov Islands. I deem it of the utmost importance that the Treasury Department shall have at the earliest hour an authoritative survey and statement, prepared from field observations by one who is fully qualified, of the exact condition and number of our fur-seal herds as they shall appear next summer on their accustomed breeding grounds in Behring Sea. Such a survey, contrasted with the survey made under the act of 1874, will show clearly the full extent of that damage done to these interests by pelagic poachers, and throw more light on the very important question as to the number of fur-seals that can be safely killed on the seal islands next year and thereafter; also, an investigation made personally in these waters into the methods of the poachers will furnish additional data upon which the Secretary of the Treasury can devise an efficient and economical means of suppressing this illegal and destructive business of pelagic sealing.

Also, in this connection arises the query as to what can be done to prevent the impending swift extinction of the sea-otter; for, upon the successful chase of this animal, some 5,000 civilized Aleuts and creoles of Alaska are wholly dependent for their means of support in a state above abject poverty and barbarism. I desire very much the fullest information touching this important question at the earliest moment, so that if any remedy can be applied it may be done promptly, and thus save an interesting people from untold hardship and probably the public Treasury from humane demand in the way of feeding and clothing an impoverished community that would have continued self-supporting if properly protected.

To secure this information a fully qualified expert can be employed under the terms of the inclosed bill; he can, by its provisions, travel so as to cover the whole field of inquiry. The Treasury agents now stationed on the seal islands are confined by law to a daily supervision of the operations of the lessees and a personal attendance on the killing grounds during the sealing season; they can not be spared from this duty, nor should they be, even if they were competent to make this special investigation. For these reasons I am in favor of the passage of this bill.

Respectfully, yours,

GEO. S. BATCHELLER,  
Acting Secretary.

Hon. N. DINGLEY,  
Chairman Subcommittee Ways and Means, House of Representatives.

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, and was read the third time.

The VICE-PRESIDENT. Shall the bill pass?

Mr. GORMAN. I only desire to say, sir, that I take it there is no use in making any opposition to this bill, but it does seem to me that it is simply creating more useless offices with the officers of the revenue marine, who are directly under the Secretary of the Treasury, and with the special agents who have been sent to Alaska for the purpose of making examination and reporting all the facts to the Secretary. Such reports have been made and a new lease has just been made; and I had hoped that we should pass along without further expenditure for additional officials. I simply want to say that I shall content myself by voting against the bill.

Mr. DAWES. Mr. President, I wish to say in reply to the Senator from Maryland that when the first lease was made precisely this bill passed Congress for the very purpose of ascertaining the condition of things on those islands, so as to enable the Secretary of the Treasury to regulate the lessees themselves and control them. It seems highly

proper that when a new lease is made the condition in which the old lessees leave the islands should be ascertained clearly, and that the needs of the people there should be made known in such a way as to enable the Secretary of the Treasury to regulate the conduct of the lessees. That can not be done by those particular agents who are sent out there to watch the operations of the lessees, because they are required to be on the ground and see every seal skin that is taken off and take account of them, and they can do nothing about locating these islands. It is said that they have changed their position and changed their character and changed their boundaries. Under the former act, twenty years ago, those boundaries were all marked out and the survey which was made under the act of which this is a copy has been the guide for the last twenty years. It is impossible for the agent to do this who is sent out there to keep account of the work of the lessees.

The idea that when we are about to receive a million dollars a year from these seals we can not expend, say, \$1,200 for the payment of a man who will go out there and have nothing else to do in the next six or eight months but to bring back here reliable information as to the topography, as to the climate, as to the condition the late lessees have left the people and the islands and the seals in, it seems to me could hardly bear an argument.

Mr. MORRILL. Mr. President, this is a very small appropriation considering the vast amount of revenue that is to be derived by the Government. We have recently leased the seal islands at a greatly enlarged rental from that paid heretofore under the lease, and it is supposed by many that the number of seals annually frequenting those islands is less now by at least two million a year. It is very important that the Secretary of the Treasury should know how to limit the amount, and the survey which is to be made by this agent will give that information to the Secretary of the Treasury.

Mr. REAGAN. Mr. President, I understand a contract has been recently made with a company which proposes to give a much larger price for the privilege of the seal fisheries than the former company. They propose to give \$10 apiece for the seals caught, and the former company gave only \$3 heretofore. Is that correct?

Mr. MORRILL. Not quite. It was a little over \$3.

Mr. REAGAN. Mr. President, a contract was made, but somehow or other, notwithstanding the discussion we have had here, I do not understand that it was ever questioned how it was kept after the Secretary of the Treasury relieved the contractors from what are considered the burdens of their contract. Now, a more onerous contract is made. Will the result of the passage of this bill and the investigation thereunder be a recommendation to the Secretary of the Treasury that on account of the reduction of profits in the seal fishery the contract must be modified, its terms reduced as to the lessees? The contract fixes the terms by which they are to be governed. The agents, as suggested by the Senator from Maryland, who are on the ground there are looking out for the seal fisheries. The Government furnishes its revenue-cutters for the purpose of general inspection and general observation, as I understand, at these fisheries, and it seems to me a matter of very questionable propriety to provide for the appointment of a new commissioner or agent for the purpose of making these investigations.

I have further to say that I do not know how far I ought to go in suggesting that possibly this new commissioner or agent might be subject to temptation. I doubt the propriety of leaving such a report to the discretion of an individual man. If a commission is necessary to be appointed at all let it consist of more than one person. We know that where great corporations are concerned, where their interests are involved, they not infrequently manage to use influences over the minds of persons with whom they deal. I should rather risk the chances with two commissioners, where so much responsibility exists, than with one, if there is to be a commission at all.

Mr. GORMAN. Mr. President, I objected to this bill for the reason that I supposed that under the general law the Secretary of the Treasury had at his command, not only the officers of the revenue marine, capable men who have been stationed there and have been examining and looking into this question, but he has unquestionably in the Treasury Department a corps of men whom he can increase at his will and pleasure, known as the special agents, whom he can detail for this very duty. It is well known to everybody that during past years the Secretary of the Treasury has detailed gentlemen from the special service to make this examination, and it is as well known as we know anything that possibly the best, the most astute, the most intelligent man who has been sent to that region to examine it made a report to the Secretary of the Treasury; since when a new contract has been made with another firm or company at more favorable rates to the Government. We are informed by the newspapers that one of the Treasury agents has since become an officer or an agent of the new company. I know personally nothing of this affair, nothing except what I gather from the public prints. I do not intend to reflect on the conduct of any such officer. I do suggest that if there is to be an inquiry made under special legislation, it ought to be, in view of what has just occurred, made by a commission higher than the one that is proposed here, one whose report will meet with approval by the country. To simply send out another agent, creating an office specially for this purpose, when the Secretary has power to send such an officer already in the service, is, I think, unwise. This constant multiplication of officers is objectionable, and it does seem

to me (I make the suggestion with all deference) that if the question is to be again looked into it ought to be by a commission.

Mr. DAWES. I do not know what the intention of the Secretary of the Treasury may be under this bill. I do not know exactly whether the Senator from Maryland intends by his remarks to reflect upon the agent who went out under the old bill twenty years ago, nor do I know who this particular agent is who has gone into the employ of this new company. If any agent of the Treasury has done that thing, of course it unfits him for this service. The agent who went out under the other law, which was a bill introduced by myself twenty years ago, made a report which has been the guide for twenty years of the whole Treasury Department. His report has gone into the census as a monograph upon the subject of the seal fishery. I have never heard until this moment—and I do not know that the Senator intended to reflect upon that report or upon that gentleman; I agree with the Senator—

Mr. SHERMAN. The person alluded to by the Senator from Maryland is not the one the Senator from Massachusetts refers to. The one is Mr. Elliott and the other is Mr. McIntyre.

Mr. GORMAN. I had no reference to the gentleman who made the original report. What I stated was what I have seen in the newspapers, for I have no access to the Departments, that an agent of the Treasury Department who has been there within the last four or five years, perhaps sent there by the last Administration, or, at all events, who has been there within the last three or four years watching the interests of the Government and making reports upon the conduct of the old company, immediately after the new contract was made became an officer of the new company.

Now, as I understand it, he was simply one of the special agents of the Treasury Department. I suggest that, if we are to legislate at all, we ought to appoint a commission with higher authority than a mere agent such as is provided for by this bill.

Mr. DAWES. That shows the impropriety of relegating this service to the agents sent out under the existing law, which was the Senator's first suggestion when he took the floor the first time. I agree with the Senator that it is the duty of the Secretary of the Treasury to employ the best possible talent for this service. The importance of the revenue justifies it, the importance of the whole work justifies it, but, more than all that, I failed to make the slightest impression upon anybody else in respect to it the other day when we discussed the seal matter; but what impresses me all the time is the effect upon the future of Alaska. For forty years, taking the twenty years that are passed and the twenty years that are to come, the whole fate and development of all Alaska is put under the control of private enterprise. That control has been exercised in the past as well as it could possibly be, for aught I know, and I have no reason to suspect that it will not be in the future. But it is a serious question with reference to what seem to me to be the possibilities of Alaska in the future, whether it should be entirely under the control of a private enterprise, however well conducted that enterprise may be. Now, here is possibly some means of alleviating that which seems at present to be a necessary evil, some means of bringing to the knowledge of the administrator of this great work information on the subject-matter, if he can get it in no other way. Are we to presume that he will not employ the best possible talent for the end? If so, he will not have done his duty. I have no doubt he will do that. If he does not do it, he does not do his duty.

Mr. FAULKNER. In reference to the allusion made by the Senator from Maryland [Mr. GORMAN] to the gentleman to whom I understand he has referred, Mr. George Tingle, I desire to state that he was formerly a citizen of my State and subsequently a citizen of Montana. I know him well. The Senator is laboring under a misapprehension as to the facts when he connects Mr. Tingle, while in the Government service, with a subsequent employment by the company which has the lease of these islands. He was employed in the Government service for some time. He subsequently left that service and became a citizen of Montana, and during the present winter, after his entire connection with the Government service had ceased, he was employed by gentlemen who compose the company and who had leased these islands as one of their employes. I am satisfied from my knowledge of that gentleman's character that nothing could have occurred by reason of his conduct in connection with this subject to justify any criticism as to his employment. I think it is but just to him that this should be stated to the Senate.

Mr. MORRILL. I desire to state that I happen to know the person who will probably be selected. He is an employe of the Smithsonian Institution, and there is no man in this country who is better qualified to discharge the duties that will be imposed upon him than the selection which will be made by the Secretary of the Treasury, and he is as much above being bought off by any company as any member of the Senate on this floor.

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

The bill was passed; there being on a division—ayes 25, noes 17.

#### LA ABRA SILVER MINING COMPANY.

Mr. VEST submitted the following resolution, and asked for its present consideration:

*Resolved*, That the President be requested to communicate to the Senate, if not in his opinion incompatible with the interests of the public service, copies of all correspondence between the La Abra Silver Mining Company or its officers,

attorneys, or counsel, or any of them, and the Department of State or President of the United States, and also between the said Department and the Mexican Government since the publication of the last executive document touching the award rendered in favor of the said company by the United States and Mexican Claims Commission or the distribution of the moneys paid on account of the said award by the Mexican Government.

By unanimous consent, the Senate proceeded to consider the resolution.

The VICE-PRESIDENT. The question is on the passage of the resolution.

Mr. DOLPH. Who offered the resolution?

The VICE-PRESIDENT. It was offered by the Senator from Missouri [Mr. VEST].

Mr. DOLPH. I should like to have it read again.

The VICE-PRESIDENT. The resolution will be read again.

The Chief Clerk read the resolution.

Mr. DOLPH. I have no objection to the resolution now. As I understand, it calls for all documents since the last publication.

The resolution was agreed to.

#### LAND IN SEVERALTY TO INDIANS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be directed to communicate to the Senate the number of patents issued up to date to Indians under the severalty act, and on what reservations, in detail, and what number of allotments, if any, now await patent.

#### SENATORS FROM MONTANA.

Mr. HOAR. I desire to give a notice which it may be convenient to the Senate to have given now. I gave notice yesterday that I should call up the Montana election case for action on Thursday, the day after to-morrow; but I have been informed by the Senator from Alabama [Mr. PUGH], who is a member of the committee, that it will be more convenient to him and some other members of the minority to have a short postponement of the case. Therefore I shall defer calling it up until next Monday.

#### TRUSTS AND COMBINATIONS.

The VICE-PRESIDENT. If there be no further morning business, the Calendar under Rule VIII is in order.

Mr. SHERMAN. I believe it is necessary to submit a motion in order to take up the unfinished business now, it being before 2 o'clock, and I therefore move that the Senate proceed to the consideration of the trust bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

The VICE-PRESIDENT. The pending question is on the amendment submitted by the Senator from Texas [Mr. REAGAN].

Mr. STEWART. Let the amendment be read.

The CHIEF CLERK. It is proposed to add as additional sections the following:

SEC. 3. That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation, company, or person employed in any such business, using its powers for either of the purposes specified in the second section of this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$10,000 or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

SEC. 4. That a trust is a combination of capital, skill, or acts by two or more persons, firms, or associations of persons, or of any two or more of them, for either, any, or all of the following purposes:

First. To create or carry out any restrictions in trade.

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

Sixth. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description by which they shall bind, or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity, or transportation between themselves, or between themselves and others so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may in any manner be so affected.

SEC. 5. That each day any of the persons, associations, or corporations aforesaid shall be engaged in violating the provisions of this act shall be held to be a separate offense.

Mr. GEORGE. Mr. President, the wish has been expressed in my hearing by several Senators that this bill and the various amendments which have been offered to it and which are proposed to be offered shall be referred to the Committee on the Judiciary. I concur in the propriety of that course. I shall make that motion and do now make it, and on that I ask the indulgence of the Senate to state some reasons why that course should be pursued.

Certainly there is no subject likely to engage the attention of the present Congress in which the people of this country are more deeply interested than in the subject of trusts and combinations. These evils have grown within the last few years to an enormous magnitude; enormous also in their numbers. They cover nearly all the great branches of trade and of production in which our country is interested. They grow out of the present tendency of economic affairs throughout the world. It is a sad thought to the philanthropist that the present system of production and of exchange is having that tendency which is sure at some not very distant day to crush out all small men, all small capitalists, all small enterprises. This is being done now. We find everywhere over our land the wrecks of small, independent enterprises thrown in our pathway. So now the American Congress and the American people are brought face to face with this sad, this great problem: Is production, is trade, to be taken away from the great mass of the people and concentrated in the hands of a few men who, I am obliged to add, by the policies pursued by our Government, have been enabled to aggregate to themselves large, enormous fortunes?

This is the evil before us. Any time within the last nine years since I have had the honor to be a member of this body I would have introduced a bill to prevent these evils, to suppress these combinations and these trusts if I could have found the constitutional power to enact the bill. I find myself to-day, with every wish to exercise every power conferred by the Constitution upon Congress to suppress these trusts, unable to find in that instrument a power under which the Senate can originate a measure that in my opinion will be efficient.

The people complain; the people suffer; the people in many parts of our country, especially the agricultural people, are in greater distress than they have ever been before. They look with longing eyes, they turn their faces to us with pleading hands asking us to do something to relieve them from their trouble. I believe the sentiment that something ought to be done pervades this body almost universally. The question for us and the problem for us is how, consistently with the limited powers which the Constitution has conferred upon us, we can deal with these great evils.

There is a power, a power which the learned and distinguished Senator from Ohio [Mr. SHERMAN] on the 14th day of September, 1888, declared in this body was the only power which could be efficiently used. That is the taxing power. But by the forms of our Constitution no tax law, no bill to raise revenue can originate in this body. But for that the amendment offered to this bill by the Senator from Kansas [Mr. INGALLS] would receive and ought to receive the vote of every member of this body. We can go further. In that amendment the taxing power is applied to options and to futures. There is no reason why this same power could not be applied as it was applied for the purpose of suppressing the circulation of State bank notes, to the suppression of these trusts, the suppression of these combinations which are eating up the substance of our people. But, sir, we can not originate that in this body; a revenue bill must be first sent to us from the other House before we can enter into that business. The Senate, however, seems determined, leaving out the taxing power, to pass some measure on this very intricate and very difficult subject.

I say it is difficult and intricate, and if the Senate will bear with me while I call attention to the several bills which have been introduced by the Senator from Ohio partly on his own account and partly as the organ of the Committee on Finance, the Senate will see what difficulties that Senator and the great committee of which he is the organ have encountered in the pursuit of this subject.

On the 14th day of August, 1888, the Senator from Ohio introduced a bill. I desire all these bills to be printed as a part of my remarks. I do not wish to read them all, and I shall ask that the Reporter will note at this point the bill to be inserted.

The bill referred to is as follows:

A bill to declare unlawful trusts and combinations in restraint of trade and production.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the production, manufacture, or sale of articles of domestic growth or production, or of the sale of articles imported into the United States, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed or which tend to advance the cost to the consumer of any such articles are hereby declared to be against public policy, unlawful, and void; and any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover in any court of the United States of competent jurisdiction double the amount of damages suffered by such person or corporation. And any corporation doing business within the United States that acts or takes part in any such arrangement, contract, agreement, trust, or combination shall forfeit its corporate franchise; and it shall be the duty of the district attorney of the United States of the district in which such corporation exists or does business to institute the proper proceedings to enforce such forfeiture.*

Mr. GEORGE. This was the first bill that was introduced in the Senate on this subject. In that the Senator from Ohio assumed, as the Senator from Alabama [Mr. PUGH] did yesterday, that Congress had full, complete jurisdiction over the subject of trusts and combinations, whether they affect interstate or foreign commerce or not. It will be seen by reading the bill that it denounced all arrangements, contracts, agreements, and trusts made by anybody about anything which is an

article of commerce, whether in domestic, interstate, or foreign commerce.

Mr. REAGAN. Is the Senator from Mississippi sure that is the first bill introduced on that subject?

Mr. GEORGE. That is the first one introduced here that I know of.  
Mr. REAGAN. I introduced one the same day, or previously to that time, on the same subject.

Mr. GEORGE. I stand corrected upon that. I have been pursuing in most of my investigations the action of the Senator from Ohio and the committee of which he is the organ.

That bill had no reference to transactions in interstate or foreign commerce, but assuming that the Congress of the United States had throughout the Union, as a separate State has within its own borders, full and complete jurisdiction over the subject of trusts it legislated in that way. It applied to contracts made by anybody; it applied to all subjects of commerce, interstate, foreign, and domestic; and it contained the remarkable provision that Congress could enact a law declaring the ground of forfeiture for a State corporation of its charter and directing proceedings in a Federal court by a Federal officer against a State corporation for the purpose of declaring the forfeiture of its charter. That was the first bill introduced by the Senator. That was introduced August 14, 1888.

The Committee on Finance kept the bill under consideration until September 11, nearly one month, and then we have bill No. 2, which the Reporter will note.

The bill reported September 11, 1888, is as follows:

*That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view, or which tend, to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, or which shall be transported from one State or Territory to another, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed, or which tend, to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.*

*Sec. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.*

*Sec. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of not more than \$10,000 or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.*

Mr. GEORGE. By that bill all of the first bill was stricken out and the committee sought to get jurisdiction upon a ground which I will now proceed to state. The committee began to discover that this subject of trusts and combinations in restraint of trade was not a matter of Federal jurisdiction in its full extent. They began to discover that they must look to some particular power granted by the Constitution to Congress under which they could pass this bill. So they undertook and so they provided that these arrangements and contracts should be in reference to preventing "full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article" introduced into the United States "or which shall be transported from one State or Territory to another."

The committee sought jurisdiction upon the ground that these trusts were interfering with full and free competition with articles imported which were dutiable articles. The idea of the committee seemed to be this: If Congress can impose a duty upon a foreign article, Congress may prevent an arrangement or a trust which interferes with the sale of that imported article. That was the first ground. The second ground was that if these arrangements were made about articles which were afterwards transported in interstate commerce that would bring them within Federal jurisdiction.

At this stage there was some discussion in this body, in which cases were cited and principles of constitutional law well known were introduced and brought to the attention of the Senate, which showed the utter fallacy of the grounds upon which the committee had placed the jurisdiction of Congress to enact the bill. Some discussion followed and some amendments were made, so that on the 25th of January, 1889, there was another bill reported from the committee. That is bill No. 3.

The bill referred to is as follows:

A bill to declare unlawful trusts and combinations in restraint of trade and production.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or Territory to another, or to the District of Columbia, or from the District of Co-*

lumbia to any State or Territory, and all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance the cost to the consumer of any of such articles are hereby declared to be against public policy, unlawful, and void.

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

SEC. 3. That if one of the purposes of any such arrangement, contract, agreement, trust, or combination shall be to compel any person, partnership, or corporation to become a party thereto, or to cease from doing any lawful business, or to sell and dispose of any lawful business, or if acts shall be done under any such arrangement, contract, agreement, trust, or combination, which have for their purpose, or which shall tend to compel the giving up or sale of any lawful business, the person, partnership, or corporation injured thereby may sue for and recover in any court of the United States of competent jurisdiction the damages sustained thereby of any person or corporation a party to any such arrangement, contract, agreement, trust, or combination, or of all or any number less than all of such parties. And if any purchaser of articles specified in the preceding section shall be put to additional cost by the advancing of the price of such articles by means or because of any such arrangement, contract, agreement, trust, or combination, he may, in like manner, sue for and recover the damages sustained, which shall in such case be estimated at the full consideration or sum paid by him for the articles so advanced in price as aforesaid.

SEC. 4. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and, on conviction thereof in any district or circuit court of the United States, shall be subject to a fine of not more than \$10,000 or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.

SEC. 5. That any person who, ninety days after the passage of this law, shall act as a manager, officer, trustee, or agent of any arrangement, contract, agreement, trust, or combination as described in the first section, shall be liable to the penalties prescribed in the fourth section.

Mr. GEORGE. In that bill, either by the acceptance of the Senator from Ohio or by the vote of the Senate—and I do not remember which—section 3 and section 5 were introduced for the first time in this legislation.

Mr. SHERMAN. What bill is that?

Mr. GEORGE. This is Senate bill 3445, ordered to be printed January 25, 1889. I will read section 3 so that the Senator can catch my idea more perfectly. I believe this section was offered by the Senator from Massachusetts [Mr. HOAR]. At all events it appears to be ordered reprinted as amended. In section 3 of this bill it was proposed—

That if one of the purposes of any such arrangement, contract, agreement, trust, or combination shall be to compel any person, partnership, or corporation to become a party thereto, or to cease from doing any lawful business, or to sell and dispose of any lawful business, or if acts shall be done under any such arrangement, contract, agreement, trust, or combination, which have for their purpose or which shall tend to compel the giving up or sale of any lawful business, the person, partnership, or corporation injured thereby may sue for and recover in any court of the United States of competent jurisdiction the damages sustained thereby of any person or corporation a party to any such arrangement, contract, agreement, trust, or combination, or of all or any number less than all of such parties.

And then there was a provision in that same section for recovering further damages. The fifth section was intended to have operation upon trusts and combinations already formed, and is in the following words:

That any person who, ninety days after the passage of this law, shall act as manager, officer, trustee, or agent of any arrangement, contract, agreement, trust, or combination as described in the first section, shall be liable to the penalties prescribed in the fourth section.

In that connection there was also some discussion. It was shown in that debate very fully that under the power to regulate foreign and interstate commerce the provisions of the bill could not stand. It was also shown that the bill covered very innocent combinations and transactions, such as the alliances among farmers and grangers and combinations among laborers to advance their wages, etc. That bill submitted on the 25th day of January, 1889, after that debate was closed, was never called up for action during the last Congress.

That disposes, Mr. President, of the history of this legislation or attempted legislation in the Fiftieth Congress. But the Senator from Ohio was not disposed, as he understood his duty, to let the matter rest there; so that on the first day or the next day after we met at this session, at least on December 4—I believe we met on the 2d—the Senator from Ohio introduced this bill:

*Be it enacted, etc.,* That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, or which shall be transported from one State or Territory to another, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover, in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

SEC. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own

account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of not more than \$10,000 or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.

In this the effort was made to evade—I suppose I ought not to use the word “evade,” as that is sometimes used in a sinister sense, and I do not use it in that sense—but an effort was made to get rid of the constitutional objections which had been urged in the last Congress; so that we have here some provisions which had been left out of No. 3. The committee seem to have been uncertain about the ground upon which they had placed it. In No. 2, the second bill introduced, one of the grounds of jurisdiction was stated in these words: The article must “compete with any similar article upon which a duty is levied by the United States.” That was left out of the next bill. The committee thought they could get along with the jurisdiction without this competing clause, and so with that omission the Senator from Ohio, in the original bill introduced at this session, presented the bill in other respects substantially like the last bill that had been reported in the last Congress, except that section 3 and section 5 which I have read were omitted.

That went to the committee, and on the 14th of January, 1890, it was reported back to the Senate with some changes with the view of getting at jurisdiction. It had been shown in the debate, and conclusively shown by citations from the decisions of the Supreme Court of the United States, that articles which might become subjects of interstate commerce did not so become until they were actually delivered at the depot of the common carrier for transportation. Several cases were cited which settled that doctrine beyond dispute. So when the Committee on Finance, able and learned as it, came to consider the bill introduced by the Senator from Ohio on the second day of the session, they discovered that the bill would not stand the constitutional test, and so they changed the bill in the particulars to which I will now call the attention of the Senate.

The bill reported January 14, 1890, is as follows:

*Be it enacted, etc.,* That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with the intention to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, intended for and which shall be transported from one State or Territory to another for sale, and all such arrangements, contracts, agreements, trusts, or combinations between persons or corporations intended to advance the cost to the consumer of any such articles are hereby declared to be against public policy, unlawful, and void.

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may sue for and recover, in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, twice the amount of the damages sustained, and the costs of suit.

SEC. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of not more than \$10,000 or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.

As the bill originally read it stood as follows:

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition.

The committee struck out the words “a view or which tend” and inserted the words “the intention;” so that the bill read in this way:

That all such arrangements, etc., made with the intention to prevent full and free competition.

And then in order to meet the objection which has been made, based upon the decision in *Coe vs. Errol*, in 116 United States Reports, the committee inserted in that part of the bill which referred to the transportation of these goods the words “intended for;” so that that part of the bill read in this way: That these arrangements and contracts made “to prevent full and free competition in the” goods above described, which goods are “intended for and which shall be transported from one State or Territory to another for sale,” and then in the general clause which condemns all sorts of arrangements and trusts between persons or corporations to advance the cost to the consumer, the committee again struck out the words “designed, or which tend” and inserted the word “intended.” So the effort of the committee in this bill was to get jurisdiction under the commercial clause upon the ground that the articles about which the arrangement was made, about which the trust was formed, were intended for and afterwards transported in interstate commerce.

In that condition the bill stood on the 17th day of last month when it was called up for discussion in this Chamber, and was discussed by myself. I claim that the debate showed, not by force of the argument of the speaker, but by the citation of cases decided by the Supreme Court, that the words “intended for transportation in interstate com-

merce" gave no additional power to Congress. That argument has never been answered. I believe I might say it has never been attempted to be answered. I feel authorized to say that it can not be answered because every position taken was based upon a decision of the Supreme Court of the United States.

With that array of authority it was supposed by some that this controversy was at an end, and yet in that we were mistaken, for on the 18th day of March, 1890, we had the bill in its present shape, as thus reported by the Senator from Ohio:

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States; or with a view or which tend to prevent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles the production of any State or Territory of the United States into or within any other State or Territory of the United States; and all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void. And the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions. And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

Sec. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States of competent jurisdiction, without respect to the amount involved, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

In the first bill the jurisdiction was claimed to be absolute, plenary, and original, not dependent upon the commerce clause of the Constitution. In the four subsequent ones the committee undertook to get jurisdiction from the commerce clause of the Constitution. In all these efforts the committee have been defeated, and now we have this bill based upon the extraordinary proposition, the unparalleled proposition that, because the Constitution has granted to the courts of the United States jurisdiction in controversies between citizens of different States and between citizens of the United States and of foreign countries, therefore the Constitution has granted to Congress legislative power to regulate the transactions between citizens of different States and between citizens of the United States and of foreign countries.

A judicial power, it is unnecessary for me to state, I hope, in this body, is a power *jus dicere*, a power to say what the law is. A legislative power is a power *jus dare*, a power to say what the law shall be. The judicial power ascertains the existing law and applies it to transactions occurring, the legislative power makes new rules, new regulations for transactions thereafter to occur. Yet strange as it may seem, because the Constitution gave a judicial power to settle controversies between citizens of different States and between citizens of the United States and of foreign countries, the bill is formulated to legislate to make rules and regulations concerning these transactions.

I am not going into that argument any further at present. I shall do it, though, unless my motion prevails. I have only gone thus far to show to the Senate the difficulty which the Committee on Finance have encountered in framing this bill. I have pointed out the differences between the various bills to show that all along for now more than a year the committee have not been able to find a single solid stone in the Constitution upon which it could place this bill, but as often as it has been discussed, as often as the fallacies upon which one of these bills rests have been exposed, the committee, uncertain, doubtful, have sought refuge in another pretense. That is the meaning of the history which I have given this morning. The committee in no part of all these six bills which they have presented for the consideration of the Senate have ever been able to place the jurisdiction of Congress to enact them twice upon the same proposition. When beaten from one rampart behind which they have fortified themselves, they have fallen back and made another. Beaten out of that they have retreated to a third; beaten out of that they have retreated to a fourth, and so again to a fifth, and so again to this last ditch in which they place the jurisdiction of Congress on the extraordinary proposition to which I have called the attention of the Senate.

Mr. President, under these circumstances of doubt and difficulty, this changing attitude of the Committee on Finance, the immense importance of this question to the people of the United States, our grave and solemn duty which we owe to the people of the United States to do something, and something effectual, it becomes us to stop, to think, to deliberate. Are Senators willing, in face of this great demand of the people of the United States for redress against these enormous evils, to give to these crying and supplicating sufferers a mere sham? The people call to us for redress. They ask us for security against wrong and evil. Shall we, upon any idea that we will do something, that we will throw some sop to the dog Cerberus, pass a bill which will accomplish nothing, unless it be to demonstrate the inability or the unwillingness of the American Congress to pass an efficient measure?

In view of these things, Mr. President, I think I do a duty, I think I discharge a proper duty to the people of the United States when I ask the Senate to refer all these various propositions to that committee which by the rules of the Senate has charge of these great questions.

Mr. REAGAN. Mr. President—

Mr. MORGAN. Before the Senator from Texas proceeds, if he will allow me just a moment, I wish to ask the Senator from Mississippi whether he does not also desire to put some limitations upon the time within which the Committee on the Judiciary shall report a bill.

Mr. GEORGE. I do not know. That is usual, but this is a grave matter and I should be willing, so far as I am concerned, that the committee be required to report in any reasonable time, say in two or three weeks.

Mr. MORGAN. Well, twenty days, say?

Mr. GEORGE. Yes, twenty days, if that is proper. I dislike to make a proposition of that sort in the motion to commit.

Mr. MORGAN. In view of the pressure of business here, I will move an amendment to that effect, that the committee be required to report a bill within twenty days.

Mr. GEORGE. Very well; I do not object to that.

The PRESIDING OFFICER (Mr. MOODY in the chair). The question is on the motion of the Senator from Mississippi to refer the bill and amendments to the Committee on the Judiciary.

Mr. INGALLS. What was the motion of the Senator from Alabama? To amend?

The PRESIDING OFFICER. The Chair understands the amendment to the motion has been accepted by the Senator from Mississippi.

Mr. GEORGE. No; the Senator from Alabama moves the amendment himself. I do not accept it, because I doubt the propriety of it.

Mr. INGALLS. What is the amendment to the motion?

The PRESIDING OFFICER. The Senator from Mississippi moves that the bill and pending amendments be referred to the Committee on the Judiciary. The Senator from Alabama moves to amend by instructing the committee to report within twenty days. The question is upon the amendment of the Senator from Alabama, to limit the time within which the committee shall report. The Senator from Texas [Mr. REAGAN] has the floor.

Mr. REAGAN. Mr. President, the honorable Senator who makes the motion to refer these bills to the Judiciary Committee is a member of that committee. He told us in his opening remarks this morning that for several years he had been endeavoring to formulate in his mind some bill that would give relief against the great evil to which he has referred growing out of unlawful trusts and combinations. He favored us a few weeks ago with a very learned and able argument to demonstrate that the bill reported by the Committee on Finance was not warranted by the Constitution. He is a member of a committee which has had a bill before it from the first day of this session of the Senate until now and has never acted upon it. I confess that it seems to me not very encouraging to refer bills of this description to that committee.

Mr. GEORGE. If the Senator will allow me, I will state (I am not sure I am right about it, but I think I am) that one reason of the delay in the action of the Judiciary Committee upon the matter was that the subject was before the Committee on Finance.

Mr. REAGAN. But the honorable Senator has just told us that the Judiciary Committee is the right committee for this subject to be before, and it had a bill referred to it. I think that is an answer to his suggestion.

Mr. VEST. Will the Senator allow me? I do not know that it is a matter which is very material, but the reason why the Judiciary Committee did not act upon this matter was on account of the sickness of the chairman of that committee. I am not a very experienced parliamentarian and never took much interest in that sort of business, but if it is within the rules for me to state what happened in committee, I wish to say that more than six weeks ago, two months ago, I moved myself, as a member of the Judiciary Committee, for the appointment of a subcommittee to take under consideration the subject of trusts, there being then pending before us the bill of the Senator from Texas and one other measure. I collated all the bills that had been offered in Congress, together with a large number that had been before the State Legislatures; but the sickness of the chairman of the committee delayed the matter until a few days ago. That subcommittee has now been appointed, and about the time that we commenced the consideration of this matter the bill coming from the Committee on Finance of which the Senator from Ohio has charge was called up in the Senate. Those are the facts, and it is but justice to the Judiciary Committee to state them.

Mr. HOAR. Will the Senator from Texas allow me to make a little additional statement? I suppose it is not a breach of any rule of this body to say that a very large number of nominations for important offices have been before that committee during the few months of the present session, marshals, district attorneys, judges for various States and Territories; and also, I suppose, it is matter of public notoriety that in regard to nearly all of those officials, from the importance of the offices and in some cases from questions of fact which were raised by Senators or by the public elsewhere, inquiries have had to be made into facts transpiring at a distance from the seat of Government, and the time at

the command of that committee has been very much occupied and engrossed by that class of its duties.

Mr. REAGAN. I have no doubt that the Judiciary Committee has had a great deal of such labor before it, as is suggested by the Senator from Massachusetts. In connection with these explanations, I desire to read what the Senator from Vermont [Mr. EDMUNDS], the chairman of the Judiciary Committee, said on that very point yesterday:

The amendment proposed by the Senator from Texas [Mr. REAGAN] is the substance and for aught I know now literally the body of the bill that he introduced, I see by the top of it, on the 4th day of December last, I think about the first day of the session, and which was referred to the Committee on the Judiciary. I think it due to the Senator and to the Senate to state that according to our course the chairman very soon, almost immediately, referred that bill to a subcommittee of three among the most eminent and earnest of the members of that committee, but the committee has not yet been able to act upon it, owing, I have no doubt, to other important business in the committee, our time having been almost exclusively and necessarily devoted to the consideration of executive business. I think it is due to the Senator from Texas and to the Senate, he having introduced the bill so early, to say that.

I can understand very well, with the multiplied duties of the Judiciary Committee and with the difficulties which attend the formulation of a bill on this subject, that there may have been delay; and I do not complain of the delay, because the members of that committee were the better judges of what they were able to do than I can be, who was less informed as to what was before them. The point I made was this: The motion to refer comes from a member of the committee who confesses his inability to formulate a bill upon the subject and who combats, as far as I know, all the bills presented.

I can not state in as strong terms as the Senator from Mississippi has done the great need for legislation upon this subject, the demand of the public for legislation upon this subject, the importance and necessity of legislation upon this subject; and is it possible that the Senate of the United States, having this subject before it in the last Congress and the present, has not been able to reach a conclusion that it could act or that it could not act, and to state the reasons why it could act or why it could not act? I think the country has a right to expect the Senate of the United States, if it can, to say that it has the power to act and the extent and character of that power, or to say that it has not power to act and that the people must rely exclusively upon the action of the State governments.

Mr. President, I have stated from the beginning that the power of Congress over this subject comes from the commerce clause of the Constitution. If there is any other power for legislation by us upon this subject I do not know where it comes from. I know when I say this that the oleomargarine bill, which became a law a few years ago, was passed under the revenue power. I have no disposition to discuss that. At the time, it was almost a confessed fact in the House of Representatives, of which I was then a member, that the revenue provision was simply inserted to give jurisdiction, because there was a surplus of money and no cause for increased revenue. However that may be, my judgment is that where taxes are involved, whether a necessity or as an expedient, the courts would be likely to sustain as constitutional a law based upon that idea.

I have examined with a good deal of care, and certainly with no disposition to be hypercritical, the bill reported by the Finance Committee, to which I shall refer for one moment. I think, as I stated on a former occasion, that the country owes to the distinguished Senator from Ohio a debt of gratitude for his efforts to bring this subject before the Senate and to secure action, whether he has been successful in bringing it before the Senate in a proper form or not. The bill, as I understand it, which is reported by the committee, is not wholly unconstitutional. The first clause of the first section, it seems to me, is clearly within the Constitution.

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States.

What is here described is made unlawful. The words "or sale of articles" ought to have added to them, "while the original packages remain unbroken," to have brought it within the constitutional clause. Then, it does not seem to me to have been necessary to say that these individuals or corporations should be citizens of different States, when it refers to the importation of articles under the Constitution. That brings it under the commerce clause. The other part of the paragraph was unnecessary to give Congress jurisdiction, in my judgment. So, while I would not employ the words used in this bill, because it assigns for jurisdiction some things not necessary to give jurisdiction, it is, within the purview of the Constitution, a regulation of foreign commerce.

Then the second provision pointing out the ground of jurisdiction, which I shall not go over, beginning on line 10, and the third provision giving jurisdiction, which I shall not read, beginning on line 3, on the second page, and ending at line 21, while well intended, it seems to me can not be sustained by the courts of the country, for they do not lay any known predicate for jurisdiction; that is, any predicate that I have learned from the Constitution or from the reading of the commentaries upon it.

The Senator from Mississippi spoke of the various bills introduced by the Senator from Ohio and reported from the Finance Committee in his argument in favor of a reference of all these bills to the Judiciary Committee. I listened to see whether he would not take up the bill now under consideration as an amendment, and give his reasons why that ought to be referred to the Judiciary Committee. I allude to the bill which I have offered as an amendment to the Finance Committee's bill. My amendment has been read two or three times, but I will venture to tax the Senate to read it again, prefacing what I have to say by the statement that it is based alone upon the commerce clause of the Constitution of the United States, and that in my judgment, though we may seek as many sources of power as we choose, we shall find none outside of that and outside of the taxing power, which can not be applied to bills originating in the Senate.

Besides what Congress can do under the commerce clause of the Constitution, the rest, as I took occasion to say a few days ago, must be done by the State Legislatures. One of the great mistakes that seem to me to be made by the people of the country—and it appears to some extent to permeate the Halls of Congress—is that all grievances must be dealt with by Congress, without reference to the question of the source of power enabling us to deal with the subject. When we have exhausted our power under the commerce clause of the Constitution, which must be a confessed power for this purpose, then the people must rely upon the Legislatures of the several States for the rest of the legislation on the subject. I do not mean by this to be understood that no legislation ought to be adopted by Congress. I believe that it is the duty of Congress to pass such legislation as is within its constitutional power in order that it may be supplemented by appropriate legislation of a much larger scope in the several States.

With these preliminary remarks I desire again to call attention (and I am sorry the Senator from Mississippi is not in his seat) to the provisions of the amendment pending before the Senate:

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation, company, or person, employed in any such business, using its powers for either of the purposes specified in the second section of this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$10,000 or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

It has been suggested to me that the penalty is pretty high. It will be observed that simply the maximum penalties are given, and they are given the same as in the committee's bill. The courts have all the way from nothing up to the maximum given here in their discretion in trying these cases, so that the judgment of the court will determine how much of this penalty shall be applied in each case, according to the special circumstances of the case. I would have no objection if it was thought necessary to reduce the maximum; but when we remember that these penalties have relation to great and powerful corporations as well as to less important combinations, it will be seen that strong measures will be necessary to control and repress the mischievous action.

The second section of my amendment, which would be the fourth section of the bill, if adopted, is:

That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of any two or more of them, for either, any, or all of the following purposes—

These are trusts under the power of the first section, resting upon the commerce clause of the Constitution—

First. To create or carry out any restrictions in trade.  
Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

That is for the purpose and under the authority mentioned in the first section.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

Sixth. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description by which they shall bind or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity, or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree, in any manner, to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall, in any manner, establish or settle the price of any article, commodity, or transportation between themselves or between themselves and others, so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may, in any manner, be so affected.

The third section, which will be the fifth of the bill if it shall be adopted, provides that each day's violation of the law shall be a separate offense.

I apprehend that those who have looked at my amendment and taken up the clauses in the second section have considered them as independent, and assumed that they were questions to be dealt with by the

State authority, and so they would be if the first section was out of the amendment, but that limits them, as I will read again for emphasis:

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation, company, or person employed in any such business, using its powers for either of the purposes specified in the second section of this act—

That is, all those things that I have just enumerated— shall be deemed guilty of a high misdemeanor.

So I beg of those who come to criticize this amendment that they will look to see that it is all brought distinctly and clearly under the commerce clause of the Constitution, and I should like to see some of the constitutional lawyers who are discussing this subject place themselves in opposition to that—if they choose to risk their reputations there as lawyers, I mean.

It was said yesterday by the distinguished Senator from Missouri [Mr. VEST] that a clause of a bill which he read, which made the power to act rest upon the idea that the subject was declared to be contrary to the policy of a State, was the foundation for Federal jurisdiction to enact a law. For safety I will read the clause:

That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy, it shall not be lawful thereafter for any person, firm, or corporation to cause to be transported any product or article covered or embraced by such trust from such State to or into any State or Territory or the District of Columbia.

That section is the one the Senator from Missouri alluded to as the only oasis in this great desert of unconstitutionality, and he made it to rest upon the fact that the State has passed a law declaring certain things to be against public policy. I am inclined to think my friend, the Senator from Iowa [Mr. WILSON] who sits farthest from me, would accept that for a very different reason from the one which the Senator from Missouri asserts it for. The State of Iowa thinks that the manufacture or sale of intoxicating liquors and wines and beer is against public policy. The State of Missouri and the Senator from Missouri do not so think, but his constitutional argument would enable Congress to determine, not as a constitutional question, but as a question of expediency and morality and policy, that if that State chooses to forbid those things the United States may forbid them also. If the United States can forbid a thing, it must be upon another authority, and not because the State of Iowa has adopted such a provision of law. At least I suggest that; and I suggest further that, if this be a source of constitutional power, it is a new source of power just discovered, not heretofore invoked.

Mr. President, I am inclined to think, in view of the fact that but one member of the Committee on the Judiciary has given any expression that indicates a purpose to mature a law to repress the evil effects of trusts and to punish those engaged in them, that it is not best to refer these measures to that committee. I would rather trust them to the action of the Senate, unless we can have some assurance that that committee will take the subject up and act upon it. If we can have the judgment of that committee, with its reputation for legal and constitutional ability, put to the test, I should be willing to accept it. I do feel that in the multiplied number of bills before us there is danger that we may get provisions adopted which will not be constitutional.

I confess that in offering the measure which I offered as an amendment to the bill reported by the Senator from Ohio, I presented it with the full belief that two of the sources of power invoked by the bill reported by that Senator are not within the Constitution, but I believed if this one is it covers the whole case so far as the criminal part of the law is concerned, and if the other part of it failed the country would not be much at a loss. So I was willing to accept, because I did not well see how to avoid it, that which I did not think strictly conformable to the Constitution, in order to get enough in the law to give it vigor and efficiency, and to protect the people of this country against longer being plundered by the corporations and trusts that are driving the people of the country to despair while other bills are now being acted upon here; and what is the use of sending them to a wet nurse that does not seem to favor them much?

Mr. WILSON, of Iowa, obtained the floor.

Mr. PLATT. The Senator from Iowa yields to me to ask a question of the Senator from Texas.

Mr. WILSON, of Iowa. I only yield for a question.

Mr. PLATT. That is all. I wish to know from the Senator from Texas how far these words in his amendment reach in his construction: "Any business carried on \* \* \* between the States." Let me direct the Senator's attention to what is in my mind—

Mr. REAGAN. In what line are those words found?

Mr. PLATT. In the third and fourth lines of the first section of the Senator's amendment.

The PRESIDING OFFICER. Does the Senator from Iowa yield for an answer?

Mr. WILSON, of Iowa. Provided it does not consume too much time.

Mr. PLATT. It will only take a moment. The Senator's amendment contemplates—

Mr. REAGAN. In the first place it would punish persons engaged in the transportation of things by virtue of trusts, and it is possible that it would go beyond that to some extent, but I am not prepared to say exactly the extent to which it would go.

Mr. PLATT. Then the particular purpose in the use of those words, which are the important words, is to reach the transportation which is carried on between the States?

Mr. REAGAN. That is one of the reasons. I need not repeat to the Senator, as I have stated over and over, that I have given the formulation of what seems to me to meet the question under the commerce clause of the Constitution, and I trust that to the Senate and to the country.

Mr. WILSON, of Iowa. Mr. President, the Senator from Texas [Mr. REAGAN] referred to the State of Iowa in connection with the subject now before this body, and stated that he presumed I might be willing to compromise upon the basis of the doctrine stated by the Senator from Missouri [Mr. VEST] in his remarks made to the Senate yesterday. I suppose the particular subject to which the Senator from Texas referred was that which was embodied in a bill introduced by the Senator from Maine [Mr. FRYE] originally in the Fiftieth Congress and referred to the Committee on the Judiciary, and which related to the subjection of imported spirituous liquors to the operation of the laws of the several States. That bill was considered by the Committee on the Judiciary and an adverse report was made, there being five members of the committee opposed to the bill and four in favor of it. The minority submitted in connection with their report an amendment to the bill in the form of a substitute, which I will read. It is as follows:

That the payment of any tax, duty, impost, or excise upon or in respect of the importation into the United States of any fermented, distilled, or other intoxicating liquids or liquors shall not be held to exempt the importer thereof, or any other person, or any such property from any penalty, forfeiture, or proceeding that now is or hereafter may be provided for by the laws of any State applicable equally to all property of the same nature, respecting the manufacture, sale, furnishing, or possession of liquids or liquors; nor shall the payment of any such tax, duty, impost, or excise be held to prohibit or preclude any State from imposing a tax or duty on any such liquids or liquors or from making regulations in respect of the same, in common with and in respect of other such liquids or liquors not imported, or from enforcing its laws, operating equally in respect of property imported and property not imported, against any such importer or person or against any such property, whether the same be in the original package of importation or not.

That was simply an effort to induce Congress to enable the States to give full force and effect to their efforts to enforce their police power. The Supreme Court of the United States, by a decision referred to in the report which I hold in my hand, seems to have interposed some obstacle in the way of the enforcement of the police power of the State, and this bill was intended to aid the State to get around that judicial obstacle which never should have been interposed. The Senator from Missouri was a member of the committee and signed the majority report, or the report, properly speaking, of the committee, and in that report it is stated:

It should not be overlooked that the province of State control over what concerns the police regulation of domestic health, peace, and general good order and well-being within each State is, under the Constitution, as secure against intrusion from Federal authority as the regulation of foreign commerce by the General Government is from encroachment upon that province by State authority. It is not desirable that Federal legislation should seem, by inference even, necessary to impart or maintain aid or protection to the State's exercise of its authority within the province of State domestic control. The State and the Federal control in the premises are divided by the Constitution, and neither for its vigor depends upon the other. The experience of the wise administration hitherto of this judicial question, in defining these respective provinces, in the opinion of the committee, makes it best to leave this, as it now is, a judicial question, in the highest interest of both the Federal regulation of commerce and the State control of its police authority.

In other words, the Senator and those who concurred with him did not deem it proper to say anything about the constitutional question involved, to even recognize by legislation of that kind the propriety of enabling the States to give full force to those powers which by all have been admitted from the foundation to the present time never to have been surrendered to the General Government. Inasmuch as persons in the State of Iowa were hiding behind these special revenue taxes, protecting themselves against the operation and movements of the State officers and violating the law of the State by the importation of liquors, an appeal was made by the State for that aid, but it was met with such statements as I have just read, and was denied.

Mr. President, I am glad that as time goes on opinions change. It took ten years of agitation to bring about the enactment of the law for the regulation of interstate commerce, but it came at last. Through the processes inducing its final enactment changes of opinion were frequent, and I am glad to see in the RECORD of this morning, as I heard yesterday when the Senator from Missouri was speaking, that a change has come over the spirit of his dream since that report was made in the last Congress. I find that in his remarks upon this bill, referring to an amendment introduced by the Senator from Texas [Mr. COKE], he said as follows:

Sir, I object to the bill—

That is, the one reported from the Committee on Finance—

I object to the bill because I am certain, as a lawyer, that the Supreme Court of the United States will never declare it to be constitutional, and for the Senator to assume that he, and he alone, has found the remedy in this case, is, to say the least, transcending the limits of parliamentary modesty.

Now, Mr. President, I will ask the Secretary to read a bill that I think, although I am not the author of it—and I have been for over six months attempting to find some legislation that would meet this evil—I freely accord to another gentleman the merit of having framed a bill that, in my judgment, comes nearer to furnishing a remedy than that presented by any other person, and I ask the Secretary to read the fifth, sixth, and seventh sections of the amendment proposed by the Senator from Texas [Mr. COKE]. That is a bill that has been offered in the House of Representatives, and was offered here as an amendment by the Senator, and I ask the attention of the Senate to it.

The Secretary read as follows:

"Sec. 5. That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy, it shall not be lawful thereafter for any person, firm, or corporation to cause to be transported any product or article covered or embraced by such trust from such State to or into any other State or Territory or the District of Columbia.

"Sec. 6. That any common carrier, or agent of any common carrier, who shall knowingly receive such product or commodity for transportation from such State into another State or Territory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred or more than ten thousand dollars or shall be imprisoned for any period of time not less than one year and not more than five years, or by both such fine and imprisonment, in the discretion of the court. And any person who shall knowingly deliver to any common carrier, or agent thereof, any such product or commodity to be transported into another State or Territory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five hundred nor more than ten thousand dollars, or by imprisonment for any period of time not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

"Sec. 7. That whenever the President of the United States shall be advised that a trust has been or is about to be organized for either of the purposes named in the first section of this act, and that a like product or commodity covered or proposed to be covered or handled by such trust, when produced out of the United States, is liable to an import duty when imported into the United States, he shall be, and is hereby, authorized and directed to suspend the operation of so much of the laws as impose a duty upon such product, commodity, or merchandise for such time as he may deem proper."

After the reading of these sections by the Secretary the Senator from Missouri proceeded as follows:

Mr. VEST. Now, Mr. President, there is a measure much more radical than that of the Senator from Ohio, far more effective, and not subject to any constitutional objection. Not even the most hair-splitting constitutional casuist, such as to-day has been denounced by the Senator from Alabama [Mr. FURR], can find any objection to that measure; and if my friends on the opposite side of the Chamber object to the seventh section because it deals with the question of import duties, if they do not want to give the President of the United States discretion to take off import duties when they protect a trust, let them strike it out.

But the broad ground is assumed and occupied by the Senator that the provisions embraced in the three sections of the bill offered as an amendment by the Senator from Texas [Mr. COKE] are wholly beyond constitutional objection. If that be so, I should like to know why that bill of the Fiftieth Congress relating to the importation of foreign intoxicating liquors was obnoxious to constitutional objection. And is it possible that we are to be driven to the extreme of saying that the State is entitled to that remedy provided first (leaving its police power wholly out of the case) it shall declare that a trust exists within its borders in respect of the manufacture and sale of intoxicating liquors; and yet if that should be done what protection would that give to the State of Iowa, or any other State which in the exercise of its police powers should enact legislation similar to that now in force in Iowa?

This only provides that in case the States declare a trust in accordance with the provisions of the first section of the bill, then it shall be operative. But suppose there were no trust for the manufacture and sale of liquor in the State of Iowa, still this flood can be poured on; and yet if in the State of Illinois or the State of Missouri, or any other of the surrounding States, there should be a statutory declaration against a trust or alleging the existence of a trust for the manufacture of these liquors within that State, then the provision of this bill would be effective and remedy might be had under its provisions.

Mr. President, you may debate the question as to where the line of constitutional power to enact legislation of this kind will go, and support it, because it is seemingly a new field where by your Congressional legislation you first ask the State to define the object upon which your national legislation may act, overlooking that more substantial field which has been recognized from the foundation of the Government down to the present time, in which it is affirmed that the police powers of the States were retained by them at the formation of the Government, and not surrendered to the United States, but that in regard to those things not surrendered no Congressional action can be had to aid the States in the enforcement of their laws or in protecting them against the infractions which are practiced under color of the United States laws.

What then? States that do not care to exercise their police powers for the protection of the health and morals of their people may be protected by Congressional legislation against a combination to reduce the price of anything as well as to raise it, and yet I think that Senators who engage in this discussion would find it difficult to induce all the people who have been asking for legislation of this character to approve of a measure which should put up a stone wall against the reduction of price. People are generally willing to accept the advantages of reduction, while they may be crying out against the disadvantages of a sudden rise.

So, Mr. President, it is well enough, in the discussion of these great public questions, to be certain, at least reasonably so, that in our endeavor to answer a widespread public demand such as has induced the

introduction of these trust bills, we do not overlook and trample into the dust the recognized powers of the States in other fields.

I do not care to prolong this discussion, for I know the Senate is weary of it and desires to vote, but I can not resist the temptation to call the attention of the Senate to the strange contrast existing between the position assumed in connection with the bill in the last Congress upon the subject of imported liquors and that assumed in the present with respect to trusts.

Now, Mr. President, I am in favor of legislation upon this subject. I desire to reach it at the earliest practicable moment. I remember well, and I have already stated, that through the long lines of ten years the agitation moved before it brought the result of the enactment of the law for the regulation of interstate commerce. I do not want this agitation to run through ten years of time, and yet I do not expect a perfect remedy from any act which this Congress may pass. These things are of gradual growth, and it is well for us and all the people who are looking for a remedy to keep in mind one prominent fact, and that is that no act of Congress, no act of any legislative body will enforce itself, so that not only officers of the United States intrusted with the administration of the law and the officers of the States intrusted with the administration of the laws must take care to see that it is enforced, but the citizen who may be injured by infractions also must give his attention and aid in order to make the remedy effective and perfect.

Now, in order that we may reach action as early as practicable, I am inclined to, and at present believe I shall, vote against the reference of this bill to the Committee on the Judiciary; not that I fear that it would not have conservative and forceful consideration and reasonably early action there, but for the very different reason that I want some bill passed by this body that may go to the other House for action, and where doubtless there may be disagreement; and if that disagreement should bring us to the position of a conference between the two bodies, from it may be evolved a start at least towards legislation in this very important field. For that reason I shall so vote as to bring us to as early a resolution in the Senate as possible, so that we may put ourselves in the same attitude we were in in connection with the bill for the regulation of interstate commerce, a conference between the two Houses, and the result, at least to a considerable degree, effective legislation looking to the accomplishment of the ends so generally desired.

Mr. VEST. Mr. President, I do not know that, if it were, the fact that I occupied a position inconsistent with that which I occupy in regard to the bills now before the Senate during the last Congress, as to the bill referred to by the Senator from Iowa, would practically affect the question now pending at all. I am unable, however, to see that there is anything inconsistent in the position or the vote which I gave in the Judiciary Committee in regard to the bill to which the Senator has referred with that occupied by me to-day. But whether the inconsistency exists or not is really an immaterial question.

The report to which the Senator from Iowa has referred was concurred in by me, but without a concurrence in the argument then used in its support. I gave my vote against the bill which he introduced in regard to the transportation of liquors from one State to another, but I did not give that vote on the argument which was used in that report and which I did not write. I stated in the committee, if I did not state in the Senate, that my opposition to that legislation was based upon the single fact that the Government of the United States recognized the traffic in liquor as legitimate, that it was an article of merchandise both as to foreign and internal commerce, that we collected a large amount of money as excise duties upon the manufacture of ardent spirits in the United States, and that the legislation proposed by the Senator from Iowa was absolutely inconsistent with the position assumed by the General Government upon that subject.

Now, Mr. President, it is absolutely within the power of the Congress of the United States, under the interstate-commerce clause of the Constitution, in its power to regulate commerce, to prohibit the carrying of any article from one State to another. That is absolutely and exclusively within the power of the General Government and of Congressional action. The police power of the State is an entirely different jurisdiction, as distinct and separate from the interstate-commerce clause in the Federal Constitution as any two subjects can possibly be. What analogy can be drawn between the traffic in ardent spirits and the subject of trusts in regard to which we are legislating now? Is there any State in this Union that can ever be expected to legislate in favor of these unlawful combines and trusts as defined in the first amendment submitted by the Senator from Texas [Mr. COKE]? That section reads as follows:

That a trust is a combination of capital or skill by two or more persons, firms, or corporations for the purpose of creating or employing restrictions on trade, or limiting the production, increasing or reducing the price of merchandise or commodities, or preventing competition in the making, manufacture, sale, or purchase of merchandise or commodities, or creating a monopoly in the manufacture, making, sale, or purchase of any merchandise or commodity with intent to forestall the market value of any merchandise or commodity.

There is a trust unlawful under the common law. There is no common law of the United States, but the common law prevails in all the States of the Union. They have in the State of Louisiana a mixed jurisdiction or a mixed system of laws composed of the common law of

England and the Code Napoléon, or the civil law of France, but in all the other States the common law prevails, and that law without statutory enactment makes all such combinations as are prescribed or defined in the States of the Union and this amendment to be unlawful. The section which I condemned reads as follows:

Sec. 5. That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy.

That is surplusage, because by the common law, which obtains in all the States, the combination, as defined in the first section, which I have read, is unlawful and void; and is it pretended that there is anything in the Constitution of the United States that militates against the idea that under the interstate-commerce clause of the Federal Constitution Congress can treat as unlawful and void and prohibit the transportation of the products of any such combinations as are here defined from one State to another?

The Senator from Iowa speaks of a police law which is enacted against a commodity that is unlawful under the common law, an article of merchandise. Alcoholic stimulants are as much an article of merchandise under the common law and under the laws of a majority of the States of this Union as corn or wheat or pork; and because the Senator from Iowa or the Senator from Texas believes that traffic to be unlawful, the law is not changed as it is in the common law or as it is upon the statute-books of the respective States. What analogy is there between the two? In the one case there is an unlawful combination by the laws of all the States, and if there were a common law of the United States it would be unlawful under that. In the other case there is simply a police regulation as to an article of drink which many intelligent and worthy men believe to be absolutely necessary to human life and human comfort.

I must confess, sir, that I am unable to see even in the exigencies of debate a justification for the assumption made by the Senator from Iowa that the two cases are parallel, and that my inconsistency is therefore apparent.

Mr. WILSON, of Iowa. Mr. President, I do not see the inconsistency on this side of the line that the Senator from Missouri has referred to. Now, the remedy that he proposes by giving his indorsement and support to the amendment presented by the Senator from Texas [Mr. COKE] amounts to this, so far as the question that he addressed his attention to is concerned, that if the State of Iowa or the State of Missouri should find within its borders a combination to put down or put up the price of intoxicating liquors it might pass an act declaring that to be an unlawful combination, and then if this amendment should become a law the State would get the help of the United States and its power to prevent the exportation from that State of the products of that trust, but it would not get the aid of the United States to protect the State that had thus declared a trust existing within its borders from the intrusion of the same article from other States where that trust had not been declared. So then, instead of aiding the States in the enforcement of their police powers, it would simply be an additional means for overriding those powers, notwithstanding the desire of the State.

Mr. VEST. If the Senator from Iowa will permit me—

Mr. WILSON, of Iowa. Certainly.

Mr. VEST. He makes his argument from one standpoint and I make mine from another. He is now going upon the assumption that the General Government exercises this power under the interstate-commerce clause of the Constitution to aid the police powers of the State. That is not my idea. I hold and claim that the General Government, under the interstate-commerce clause, has a right to prohibit an article from going from one State into another, without regard to any police regulation by any State in the Union. It is a very broad, comprehensive, general power that is vested in Congress alone.

Mr. WILSON, of Iowa. That is to say, Congress may enact a law which shall declare that certain articles recognized as belonging to the field of interstate commerce may be taken into Missouri from Iowa and taken into Illinois from Minnesota, but they shall not be returned from those States into the States from which they were shipped, nor shall they go there from any other State. That is, there shall be a kind of checker-board enacted by Congress, so that the States may jump from one to another and pick up one another as you do in playing a game of checkers. That is not constitutional law, Mr. President. You must recognize a principle which will apply to all alike, and when you have applied it to one it will allow the application to others. So that, as has always been recognized in regard to the police powers of the State, belonging as they do wholly to the State, recognized as they were in all the early decisions of the Supreme Court as belonging there, you have got to give your aid so that the States will possess them all, and not obtrude obstacles in the way of their enforcement.

Mr. President, as I said when I was on the floor first to-day, the conditions existing in the country seem to change the opinions of men with regard to the same character of question, and I have no doubt that there are supporters of this amendment of the Senator from Texas and other amendments which have been offered here, that if they had been prepared with equal vigor in some other line of action as clearly constitutional as this would have expressed quite a different judgment in respect to them, just as we see in the case of the bill of the last Con-

gress to which I have referred and the bill we are now discussing. But there must be that consistency which will give each State the same rights in the enforcement of its powers and the enjoyment of its privileges under the Constitution and which shall impose the same kind of conditions upon others. The State which I in part represent asks no departure from that line. Her Senators and Representatives are ready to aid in the enactment of proper legislation for the protection and for the indorsement of the rights of the other States as well as hers, and in regard to the illustration which I used in connection with the bill of the last Congress, all that we ask is that there shall be that proper recognition of the doctrine of State rights that will protect the State of Iowa or any other State and recognize her police powers within her own borders without asking any other State to follow her example except by her own voluntary election.

Mr. SHERMAN. I ask the Chair to state the pending question.

The VICE-PRESIDENT. The pending question is the amendment moved by the Senator from Alabama [Mr. MORGAN] to the motion made by the Senator from Mississippi [Mr. GEORGE] to commit the bill to the Committee on the Judiciary.

Mr. SHERMAN. What was the amendment of the Senator from Alabama?

The VICE-PRESIDENT. To commit with instructions that the Committee on the Judiciary should report within twenty days.

Mr. SHERMAN. Mr. President, it is a very unusual proceeding in the Senate of the United States, very rarely resorted to, to refer the action of one committee to another. It is not a wise proceeding to take at any time. Although there have been cases of the kind, they are very rare. Such a course would create controversies and contention and rivalry between committees, each of which is supposed to understand the duty that is enjoined upon it. As a general rule, such a proposition ought not to be made; but in this particular case I appeal to every Senator to say whether it would be wise to do it. One of these propositions is now pending before the Judiciary Committee, and it has been there for two, three, or four months—I do not know how long. When did the Senator from Texas introduce his proposition?

Mr. REAGAN. I introduced it on the first day of the session, I think, as a bill.

Mr. SHERMAN. On the first day of the session. It has been in that committee almost four months, and nothing has been done. Now, the Committee on Finance was charged with somewhat the same subject-matter. It has been deliberated upon carefully; the committee revised its decision once or twice. Perhaps the criticism of the Senator from Mississippi [Mr. GEORGE] in that respect is correct. It made changes and withdrew from them. But we have considered the subject and very carefully considered it, and opinions have been expressed to the Senate and they are here. Now to send that work to a committee which has already had charge of the subject-matter for four months and has not acted upon it, is rather a damaging proposition. If it is proposed to kill this measure, let it be done in a fair and legitimate way.

The fact that the two members of the Judiciary Committee, both eminent and distinguished lawyers, have given their opinion in favor of the idea that Congress has no constitutional power to pass such a bill, or any of these bills, it seems to me should show us that we ought to have a better nursing mother than that to send the bill to. Under all the circumstances is it right to do that? Is there any probability if this bill is referred now to the Judiciary Committee that they will be able to come to any satisfactory conclusion in two or three weeks and report a bill back to us? Shall we be one bit advanced in regard to it? Not at all. It will only create new debates and long contention. I think that Senators have had every phase of this question presented to them.

As to the pending amendment, I have no sensibility about it. I am perfectly willing to accept any amendment that may be adopted by the Senate. If the Senate by a vote should adopt the amendment proposed by the Senator from Texas, well and good. As I stated, I do not believe in it; that is, I think it is better not now to put upon this proposed law a criminal proceeding, although I originally voted for such a proposition. Still, if the Senate chooses to put it on, well and good. It will probably, in the opinion of some, strengthen the bill, and in the opinion of others it will probably weaken it. Let the judgment of the Senate be carried out when expressed.

Then as to the proposition made by the Senator from Wisconsin [Mr. SPOONER] that some distinct proposition of law should be inserted in this bill giving the court in proper cases the power to send its process, its summons, or notice to parties in other States, there is no objection to such a provision. Indeed, as I lost the suit of my first client some thirty-five years ago, when I entered public life, I am not very familiar with the practice of the courts; but I find, on examination, that the law already provides, in certain cases, that just that thing may be done. Such a statute has existed for many years, and here is a decision of the Supreme Court of the United States upon the subject regulating and pointing out the necessity of having parties from other States and from all over the jurisdiction of the United States in certain cases. The case decided was a case where the suit was to quiet title to land, a suit in equity, and notice was sent under the law of 1875, I think it was, to different parties in different States. So there is no trouble in meeting

that difficulty. The court may, in the exercise of its discretion, serve notice of the pendency of this proceeding upon all the parties wherever they may live, and it goes broadcast wherever they may live, and even from foreign countries it may summon them to take their part in the trial of the case. The Senator from Wisconsin, who is a practicing lawyer and engaged now in cases in the United States courts, is thoroughly familiar with that matter, and he has prepared a section that will cover it entirely. I have not only no objection to it, but I shall be very glad indeed to have it provided for.

The language which was inserted by the Committee on Finance required these combinations to be made between persons or corporations in different States in order to come within the jurisdiction thereby created. That language was inserted by the Committee on Finance. I did not think it was necessary on the first draughting of the bill, but that was deemed necessary, and now the Senator from Massachusetts [Mr. HOAR] thinks those words ought to be stricken out. I do not care whether they are in or out. It does not make any difference in my judgment as to the effect of this bill. I shall be glad to have it either way in order to satisfy Senators, but I can not satisfy them all.

The Senator from Massachusetts objects to the words "in a civil suit." I have no objection to their being stricken out. I would say, using the language of the Constitution of the United States, "all cases in law or equity," or, which is better, "all controversies between persons living in different States."

Mr. HOAR. The Senator will pardon me.

Mr. SHERMAN. I would have it either way. The second section refers to controversies between parties.

Mr. HOAR. The Senator will allow me to call his attention to one thing. That first section being criticized yesterday, he stated that it was intended to apply to suits brought by the United States. Now, as I understand him, he is willing to substitute the phrase in the first section, "controversies between citizens of different States." That clearly would exclude the United States altogether.

Mr. SHERMAN. The Senator does not correctly state my case.

Mr. HOAR. If the Senator would make that amendment he would have a section which provided that controversies between citizens of different States should be taken possession of by the district attorney or the Attorney-General and conducted to final judgment and execution.

Mr. SHERMAN. I will explain to the Senator from Massachusetts in regard to the bill. It is strange he can not distinguish between the first and second sections. He dislikes the bill so much that he can not state the case fairly. I refer to all actions at law or in equity in the first section of the bill. I use the language of the Constitution of the United States in defining the cases that arise under the Constitution and laws of the United States, and so "all cases at law or in equity of a civil nature." These words, he objects to, and I am willing to strike them out. These words are there because they are used in the Constitution of the United States.

When I come to describe these things in the second section, there the words "controversies between citizens of different States" are used, so that there can be no misunderstanding.

The first section deals with suits brought by the United States in the name of the United States to check, and control, and enjoin, and regulate these corporations. The second section provides for suits between parties, and there, I think, they ought to be classed as controversies between parties of different States; and that is the distinction laid down.

Now, Mr. President, all I desire is that this bill shall be voted upon. I believe that in a half-hour we can take the vote on the proposition of the Senator from Texas [Mr. REAGAN]. If that is adopted, well and good. We can vote then upon the proposition of the Senator from Kansas [Mr. INGALLS] and then adopt the amendments that are suggested on either side. Correct this bill as you will, and we can have a bill which, while it may not be perfect, while it may not go far enough to suit me or may in some respects go further than I think is wise, yet we shall have a tangible proposition that we can send to the House of Representatives for their consideration, and in that way we can dismiss from the Senate of the United States, for this session at least, this question and controversy about trusts and combinations. If we send this bill to the Judiciary Committee and await their report to come back to us, we shall have to go over all this ground again and we shall be simply wasting time that is valuable to the people of the United States.

It must be remembered that we have been in session for nearly four months and we have not dealt with any of the great questions which we have to deal with within the next three or four months; and if we now palter with the question, send it to another committee and go over another long debate of three or four days on another report, what is to become of other questions which are pending, the tariff question, the silver question—involving grave consequences and upon which honest men may disagree—the dependent pension bill, and many other like bills? We had better dispose of this bill, and I hope we shall dispose of it before we go to dinner to-day, and end it.

Mr. HOAR. I wish only to say a word. I have a strange incapacity to understand my honorable friend from Ohio. It is entirely owing to my dullness, of course.

Mr. SHERMAN. And mine.

Mr. HOAR. But I think if the Senator from Ohio will look at the Reporter's notes of his speech he will find that he said just now that he had put into this bill the words "all suits of a civil nature at common law or in equity," and that he put them in because they were the words of the Constitution.

Mr. SHERMAN. Substantially.

Mr. HOAR. But he said he thought he would like to substitute for them, as on the whole better, "controversies between citizens of different States." That is exactly what he said. I think that will be found in the Senator's remarks, and I think it will be found in the memory of every Senator who listened to him. Then I called his attention to the fact that he said yesterday the first section was intended to provide for suits by the United States, and that the substitution of the words "between citizens of different States" cut off suits by the United States altogether. He says in reply to that that I misunderstood him, and that he was talking about the second section; but if he will look at the second section he will find that there is no place in that section where those words belong; that there is nothing appropriate to them; that there is nothing to be stricken out for which they are to be substituted. The second section provides—

That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination \* \* \* may sue for and recover, in any court of the United States, \* \* \* twice the amount of damages sustained.

Does the Senator mean to limit the second section to cases of controversies between citizens of different States? Of course not. If the combination against which the bill is leveled has injured me through foreign or interstate commerce, does he mean to say that his purpose in the bill is to provide that I can only have a remedy when I am damaged by citizens of different States from my own? The second section has nothing at all to do with residence in different States.

My honorable friend says that I dislike his bill. I do not. I like his bill very much; and I like it as he had it; but he has proposed this amendment. He has answered to every single criticism I have made upon it, if I recollect aright—there may be possibly one exception—that he was of that way of thinking himself in the first place, but that he yielded his judgment to the opinion of others in order to make the bill go through. What I want is to have the great authority of the Senator in his original judgment, not in his yielding to other people, in favor of a bill which I should like to vote for.

That is the difference between the Senator and me. I want him to strike out these words which make the bill apply to only one-one-hundredth part of the cases that it ought to apply to, and to have it as the Senator first reported it. Then I want a penal provision put in and have it as the Senator originally designed it, and with one or two other little amendments in which I shall have the Senator's entire concurrence, if I understand him, I propose heartily to support his bill.

My honorable friend seems to me, owing to my great dullness of expression and failure of clearness, to have understood a concurrence with his opinion somehow or other as a criticism upon his bill. I say again that in making those amendments I do not see where he can put in the words "controversies between citizens of different States" in the second section. There is nothing to be stricken out for which they can be properly a substitute. The second section is not drawn on the theory that makes it proper, and if he does he will do in the second section what, contrary to his judgment, if put in the first, will make the bill apply to but a very small proportion or fraction of the cases it ought to reach.

Mr. SHERMAN. The whole idea is that the Senator differs as to my statement of the case; but when he comes to offer the amendments he will find them not very important and probably those I shall cheerfully accede to. I hope we shall have a vote on the question of reference.

Mr. STEWART. Mr. President—

Mr. GEORGE. Will the Senator from Nevada allow me to make a personal explanation? It will not take a minute.

Mr. STEWART. Certainly.

Mr. GEORGE. The Senator from Ohio in speaking of the Judiciary Committee as being rather an unfriendly body to send this bill to referred to two Senators upon that committee, by which, I suppose, he alluded to myself and the Senator from Missouri, as having already prejudged the case and having decided in our own minds that there is no constitutional power on the subject. I desire to say that, whilst that is my opinion with regard to the Senator's bill, I think the amendment offered by the Senator from Texas [Mr. COKE] is a valid and constitutional bill, and I certainly think that the one which I prepared and which I shall offer is a valid and constitutional bill.

Mr. STEWART. Mr. President, while this debate has been proceeding I have been thinking about the practical operation of the bill reported from the Committee on Finance if it should be passed and could be enforced as a constitutional law. I call particular attention to the clause commencing in the seventeenth line:

And all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.

Now, it is a well known fact that since the money power abandoned

the old automatic system of allowing the quantity of money to be governed by the product of the mines or by the quantity of gold and silver obtainable, and provided that only one metal should be manufactured and both should enter into production, there has been a decline in prices and that it has now reached a point where there is great distress in the country. There is now great distress on account of falling prices, which necessarily follow contraction. There are many manufacturing establishments that find they can not make any money; they are losing money and see that they will have to go into bankruptcy if something is not done. Men agree, for instance, that they will manufacture only a certain amount, no more than the market will take, in order to keep up the prices, so as to avoid bankruptcy. Those arrangements are common; they are of every-day occurrence. But under this bill would they not be subject to the pains and penalties prescribed? If producers did not have the power to make such an agreement in times like these, when prices are declining, when they are putting their money in one year and can not get it out the next year because prices have declined—if they could not make an agreement to check production and wait for better times to bridge over the trouble, they would be ruined; and this bill would probably, if carried out literally, in times of depression, break up half the manufacturing establishments in the country. That is one of the ordinary effects, one of the ordinary arrangements which are necessary in times like these, that would be in violation of the bill.

Then again we will take, for example, the beef trust in Chicago. There is a trust which has put up the price of beef, a trust that we have been investigating and want to remedy. There is a plain remedy for that trust, not in legislation perhaps, but in the action of the parties interested. Farmers who are producing beef have to sell it at an enormous sacrifice, at starvation prices. Cattle are cheap all through the country. Still beef is high in Chicago. Suppose the farmers in the West should unite and say, "We will not sell our beef except at a certain price." Suppose they should unite to beat this combination; they would all be criminals under this bill; they could not combine to beat it at all.

Suppose, again, a combination is formed in Chicago by citizens of Chicago, not citizens of different States, but all citizens of Chicago, to bear the prices. The farmers of different States would have no right to combine and say, "We will not sell any wheat; we will help each other; we will advance money to each other; we will not sell any wheat until this combination is broken up; we will not allow them to sell our wheat short, to sell something they have not got and bear the market, and we will not take our wheat to market to be robbed." That they could not do under this proposed law. They would be liable to all the pains and penalties of the law if they did.

Again, suppose that the employers, railroad companies, and manufacturing establishments should say that labor shall be put down to two bits a day. Suppose that capital should combine against labor, as it is very much inclined to do, and there should be a combination among the laborers which would increase the cost of production and increase the cost of all articles consumed. Suppose there should be a combination among the laborers to protect themselves from grasping monopolies; they would all be criminals for doing it.

This measure strikes at the very root of competition. It strikes at the very root of self-preservation. It strikes at the very root of organization. It strikes at the very root of co-operation.

The time was in England when everything was parceled out to some particular favorite. Men who sold beef were not allowed to raise it; they were not allowed to bring it into market in certain ways. It had to pass through certain channels. All were trammelled; there was no liberty, no competition; but after having tried that thing for a hundred years, England wiped it all out and said, "We will have competition."

Co-operation is necessary; but co-operation has its evils. When capital is combined and strong, it will for a time produce evils, but if you take away the right of co-operation you take away the power to redress those evils; it gives rise to monopolies that are protected by law, against which the people can not combine. They can not have other monopolies equal to them. It is that which depresses the people.

For instance, the patent laws of the United States create monopolies, and there is more money made by speculators under the patent laws, because they have monopolies. There is no way for the people to combine and form co-operation against the patent laws. While in England every privilege was parceled out to corporations and to private individuals, favorites of the Crown, there was no way for the people to compete with them; but now, in the march of progress, we find everything has been changed and there is freedom of action, freedom of combination, and when one combination is formed, if it is not beneficent, if it puts up the price, others will be formed that will put the price down, and there will be competition. But if you deny the right to combine in order to compete with the capitalists, in order to compete with strong establishments, you go back hundreds of years.

This bill is a step in the wrong direction. It is a step back towards the dark ages. It is a declaration against the freedom of man, against freedom of action. If one corporation is making too much money there will be other corporations, and that is the remedy which modern civilization has invented. That is the remedy which has brought about

the present development of the civilized world. All the States, instead of having corporations dealt out to private individuals by private statutes, have passed general incorporation laws, and there is as much freedom of competition between corporations now as there is between individuals.

The great harmfulness of corporations was that they were monopolies; that others could not form them. It required special acts or special favors to create them; the people could not form them. If you take away the right to form combinations to meet combination, you will have monopoly in this country to your heart's content. It would be the accumulated capital that would prosecute the new concerns that are starting. This bill would be an engine of oppression to break down all competition, because as soon as one was forming those in existence would bring suit immediately. They would have the power and the money, and the poor people struggling to meet the combinations in existence would not have the power to resist them. What could a labor organization do when its individual members were sued by the Government for belonging to a labor organization, a combination which has a tendency to put up the price of labor or its products? It would be helpless against the power of these great corporations, which have abundance of money to prosecute these suits.

Why take away the right of the laborers of America to compete in production with these great corporations? Why take away from the people the power to resist corporations, the power to organize for the purpose of bettering themselves? Organization is everything; individuals literally nothing. No great enterprises are conducted now without organization. As I said yesterday, the individual man by himself can be but little above a savage. He can not supply himself with the wants, let alone the luxuries of life. He must be as a savage if he is alone. He must avail himself of the labor of others. Inter-association (and in my judgment this bill strikes at the principle of association) is necessary to afford competition; it is necessary to provide means for the development of the country; it is necessary for the laboring men and the producers of the country. If they will develop its resources they will benefit themselves, and if they will resist oppression they must have this right. The bill takes away the sacred right of co-operation, and it ought not to be passed into a law.

Mr. PUGH. Mr. President, as a member of the Committee on the Judiciary I simply desire to say that in my opinion a reference of this bill to that committee will be the last of it for this session. I think I have knowledge enough to enable me to say that the enemies of the bill can not adopt more efficient action to destroy it than to send it to that committee.

I am a friend of this bill and of many of the amendments that have been offered to it. The Senate is in just as good condition, is just as well informed and prepared to pass upon the amendments now as it will be hereafter, or as the Judiciary Committee are. I have no idea that the Judiciary Committee can formulate a bill, that will meet with the concurrence of a majority of that committee, that has any life in it, and I insist that we should dispose of the bill and the amendments, and vote down the proposition to refer to the Judiciary Committee.

Mr. HISCOCK. I should like to make an inquiry of the Senator before he takes his seat. Do I understand from him that he thinks a majority of the very able lawyers constituting the Judiciary Committee would come to the conclusion that the bill is unconstitutional and void?

Mr. PUGH. On that subject I am not prepared to speak; I am not sufficiently familiar with the constitutional opinions of the members of that committee, except as to those who have expressed them in this debate.

Mr. HISCOCK. I suppose if the bill and the amendments should be referred to the Judiciary Committee, it would be for the purpose of having the opinion of that committee upon the constitutional objections that have been urged against the bill, and my inquiry pointed to the fact whether the Senator knows that a majority of the eminent gentlemen who constitute that committee believe that this scheme of legislation would be unconstitutional and void.

Mr. PUGH. We have had the opinion of two very able members of that committee, learned and able lawyers, that there is no power under the Constitution to pass the bill or any amendment now pending or proposed except the one offered by the Senator from Texas [Mr. COKE]. While I am ready to vote for that amendment, I have no idea that a majority of the Judiciary Committee will favor it. The difficulty in that committee is with the variety of opinion that it has both as to constitutional power and as to the provisions of a bill to reach this evil. My opinion is that the variety of that opinion will prevent any concurrence in favor of a bill that has any vitality in it, and we are more apt to give it by voting in the Senate on the amendments as they are presented and will be in order than by letting that committee deal with this question and make a report to the Senate. I have no idea but what any report that it may make of any bill would be subjected to the same number of amendments, if not more, than the bill now pending before the Senate.

Mr. HISCOCK. I will say to the Senator upon the same question and upon the same line that if the bill with the amendments is to be referred to the Committee on the Judiciary I would like the motion to

be modified so as to call for a report from that committee upon the constitutional and legal questions involved, not upon the framework of a bill especially, for that we could take care of here. I could have my opinion as to what the provisions ought to be, as well as any one else. I hope that the Senator who made the motion to refer the bill to the Committee on the Judiciary will amend his motion in that they shall be called upon to express themselves as to the constitutional power of enacting this legislation.

Mr. PLATT obtained the floor.

Mr. GEORGE. Mr. President—

Mr. PLATT. I will yield to the Senator from Mississippi.

Mr. GEORGE. The remark made by the Senator from Alabama calls for some response from me. The Senator said if the bill should be referred to the Judiciary Committee, he had no idea it would be heard from during the remainder of this session. The Senator from Alabama has no warrant for making any such statements, I think.

Mr. PUGH. It is merely my opinion, of course.

Mr. GEORGE. The Judiciary Committee, I believe, have been as diligent in performing the duties which the Senate have imposed upon them as any other committee of this body. There is the motion now pending, made by the Senator's colleague [Mr. MORGAN], requiring that committee to report within twenty days, and then there is the parliamentary power in this body, which the Senator seems to have overlooked, that when a matter is referred to a committee and that committee fails and neglects for an unreasonable time to report, to discharge the committee and bring the matter before the Senate directly.

Taking these things into consideration, I think the Senator's remark is wholly unwarranted. It is not the intention of the Senator, that is, myself, who made the motion to refer, to dispose of the bill in that way. My object in making the motion is to give us a bill, if one be possible—and I believe one is possible—which will be a real remedy for the ills and the evils which afflict the people of the United States, instead of the sham which the pending bill will turn out to be.

Mr. PLATT. Mr. President, I shall, notwithstanding the embarrassment which a motion of this sort creates, vote to refer the bill and the various amendments to the Judiciary Committee, and I do it not as an enemy of some bill which may be properly framed to meet the evil complained of, but I do it because I believe there is in the bill nothing at all which will meet the evil complained of. The people who are suffering from the unlawful acts of associated corporations are asking relief, and when they ask for bread the Senator from Ohio proposes to give them a stone; when they ask for fish he proposes to give them a serpent. As the author of this bill he has been, first and last, something over a year in bringing forward his experiments to meet the evil, and constantly revising his own impressions as to the method in which it could be done, until I venture to say the last proposition is the least effective of any one that he has made.

I allude to this, as I do to the fact that five amendments have been presented, and I believe presented in good faith, to this bill, to show the very great difficulty which surrounds the subject. There is not a single member of the Senate who has thought upon this subject who does not recognize that it is one full of difficulty, of legal difficulty, of constitutional difficulty. The very fact that these amendments have been offered proves the difficulty of the situation, and proves, not that Senators are opposed to granting relief from the ills which are complained of, but that they desire to grant efficient relief if they attempt to grant relief at all.

It is no answer to the criticisms which are made on this bill to declaim against the enormities of trusts and combinations. It is no answer to the objection which is made to this bill, that it will not touch any single trust or combination in this country, to denounce the operations of trusts. It will not do to say that a person who is not ready to vote for this bill wants to perpetuate the illegal and injurious acts of combinations and associations and trusts. We are very often as legislators placed in this dilemma: An evil exists, an evil which ought to be remedied, which ought to be remedied in an efficient, legal, and constitutional way, and some measure is proposed which either does not remedy it at all or runs against every constitutional method of reaching it; and then the persons who are not ready to take that measure are held up as being opposed to rendering any relief whatever.

My objection to this bill, which I have already stated, is that it will not touch or reach the unlawful or injurious acts of any trust, association, or combination, whether of individuals or corporations, in this country. The fact that it is confined to arrangements between persons or corporations residing in different States of the Union or residing in this country and in foreign countries, is an admission on the face of it that the author of the bill or the amendment admits his inability to do anything else in this direction. It is an admission on the part of the author of the bill that all trusts, all combinations, all agreements, all associations existing between people of the same State, between corporations of the same State, for the unlawful purposes which we all understand, are beyond the reach of Congressional action.

That is the admission in this bill. It is an admission which I do not make, but it is an admission of this bill, because it is confined simply to those arrangements, associations, combinations, and trusts existing between persons of different States or corporations of different States

or persons of this country and another country or corporations of this country and another country. So having eliminated from the effect of the bill all the great combinations which have been formed and may be formed within States it proposes to deal with them where the parties composing them reside in different States; that, and that only.

If we could do that we should simply transfer the parties who compose these corporations from different States to a single State. The great sugar trust, if it is now a combination existing between corporations in different States, would organize as a single corporation of a single State, and then would be beyond the reach of this bill.

But that is not the real difficulty. The real difficulty is that under the Constitution of the United States you can not reach an agreement made between parties residing in different States, no matter for what purpose. It is the controversies arising between persons residing in different States, between corporations residing in different States, which can be reached in the courts of the United States.

The Senator from Ohio seems entirely unable to comprehend this distinction—but it is a distinction which, as it seems to me, every lawyer ought to comprehend—that he is not providing for controversies between persons residing in different States and corporations of different States, but he is trying to stop agreements between persons of different States and corporations of different States, under that clause of the Constitution which gives the courts of the United States jurisdiction of controversies arising between persons so residing. I believe that I can understand the difference between a controversy and an agreement. It is not claimed (at least I have not heard it claimed by the honorable and able Senator from Ohio) that he reaches these combinations under any provision of the Constitution except that which confers jurisdiction upon the United States courts in controversies arising between citizens of different States. If that be true, then every particle of meat, every particle of efficiency, every particle of force in this bill disappears.

I am not to be told that because I am not willing to stand here and vote for a bill which is a snare and a delusion I am not therefore willing to do all in my power to put down these unlawful acts which are ruining the business and injuring the people of the country.

I think it highly appropriate that the bill should be referred to the Judiciary Committee, and it is no answer to that proposition to suggest, as the Senator from Alabama has done, that it is to be referred to a committee several of whose members are enemies of the bill. Any lawyer ought to be, not an enemy of the bill, but opposed to the bill, if he desires to do anything to remedy the evils which have been complained of.

How far the bill may represent the matured judgment of the Finance Committee we are not informed. Certainly one Senator upon the Finance Committee, and an able lawyer, has expressed his dissent from the bill. The other members of the Finance Committee, with the exception of the Senator from Ohio, have not spoken; but I apprehend that when they come to speak by their vote on the bill it will be seen that the bill represents, not a majority, but a decided minority of the Finance Committee.

I do not vote to refer the bill in any spirit of criticism of the Finance Committee, but I vote to refer it by reason of the difficulty of the subject, by reason of the honest doubts of Senators as to the method of relief proposed in the bill and the power of Congress to exercise such relief, because of the earnest desire on the part of members of the Senate to enact some legislation which shall be effectual. I think it ought to be referred to that committee which by common consent embraces the largest amount of judicial ability in the Senate; and to say that it is to be smothered there is to attack and impugn the motives of the honorable gentlemen who compose that committee. I have every confidence that that committee will deal with the subject; that if there is a constitutional way of reaching this difficulty, of remedying these evils, of punishing the men and the corporations who are engaged in these unlawful conspiracies and acts, it will be found out by that committee, and a bill framed along that line; and if there is none that they will say in their opinion there is none; and if that be true we had better face that proposition now than to deal in what in my judgment will be found, if this bill shall pass, to be nothing more nor less than a humbugging of the people of the United States.

I do not use that language imputing to the author of the bill or to any one who may vote for it a desire to humbug the people of the United States, but in my judgment, after having given this matter careful attention and careful thought for two or three years' time, if we pass this bill we shall show the people of the United States who desire to have these evils remedied that we have passed a bill which is utterly powerless and inefficient to reach the evils, and then they will say that they have been humbugged, and they will say more than that, which will not be true, however, that they have been intentionally humbugged by the Congress of the United States.

Mr. WASHBURN. I should like to ask the Senator from Connecticut if he thinks it is possible for him or anybody else to draw a bill that will be efficient in this respect.

Mr. PLATT. That is precisely the question which I desire to refer to the Judiciary Committee.

Mr. WASHBURN. I ask what the Senator's opinion is.

Mr. PLATT. I believe that a bill can be framed along certain lines which may partially reach this evil, but I am not prepared to indicate precisely the extent and the scope of the bill. There may be in some of these amendments valuable suggestions in that line.

Mr. WASHBURN. I should like to ask the Senator also if any special harm would come to the country or anybody else by the passage of the bill if it should be afterwards held to be unconstitutional by the Supreme Court of the United States. Would any damage be done to anybody?

Mr. PLATT. I pointed out one damage. Whenever Congress passes a bill which the concurrent sentiment of Congress believes to be unconstitutional it does a greater damage to the people of this country than is well to be calculated.

Mr. WASHBURN. I do not see how we are ever going to know whether this bill is constitutional or not until it has been referred to the Supreme Court. The most eminent lawyers in this Chamber differ in opinion, and it seems to me that we shall never reach any definite result until some law goes to the Supreme Court.

So far as I am concerned I know the sentiment of the country with regard to the question of monopolies and trusts, and I believe the people expect the Congress of the United States to make an attempt to secure some valid and satisfactory legislation. While the bill of the Senator from Ohio may not be perfect, while it may not reach every point, and may finally be declared unconstitutional, yet it is a move in the right direction, and for one I should dislike very much to have it sent to the Committee on the Judiciary, which would be sending it to "the tomb of the Capulets," I believe. I believe it would be sent there for that purpose, and I believe, furthermore, that when all other means fail to defeat a bill the constitutionality of it is usually invoked for that purpose. I hope that will not be done in this case.

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

Mr. SHERMAN and others. Oh, no.

Mr. DOLPH. We are not ready for a vote. There is no prospect of reaching a vote for a week.

Mr. GRAY. Will the Senator from Oregon withdraw that motion for a moment while I submit a report?

Mr. DOLPH. I will.

Mr. SHERMAN. I shall ask for the yeas and nays upon the question whenever it is put.

SENATORS FROM MONTANA.

Mr. GRAY. The Senator from Oregon yields to me while I submit a report, of which I gave notice yesterday, on behalf of the minority of the Committee on Privileges and Elections in the Montana case.

The VICE-PRESIDENT. The views of the minority will be printed with the report of the committee.

PROPOSED EXECUTIVE SESSION.

Mr. DOLPH. I renew my motion to proceed to the consideration of executive business.

Mr. SHERMAN. I call for the yeas and nays on the motion of the Senator from Oregon.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. On that question I call for the yeas and nays.

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

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. In his absence I withhold my vote.

Mr. PLATT (when his name was called). I am paired on all subjects with the Senator from Virginia [Mr. BARBOUR]. As he is not in the Chamber, I withhold my vote.

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE].

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

The roll-call was concluded.

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from Missouri [Mr. COCKRELL] and therefore withdraw my vote.

Mr. PLATT. I desire to add to the announcement of my pair that if permitted to vote I should vote "yea."

The result was announced—yeas 20, nays 29; as follows:

YEAS—20.

Bate,	Frye,	Higgins,	Turpie,
Blackburn,	Gibson,	Ingalls,	Vance,
Blair,	Gray,	Jones of Arkansas,	Vest,
Coke,	Hampton,	Mitchell,	Walthall,
Dolph,	Harris,	Payne,	Wilson of Iowa.

NAYS—29.

Aldrich,	George,	Moody,	Spooner,
Allen,	Gorman,	Morrill,	Stewart,
Berry,	Hale,	Paddock,	Washburn,
Chandler,	Hawley,	Pierce,	Wilson of Md.
Cullom,	Hiscock,	Pugh,	Wolcott.
Davis,	Hoar,	Reagan,	
Dawes,	McPherson,	Sawyer,	
Dixon,	Manderson,	Sherman,	

ABSENT—33.

Allison,	Cockrell,	Jones of Nevada,	Ransom,
Barbour,	Colquitt,	Kenna,	Squire,
Beck,	Daniel,	McMillan,	Stanford,
Blodgett,	Edmunds,	Morgan,	Stockbridge,
Brown,	Eustis,	Pasco,	Teller,
Butler,	Evarts,	Pettigrew,	Voorhees.
Call,	Farwell,	Platt,	
Cameron,	Faulkner,	Plumb,	
Casey,	Hearst,	Quay,	

So the motion was not agreed to.

TRUSTS AND COMBINATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

Mr. MORGAN. Mr. President, when I offered the amendment to the motion of the Senator from Mississippi [Mr. GEORGE], limiting the time within which the Judiciary Committee should report back some measure, I had no idea of imputing in the slightest degree to that committee any want of activity or energy or purpose in the discharge of their public duties. I have heard it said by some Senators here that it would be impossible to get a report from that committee on this bill simply because they were not in a condition to agree about it, on account of the great diversity of opinion among them as to the proper means to accomplish the end the Senator from Ohio and the rest of us desire to accomplish. So I thought if that committee could be required to report back in twenty days it would meet the demand for urgent action, which has been postponed now for about a hundred years in the United States, as well as I understand it, on this question of monopolies and engrossing and all the other offenses against free and proper markets in our country.

The Senator from Ohio says he wants to put at rest this question. He wants to get a bill through here that will put at rest the debate and the discussion about monopolies and about trusts and the like. Well, Mr. President, if we are to have a debate here, as I suppose we are likely to have, upon the protective tariff, which is the great nursery and breeding-ground of monopolies and trusts and combinations and conspiracies, it is not likely that there will be much bating of breath upon this question, even though the Senator may get the shell of a bill through here.

This bill, offered by the Senator from Ohio and reported by the Finance Committee, is nothing but a *brutum fulmen*. It is a shell. It is a tub to the whale. It is not expected, I hope and believe, too, that it will ever yield any fruit in the way of checking conspiracies or combinations or forestallings or regrating or any other of the crimes against the market which the old common law furnished us with rules for defining and punishing also.

Sir, we have now a bill reported by the Committee on Finance, a substitute for a bill that the Committee on Finance had previously reported, which came within range of the batteries of the Senator from Mississippi [Mr. GEORGE], and the bill went to pieces. Its friends had to take it back into the Committee on Finance and bring out another one; and I think from what I hear around on the different sides of the Chamber, without reference to any political divisions at all, but in reference to the opinions of men who profess to understand the Constitution and laws of the country, that the bill of the committee, as reported now, is just as likely to go down as the one that was brought in before. Including that second effort, here are six bills now before the Senate, each of them drawn by gentlemen of experience, and an account of the laborious efforts they have been making here for months, and some of them for years, in the maturing and bringing forth of these bills, is enough to startle one with the intricacy of the question.

It is an intricate question. It taxed the powers of the British Parliament with all of its omnipotence about two centuries to meet these combinations and conspiracies in trade and about trade, relating chiefly, however, to the material subsistence of the people, articles of grain and provisions and the like; and every once in awhile we find the brush of oblivion drawn by the English Parliament across all these enactments; they are all swept from the statute-books. Why? Because of the vain, futile effort on the part of legislators after all to do very much in controlling men, as the Senator from Connecticut [Mr. PLATT] said, in making their agreements. The common law of England has been resorted to time and again, at the end of different long periods of experiment, for the purpose of furnishing remedies for all the complaints we are now hearing about, which complaints were identical in their nature and substance with those that now come forward in vast array to tax the ingenuity of legislators to repress them. It is very certain that no Senator here, no matter what his wisdom or ability may be, can assure himself absolutely that he has a remedy which is in all respects

or in many general respects a solvent and a cure for the difficulties we are now encountering.

We hear the argument made here, and I think it is a perfectly sound one, that the way to get rid of troubles in trade in the nature of conspiracies and combinations is to remove the temptation. We probably could not reach the Standard Oil conspiracy or combination, and several other various important trusts, as they are called, in the United States by a modification of our protective tariff, but it is very certain that we should reach 90 per cent. of them. We would take the underpinning entirely away from 90 per cent. of the trusts and combinations and conspiracies that are forming all over the land if we should so modify the tariff as to remove the temptation to make them; but as long as we enact these temptations in the statute-book we can hardly denounce that as immoral or criminal which men do under our invitation.

There is a great deal of danger. I think I can see it in almost every direction in legislating upon questions of this kind. The Senator from Nevada [Mr. STEWART] has called attention to a very important topic in this connection. I do not know of anything that has a greater or a more direct impression upon our foreign commerce and our interstate commerce than the price of labor. There are combinations among our laboring men of various different fraternities continually being made for the purpose of raising the price of labor. The price of labor when raised by combination—or, if you please so to call it, by a conspiracy, or in the nature of a trust confided to the hands of some managing committee, some steering arrangement—combinations of that kind to raise the price of labor must necessarily increase the price of commodities in interstate commerce and international commerce, at least to the extent of the exports that we send abroad.

Now, while we are legislating against all such combinations and conspiracies that affect the price of commodities interchanged between the States of this Union, what are we to say to the men who, in their Knights of Labor and in their Wheels and in all of their various organizations, meet together for the very purpose of raising the price of labor in the particular industry in which they are concerned or the price of labor generally? Labor is a commodity bought and sold every hour in the day. It is so much a commodity as that we forbid its importation here when it comes under contract; we treat it just as we would spurious medicines, or base coin, or something of that sort; we tax it as we do oleomargarine. We treat labor precisely as if it were a commodity, and it is a commodity that is imported into this country.

If we pass a law here to punish men for entering into combination and conspiracy to raise the price of labor, what is the reason why we are not within the purview of the powers of Congress in respect to international commerce? Who can answer the proposition as a matter of law?

There is great danger in any direction you look in respect of such a measure as this, and I am afraid to take ground on it until that committee of this body which is charged with the consideration of judicial questions have had an opportunity to report a bill, or, if it can not agree upon a bill, to report that it can not agree. But it can agree upon certain principles that ought to control our legislation, and let us agree upon the bill, and in that way we shall be apt to come to some sedate and profitable conclusion about this great controversy, for it is a great controversy.

I think there has been as much ingenious argumentation upon this question as I have ever heard in the same length of time in the Senate of the United States, and it has taxed the abilities of almost every gentleman on this floor to find out exactly what is the extent and boundary of our power and what are the lawful methods by which we can put it into exercise in the Federal courts. It is a very intricate subject, and, in my judgment, we are going entirely too fast if we do not get the opinion of our Judiciary Committee upon it.

There is a feature in this case that nobody has ever suggested, so far as I have heard, that has always struck me with a good deal of force. I think a proceeding *in rem* can be had under a libel for condemnation of goods, wares, and merchandise carried between the States, to seize, condemn, and confiscate goods that may have been manufactured under a conspiracy or bought and collected together under a conspiracy to control the markets. That subject seems not to have had any attention from Senators here. I never have proposed to myself to interfere in any way to try to make the legislation one thing or the other except so far as my mere vote would go, but it seems to me there is a field here for the enterprise of Senators.

Here is a sugar trust in New York. They say it consists of a number of corporations that are banded together, who have their local habitation in various different States; but they refine sugar under a combination that puts the price up to a certain figure and does not allow it to go any lower than that. Now, when their sugar is in transit from New York to Chicago, what is the reason why some person may not seize it under a proceeding *in rem*, and in that way touch the very chord that would run to the heart of the whole establishment? Why could not that be done? It seems to me that is as easy a way to get at it as any you could mention, certainly far better than the declaration of nullity of the contract or referring some poor fellow who bought ten pounds to a Federal court somewhere to recover double damages according to the percentage of loss he sustained in the amount taxed upon him through the conspiracy.

The subject is not exhausted by any means. There is a great deal to it yet. Senators need not be in a hurry to get something on the statute-book to see if some court will not reverse what we are doing here. I trust the Senate of the United States on great questions of constitutional law affecting the jurisprudence of the United States will always be able to confine itself at least to that period of time when it has a sound and sedate judgment upon the proposition that it puts forward, especially when it is a new and a great one like this one. Unbecomingly haste in a matter of this kind will recoil upon us, not merely in the laws set aside by the judgments of our tribunals, but it will recoil upon us, I am fearful, in the contempt that public opinion will have for this body. We ought to be able to interpret the Constitution of the United States or else give place to men who can do it. It is our business to do it; and I am opposed to seeing any measure go out of this body as an enactment merely as a tentative proposition or one that is experimental upon a question of constitutional law.

Here are gentlemen on both sides of this Chamber, some called State-rights men and others called Federalists; whether rightfully so denominated makes no difference. Here are gentlemen who have very strict opinions upon constitutional construction and others who are more liberal in their views. But gentlemen of both classes are objecting to this bill. They find difficulty in it. It strikes those who, like my colleague, say they are not hair-splitters, and foremost sometimes, and knocks them entirely out of position. Others it disturbs with technicalities and refinements and the like so as to disturb the pleasure of their dreams at night. There is difficulty in every direction. The unsettled opinion of Senators as expressed in this debate shows that there is difficulty in every direction; and we ought to appeal to the best organization which we have in this body to try to compose those difficulties, and get a bill back before us upon which we can agree at least on the principles of legislation, and after due effort conform our conduct to those principles.

Mr. President, I belong to what is called the State-rights school of politicians, and in season and out of season, I suppose, year after year, I stand here for the purpose of trying to protect the States of this Union against encroachment on the part of the Federal Government, because I believe that is one of the greatest duties of a Senator, and especially of a Democrat. I think it is a life-long task a man takes upon himself when he joins the Democratic party to try to protect the States in their autonomy and in their rights secured under the Constitution against Congressional encroachment. But, sir, in respect of this matter concerning trusts and combinations and conspiracies, I must say that I think the States are utterly derelict. They have the unquestioned power to handle and to punish every one of these conspiracies and combinations.

Why they do not do it is more than I can understand, unless I am prepared to accept the unpleasant allusion frequently made here that the Legislatures and the authorities of the State governments have not the virtue to withstand the power of the great corporations. My judgment is that to average them they are just as honest as Congress is, and as little likely to be corrupted as Congress is, and I think it is the mere lethargy of the different State governments, inspired by a too confident reliance upon the powers of Congress to remedy public evils, that is leading us to-day into this effort to do what the States themselves ought to do.

Take the cotton-seed-oil trust and take the action of the State authorities of Alabama upon that, the State in which cotton-seed oil was first produced and made an article of commerce. I remember a case in Montgomery where the great New York cotton-seed-oil trust, chartered under a New York law, I suppose, with \$30,000,000 capital or alleged capital, came there and offered a certain price to a young gentleman who had himself, much by his own labor, certainly out of his own resources, built a cotton-seed-oil factory. They could not agree about the price of it. He said he did not want to sell it; that it was a business he wanted to bring his children up to; that it was a nice business; he had gotten it together and completed it himself. He had already made 10,000 barrels of oil and he shipped it down to Savannah, and thence to New York, and thence to Italy, for the purpose of having it made into a first-class article of olive oil.

When this New York combine found that his ship had arrived in New York and found the ship upon which he had freighted his 10,000 barrels of oil, they bought 10,000 barrels and put it upon the same ship and consigned it to the same city. What was the result? When they got there they sold their oil at a dollar a barrel less than he could afford to take for his. They took the market away from him and convinced him that he had no market in the business of trying to make cotton-seed oil in Alabama; that he must surrender his possessions into the hands of these men; and they bought him out and turned him adrift. Now, the State of Alabama ought to have punished that. It should have made a condign example of the men who did that thing, who came there and threatened that they would destroy his business unless he would sell to them.

Mr. SHERMAN. How could the authorities of Alabama punish the combination in New York?

Mr. MORGAN. When they came to Alabama and made a proposition to him that unless he sold out they would establish their business

and break him up they committed an offense against the laws of Alabama.

Mr. SHERMAN. They probably sent some poor clerk down there to make that declaration.

Mr. MORGAN. Suppose they did. Probably he would have better sense the next time if he served a short term in the penitentiary for it.

Mr. SHERMAN. Yes; all that Alabama could do would be to take the clerk and send him to the penitentiary.

Mr. MORGAN. It may be so, and we shall not get anybody but clerks practically out of this measure that the Senator from Ohio has put in here. All the big fish will escape. The little fish are the men who will have the trouble. There will not be a suit brought in twenty-five years to come under the bill of the Senator from Ohio, if it becomes a law. What does a man get? Double damages. For what? The enhanced price that he has to pay for a commodity in the market. You would never trace it back to them in the world. You have got to identify the sugar, or the molasses, or whatever it is, and run it back to the manufacturer or to the refiner and prove the conspiracy. There would not be a recovery in twenty-five years, and it is not expected that there would be. This bill does not contemplate such a thing. This bill is a good preface to an argument upon the protective tariff when that comes up: "We have sunk the trust question out of sight by a bill that has smothered it for the present."

Mr. SHERMAN. Why could not the Senator's friend in Alabama sue the combination in the courts of the United States and make them pay for all the damages he suffered?

Mr. MORGAN. In the courts of the United States?

Mr. SHERMAN. Certainly, why not? Why could not your citizens, whom you describe so pathetically, sue in the Federal court under this bill?

Mr. MORGAN. He would find, as everybody else would find under the bill of the Senator, that it is cheaper not to sue. It is not a pleasant thing to have a lawsuit.

The Legislature of Alabama ought to have a law upon her statute-book now punishing that particular sort of conspiracy with imprisonment in the penitentiary. Whenever they reform their laws and put their machinery in operation to do justice to their own people, their people will not be here clamoring for Congress to stretch its powers inordinately to give them relief. That is what I am talking about, and as a State-rights man I say that the States are not doing their duty in this particular, and we ought to so inform them. Let them strike out on that line and protect their people, as they have a perfect right to do, and we shall hear no more about trusts and combinations and conspiracies.

Mr. VANCE. Mr. President, I never have a bill in which I feel any interest referred to this grand mausoleum of Senatorial literature, the Judiciary Committee, without feeling that I have attended a funeral. This occasion is no exception to that feeling. The grand air of magisterial dominion which surrounds those gentlemen who constitute that committee, the awful profundity and gravity with which they are enveloped, naturally tend to produce a funereal impression upon a serious mind, and the whole atmosphere seems to me resonant with the strains of that familiar old hymn:

Hark! from the tombs a doleful sound;  
Mine ears attend the cry.  
Come, living men, and view the ground  
Where your bills must shortly lie.

[Laughter.]

I recollect very well when a bill was passed through this body forbidding the employment of any Senator or Representative as counsel for any railroad which had been subsidized by the Government. We all thought it was a mighty good bill and a mighty proper one, and so thought the Senate; but a motion to reconsider was made. The question was discussed, and it was finally proposed to refer it to the Judiciary Committee. On that occasion I bade my friend farewell. I was promised, however, that it should come back. It did come back, but, alas, it did not come back in the same body in which it went. It was Greece, but living Greece no more. It came back mangled and mutilated until its parent knew it not and disclaimed its paternity. [Laughter.]

Mr. President, I feel an interest in this bill. I feel that one class of the community in this American country of ours has not partaken of the general prosperity which the country has enjoyed for the last twenty years. A step has been taken to remove some of the obstructions to this prosperity which a portion of our fellow-citizens fail to enjoy. It may not be the proper step; there may be a better step, but it is a beginning, at all events.

Mr. President, I think if it were not so late in the evening and the Senate would give me its patient attention that I could demonstrate the fact that if a man desired to go to any given point he must start, and that he never would get there until after he did start, and my opinion is that we never shall get a bill for the suppression of the trusts and combinations which oppress a large portion of the American people so long as we consign all of our bantlings to the fostering care of the Judiciary Committee. I say it with all due respect to that great commit-

tee, of course. I am a man too cautious of my personal safety to desire to do anything that would bring upon me the enmity or the disregard of that august body. [Laughter.]

So, if it is the determination of the Senate to send this bill to the Judiciary Committee, to deliver the child for nurture to the persons having most interest in its death, I shall have sorrowfully to submit myself to that state of things, but I hope I may be pardoned for saying that I feel a good deal as we are given to understand the Apostle Paul felt when he took leave of the elders at Ephesus. Having told them that he should depart from them never more to return, the record says:

They all wept sore and fell on Paul's neck, sorrowing most of all for the words which he spake, that they should see his face no more.

I am satisfied, sir, that when this bill does come back it will be so mutilated, that it will have everything that can possibly be of any benefit to the people of this country so entirely eliminated and eradicated, that it will for practical purposes not be worth the paper that it is written upon, and the country will so accept it. The country knows the spectacles where we deposit our dead by this time. We can no longer hope to conceal them.

I heard of a Senator who once occupied a seat in this body who boasted that he was no milk-and-cider man, that he was a man of decision on all subjects. Said he, "When a question comes up before me I either vote for it or I vote against it, or I squat like a man." [Laughter.] Mr. President, the country has found out that when we desire the death of a bill and are not particularly anxious to put ourselves on record as having directly struck the blow which caused the demise, we refer it to the Judiciary Committee [laughter], where it sleeps the last sleep known to the literature of this Senate.

The VICE-PRESIDENT. Is the Senate ready for the question? The question is on the amendment offered by the Senator from Alabama [Mr. MORGAN] to the motion made by the Senator from Mississippi [Mr. GEORGE] to commit the bill to the Judiciary Committee.

Mr. GEORGE. I will accept the amendment if I have a right to do so.

The VICE-PRESIDENT. Is the Senate ready for the question?

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

The yeas and nays were ordered.

Mr. REAGAN. What is the question?

The VICE-PRESIDENT. The motion made by the Senator from Mississippi to commit the bill to the Committee on the Judiciary with instructions.

Mr. REAGAN. I believe the Senator from Mississippi accepted the amendment of the Senator from Alabama.

The VICE-PRESIDENT. He did.

Mr. INGALLS. Let the pending question be now stated.

The VICE-PRESIDENT. The Chair omitted to state that the amendment was instructing the committee to report within twenty days. The roll will be called.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. HAMPTON], who was unavoidably called from the Chamber this afternoon. He said he would vote in favor of referring this bill to the Committee on the Judiciary. I am of the same opinion, and therefore I shall vote "yea."

Mr. DOLPH (when his name was called). I am paired generally with the senior Senator from Georgia [Mr. BROWN]. I do not know how he would vote on this subject, and I withhold my vote. I should vote against the motion to refer if I was at liberty to vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PADDOCK (when his name was called). I am paired generally with the Senator from Louisiana [Mr. EUSTIS]. If agreeable to the Senator from West Virginia [Mr. FAULKNER] I suggest that he and I transfer our pairs, so as to pair the Senator from Louisiana [Mr. EUSTIS] with the Senator from Pennsylvania [Mr. QUAY], and then the Senator from West Virginia and I can both vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL] and therefore withhold my vote.

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. I do not know how he would vote on this question. I should vote "yea," if he were present.

Mr. VANCE (when his name was called). I am paired generally with the Senator from Michigan [Mr. McMILLAN], who is not here. I should vote "nay," if he were present.

The roll-call was concluded.

Mr. PADDOCK. I desire to say that if the Senator from Louisiana [Mr. EUSTIS], with whom I am paired, were present, I should vote "nay" upon the proposition.

Mr. KENNA. I am paired on all questions, except the Blair bill, with the Senator from North Dakota [Mr. CASEY].

The result was announced—yeas 15, nays 23; as follows:

## YEAS—15.

Bate,	Gray,	Jones of Arkansas,	Vest,
Blackburn,	Hawley,	Payne,	Walthall,
Dixon,	Higgins,	Stewart,	Wilson of Md.
George,	Hiscock,	Teller,	

## NAYS—23.

Allen,	Davis,	Ingalls,	Plumb,
Allison,	Dawes,	McPherson,	Pugh,
Berry,	Frye,	Manderson,	Reagan,
Blair,	Gorman,	Mitchell,	Sherman,
Cockrell,	Hale,	Moody,	Turpie,
Coke,	Harris,	Morrill,	Washburn,
Cullom,	Hoar,	Pierce,	Wilson of Iowa.

## ABSENT—39.

Aldrich,	Colquitt,	Hearst,	Ransom,
Barbour,	Daniel,	Jones of Nevada,	Sawyer,
Beck,	Dolph,	Kenna,	Spooner,
Blodgett,	Edmunds,	McMillan,	Squire,
Brown,	Eustis,	Morgan,	Stanford,
Butler,	Evarts,	Paddock,	Stockbridge,
Call,	Farwell,	Pasco,	Stockbridge,
Cameron,	Faulkner,	Pettigrew,	Voorhees,
Casey,	Gibson,	Platt,	Wolcott.
Chandler,	Hampton,	Quay,	

So the motion to refer was not agreed to.

Mr. HOAR. What is now the pending question?

The VICE-PRESIDENT. The question now is on agreeing to the amendment submitted by the Senator from Texas [Mr. REAGAN].

Mr. HOAR. I inquire if that be an amendment to the entire bill, a substitute.

The VICE-PRESIDENT. It is not.

Mr. HOAR. I do not care about having it read at length, but I wished to know whether it was a substitute or not.

The VICE-PRESIDENT. It is an amendment adding new sections to the original bill or to the substitute for the original bill. Is the Senate ready for the question?

Mr. SHERMAN. We had better have the yeas and nays.

Mr. REAGAN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. GEORGE. I desire to ask the state of the question. Is the amendment of the Senator from Texas offered as a substitute for the bill?

The VICE-PRESIDENT. The amendment offered by the Senator from Texas, as the Chair understands, is an amendment to the so-called substitute of the Committee on Finance for the original bill.

Mr. GEORGE. And not a substitute for it?

The VICE-PRESIDENT. Not a substitute for the bill.

Mr. SHERMAN. It is an addition to the bill.

The VICE-PRESIDENT. Is the Chair correct in that understanding?

Mr. FRYE. Yes, that was so stated.

Mr. SPOONER. I rise to a parliamentary inquiry which I rather wish to address to the Senator from Texas. Is it not the intention of his amendment to take the place of the substitute reported by the Committee on Finance?

Mr. REAGAN. It is an amendment in addition to the amendment of the Committee on Finance.

Mr. BLAIR. I should like to hear the question stated. There is so much confusion that I do not know what the question is.

The VICE-PRESIDENT. The Chair will again state his understanding of the question before the Senate. It is on the amendment offered by the Senator from Texas [Mr. REAGAN] to the substitute agreed upon for the original bill, adding new sections to the substitute accepted for the original bill.

It is not in any sense a substitute for the original bill, but an amendment to the substitute which was accepted in place of the original bill.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. HAMPTON], who is unavoidably absent from the Chamber.

Mr. DOLPH (when his name was called). I again announce my pair with the senior Senator from Georgia [Mr. BROWN]. As I do not know how he would vote if present, I withhold my vote. If at liberty to vote, I should vote in the affirmative.

Mr. FAULKNER (when his name was called). I transfer the pair I have with the junior Senator from Pennsylvania [Mr. QUAY] to the senior Senator from Florida [Mr. CALL] and vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

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

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should vote "nay."

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

Mr. VANCE (when his name was called). I withhold my vote in consequence of the pair which I have already announced.

The roll-call was concluded.

Mr. RANSOM. I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "yea."

Mr. VANCE. I transfer the pair which I have with the Senator from Michigan [Mr. McMILLAN] to the Senator from Louisiana [Mr. EUSTIS], and I desire to vote. I vote "yea."

Mr. PADDOCK. In accordance with the arrangement for the transfer of the pair of the Senator from Louisiana [Mr. EUSTIS] announced by the Senator from North Carolina [Mr. VANCE], I vote "yea."

The result was announced—yeas 34, nays 12; as follows:

## YEAS—34.

Allen,	Faulkner,	Manderson,	Turpie,
Allison,	George,	Moody,	Vance,
Bate,	Gorman,	Paddock,	Vest,
Berry,	Gray,	Payne,	Walthall,
Blackburn,	Harris,	Pierce,	Washburn,
Cockrell,	Hawley,	Pugh,	Wilson of Iowa,
Cullom,	Higgins,	Reagan,	Wilson of Md.
Davis,	Ingalls,	Spooner,	
	Jones of Arkansas,	Teller,	

## NAYS—12.

Aldrich,	Frye,	McPherson,	Plumb,
Blair,	Hiscock,	Mitchell,	Sherman,
Dawes,	Hoar,	Morrill,	Stewart.

## ABSENT—36.

Barbour,	Colquitt,	Hale,	Platt,
Beck,	Daniel,	Hampton,	Quay,
Blodgett,	Dixon,	Hearst,	Ransom,
Brown,	Dolph,	Jones of Nevada,	Sawyer,
Butler,	Edmunds,	Kenna,	Squire,
Call,	Eustis,	McMillan,	Stanford,
Cameron,	Evarts,	Morgan,	Stockbridge,
Casey,	Farwell,	Pasco,	Voorhees,
Chandler,	Gibson,	Pettigrew,	Wolcott.

So the amendment was agreed to.

Mr. SHERMAN. Mr. President, I offer a proviso at the end of the first section of the bill reported by the Committee on Finance. I take this proviso from the amendment proposed by the Senator from Mississippi [Mr. GEORGE]. I do not think it necessary, but, at the same time to avoid any confusion, I submit it to come in at the end of the first section.

The CHIEF CLERK. It is proposed to add the following proviso to section 1:

*Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or of increasing their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of agricultural or horticultural products.

Mr. PLUMB. Let me suggest to the Senator from Ohio that the word "their" should come in there, so that the limitation should be upon the exercise of the combination concerning their own products and nobody else's. The point is, if that is carried out, the provisions of the bill would not apply to a person who happened to own a ten-acre tract of land who is engaged in horticulture or agriculture.

Mr. SHERMAN. Let the Senator look at the amendment and see where he will insert his modification. I took the proposition from the amendment of the Senator from Mississippi.

Mr. INGALLS. Let it be read again.

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk read Mr. SHERMAN's amendment.

Mr. PLUMB. Insert the word "their" before "agricultural."

Mr. SHERMAN. The word "their" ought to be inserted before "labor" and also before "agricultural."

Mr. TELLER. I should like to suggest to the Senator from Ohio that he add there something about associations as well as combinations.

Mr. SHERMAN. I do not think those words describe the arrangement.

Mr. TURPIE. I think the amendment would be still clearer by inserting the word "own" after "their," so as to read "their own."

Mr. SHERMAN. Yes, and inserting "associations," because that is what they are.

Mr. BLAIR. Would the Senator have any objection, also, to inserting words which would include those engaged in the cod-fisheries and the manufacture of boots and shoes? There is a good deal of that done up in New England. We do not raise a great deal of wheat and corn, but we do catch cod-fish; and there is a good deal done in my State in the boot and shoe business, and I am afraid, if we except those engaged in production out West, and I vote for that and do not include in the exception those manufacturing boots and shoes in New Hampshire, I shall get beaten next fall and never come back to the Senate again. [Laughter]. Down in Massachusetts they are in the cod-fish business, and I think the Senator from Massachusetts ought to look after that.

Mr. COKE. If in order, I will now offer the amendment I had proposed, which has been printed.

Mr. REAGAN. Before my colleague offers his amendment let us dispose of amendments to perfect the text. Is my colleague's amendment offered as an addition to the bill?

Mr. COKE. I offer mine as a substitute.

Mr. REAGAN. Before that is offered I desire to move an amendment to the second section of the original bill.

Mr. SHERMAN. There is a pending amendment.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. SHERMAN], which will be read again as modified:

The Chief Clerk read as follows:

*Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers, made with the view of lessening the number of hours of their labor or of increasing their wages; nor to any arrangements, agreements, associations, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of their own agricultural or horticultural products.

Mr. PLATT. I should like to inquire of the Senator from Ohio whether he understands by this language agricultural products would include wool. They have, I believe, a wool-growing association—

Mr. BLAIR. There are not many sheep in Connecticut.

Mr. SHERMAN. I think it would include their own wool. [Laughter.]

Mr. PLATT. They have a wool-growers' association in Ohio which we have heard at times a great deal of, and I would suggest to the Senator from Ohio that when we are excepting certain classes of people from the effect of this bill it may be that when the bill comes to be enforced the wool-growers' association of Ohio will inquire why they were not included within the exception.

The VICE-PRESIDENT. Is the Senate ready for the question on the amendment of the Senator from Ohio? ["Vote!" "Vote!"]

The amendment was agreed to.

Mr. REAGAN. I desire to offer an amendment in line 4 of section 2 of the committee's bill. After "United States" I wish to add the words "or any State," and then in the next line to strike out the words "without respect to the amount involved;" so as to make the section read:

Sec. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States or any State of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

The object is, in the first place, to give concurrent jurisdiction to the State courts in civil suits; of course in criminal prosecutions that could not be done; and to that end it would be proper to strike out the words "without respect to the amount involved," because the law of the United States and of the States would fix the jurisdictional amount, and those words would not be necessary.

Mr. HARRIS. Let the amendment be read from the desk.

The VICE-PRESIDENT. The amendment of the Senator from Texas will be read.

The CHIEF CLERK. In section 2, line 4, after "United States," it is proposed to insert the words "or any State," and, in line 5, to strike out the words "without respect to the amount involved;" so as to make the section read:

Sec. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States or any State of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

Mr. SHERMAN. Those words were inserted with a view to giving a remedy to persons who had suffered in a minor degree. The jurisdictional amount in the courts of the United States is a pretty large sum; I understand \$2,000 is the minimum, and it seemed to the Committee on Finance when this was inserted that to limit the jurisdiction to cases of \$2,000 or over that amount would be to close the courts to most suitors. However, it is for the Senate to decide.

The VICE-PRESIDENT. Is there objection to the amendment?

Mr. REAGAN. I could not hear what the Senator from Ohio said.

The VICE-PRESIDENT. Will the Senate agree to the amendment of the Senator from Texas [Mr. REAGAN]?

Mr. SAWYER. What is the amendment?

Mr. TELLER. Let it be again reported.

The VICE-PRESIDENT. The amendment of the Senator from Texas will be again read.

The Chief Clerk read the amendment of Mr. REAGAN.

Mr. TELLER. It strikes me that the words proposed to be stricken out are most desirable to be retained. We want to give the United States courts jurisdiction without reference to the amount involved. It is the subject-matter simply that we want the court to have jurisdiction of, and not the amount, and if we limit the amount there is not one man out of a hundred who are damaged who will ever have an opportunity of getting redress. It may be that there will not be a case prosecuted where there is a large amount of damage. It is to be presumed that there may be cases gotten up for the purpose of trying to

abate what appears to be a sort of public nuisance. I think we had better let the parties go into court on any amount. If they are damaged by these proceedings which we are about to declare illegal, they ought to be allowed to sue, no matter what the amount of damage may be. I am opposed to the amendment.

Mr. PLATT. Mr. President, this is the old question which has been so frequently before Congress and before the Senate, where it is attempted to give State courts of all descriptions concurrent jurisdiction with the United States courts over remedies provided by United States statutes. It has, I think, never been done in Congress, though it has been often attempted. The result of it is to give every court in the United States, certainly every court that is a court of record, and justices of the peace, if they are courts of record, jurisdiction over remedies prescribed by United States statutes. I am opposed to it, as I have been in every case in which it has been attempted before Congress.

Mr. DAVIS. I suppose the amendment would amount to this: That the statute creates a cause of action under certain circumstances, and, that being the case, it gives the right to assert that cause of action in any court of competent jurisdiction. It is not a question of whether the amount involved or the person suing is the jurisdictional test, but the creation by statute of the universal right of action under certain circumstances, which can be enforced in any court of competent jurisdiction, State or national, especially if the jurisdiction of the national court is not made exclusive by the terms of the bill.

Mr. REAGAN. There are a number of statutes which I can not refer to now, but I have referred to them heretofore, saying, in effect, that there are a number of subjects in which civil suits under United States authority may be maintained in the State courts.

Mr. HOAR. Cases of suits against national banks, for example.

Mr. REAGAN. Yes, sir, and a number of other subjects; so that I do not think there is any question about that. My reason for presenting this amendment is that under the original bill persons of moderate means would not be able to go into the Federal courts and employ lawyers and take witnesses there and prosecute suits, so that, while the bill would nominally afford a remedy for the evils, it would really be no remedy at all for the great class of persons who might be injured by the sort of things we are legislating against.

If the law is to be efficient to give a remedy, it seems to me it ought to be put in courts that will be accessible to litigants and as cheaply accessible to the litigants as we can make them. If, as suggested by the Senator from Colorado [Mr. TELLER], there is objection to striking out the words in the fifth line, I have no particular choice about that. I thought, perhaps, it would be safest to let the laws of the United States and of the States fix the jurisdictional amount, but if it is thought better that that part should stand as it is in the committee's bill, I have no objection. If any one objects, I will limit the amendment to the first part which I have proposed.

Mr. SPOONER. Let the amendment be again reported.

The VICE-PRESIDENT. The amendment will be again read.

The CHIEF CLERK. In line 4 of section 2, after "United States," it is proposed to insert "or any State;" so as to make the section read:

Sec. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover in any court of the United States or any State of competent jurisdiction without respect to the amount involved.

Mr. TELLER. I have no objection to the attempt to confer upon the State courts authority to hear these cases. Of course, that will depend upon what the State says about it. What I objected to was the provision striking out the words "without respect to the amount involved," in line 5.

Mr. SHERMAN. That part of the amendment is withdrawn.

Mr. TELLER. I was under the impression that the present statutes which require that there shall be a certain amount involved to give jurisdiction might be invoked against these claimants, and I think it would; but, if that is withdrawn, I have no objection to the rest of the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. REAGAN] as modified.

The amendment was agreed to.

Mr. HOAR. I move now to strike out, beginning in line 4 of section 1 of the committee's substitute, from the word "corporations," at the end of that line, down to the word "thereof," in line 7, so that the bill will then punish these illegal combinations whether they are in the same State or in different States.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. In line 4 of section 1, after the word "corporations," it is proposed to strike out all down to and including the word "thereof," in line 7, as follows:

Or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof.

So as to read—

Mr. HOAR. Before the Secretary proceeds to read, I wish to say that the words "or both" should not be included in the language to be stricken out. The amendment should begin with the words "of different States," in the fifth line.

The CHIEF CLERK. So as to read:

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, etc.

The amendment was agreed to.

Mr. INGALLS. What became of the amendment I offered some time since?

The VICE-PRESIDENT. The amendment next in order is the amendment of the Senator from Kansas [Mr. INGALLS], which will be read.

The CHIEF CLERK. It is proposed to add to the bill as new sections the following:

That for the purposes of this act the word "options" shall be understood to mean any contract or agreement whereby a party thereto, or any person, corporation, partnership, or association, for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated, to deliver to another at a future time or period any of the articles mentioned in section 3 of this act.

Sec. — That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party agrees to sell and deliver at a future time to another any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so agreeing to make such delivery, or the party for whom he acts as agent, broker, or employe in making such contract or agreement, is not at the time of making the same the owner of the article so contracted and agreed to be delivered.

Sec. — That the articles to which the foregoing sections relate are wheat, corn, oats, rye, barley, cotton, and all other farm products; also, beef, pork, lard, and all other hog and cattle products.

Mr. INGALLS. In section 4, after the first word "That," I ask leave to modify the amendment by inserting the following words:

For the purpose of preventing and suppressing, as far as may be, the dealing in options and futures as herein defined.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The section will be read as modified by the Senator from Kansas.

The Chief Clerk read section 4 as modified, as follows:

Sec. — That, for the purpose of preventing and suppressing, as far as may be, the dealing in options and futures as herein defined, special taxes are imposed as follows: Dealers in "options" or "futures" shall pay annually the sum of \$1,000, and shall also pay the further sum of 5 cents per pound for each and every pound of cotton, or of beef, pork, lard, or other hog and cattle products, and the sum of 20 cents per bushel for each and every bushel of any of the articles mentioned in section 3 of this act, the right or privilege of delivering which may be acquired under any "options" contract or agreement, as defined by section 1 of this act, or which may be sold to be delivered at a future time or period under any "futures" contract or agreement as defined in section 2 of this act, which said amounts shall be paid to the collector of internal revenue, as hereinafter provided, and by him accounted for, as required in respect to other special taxes collected by him. Every person, association, copartnership, or corporation who shall, in their own behalf or as broker, agent, or employe of another, deal in "options" or make any "options" contract or agreement, as hereinafter defined, shall be deemed a dealer in "options," and every person, association, copartnership, or corporation who shall, in their own behalf or as broker, agent, or employe of another, deal in "futures" or make any "futures" contract or agreement, as hereinafter defined, shall be deemed a dealer in "futures."

Mr. HOAR. I desire to inquire whether any Senator asked for the reading of this amendment in full. As it has been read more than once, I do not believe that it is necessary to read it through again.

The PRESIDING OFFICER. The present occupant of the chair is not aware whether it has been heretofore read.

Mr. PADDOCK. It has been read at length before.

Mr. HOAR. I suggest that the Chair ask for unanimous consent that its further reading may be dispensed with.

The PRESIDING OFFICER. If no further reading of the amendment be called for it will be dispensed with.

The remaining sections of the amendment are as follows:

Sec. — That every person, association, copartnership, or corporation engaged in, or proposing to engage in, the business of dealer in "options" or of dealer in "futures," as hereinafter defined, shall, before commencing such business or making any such "options" or "futures" contract or agreement, make application in writing to the collector of internal revenue for the district in which he proposes to engage in such business or make such contract or agreement, setting forth the name of the person, association, partnership, or corporation, place of residence of the applicant, the business engaged in, and where such business is to be carried on, and, in case of partnership, association, or corporation, the names and places or residence of the several persons constituting the same, and shall thereupon pay to such collector the sum aforesaid of \$1,000, and shall also execute and deliver to such collector a bond in the penal sum of \$50,000 with two or more sureties satisfactory to the collector, conditioned upon the full and faithful compliance by the obligor therein with all the requirements of this act. And thereupon the collector shall issue to such applicant a certificate in such form as the Commissioner of Internal Revenue shall prescribe, that such applicant is authorized for the period of one year from the date of such certificate to be a dealer in "options" or "futures" and to make "options" or "futures" contracts or agreements as hereinafter defined; and for the period specified in such certificate the party to whom it is issued may conduct the business of dealer as aforesaid. Such certificate may be renewed annually upon the compliance with the provisions of this act, and any "options" or "futures" contract or agreement as defined by this act shall be absolutely void as between the parties thereto and their respective assigns unless the party making such contract or agreement shall have at the time of making the same a certificate as aforesaid authorizing the making thereof.

Sec. — That it shall be the duty of the collector to keep in his office a register containing a copy of each and every application made to him under the foregoing section and a statement in connection therewith as to whether a certificate had been issued thereon and for what period, which book or register shall be a public record and be subject to inspection of any and all persons desiring to examine the same.

Sec. — That every "option" or "futures" contract or agreement as hereinafter defined shall be in writing and signed in duplicate by the parties making the same; and any such contract or agreement not so made and signed shall, as between the parties thereto and their assigns, be absolutely void.

Sec. — That it shall be the duty of every person, copartnership, associa-

tion, or corporation, on the first day of the week next succeeding the date of the certificate issued to them, and on the first day of each and every week thereafter to make to the collector of the district in which any "options" or "futures" contract or agreement has been made full and complete return and report under oath of any and all such contracts or agreements made or entered into by such person, copartnership, association, or corporation during the previous week, together with a statement of the article or articles embraced in or covered by such contracts or agreements, and the amounts, respectively, of each, and the name of the party or parties with whom such contracts or agreements have been made, and at the same time to pay to such collector the amount of the tax hereinbefore required of 5 cents per pound on each and every pound of cotton and of beef, pork, lard, or other hog and cattle products, and of 20 cents per bushel on each and every bushel of any of the other articles mentioned in section 3 of this act, which are the subject of or covered by such contracts or agreements, or any of them, for which sums such collector shall give his receipt to the party so paying, and the sums so collected shall be accounted for by the collector as provided by law in respect to other taxes collected by him.

Sec. — That every person who shall in his own behalf, or in behalf of any other person, association, partnership, or corporation, enter into any "options" or "futures" contract or agreement as defined by this act without having a certificate of authority from the collector as hereinafter provided, and covering the time at which such contract or agreement shall be made, shall, besides being liable for the amounts prescribed in section 4 of this act, be fined not less than \$5,000 and not more than \$10,000 for each and every such offense. And every person who shall make to the collector a false or fraudulent return or report required by section 8 of this act shall be subject to a fine of not less than \$5,000 nor more than \$10,000, or to imprisonment for not less than six months or more than two years, or to both such fine and imprisonment.

Sec. — That neither the payment of the taxes required nor the certificate issued by the collector under this act shall be held to legalize dealing in options and futures, nor to exempt any person, association, copartnership, or corporation from any penalty or punishment now or hereafter provided by the laws of any State for making contracts or agreements such as are hereinafter defined as "options" or "futures" contracts or agreements, or in any manner to authorize the making of such contracts or agreements within any State or locality contrary to the laws of such State or locality; nor shall the payment of the taxes imposed by this act be held to prohibit any State or municipality from placing a tax or duty on the same trade, transaction, or business for State, municipal, or other purposes.

Sec. — That section 3209 of the Revised Statutes of the United States is, so far as applicable, made to extend and apply to the taxes imposed by this act and to the persons upon whom they are imposed.

Mr. HOAR. I should like to ask the Senator from Kansas whether it would not be best to insert in the second section:

Provided, That this shall not apply to contracts or agreements for articles less than \$50 in value to be delivered at one time.

Literally construed, this section would prohibit a man's grocer from engaging to deliver any farm product or articles in common family use. It seems to me there should be some limit in amount. I will suggest an amendment in these words:

Provided, That this act shall not apply to contracts for the delivery at any one time of articles less than \$50 in value.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 2 the following proviso:

Provided, That this act shall not apply to contracts for the delivery at any one time of articles less than \$50 in value.

The PRESIDING OFFICER. This amendment to the amendment will be considered adopted unless objection is made. The Chair hears no objection. The question now is on the adoption of the amendment offered by the Senator from Kansas as amended.

The amendment as amended was agreed to.

Mr. HARRIS. Mr. President, I am inclined to ask that the bill as amended may be printed and that the Senate either go into executive session or adjourn, and let us see in the morning exactly what form the bill is in. I ask that it be printed in bill form with the amendments.

Mr. FRYE. If we do that the debate will last three days longer.

The PRESIDING OFFICER. Does the Senator make any motion?

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

Mr. SHERMAN. I trust not. I hope we shall remain and pass the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

The motion was not agreed to.

The PRESIDING OFFICER. Are there further amendments to the bill as in Committee on the Whole?

Mr. GEORGE. What became of the amendment of the Senator from Kansas [Mr. INGALLS]?

The PRESIDING OFFICER. The amendment was adopted.

Mr. COKE. I desire, if I can get it in the proper shape, to offer what I send to the desk as additional sections to the bill.

The PRESIDING OFFICER. The amendment of the Senator from Texas [Mr. COKE] will be read.

The CHIEF CLERK. It is proposed to add to the bill the following:

That a trust is a combination of capital or skill by two or more persons, firms, or corporations for the purpose of creating or employing restrictions on trades or limiting the production, increasing or reducing the price of merchandise or commodities, or preventing competition in the making, manufacture, sale, or purchase of merchandise or commodities, or creating a monopoly in the manufacture, making, sale, or purchase of any merchandise or commodity with intent to forestall the market value of any merchandise or commodity.

Sec. — That the formation or organization of a trust within the Territories of the United States or the District of Columbia is hereby declared to be against public policy and unlawful.

Sec. — That any person acting in his own behalf or as the agent, attorney, or representative of any firm, copartnership, corporation, or any association whatsoever, who shall in any Territory or the District of Columbia aid in the organ-

ization of a trust, or who shall be a party thereto or in any manner interested therein, or who shall, after the passage of this act, knowingly aid in the business of a trust heretofore organized, or be in any way interested therein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than ten thousand dollars.

SEC. — That all contracts made in either of the Territories of the United States or District of Columbia by a trust, or by any person, firm, or corporation acting for a trust in furtherance of the object of such trust, or in respect of the price or sum to be paid for any commodity or merchandise controlled or handled by such trust, are hereby declared to be illegal and against public policy.

SEC. — That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy, it shall not be lawful thereafter for any person, firm, or corporation to cause to be transported any product or article covered or embraced by such trust from such State to or into any other State or Territory or the District of Columbia.

SEC. — That any common carrier or agent of any common carrier who shall knowingly receive such product or commodity for transportation from such State into another State or Territory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than ten thousand dollars or shall be imprisoned for any period of time not less than one year or not more than five years, or by both such fine and imprisonment, in the discretion of the court. And any person who shall knowingly deliver to any common carrier, or agent thereof, any such product or commodity to be transported into another State or Territory or the District of Columbia shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five hundred nor more than ten thousand dollars or by imprisonment for any period of time not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. — That whenever the President of the United States shall be advised that a trust has been or is about to be organized for either of the purposes named in the first section of this act, and that a like product or commodity covered or proposed to be covered or handled by such trust, when produced out of the United States, is liable to an import duty when imported into the United States, he shall be, and is hereby, authorized and directed to suspend the operation of so much of the laws as impose a duty upon such product, commodity, or merchandise for such time as he may deem proper.

SEC. — That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. SHERMAN. I move that the amendment lie upon the table. This amendment is entirely inconsistent with the bill as it has already been acted upon.

The PRESIDING OFFICER. The Senator from Ohio moves that the amendment be laid on the table.

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

The yeas and nays were ordered.

Mr. COKE. Mr. President, it was my purpose—

The PRESIDING OFFICER. Debate is not in order.

Mr. SHERMAN. I do not wish to cut off the Senator from Texas from speaking on his own amendment. I will withdraw the motion for the present, but after he gets through I will renew the motion.

The PRESIDING OFFICER. By unanimous consent, the Senator from Texas will proceed.

Mr. HARRIS. The Senator from Ohio withdraws the motion until the Senator from Texas can be heard.

The PRESIDING OFFICER. The Senator from Texas will proceed.

Mr. COKE. My proposed substitute was printed several days ago and laid upon the table. I desire to say a word or two in explanation of my reasons for offering it. It was my purpose to introduce it, if I could have done so, prior to the introduction of the amendment of the Senator from Kansas [Mr. INGALLS], because I did not wish to antagonize that amendment. This was intended as a substitute for the original bill and for any amendment which might be made to it, and I propose, if I can do so in accordance with parliamentary law, to so shape my action with reference to it as to seek to have this amendment, which I now propose, put in the place of the original bill and its amendments, except the amendment of the Senator from Kansas. As I said, I favor the amendment of the Senator from Kansas. I desire to put this measure in the place of the original bill as amended by the amendment of my colleague from Texas. How I shall do that, I am not now fully advised, but I will attempt to do it in proper parliamentary form.

This amendment contains in its first clause a definition of trusts and combinations. It contains in its second clause a declaration that such trusts and combinations are contrary to public policy and unlawful. The third clause denounces the action of persons acting in their own behalf or as agents, attorneys, or representatives of any firm, copartnership, corporation, or any association whatsoever, who shall in any Territory or the District of Columbia aid in the organization of a trust, etc., and declares that such persons shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$500 nor more than \$10,000.

In theory the amendment is operative only in the Territories and the District of Columbia until it gets to the fifth section, and that section declares:

SEC. 5. That when any State shall declare, or heretofore has declared by law, trusts as defined by the true intent and meaning of this act to be unlawful and against public policy, it shall not be lawful thereafter for any person, firm, or corporation to cause to be transported any product or article covered or embraced by such trust from such State to or into any other State or Territory or the District of Columbia.

Section 6 provides penalties for the breach of the other sections, making it a misdemeanor punishable by fine and by imprisonment in the penitentiary.

Section 7 is the section which requires the President of the United States, when advised that a trust has been or is about to be organized

for either of the purposes named in the first section, to suspend the collection of import duties on articles the subject-matter of such trust.

There is no bill, there has been none before the Senate—and the bill which has already been adopted in the amended form now before the Senate is like all the others—that is not seriously doubted as to its constitutionality by the legal talent of this body.

It is demonstrable that the bill of my colleague, as well as that of the Senator from Ohio, being the original bill amended by that of my colleague, is as liable to all of the objections made by the Senator from Mississippi [Mr. GEORGE] in his argument on this subject a few days ago as was the bill then before the Senate. A brief reference to the bill of my colleague will show this. Bearing in mind that interstate commerce commences only when the product gets into the hands of the common carrier for transportation to another State and ends as soon as it reaches its destination there, I call attention to some of the provisions of the amendment submitted by my colleague. The first thing denounced is:

First. To create or carry out any restrictions in trade.

Restrictions in trade is a very general proposition. There may possibly be found some restrictions in commerce after the product has gotten into the interstate channel, but it will be extremely rare that such will be the case. Restrictions, if any, will occur almost universally before the product goes into commerce at all and when under State jurisdiction, out of the reach of Congressional legislation.

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

These things must result from the production of the commodities or the suppression of their production in the States. They must occur before interstate commerce commences in the commodities, and therefore outside of and beyond the jurisdiction of Congress, and wholly under State jurisdiction.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

How is competition to be prevented? Every combination must have a local habitation and a name. It must be in a State, and of course under the local jurisdiction. All the conditions denounced in that clause are things that must necessarily occur before the product gets into the channel of interstate commerce where the jurisdiction of Congress can take hold of it.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

All the things forbidden in this bill are acts. They are acts which are done in a State, under State, not Congressional, jurisdiction, and are acts which are done before the products get into interstate commerce, and therefore before they come under the jurisdiction of Congress. The intention to do these things contravenes no law. The intention amounts to nothing. Although there may be goods manufactured on one bank of the Mississippi River, in St. Louis, intended to be transported for consumption across into Illinois, that intention cuts no figure whatever in the consideration of the transaction until the goods are actually put into the hands of the common carrier to be taken over the Mississippi River, and as soon as they land in the State of Illinois are again outside of Congressional jurisdiction, and under the State jurisdiction of Illinois.

You may take the bill of my colleague, you may take the bill of the Senator from Ohio, examine them and test them under the rulings of the Supreme Court which we have heard cited here, and they are clearly and, as it seems to me, grossly unconstitutional. I want a bill that will stand. I want a bill that shall not be a promise to be broken, that shall not be a delusion and a sham.

Mr. President, the bill of my colleague is infinitely better and stronger than that of the Senator from Ohio. There is greatly more force and vitality in it, and yet I challenge any man to answer the arguments which can be made against its constitutionality. If you read the different propositions contained in the first, second, third, fourth, and fifth clauses they are plausible, but will not bear analysis or close inspection.

We are all working for the same end. We are all desiring the same purpose. We all want a bill that will accomplish some good, that will relieve the people of the robbery being perpetrated on them, one that the Supreme Court will sustain; and hence we have been offering amendments and suggestions with reference to the subject.

The measure which I have offered I believe to be clear of any constitutional objection. I believe it would be sustained by the Supreme Court. It co-operates with the States, it invokes the power and authority of the States in their own behalf, and does not act upon a State except in aid of her own action.

If there is a State that has not acted, the people of that State will see that they should act in order to get the benefit of the protection of this law if it shall be passed by Congress. If they want the protection they will enact statutes on this subject.

We have all seen that Congress has not the power to deal fully with this subject. My amendment exhausts the power of Congress, and then uses all the aid the States can give in order to carry out its purpose.

Mr. BLAIR. May I ask the Senator a question?

Mr. COKE. Certainly.

Mr. BLAIR. The Senator claims that his bill, or amendment, is stronger than that of his colleague. I understood him to say so.

Mr. COKE. I think so.

Mr. BLAIR. The suggestion I make is that, if the Senator says his colleague's bill is infinitely stronger than that of the Senator from Ohio, I should like to know how his can be any stronger than his colleague's.

There is another question. I should like to know whether in striking out it strikes out all but the amendment of the Senator from Kansas. If so, what, then, will become of the proviso of the Senator from Ohio, exempting the farmers from prosecution for combinations and trusts and the like?

Mr. COKE. We will not strike that out. I did not propose to strike that out.

Mr. BLAIR. I thought the line was very strictly drawn.

Mr. COKE. I say my colleague's bill is stronger than that of the Senator from Ohio. I regard the bill of the Senator from Ohio as being almost without a clause for its enforcement.

The last section of his bill reads thus:

Sec. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States of competent jurisdiction, without respect to the amount involved, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

How would a citizen who has been plundered in his family consumption of sugar by the sugar trust, or in his consumption of cotton-bagging under the trust covering that indispensable article, or in his consumption of iron or steel by the iron and steel trust recover his damages under that clause? It is simply an impossible remedy offered him. The bill is as vague as the world.

Mr. BLAIR. Without form and void?

Mr. COKE. I do not believe that a recovery can be had under it. It is a wasp without a sting; it is a law without a clause for its enforcement. If the party damaged, as has been said heretofore in this debate, were a great corporation, a wealthy association, it could employ lawyers and perhaps be able to show some direct damage, but how could the consumers of the articles produced by these trusts, the great mass of our people—the individuals—go about showing the damages they had suffered?

How would they establish the damage which they had sustained so as to get a judgment under this bill? I do not believe they could do it. I do not believe it is possible to do it. I think the constituents of all of us, the consumers of products which are raised and manufactured in this country, would be absolutely without a remedy under the bill of the Senator from Ohio. The bill of my colleague is more specific and contains clauses under which it can be strictly and fully enforced if the courts should hold it constitutional. But, as I remarked before, I do not think that either of these bills is constitutional and I have offered this amendment hoping that it may be adopted. If it shall be adopted, I shall move to strike out—

The PRESIDING OFFICER. The Chair will suggest to the Senator that if he desires to move to strike out all of the bill after the enacting clause down to a particular line of a particular clause, and in lieu thereof to insert his amendment, the Chair thinks that would be in order.

Mr. COKE. Then I make the motion to strike out as indicated in the beginning of my remarks.

Mr. HOAR. What is the question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas [Mr. COKE] to strike out all of the original bill after the enacting clause and the amendments heretofore adopted, except that offered by the Senator from Kansas [Mr. INGALLS], and insert the amendment last read in lieu thereof.

Mr. COKE. I do not mean to strike out the proviso adopted on the motion of the Senator from Ohio [Mr. SHERMAN].

Mr. SHERMAN. I move that the amendment lie on the table.

Mr. REAGAN. I should be glad if the Senator from Ohio would allow me to say a few words. I do not want to tax the Senate, but I should like a minute or two, and then I will yield to the Senator to renew his motion.

Mr. SHERMAN. I should like a minute or two myself to say something on the amendment, but if I yield to the Senator from Texas I shall be compelled to yield to others. So I must insist on the motion.

The PRESIDING OFFICER. The Senator from Ohio declines to yield. The question is on the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Texas [Mr. COKE], which is to strike out all of the original bill and the amendments heretofore adopted, except that offered by the Senator from Kansas [Mr. INGALLS] and the amendment offered by the Senator from Ohio [Mr. SHERMAN], and insert the amendment of the Senator from Texas.

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

Mr. COKE. I ask the Senator from Ohio to give us a square vote on my proposition.

Mr. SHERMAN. A square vote can be had on the motion to lay on the table.

Mr. COKE. Very well.

The PRESIDING OFFICER. The Chair would suggest that it is impossible to take a vote including the amendment in reference to arrangements, combinations, etc., because it comes in the middle of the original bill in such a way that it can not be touched.

Mr. HARRIS. The suggestion of the Chair is quite right, but I desire to suggest that the Senator from Texas can not exclude if he moves to strike out all of the original bill, but he may afterwards amend, if his amendment is agreed to, in the Senate, so as to insert that language.

Mr. COKE. Very well, then; I accept the suggestion of the gentleman from Tennessee, and if my motion prevails I shall move in the Senate to restore the proviso offered by the Senator from Ohio.

The PRESIDING OFFICER. The motion is to strike out all of the bill down to the amendment of the Senator from Kansas [Mr. INGALLS] and insert the following—

Mr. FRYE. That has been read.

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

The yeas and nays were ordered.

Mr. SHERMAN. The motion is to lay the amendment on the table.

The PRESIDING OFFICER. The Senator is correct. The motion is to lay the amendment on the table. The Secretary will call the roll on that motion.

The Secretary proceeded to call the roll.

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

Mr. DOLPH (when his name was called). I again announce my pair with the senior Senator from Georgia [Mr. BROWN]. I should vote in favor of the motion if he were present.

Mr. FAULKNER (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. QUAY] to the senior Senator from Florida [Mr. CALL], and vote "nay."

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES], or I should vote "yea."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). As stated by the Senator from New York [Mr. HISCOCK], my colleague [Mr. JONES] is paired with that Senator. My colleague would vote "nay" if present.

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "nay."

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. PADDOCK. The Senator from Michigan [Mr. MCMILLAN] is paired with the Senator from Louisiana [Mr. EUSTIS] by the transfer of pairs.

Mr. FRYE. My colleague [Mr. HALE] is necessarily detained from the Chamber, and is paired with the Senator from Kentucky [Mr. BECK].

Mr. SAWYER. I reserved the right to vote to make a quorum. I understand a quorum has not yet voted, and I therefore vote "yea."

Mr. HISCOCK. I suggest to the Senator from Arkansas [Mr. BERRY] that the pair between his colleague and myself be transferred, if there is no objection.

Mr. BERRY. I have no objection to the transfer.

Mr. HISCOCK. I transfer my pair with the Senator from Arkansas [Mr. JONES] to—with whom is the Senator from Florida [Mr. PASCO] paired?

Mr. PASCO. I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. HISCOCK. I transfer my pair with the Senator from Arkansas [Mr. JONES] to the Senator from Illinois [Mr. FARWELL] and vote "yea."

Mr. PASCO. Under that arrangement I am at liberty to vote. I vote "nay."

The PRESIDING OFFICER, Mr. CULLOM (after having voted in the affirmative). The present occupant of the chair was paired with the Senator from Delaware [Mr. GRAY] whom he does not see present, and he will therefore withdraw his vote.

The result was announced—yeas 26, nays 16; as follows:

YEAS—26.

Aldrich,  
Allen,  
Allison,  
Blair,  
Chandler,  
Davis,  
Frye,

Hawley,  
Higgins,  
Hiscock,  
Hoar,  
McPherson,  
Manderson,  
Mitchell,

Moody,  
Morrill,  
Paddock,  
Pierce,  
Reagan,  
Sawyer,  
Sherman,

Spooner,  
Stewart,  
Teller,  
Washburn,  
Wilson of Iowa,

## NAYS—16.

Bate,  
Berry,  
Blackburn,  
Cockrell,

Coke,  
Faulkner,  
George,  
Gorman,

Harris,  
Pasco,  
Pugh,  
Turpie,

Vance,  
Vest,  
Walthall,  
Wilson of Md.

## ABSENT—40.

Barbour,  
Beck,  
Blodgett,  
Brown,  
Butler,  
Call,  
Cameron,  
Casey,  
Colquitt,  
Cullom,

Daniel,  
Dawes,  
Dixon,  
Dolph,  
Edmunds,  
Eustis,  
Everts,  
Farwell,  
Gibson,  
Gray,

Hale,  
Hampton,  
Hearst,  
Ingalls,  
Jones of Arkansas,  
Jones of Nevada,  
Kenna,  
McMillan,  
Morgan,  
Payne,

Pettigrew,  
Platt,  
Plumb,  
Quay,  
Ransom,  
Squire,  
Stanford,  
Stockbridge,  
Voorhees,  
Wolcott.

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments in Committee of the Whole?

Mr. GEORGE. Mr. President, I gave notice of an amendment and had it printed, which I intended to offer, but substantially the proposition of that amendment is contained in the amendment of the Senator from Texas [Mr. COKE], and as that has been voted down I do not wish to detain the Senate by offering the amendment of which I gave notice.

Mr. STEWART. I offer an amendment to come in in section 1, line 20, after the word "articles," by inserting "or of the value of money by which such cost may be advanced or reduced."

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 1, line 20, after the word "articles," it is proposed to insert:

Or of the value of money by which such cost may be advanced or reduced.

Mr. HOAR. I move to amend, and give notice of a motion to amend, after the word "money," by inserting "or of gold or silver."

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to.

Mr. PLATT. What is the question?

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nevada [Mr. STEWART]. The Secretary will again report the amendment.

Mr. PLATT. An amendment has been offered to that amendment.

Mr. HOAR. Has the Chair stated the question on my amendment to the amendment of the Senator from Nevada?

Mr. STEWART. I wish to make a remark in regard to my amendment. It is offered in as good faith as anything in this bill. Every time there is a scheme to affect the price of products, the first thing that is done is for the operators to form a combination to borrow the money from the banks, lock it up, and so make money tight, and they make it a regular business in every gambling center in the United States by forming combinations of that character.

The PRESIDING OFFICER. The amendment to the amendment offered by the Senator from Massachusetts [Mr. HOAR] will be stated.

The CHIEF CLERK. In the proposed amendment, after the word "money," it is moved to insert "or of gold or silver."

Mr. HARRIS. Let the whole amendment be read, as it will be if amended as proposed by the Senator from Massachusetts.

The PRESIDING OFFICER. The amendment as proposed to be amended will be read.

The CHIEF CLERK. In the proposed amendment, after the word "money," it is proposed to insert the words "or of gold or silver;" so that the amendment as amended will read:

Or of the value of money or of gold or silver by which such cost may be advanced or reduced.

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

Mr. STEWART. I think that confuses it. My amendment is simply directed against combinations in money for the purpose of affecting prices as part of a gambling scheme.

Mr. HOAR. Will the Senator from Nevada inform the Senate why an unlawful combination of this kind to raise the price of gold or silver is not as reprehensible as anything in this bill?

Mr. PLATT. That is already in the bill.

Mr. STEWART. But it appears that the Government by law is engaged in raising the price of gold and depressing the price of silver. You will have to make it unlawful for the United States to do that.

The PRESIDING OFFICER. The first question is on the amendment offered by the Senator from Massachusetts.

Mr. ALLISON. I do not think there is any serious objection to advancing the price of silver, if we can. I should like to see both gold and silver at par with each other. I think, perhaps, that the Senator from Massachusetts would strike out silver and let it stand upon the advance of gold.

Mr. ALDRICH. A combination to decrease the price of silver, it may be.

Mr. ALLISON. Not the amendment as proposed.

Mr. ALDRICH. As I understand the proposition—

Mr. INGALLS. Let us hear it read again.

The PRESIDING OFFICER. The reading of the amendment offered by the Senator from Massachusetts is again called for.

The CHIEF CLERK. In the proposed amendment, after the word "money," it is proposed to insert "or of gold or silver," so as to read: Of the value of money or of gold or silver by which such cost may be advanced or reduced.

Mr. TELLER. Mr. President, it is quite evident that we can not finish this bill to-night, and I move that the Senate do now adjourn.

Mr. SPOONER. I ask the Senator to yield to me to have an order made that this bill and the amendments may be printed.

Mr. TELLER. I will yield for anything of that kind.

Mr. SHERMAN. Before the motion to adjourn is put, I ask unanimous consent to fix an hour to-morrow when the final vote shall be taken on this bill.

The PRESIDING OFFICER. The Senator from Ohio, who has the bill in charge, asks that an hour may be fixed to-morrow when the vote shall be taken.

Mr. INGALLS and others. Say 3 o'clock.

Mr. HARRIS. I do not think it probable that the Senate is going to agree to take the final vote at any particular hour, but I was thinking of appealing to the Senator from Ohio to consent that this bill may be printed as amended, so that on to-morrow we can see exactly what we have done and how the bill stands as amended.

Mr. SHERMAN. The order to print has already been made, as I understand.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] has asked that the bill may be printed with the amendments. That order will be made, if there be no objection.

Mr. SHERMAN. I have no objection to having the bill and amendments printed, but I hope the Senate will be ready to say that at a certain hour to-morrow the debate shall close and the vote be taken.

Mr. HARRIS. So far as I am personally concerned, I shall be ready to vote at any hour to-morrow or any other day, but there are various Senators who may perhaps desire to make suggestions, and the suggestions I have heard made I have found profitable, and I am not unwilling to listen to them.

Mr. SHERMAN. I give notice, then, as I can not do anything more now, that after the morning business to-morrow I shall appeal to the Senate to finish this bill as soon as possible.

Mr. TELLER. I insist on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 26, 1890, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

TUESDAY, March 25, 1890.

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

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

## PURSUIT OF HOSTILE INDIANS, ETC.

The SPEAKER laid before the House the following message of the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 8th instant, in relation to the employment by the regular Army of the United States of Indian scouts for the purpose of pursuing hostile Indians in their raids in the territory of the United States and Mexico, and in regard to the proposed transfer of the Apache Chiricahua Indians from Mount Vernon Barracks, Alabama, to Fort Sill, Indian Territory, I transmit herewith a communication from the Secretary of State on the subject, together with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, March 24, 1890.

## ADDITIONAL LAND OFFICES IN MONTANA.

The SPEAKER also laid before the House the following amendment of the Senate to the bill (H. R. 525) to establish two additional land offices in the State of Montana:

On page 2, line 18, after "the," insert "town."

Mr. CARTER. I move that the House concur in this amendment.

The amendment was concurred in.

## LEAVE OF ABSENCE.

Mr. WADE, by unanimous consent, obtained leave of absence for ten days, on account of sickness in his family.

## HEIRS OF JOHN JONES AND OTHERS.

The SPEAKER. The Chair desires to lay before the House a bill which was sent for by resolution of the House, having been erroneously sent to the Senate without having been passed by the House. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 2239) for the relief of the heirs of John H. Jones and of the heirs of Thomas D. Harris.

The SPEAKER. The engrossed bill will now be destroyed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments in which concurrence was requested, the bill (H. R. 533) for the erection of a public building at Fremont, Nebr., asked a conference with the House thereon, and had appointed Mr. SPOONER, Mr. MORRILL, and Mr. VEST as conferees on the part of the Senate.

It also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 7496) to provide for certain of the most urgent deficiencies of the Government for the fiscal year ending June 30, 1890, and for other purposes, disagreed to the amendment of the House to the amendment of the Senate numbered 55, and asked a conference with the House on said bill, and had appointed Messrs. HALE, ALLISON, and COCKRELL managers at such conference on the part of the Senate.

PROPOSED WORLD'S EXPOSITION.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I call up the special order fixed for this day.

The SPEAKER. The Clerk will read the special order.

The Clerk read as follows:

*Resolved*, That Tuesday, March 25, immediately after the approval of the Journal, be set apart for the consideration in the House of the bill (H. R. 8393) to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois. And that, unless previously ordered by the House, the previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 4 o'clock p. m. of that day.

Mr. CANDLER, of Massachusetts. As will be seen, Mr. Speaker, the resolution suggests that the previous question shall be considered as ordered at 4 o'clock, unless the House shall take action at an earlier hour thereon, and the committee have concluded that they would suggest a division of the time—about three and a half hours that remain of the discussion to-day—to be divided equally, one half under the control of the chairman of the committee and the other under the control of the gentleman from New York [Mr. FLOWER], there being about an hour and three-quarters on either side.

The SPEAKER. The Chair desires to ask the gentleman from Massachusetts if the bill which is now presented for consideration has yet been read in the House.

Mr. CANDLER, of Massachusetts. I call for the reading of the bill.

The SPEAKER. The bill should be read.

The bill was read, as follows:

Whereas it is fit and appropriate that the four hundredth anniversary of the discovery of America be commemorated by an exhibition of the resources of the United States of America, their development, and of the progress of civilization in the New World; and

Whereas such an exhibition should be of a national and international character, so that not only the people of our Union and this continent, but those of all nations as well, can participate, and should therefore have the sanction of the Congress of the United States: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That an exhibition of arts, industries, manufactures, and products of the soil, mine, and sea shall be inaugurated in the year 1892 in the city of Chicago, in the State of Illinois, as hereinafter provided.

Sec. 2. That a commission, to consist of two commissioners from each State and Territory of the United States and from the District of Columbia and eight commissioners at large, is hereby constituted to be designated as the World's Columbian Commission.

Sec. 3. That said commissioners, two from each State and Territory, shall be appointed within thirty days from the passage of this act by the President of the United States, on the nomination of the governors of the States and Territories, respectively, and by the President eight commissioners at large and two from the District of Columbia; and in the same manner and within the same time there shall be appointed two alternate commissioners from each State and Territory of the United States and the District of Columbia and eight alternate commissioners at large, who shall assume and perform the duties of such commissioner or commissioners as may be unable to attend the meetings of the said commission; and in such nominations and appointments each of the two leading political parties shall be equally represented. Vacancies in the commission nominated by the governors of the several States and Territories, respectively, and also vacancies in the commission at large and from the District of Columbia may be filled in the same manner and under the same conditions as provided herein for their original appointment.

Sec. 4. That the Secretary of State of the United States shall, immediately after the passage of this act, notify the governors of the several States and Territories, respectively, thereof and request such nominations to be made. The commissioners so appointed shall be called together by the Secretary of State of the United States in the city of Chicago, by notice to the commissioners, as soon as convenient after the appointment of said commissioners, and within thirty days thereafter. The said commissioners, at said first meeting, shall organize by the election of such officers and the appointment of such committees as they may deem expedient, and for this purpose the commissioners present at said meeting shall constitute a quorum.

Sec. 5. That said commission be empowered in its discretion to accept for the purposes of the World's Columbian Exposition such site as may be selected and offered and such plans and specifications of buildings to be erected for such purpose at the expense of and tendered by the corporation organized under the laws of the State of Illinois, known as "The World's Exposition of 1892." *Provided*, That said site so tendered and the buildings proposed to be erected thereon shall be deemed by said commission adequate to the purposes of said exposition: *And provided*, That said commission shall be satisfied that the said corporation has an actual bona fide and valid subscription to its capital stock of at least \$5,000,000, of which not less than \$500,000 shall have been paid in, and that the further sum of \$5,000,000, making in all \$10,000,000, will be provided by said corporation in ample time for its useful use during the prosecution of the work for the complete preparation for said exposition.

Sec. 6. That the said commission shall allot space for exhibitors, prepare a classification of exhibits, determine the plan and scope of the exposition, and

shall appoint all judges and examiners for the exposition, award all premiums, if any, and generally have charge of all intercourse with the exhibitors and the representatives of foreign nations.

Sec. 7. That after the plans for said exposition shall be prepared by said corporation and approved by said commission, the rules and regulations of said corporation governing rates for entrance and admission fees, or otherwise affecting the rights, privileges, or interests of the exhibitors or of the public, shall be fixed or established by said corporation, subject, however, to such modification, if any, as may be imposed by a majority of said commissioners.

Sec. 8. That the said commission shall provide for the dedication of the buildings of the World's Columbian Exposition in said city of Chicago on the 30th day of April, 1892, the one hundred and third anniversary of the inauguration of George Washington as first President of the United States, with appropriate ceremonies, and that the said exposition shall close on the 20th day of October, 1892.

Sec. 9. That whenever the President of the United States shall be notified by the commission that provision has been made for grounds and buildings for the uses herein provided for and there has also been filed with him by the said corporation known as "The World's Exposition of 1892" satisfactory proof that a sum not less than \$10,000,000, to be used and expended for the purposes of the exposition herein authorized, has in fact been raised or provided for by subscription or other legally binding means, he shall be authorized, through the Department of State, to make proclamation of the same, setting forth the time at which the exposition will open and close, and the place at which it will be held; and he shall communicate to the diplomatic representatives of foreign nations copies of the same, together with such regulations as may be adopted by the commission, for publication in their respective countries, and he shall, in behalf of the Government and people, invite foreign nations to take part in the said exposition and appoint representatives thereto.

Sec. 10. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell for delivery at the close of the exposition any goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulations for the security of the revenue and for the collection of the import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles when sold or withdrawn for consumption in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles, and against the persons who may be guilty of any illegal sale or withdrawal.

Sec. 11. That the sum of \$20,000, or as much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the remainder of the present fiscal year and for the fiscal year ending June 30, 1891, to be expended under the direction of the Secretary of the Treasury for purposes connected with the admission of foreign goods to said exhibition.

Sec. 12. That it shall be the duty of the commission to make report, from time to time, to the President of the United States of the progress of the work, and, in a final report, present a full exhibit of the results of the exposition.

Sec. 13. That the commission hereby authorized shall exist no longer than until the 1st day of January, 1898.

Sec. 14. That the United States shall not in any manner, nor under any circumstances, be liable for any of the acts, doings, proceedings, or representations of the said corporation organized under the laws of the State of Illinois, its officers, agents, servants, or employés, or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employés, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation or accruing by reason of the same.

Sec. 15. That there shall be exhibited at said exposition by the Government of the United States from its Executive Departments, the Smithsonian Institution, the United States Fish Commission, and the National Museum, such articles and materials as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and to secure a complete and harmonious arrangement of such a Government exhibit, a board shall be created to be charged with the selection, preparation, arrangement, safe-keeping, and exhibition of such articles and materials as the heads of the several Departments and the directors of the Smithsonian Institution and National Museum may respectively decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one person to be named by the head of each Executive Department and one by the directors of the Smithsonian Institution and National Museum, such selections to be approved by the President of the United States. The President shall name the chairman of said board, and the board itself shall select such other officers as it may deem necessary.

That the Secretary of the Treasury is hereby authorized and directed to place on exhibition, upon such grounds as shall be allotted for the purpose, one of the life-saving stations authorized to be constructed on the coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in all life-saving stations in the United States, said building and apparatus to be removed at the close of the exhibition and re-erected at the place now authorized by law.

Sec. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the World's Columbian Exposition for the Government exhibits, as provided in this act, and he is hereby authorized and directed to contract therefor, in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of \$400,000. And for the remainder of the fiscal year and for the fiscal year ending June 30, 1891, there is hereby appropriated for said building or buildings, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000.

Sec. 17. That for the purpose of paying the expenses of transportation, care, and custody of exhibits by the Government, and the maintenance of the building or buildings hereinbefore provided for, and the safe return of articles belonging to the said Government exhibit, and for the expenses of the commission created by this act, and other contingent expenses, to be approved by the Secretary of the Treasury, upon itemized accounts and vouchers, there is hereby appropriated for the remainder of this fiscal year and for the fiscal year ending June 30, 1891, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary: *Provided*, That the United States shall not be liable, on account of the erection of buildings, expenses of the commission or any of its officers or employés, or on account of any expenses incident to or growing out of said exposition, for a sum exceeding in the aggregate \$1,500,000.

Sec. 18. That the commissioners and alternate commissioners appointed under this act shall not be entitled to any compensation for their services out of the Treasury of the United States, except their actual expenses for transportation and the sum of \$6 per day for subsistence for each day they are necessarily absent from their homes on the business of said commission. The officers of said

commission shall receive such compensation as may be fixed by said commission, subject to the approval of the Secretary of the Treasury, which shall be paid out of the sums appropriated by Congress in aid of such exposition.

Sec. 19. That nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said commission in excess of appropriations made by Congress therefor.

Sec. 20. That nothing in this act shall be so construed as to override or interfere with the laws of any State, and all contracts made in any State for the purposes of the exhibition shall be subject to the laws thereof.

Sec. 21. That no member of said commission, whether an officer or otherwise, shall be personally liable for any debt or obligation which may be created or incurred by the said commission.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I have two amendments to submit, amendments which have been unanimously recommended by the committee, and to which I think there will be no objection in the House. The first amendment is to add to section 6 of the bill what I send to the desk.

The Clerk read as follows:

And said commission is authorized and required to appoint a board of lady managers of such number and to perform such duties as may be prescribed by said commission. Said board may appoint one or more members of all committees authorized to award prizes for exhibits which may be produced in whole or in part by female labor.

The amendment was adopted.

Mr. CANDLER, of Massachusetts. I now move to amend section 15 by inserting, after the word "Museum," in line 20, the words "and one by the Fish Commission."

The amendment was adopted.

Mr. CANDLER, of Massachusetts. Mr. Speaker, when the Committee on the proposed World's Fair opened the debate upon this important subject, in the discussion of the original resolution that the House should select a site to hold the great exposition of 1892, I said substantially that it seemed to the committee that the rivalry between the three competing cities was an honor to the country.

I did not regard it as a rivalry between these cities for the privileges that might accrue to them in the local or material advancements of property or the increase of their material interests which would follow, although I believed that was a matter of great consequence to them. I believed that underlying their rivalry there was a spirit of patriotism, a public spirit, which implied a determination, not only to celebrate this commemoration of the four hundredth anniversary of the discovery of America, not only to celebrate that, but to win honor and distinction for their city and the country in giving to us and to the world at large a celebration that would be worthy of the great discovery and of that great discoverer and his name, Christopher Columbus, and also worthy of the continent which he gave to us and to all future time.

And, Mr. Speaker, I was not influenced in the judgment and statement, believing that I had the gift of prophecy. My opinion was founded upon their record in the past when I stated that I believed either one of the cities competing for this distinction that should be selected would prove equal to the great undertaking and would feel bound in honor to discharge every promise that had been made or implied in the debate on the general discussion of the question.

Now, as this committee comes before the House to-day to ask a final vote upon this important measure, it is a great satisfaction to open the debate by the statement that the city of Chicago, which was selected by the House as the place in which the fair should be held, has proved before the committee equal to all that was implied or expected of them or any other city that should be selected for this purpose. We have found in the hearing that we have had in the investigation before the committee that Chicago not only comprehended the importance and magnitude of the enterprise, but that she entered into it with a determined spirit, and impressed this committee that she would be successful in carrying out the undertaking.

Mr. Speaker, the bill which we submit to-day is the bill (H. R. 8393) presented as a substitute for House bill No. 6883. The bill is somewhat changed by consultations which we have had with the gentlemen from the city that was selected. The original bill was intended to cover the requirements of either one of the three cities; but it was stated at that time that we believed it would be necessary to insert some details after consultation with the representatives of the city that should be finally chosen. In this bill No. 8393 we do present some changes for your consideration. And, Mr. Speaker, we believe that the changes thus made are in the line of good legislation, and that we present a better bill for the consideration of the House, meeting some of the objections which have been presented before the House, and which objections have been covered by the provisions of the bill.

This bill which we now present increases the commissioners to be appointed from the different States from one to two from each State and Territory and eight at large. This is embodied in the second section of the bill.

In the third section we dispense with the proposed United States corporation, which it was suggested should be created and given power under the law; and it is stipulated also that the commissioners that are appointed shall be chosen equally from the two leading political parties of the country.

As we proceed, in the fourth section there is no essential change, ex-

cept as to the question of a quorum after the first meeting, it being limited to the number present at that time. Provision is here made for the notification of the governors of the passage of the bill.

In the fifth section the commission, in place of acting as a corporation under the United States law, as in the previous bill, is authorized to accept for the World's Columbian Exposition the site, plans, and specifications of the buildings to be erected and tendered by the corporation created under the laws of the State of Illinois, known as the "World's Exposition of 1892."

The committee, in presenting this section, recognize the objections which have been made upon the floor of the House to a corporation under the United States laws. It is due to the city of Chicago to say at this time that the spirit of the Representatives from that city was to meet every objection from all sections of the country in the most liberal spirit that they could possibly meet by any action of theirs.

This suggestion to utilize a corporation of the State of Illinois, in place of calling upon this House to enact a law for a national corporation, came from the city of Chicago and was accepted by this committee as a wise suggestion. I will state to the House that this city has offered not only a generous contribution, but that it has desired to meet the views of the most conservative Representatives of the Fifty-first Congress.

Mr. Speaker, I believe that we have inaugurated possibly a plan of operation that in the future will be of advantage to this country, for I consider that great national and international exhibitions will be one of the eventful features of the development of the future of different nations. It is not a new thing; it is not an experiment with us, to give the indorsement of this House to national expositions. For a hundred years these expositions have been held in the old country and in this at different times. In 1798 France held her first exposition in Paris. And to show how the indorsement of it has been made year after year, or decade after decade, by different countries, to show how the spirit and the development of great expositions are exemplifying the fact that they must have been of public benefit, I will state there were 110 exhibitors in the first exposition in 1798 and there were 60,000 in the exposition in Philadelphia in 1876. From the earliest time in the different States and countries, they have called their people together to meet at their fairs and expositions, that they might show each their wares and become better acquainted with each other.

Mr. HERBERT. Will the gentleman allow me a question?

Mr. CANDLER. Yes, sir.

Mr. HERBERT. When did this Government first make an appropriation for a world's fair?

Mr. CANDLER. I think the first appropriation was made in 1876; but I will answer the gentleman's question, and I will call attention to the fact that it has been the policy of the Government in the North and the South to make appropriations for national and international expositions.

In 1876 they made a contribution to the city of Philadelphia to celebrate a great national event. Later they made a contribution for the city of New Orleans and the city of Atlanta; and, Mr. Speaker, I am glad the gentleman asks me the question. It has been suggested outside and on the floor of this House that we had the right to call upon our friends from the other side of the House and from the Southern section of the country to recognize the generosity of the other sections of the nation in contributing \$1,650,000 to the fair held in the State of Louisiana.

Mr. Speaker, I shall not make any appeal to the gentlemen who represent the Southern States of this country to support this bill because this House and this nation has at a preceding time generously contributed to them.

I shall advocate the passage of this bill on its merits, because it is a wise and patriotic thing to do. I will say further that had I been in this House then I should have voted to give to the State of Louisiana and the city of New Orleans for the fair the contribution which was made. I believed then, and I believe now, that it was constitutional, and in the bill which we originally presented we believed we presented a constitutional bill. I shall not make an argument on that. I will say I believe for one that was a wise and patriotic contribution. Though I differ with the gentlemen from the South on questions of public policy and politics, I admire the spirit that prompted them to endeavor to have a great national fair to attract attention in this country and the world to their struggles for prosperity and for the development of the resources of their section.

I go further than that, Mr. Speaker. I am not one of those who believe that the brightest pages in the history of the past thirty years will be found recorded in their battle-roll or in their records of the war, with all its strife and cruelty. However brave, however glorious, however much to be admired may have been their bravery on the battlefield, there will be brighter pages in the history of this past thirty years than those that tell of victories in the war of the rebellion. It will be illustrated by the struggles you have made and the indomitable spirit which the Southern people have shown when they in their sorrow and desolation turned their faces to the coming day from the darkness of the night and entered in the struggle for the prosperity which was due to them. I believe that will be the brightest period in that history, and

will show the fortitude and courage that they developed. It is a credit to them and it is an honor to us as a part of the common history of the country. I shall not, I say, appeal to the gentlemen from that section of this country in the House to vote for this bill because they have had a generous contribution. I shall ask them to vote for it upon its merits.

Mr. KILGORE. I would like to ask the gentleman from Massachusetts a question. He talks about a contribution having been made to Philadelphia for the celebration in 1876. Now, is not the fact that that was a loan to Philadelphia and that it has been paid back?

Mr. CANDLER, of Massachusetts. Part of it.

Mr. KILGORE. Was it not all paid back?

Mr. CANDLER, of Massachusetts. No, sir.

Mr. KILGORE. Did they not have the use of it and were they not then required to return it?

Mr. CANDLER, of Massachusetts. A loan of \$2,250,000 was made to Philadelphia, and \$1,600,000 was paid back.

Mr. KILGORE. Well, now, is it not the fact that it was not intended to be a contribution to New Orleans? Was it not intended to be nothing but a loan, but by reason of the loose manner in which the loan was contracted New Orleans beat the Government of the United States out of the money?

Mr. CANDLER, of Massachusetts. Mr. Speaker, I do not wish to enter into a discussion as to whether New Orleans beat the United States out of money or not. I am calling attention to the fact that a contribution was made. I admire the enterprise of the South for asking for it and trying, when her people had been so heavily burdened, to have an exposition made before the country of what her resources were.

Mr. KILGORE. It was a loan. That is what I am getting at.

Mr. CANDLER, of Massachusetts. I do not care whether it was a loan or not. I believe that if it was a loan and if they had come successfully out of the struggles which they have had to undergo and were as rich as Chicago is, they would have paid the loan. At all events, it was money well invested for the benefit of the whole country. Not only is this bill conservatively drawn; not only are the committee satisfied that there is a bona fide subscription, a subscription of \$5,000,000 that will be paid, but they are satisfied that the city of Chicago has done more than we expected, when we brought in our original bill, from either of the cities, in agreeing that her contribution shall be \$10,000,000. And, Mr. Speaker, in reply to the gentleman from Texas I wish to accent that statement. I wish to call the attention of the House to the fact that no fair has ever been proposed in this country or any other for which was provided so large a sum to insure success and to insure the meeting of every obligation as this fair which we now propose.

We have learned something from the experience of the past. I honor the city of Philadelphia for the effort which she made to have the great fair of 1876, but there was not enough money provided for that great undertaking. Only \$3,000,000 was originally in sight as a fund with which to pay the expenses of that great fair. In New Orleans they subscribed less than \$1,000,000, and we have learned the lesson, and the city of Chicago, comprehending the magnitude of this great undertaking, has realized that to make it a success, not only before the people of the United States, but before the people of the world, she should have \$10,000,000, a sum more than a million and a half larger than the fund for the French fair. And once more I repeat, the difficulty with the fairs that have preceded this has been that their promoters did not originally supply a sufficient amount of money to place the enterprise beyond question as to financial results.

In regard to the fifth section, I will call attention to another conservative element in this bill. We have examined on the part of the committee everything bearing upon the subscription of \$5,000,000 and the guaranty of \$5,000,000 more, and we feel that every reasonable assurance has been given that the money will be raised. We would call attention also to the fact that, as a business proposition, \$5,000,000 is sufficient to guaranty the success of the fair, and that the receipts will almost certainly be sufficient to discharge every obligation without calling upon the Government or any one else. The assurance has been given to us by citizens of Chicago who are entitled to the confidence of this House and of the country that they will raise \$10,000,000. The case can be clearly comprehended from the report which we have submitted, and it does not seem to me to be my duty at this time to anticipate the discussion of that report which will be made in this debate.

In this bill we have not only endeavored to meet the objection of gentlemen who are opposed to a national corporation, we have not only examined and assured ourselves that this contribution is a bona fide one, but we have provided that this commission shall review the action of the committee, and shall go to Chicago to satisfy themselves that the contribution is bona fide and will be paid. And, Mr. Speaker, we go further than that, so as to meet the most conservative element in this House, and we provide that the President of the United States shall not issue his proclamation to invite other nations to take part in the fair, thus involving our national dignity and self-respect in this great undertaking, until he is satisfied that this contribution is a bona fide one and will be paid.

Under these circumstances it seems to me that it is due to the people

of the great city which has been chosen that we should not delay the indorsement which the Government of the United States is bound to give them, and that we should give them that assurance without delay, so that they may know on what basis to lay their plans for the future. I do not feel that it is my duty to enter into longer or wider discussion of the sentiment which underlies the question of holding the fair at all. I think this House can not forget the debate which we listened to here when the first report of the committee was made, because it was so national and patriotic and the question was so ably discussed that it must have left a marked impression upon this House and upon the country.

I believe that the gentlemen who made speeches here in favor of holding the fair, when we were selecting a site, were sincere and honest in what they said, and if that is the fact this bill must be passed not only by the votes of those who favored the selection of the city of Chicago, but by the votes of Representatives from every section of the country, including those from the different States which sought to have the fair located within their own borders. The committee feel that there is no longer any question about holding the fair, and that the only subject which we are bound to devote much time to in the discussion of this bill is the question of the proper conservative enactments and safeguards to be embodied in it.

And now, Mr. Speaker, I wish to offer another amendment, to be acted upon when the vote on the main question is taken. I will read the amendment now, because later I may not have an opportunity to explain it as I should like to do. The amendment is to strike out section 8 of the bill and to substitute therefor the following:

That said commission shall provide for the dedication of the buildings of the World's Columbian Exposition in said city of Chicago on the 12th day of April, 1892, with proper ceremonies, and that said exposition shall be opened to visitors not later than the 1st day of May, 1893, and shall be closed at such time as the commission may determine, but not later than the 30th day of October thereafter.

I do not offer this amendment from the committee; I offer it as a member of the committee. But, Mr. Speaker, I may say that it was discussed before we presented our original resolution. I believe that the duty of the committee is not only to present to the House a conservative bill which will command the confidence of the House, is not only to meet the wishes of the city of Chicago, but also to incorporate into this bill everything that it is believed will prove to the advantage of this great enterprise.

I believe that this amendment is an important one, not for the city of Chicago—she does not ask it—but for the exhibitors who may wish to take part in the exposition. I believed originally that it would be wiser to hold the opening ceremonies on the 12th day of October, 1892, so that we might fitly recognize the great commemorative event, but not to open the exhibition until the spring of 1893, and I believe that when gentlemen consider this amendment they will see the wisdom of it and will adopt it in the bill. I will send the amendment to the desk, to be acted upon at the proper time.

We have made, Mr. Speaker, some other changes in this bill—

Mr. ANDERSON, of Kansas. In connection with the remark of the gentleman in regard to amendments, I wish to say that I have an amendment to section 7; and I wish to inquire whether we are to be allowed to offer amendments.

Mr. CANDLER, of Massachusetts. Yes, sir; but I prefer the gentleman should offer the amendment in the time allotted for that purpose.

Mr. ANDERSON, of Kansas. Certainly. I simply wished to inquire whether opportunity will be afforded to offer amendments before the previous question operates.

Mr. CANDLER, of Massachusetts. Yes, sir; that is the intention of the committee.

Mr. Speaker, I will call attention again to the desire of this committee not only to present a bill that shall satisfy the most conservative judgment of the House in regard to a national corporation, the desire of the committee not only to feel an assurance on their own part of the genuineness of the contributions which are offered, but that there shall be checks upon their opinion by the action of the commissioners. I would like also to call attention to the fact that we limit the entire appropriation of the Government to the original sum of \$1,500,000, which is to pay the expenses of the Government exhibit, of the commission, of the part the Government takes in this great celebration in giving it recognition. As we studied the bill to put it in practical operation, we found it was not necessary that the whole amount of \$1,500,000 should be appropriated at this time.

After careful calculation we found that \$320,000 was, in our judgment, all that would be required until the close of the fiscal year of 1891. The appropriation that will be called for from this House will only amount until July, 1891, to \$320,000; and we continue to advocate as the limit of our appropriation the original sum, \$1,500,000.

Referring again, Mr. Speaker, to the contributions which have been made, referring again to the generosity and the magnitude of what Chicago has undertaken to present, it seems to me that \$1,500,000 on the part of the Government is not an extravagant appropriation. I believe the return of this expenditure will be in greater fold than that estimated by President Walker as the return from the exposition of

1876. He claimed that in thirteen years the Philadelphia exposition had returned a hundred-fold to the people of this country.

And, Mr. Speaker, I believe to-day, with the great advance in population, with the wonderful growth of the inventive genius of the country, with the enormous development of the resources of the United States, with your Birminghams and your Chattanoogaes to send up their contribution as an indication of what there is hidden beneath the rich soil of that as yet undeveloped section of our country—I believe that the return, as compared with the return from the Exposition of 1876, will be more than a hundred-fold.

Mr. O'NEILL, of Pennsylvania. I would like to interrupt the gentleman just one moment to ask a question.

Mr. CANDLER, of Massachusetts. Very well.

Mr. O'NEILL, of Pennsylvania. I ask the gentleman from Massachusetts, the chairman of this committee, to inform the House how much the Government appropriated for its own purposes to the Centennial of 1876. It seems to me that a million and a half of dollars is a very large sum; but perhaps after the lapse of sixteen years it is not too large a sum to make this exposition at Chicago a great success, a result which I want to see accomplished. But I would like the gentleman to state to the House how meager the appropriation of the Government was to the Centennial at Philadelphia.

I think a million and a half of dollars is not a very lucky amount, because some gentlemen from Illinois—Mr. SPRINGER, for instance—may perhaps after awhile endeavor to get this gift to the Chicago exposition paid back to the Government, just as Philadelphia was required to pay back the million and a half of dollars contributed at that time by the Government. The amount proposed for this appropriation, I repeat, is not a very lucky sum [laughter]; but I would like the gentleman to give to the House the information I have indicated.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I have already referred to Philadelphia, giving her, I think, sufficient credit for her patriotism. I do believe that the contribution to Philadelphia was less than it should have been. At the same time, desiring to meet the conservative element in this House, we took the basis of population, not the increase of wealth, and doubled it in arriving at the sum to be contributed toward this great fair, which in my judgment will exceed any fair that has ever been held in the world. A contribution of a million and a half of dollars from the Government of the United States to-day is not in proportion to the development which the United States Government has to show in her National Museum, in her Fish Commission, and in the display of the mineral wealth of the country.

Now, Mr. Speaker—and I thank the gentleman from Philadelphia for his suggestion—I wish to call attention to the Government's treasures in Washington. I know of no way to educate the people of these United States to a higher standard of enlightenment than by giving the millions of our population an opportunity to see the treasures of the Government. I do not believe in hiding those treasures even in the museum here, when this vast country has so many millions of people who can not come to the city of Washington. I believe in sending these treasures to the different sections of the country, and not only giving the people an opportunity to see them, but giving the intelligent press of the United States an opportunity to record a description of them; for even when the people do not see these treasures the impetus which this fair will give to the literature and the newspapers of the country will be a means of education to the people which can scarcely be estimated.

I will not enter into any further comparison between this fair and those that have been held in other countries. It is enough to repeat that the city of Chicago and the United States propose to devote more money to this fair than any country has heretofore devoted to such an enterprise. It is enough to say that no city has ever proffered honestly, or in any way, the amount which the city of Chicago offers to-day as its contribution to the fair. And, Mr. Speaker, I can not but believe that the American people will sustain the action of this House. We all believe in fair play; and when we see a city that commences as wisely and with as much enterprise as did the city of Chicago—beginning in September, 1889, the study of what was required and following it up by an intelligent commission, so that to-day she knows well what are the requirements of this great exposition—when we see a city beginning early and investigating the matter patiently and intelligently, and when she comes forward with this generosity to meet all the requirements of the fair, I can not but believe that this patriotic and intelligent House, the Representatives of the people, will indorse those efforts, and will, without delay, give the people of Chicago an opportunity to go on with this great work.

Mr. Speaker, one thing more. I do believe in this fair as a great advantage to every section of the country. I do not think that one section will be more benefited than another. I believe that it will be a means of education to the people. I believe it will be the means of developing and encouraging the inventive and industrial interests of the country. I believe it is in the right direction. I believe, as some one has well said, that in this country the "price of liberty" is not only "eternal vigilance," but constant progress; and this enterprise is in the line of progress.

I believe while we encourage the prosperity and elevate and instruct

and educate the people, every decade brings us nearer to a wise settlement of problems which are before us and which we have to meet. I believe this will give an impetus to the business prosperity of the country.

I believe that the millions that will be brought in here to be expended in this country will be of advantage to the people. I believe these contributions of the rich to pay the expenses of this great national exposition in the city of Chicago will not only prove of advantage to all the business and industrial interests of the country, but it will give employment to the toiling masses, and it will prove a blessing to the men who give from their abundant means for the purpose.

Mr. Speaker, I do believe each decade we can legislate for the prosperity of the country, every wise measure that passes this House that improves the condition of commerce and trade, that promotes prosperity, that fosters the varied interests of the country, is leading to higher and more enlightened position, is instructing us and improving the minds of the people to be qualified better to legislate on the great problems that confront us, of race and the struggle between capital and labor. And if we can succeed in keeping our country always marching onward to higher and better things we shall find the problems that look so difficult to-day will be settled for the country wisely and peacefully. [Applause.]

The SPEAKER. To whom does the gentleman yield?

Mr. CANDLER, of Massachusetts. I yield to my colleague [Mr. BELDEN] whatever time he desires.

Mr. BELDEN. Mr. Speaker, I wish to say New York accepted the decision of this House in regard to the location of the world's fair in good faith. She has since said not a word or performed an act to reverse that decision. But that does not prevent her Representatives upon this floor from insisting that there shall be incorporated in this bill such safeguards as will secure the success they expected to secure had the fair been located at New York instead of Chicago.

The vote of February 24 located the fair in Chicago; the next day the committee met and assigned the bill referred to them that day to a subcommittee consisting of the chairman, who has just spoken, and two members of the committee representing the city of Chicago, with instructions to make such amendments to the bill as the Chicago people desired and report it back to the full committee, with the proviso that they should offer such guaranties before reporting the bill as New York had offered when a candidate for the fair.

After nearly three weeks of herculean efforts on the part of Chicago, after telegraphing backwards and forwards, they called us together to read the bill to us. When it was presented we said, "We care not for particulars if they satisfy Chicago. What we want is the guaranty they promised us." Then we called upon them to show what they were to do; how they were to guaranty there should be no default of subscription; to produce the guaranty.

Lo and behold! they produce a paper marked Exhibit A, with some names on it, with no heading, with no subscription, with no statement in regard to it, but they said that represented the money that had been subscribed.

That purported subscription paper was in the hands of the gentleman from Illinois [Mr. SPRINGER]. We could have the privilege of seeing it. The committee was called together to look at it, but it was not for the public. There was no subscription for the public. There was a copy there. There was some one who brought it. I looked at that subscription, and the first name was E. St. John, \$395,000. I called upon the chairman to know what that meant, as I had heard only \$100,000 had been given in one subscription. He did not know, although he had prepared this wonderful report. He said that Chicago had done everything, but he did not know how the first subscription was there.

When I called upon Mr. SPRINGER for information in respect to the matter, he tells me that some railroad men had a meeting, at which meeting they resolved or said that they would raise \$395,000. They had not subscribed it and have not yet as far as I know; that is, there is no evidence of it, and I take it that it has not been done, because as a matter of fact I believe there was a dispute about it when they broke up. That is the way the subscription starts out.

But the next paper is Exhibit B, with another subscription, in which the number of subscribers is put at 1,778 and the amount subscribed \$614,770, in sums ranging from \$200 to \$1,000. On the back of this subscription is a memorandum that some one else has subscribed \$864,000, but who is not stated. We inquired who it was or what it was or how it was subscribed, and were informed that it was a subscription containing some 27,000 names, and it was too large and bulky to bring here to Washington. Not a name given, not a place of business mentioned, not a place where the subscriber lives, what he is worth, or anything whatever about it.

Now, that is a wonderful subscription and a remarkable evidence of the liberality on the part of Chicago, of which the chairman of the committee tells us so much—not a dollar of money subscribed or shown to the committee in any manner or shape. We have asked them to show it, and now I challenge them to show it.

It is easy enough, Mr. Speaker, to talk and say "We expect to be able to raise that sum," and telegrams are shown as to what they are doing out there, that "Chicago never fails," that she will be always

found up "square to the mark," that "we are with you," and so on. But is that what the House wants to frame a bill upon or make an appropriation upon? That is all you are presented with, however, nothing more nor less, and upon that you are asked to take action. To-day the gentleman from Illinois [Mr. SPRINGER] has in his possession that list of names, which, he says, is not for the public. Now, how are we to frame our bill or base our action unless we know the facts? How are we to know that they have made a subscription at all? Upon what basis are we to act?

But when New York was a candidate for this business she selected from her midst one hundred and three of the best names to be found in that State, men of wealth, men of distinction, men that all of you know. They subscribed over \$5,000,000 and gave their places of business, their residences, and brought their subscriptions before the Senate, and at that time the chairman asked Mr. Jefferys, who appeared for Chicago, if he would file their subscription? He says, "Oh, yes; if required." But he forgot, and three, no, four weeks ago yesterday the vote was taken on the bill, and yet not a dollar has been subscribed or a single dollar presented before the committee. Mr. HATCH and myself, as members of the committee, urged them to produce their subscription. We did not want to stand in the way of the fair, but to do all that Chicago wanted. But we must have something to go on. We wanted something to go back to the House with and show that we had protected the interests of the Government.

We asked them to have some proof exhibited of what they were doing, to give us the names of some of their prominent men; and we named some of their prominent men ourselves, men that we knew, being satisfied that if they would pledge their indorsements they could succeed in doing what we required and expected, and asked them to get these parties to telegraph to us if it was all right. But no, the chairman says, "We have got everything we want;" and they have nothing.

When New York came and asked the establishment of this fair in that city she brought a list of names; she came with the site selected; with the plans prepared. She came with fifty or sixty of the most respectable and reputable men, men of means, who pledged themselves before you to make this a success; told what their plans were; showed you their list of subscriptions; showed you their means; showed you their maps of the buildings and their subscription lists, and you considered it in the committee.

New York said that she did not want the fair unless it was to be the best and most complete that was ever held. She was determined that it should be so; and when she had over \$5,000,000 subscription guaranteed and brought here, we gave notice to the committee and to the House and to the world that unless we could have \$10,000,000 more we would not want the fair or ask it. And yet Chicago only brings this paper and nothing more. They telegraph you—

Mr. LAWLER. Would the gentleman allow an interruption at this point?

Mr. BELDEN. I will.

Mr. LAWLER. There are several gentlemen here now listening in compliment to Mr. BELDEN, and it is perfectly right and proper that they should, who will not be present perhaps when the various assertions he makes might be corrected. I wish to ask the gentleman if it is not a fact that some gentlemen of standing, financially and otherwise, came before that committee and satisfied a majority of the committee, at least, of the financial standing of the proposition to take and do what was right by the fair in Chicago? Secondly, I would like to ask—

Mr. BELDEN. Let me answer one question at a time. I say in answer to the gentleman that but three members of the committee, the chairman and the two Illinois members, had these people before them, and the other gentleman on the committee knew nothing about what they said. I am telling what was produced to the committee and nothing more.

Mr. LAWLER. Did you happen to be present and meet a gentleman named Lyman J. Gage and others from Chicago?

Mr. BELDEN. No, sir; I did not have that pleasure nor did the committee. It was only the members of the subcommittee.

Mr. ADAMS. But you might have had the opportunity if you had been here. Were you in the city at the time that these gentlemen were here?

Mr. BELDEN. They did not call the committee together at all.

Mr. ADAMS. But the gentleman from New York was in fact absent for ten days in New York when these gentlemen were here.

Mr. BELDEN. Was the committee called together at all, I ask the gentleman?

Mr. ADAMS. I am not finding fault with the gentleman, of course; but what I do say is that the gentleman was in fact absent from the city for ten days while Mr. Gage was here, and was ready to answer any questions that might have been propounded to him.

Mr. BELDEN. Was it my business as a committeeman to go to Mr. Gage to find out what he had to say? I say that he did not go to any member of this committee except these three, and that the committee was not called together.

Mr. ADAMS. But still the gentleman being absent could not have had an opportunity of meeting Mr. Gage.

Mr. BELDEN. It was not my place to hunt him up.

Mr. CUMMINGS. Who were the three members of the committee the gentleman refers to?

Mr. BELDEN. Mr. HITT, Mr. SPRINGER, and the chairman.

Mr. CUMMINGS. Were they the subcommittee?

Mr. BELDEN. They were the subcommittee.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of order. This is an important subject, and members would like very well to know what is going on. The House is not able to hear whether this a baseball club arguing with the umpire or what is going on, as nobody can hear anything. Being able to see is one thing and able to hear is another. [Laughter.]

The SPEAKER. The Chair thinks it understands the point of order.

Mr. HENDERSON, of Iowa. This looks more like a club than a base-ball club.

The SPEAKER. Gentlemen will please take their seats.

Mr. BELDEN. I think there would be no trouble about the gentleman from Illinois asking a question.

Mr. LAWLER. I think it is right that a mark of courtesy might be shown Mr. BELDEN.

The SPEAKER. If the gentleman from Illinois will speak from his seat it would be better.

Mr. LAWLER. Mr. Speaker, I am not a very loud orator myself, like Mr. BELDEN. [Laughter.]

Mr. BELDEN. I ask unanimous consent that the gentleman from Illinois [Mr. LAWLER] be allowed to proceed.

Mr. LAWLER. I merely wanted to ask Mr. BELDEN—

Mr. MASON. I can not hear either gentleman.

Mr. BELDEN. You will hear me.

Mr. LAWLER. I wanted to ask Mr. BELDEN this question—

The SPEAKER. The gentleman from Illinois must not call members by name.

Mr. LAWLER. There are so many from New York. [Laughter.]

Mr. BELDEN. The gentleman has his eye on me. [Laughter.]

Mr. LAWLER. I will now ask the gentleman from New York this question, if he has any doubt in his mind—

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

The SPEAKER. The gentleman will state it.

Mr. McCREARY. It is impossible to hear on this side of the Chamber what gentlemen are saying. I would suggest to the gentleman from Illinois and my friend from New York that they go to the center aisle. This is a very interesting subject.

Mr. LAWLER. There is a very evident intention not to allow me to ask the gentleman from New York a question. [Laughter.]

The SPEAKER. The House will be in order.

Mr. FLOWER. I want to know whether this is to be taken out of the time of the gentleman from New York [Mr. BELDEN].

Mr. BELDEN. I yield to Mr. LAWLER, of Illinois, for a question.

Mr. LAWLER. I simply want to ask Mr. BELDEN this question, and I will not trouble him with any further interruptions: in his knowledge of the business men of Chicago has he any question or doubt in his mind that they will carry out what they say in regard to making this world's fair a grand success, financially and otherwise?

Mr. BELDEN. I will answer that by saying that if talk will do it they will. [Laughter and applause.] But if it requires money they do not put it up, or at least they have not. [Renewed laughter.]

Mr. LAWLER. Mr. BELDEN—I mean the gentleman from New York—I would like to ask you this question: If you want to announce to this House that New York was able to take hold of so large a fair as this world's fair is intended to be and make it a success in the face of the fact that the Grant monument to-day has not been completed? [Renewed laughter and applause.] Chicago has carried out everything to the present time contemplated by it.

Mr. BELDEN. In talk. [Laughter.]

Mr. LAWLER. I make this statement, and I will verify it again, that if \$5,000,000 or \$10,000,000 or \$25,000,000 are necessary to make the world's fair a success in Chicago, it will be raised within the next six months. [Applause.]

Mr. BELDEN. I did not yield to the gentleman to make a speech.

Mr. LAWLER. One word more and I am done.

Mr. BELDEN. I did not yield to the gentleman for a speech.

The SPEAKER. The gentleman from New York declines to yield.

Mr. LAWLER. Just this, and I am done.

The SPEAKER. Does the gentleman from New York yield?

Mr. BELDEN. I yield for a question.

Mr. LAWLER. As to the railroad men. Mr. St. John is the general agent of the Chicago, Rock Island and—

Mr. BELDEN. I decline to yield further.

The SPEAKER. The gentleman from New York declines to yield, and he is entitled to the floor.

Mr. LAWLER. I understood that he would allow that question to be made as a correction. Well, I will get at it later.

Mr. BELDEN. Now, Mr. Speaker, as I was saying, when New York came to this House she came with a subscription of over \$5,000,000, with the names of the different gentlemen, with their places of business

and residence and the amount subscribed opposite to each. We brought to the city of Washington fifty-eight of our most distinguished and wealthy men to see you in person and assure you that every dollar of it should be paid. We brought to you plans of a building. We brought to you a site selected. We brought to you authority for a promise of \$10,000,000 more. We had secured a site and we had secured what was asked for the fair. I say that we showed her position and her interest in this matter; that we should secure a fair, and such a fair as we intended to give you had the fair been held in New York. I say that our Representatives here will join with Chicago, and use as much zeal and work as hard, and even talk as much as the chairman about Chicago's having done well as any other person. But they want, before making this appropriation, before passing this bill and authorizing the appointment of two commissioners from each State and Territory and eight alternate commissioners at large, that Chicago, before that, shall give us some assurance of \$10,000,000 or show her ability to do it. I desire to quote from the speech of the gentleman from Illinois [Mr. LAWLER]. On page 1561 of the RECORD I find he said:

I want the New York people to come beyond the Alleghany Mountains once and see what we have got in the great West. I say that Chicago stands ready to make this a successful enterprise. Chicago does not ask a dollar to bear the expenses; but our business men will subscribe, if necessary, \$25,000,000 to make this exhibition what it ought to be in this country.

Mr. LAWLER. I know they will do it; I know them so well. [Laughter.]

Mr. BELDEN. Mr. SPRINGER said in the same day:

But Chicago's proposition is ample to secure success. It is this: \$10,000,000 in money and a site; while New York's proposition, when reduced to the real purposes of the fair, means only \$5,000,000 and the site.

Mr. LAWLER. Now you want us to put up ten millions.

Mr. BELDEN. No, sir; but you should put up something that is satisfactory.

Now, I would like the House to look at that paper. I looked for it, I understand it is in Mr. SPRINGER'S desk. I would like you to see what the chairman of the committee calls now the nobility of this enterprise.

Look at it for yourselves. After the general committee got together, and when pressed to state what evidence there was that this subscription would be paid, or that Chicago proposed to furnish anything, the Chicago men said: "We will telegraph to Chicago and find out." They then produced this answer, which they received at that time, or which perhaps they had before:

We wish you continued success in Washington. We will stand by you and the committee in every way. Chicago will now, as in the past, prove equal to every emergency. You can count on our support.

There it is—words again.

Mr. CANNON. Will the gentleman allow me a question?

Mr. BELDEN. I will.

Mr. CANNON. Section 9 of this bill provides that the fair shall not be recognized by the President nor placed on its feet until the President is satisfied that \$10,000,000 is secured.

Mr. BELDEN. I am coming to that very soon.

Mr. CANNON. It seems to me that provision is an answer to the gentleman's argument.

Mr. BELDEN. In reply to what the gentleman from Illinois [Mr. CANNON] has suggested, I have this to say: If this House is ready to pass this bill, to provide for a commission consisting of two members from each State and Territory and eight members at large, if they are prepared to pass the bill providing for this commission and to appropriate money, and to do all the other things that are to be done by way of preparation, and to have this commission assemble at Chicago and come to a decision, and then to have the President decide whether Chicago has furnished or will furnish the \$10,000,000 or not, that is all well.

If that is satisfactory to the House, the bill is all right. Of course you have got the promise of the representatives of Chicago that they will furnish the \$10,000,000, and, after you have gone through all these proceedings, passed this bill and appointed your commission, and they have met in Chicago, and the President has decided, if, after all that is done, the \$10,000,000 is not furnished, you will have the blessed privilege of declaring the project a failure and throwing it up. But is that the way to do? Why didn't they raise this money in the thirty days they have had since the House located the fair? Why didn't they do it before? Why don't they do it now? Why don't they get some new subscriptions? Why don't they show us something that is satisfactory? The gentleman from Illinois [Mr. ADAMS] in his speech when the bill was under consideration said this:

We have thus an available fund of \$10,000,000. Not a dollar of this will have to be paid to buy or to condemn lands; not a dollar will be used for the permanent improvement of Chicago or the park system of Chicago.

Now, where is the money? That is what I am inquiring about. That is what I am looking for. I repeat, the whole question may be summed up in the question whether this House, after it has selected the site and has given Chicago nearly a month and during which she has not raised a dollar or presented a dollar of guaranty fund of any kind, is willing to go on and pass this bill, appoint this commission, prepare for the fair, and take as collateral the privilege of declaring the

fair a failure if Chicago does not keep her promises. Why appropriate the money until you know whether you are going to have the fair? Why make all these preparations in advance? Why does not Chicago do as New York has done?

Mr. ADAMS. Will the gentleman yield for a question?

Mr. BELDEN. Yes, sir.

Mr. ADAMS. Is it the understanding of the gentleman that no subscriptions have been made in Chicago?

Mr. BELDEN. I do not know whether any have been made or not. There have been none produced. I make that statement. We have been told that subscriptions have been made, but none have been produced.

Mr. ADAMS. Has the gentleman any belief or any suspicion that no subscriptions have been made in Chicago?

Mr. BELDEN. I have seen a paper which I have been told is a copy of the subscription paper, but I have found errors in it to the amount of \$395,000 which they admit never was subscribed. There is another error of \$864,000, and the subscription paper is not to be made public, and I have a right to assume that there is something wrong about it.

Mr. ADAMS. Does the gentleman in fact assume that no subscriptions have been made?

Mr. BELDEN. I do not. But I assume the right of this House to know whether subscriptions have been made and what subscriptions have been made, and to know in such a manner that there can be no mistake about it, so that the House may be secure and may know what they are doing when they pass this bill.

Mr. ADAMS. If the gentleman will allow me I will state that I, of course, know personally nothing about these subscriptions except my own, but I will say that the original subscriptions are in Chicago, where they have to be in order to the organization of the corporation under the laws of the State of Illinois. I received notice the day before yesterday to send forward a proxy in order that my share might be voted upon, and I forwarded the proxy and I have no doubt whatever that the corporation will be organized under the laws of Illinois.

Mr. BELDEN. Well, I do not think that is essential one way or the other.

Mr. ADAMS. If the gentleman will pardon me, I have made this statement only because the gentleman intimated that he had seen no evidence and that there was no reason to believe that one dollar had been subscribed.

Mr. BELDEN. I did not mean to say that I did not believe that one dollar had been subscribed. What I say is that I know nothing about it, nor does any one else here. I venture to say that there is no man in this House or in the city of Washington who has ever seen subscriptions amounting to the sum they claim.

Mr. ADAMS. I have seen mine.

Mr. BELDEN. Oh yes, you have seen yours, but that does not go far towards carrying out this enterprise. I have no doubt you will see it again. Somebody had to pay the 2 per cent., and you were probably called upon to pay that amount of yours.

Mr. CANNON. Will the gentleman allow me to make a suggestion?

Mr. BELDEN. I will.

Mr. CANNON. As this fair has been located by a formal vote at Chicago and as the present bill is well drawn, I suggest that we now compromise by conceding that New York shall have the fair one hundred years from now. [Laughter.]

Mr. BELDEN. I will answer that by saying that New York has all she wants. Had she secured the fair it would not be a "white elephant;" she would not back and fill, cut and shuffle the cards as Chicago is doing in regard to this fair.

Mr. MASON. Did you say you want Chicago to have the fair?

Mr. BELDEN. I did, sir.

Mr. MASON. Is this the way to help us?

Mr. BELDEN. Yes, sir.

Mr. MASON. Thank you. [Laughter.]

Mr. BELDEN. I am a better friend of a successful fair by standing here and insisting that provision shall be made to make it successful than a man who stands here and says, "Oh, never mind; we will fix that by and by; after you have appropriated the money, after you have appointed the commissioners from every State and Territory and asked them to meet at Chicago, then we will fix the matter up, or if we do not you may declare the thing to be a failure." I am a better friend to the fair than to take any such position. I am speaking now because I want this fair to be a success, and I want it to be at Chicago. I do not want it in New York; New York does not ask for it; but she will not submit to be misrepresented and humiliated in regard to this matter. She came here manfully, boldly, and squarely presenting her subscription, her plan, her site, her \$15,000,000. She brought the evidence here to show that the money was secured. Chicago claims to have raised \$5,000,000, but she does not present evidence that this amount has been raised. She asks us to agree to accept \$5,000,000 and get along with that, and if she does not produce the other \$5,000,000 she agrees that we may declare the matter a failure. I am sorry for the position that Chicago has taken in this matter. It is a pity that there can not be some money assured.

Mr. MASON. Do not waste your pity on us.

Mr. TAYLOR, of Illinois (to Mr. BELDEN). Were you not invited to go to Chicago, where you would have had opportunity to inform yourself on all these questions?

Mr. BELDEN. I was. Now let me answer that question a little more fully. I was invited to go with a party on a special train, to be dined and wined, and to be shown what the people would do. It was the same old story. But when I touched on the subject of the subscription, when I asked, "Will they show us one if we go there?" the answer was silence.

Mr. TAYLOR, of Illinois. Why did you not go and give yourself the opportunity to get information?

Mr. BELDEN. I have no doubt that if I had gone to Chicago I would have been treated handsomely. But I did not want to go there simply to hear this matter talked about. I did not want to hear any more talk. The fair has been located at Chicago, and I wanted to hear about her contribution in money. That is what I want now.

Mr. TAYLOR, of Illinois. If the \$10,000,000 were brought here now, would you not want to take it to the Treasury to see whether it was counterfeit?

Mr. BELDEN. Let the gentleman go over and get that subscription and show it to the House.

Mr. TAYLOR, of Illinois. Mr. Gage's name is signed to that subscription—

Mr. BELDEN. I desire to offer the motion which I send to the desk. The Clerk read as follows:

That the bill be recommitted to the Committee on the World's Fair, with instructions to report the same back with a favorable recommendation when a guaranty fund of \$10,000,000 shall be secured by citizens of Chicago, the sufficiency and legality of which shall be satisfactory to said committee.

Mr. FLOWER. I yield two minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. I desire to offer an amendment and have it pending for action at the proper time, or it may be acted on now, if that be preferred. I ask the Clerk to read my amendment.

The Clerk read as follows:

Strike out section 16.

Mr. McMILLIN. Section 16 is in this language:

SEC. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the World's Columbian Exposition for the Government exhibits, as provided in this act, and he is hereby authorized and directed to contract therefor, in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of \$400,000, and for the remainder of the fiscal year, and for the fiscal year ending June 30, 1891, there is hereby appropriated for said building or buildings, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000.

Mr. Speaker, in the bill providing for the Centennial Exhibition of 1876 there was no provision for the erection of a building by the Government of the United States; in the bill providing for the exposition at New Orleans there was no such provision. After this fair at Chicago is ended the Government will have no use whatever for the building which this bill proposes to erect at a cost of \$400,000. In the interest, therefore, of good government and looking to that which I deem to be correct legislation, I have offered this amendment to strike out the section I have read, which provides for the construction of a building by the Government of the United States for its exhibits. The world's fair commission will be called upon to provide space, free, for the other nations of the world; at least I suppose that will be the case with many of the nations; and I see no reason why the Government of the United States should, at an expense of nearly half a million dollars, erect a building which it does not need.

If I have any further time I yield it to the gentleman from Indiana [Mr. HOLMAN], who desires to offer an amendment.

Mr. HOLMAN. I wish to offer the following amendment, to be pending—

The SPEAKER. Is the amendment of the gentleman from Indiana [Mr. HOLMAN] an amendment to the amendment of the gentleman from Tennessee [Mr. McMILLIN]?

Mr. HOLMAN. No, sir; it is an amendment to the next section.

The SPEAKER. The Chair thinks it can not be pending now.

Mr. McMILLIN. Then I reserve the residue of my five minutes—

The SPEAKER. The Chair does not see how two amendments can be pending at the same time, unless one is an amendment to an amendment.

Mr. SPRINGER. I object to the reading; they should be taken up in their regular order.

The SPEAKER. The first is the amendment offered by the gentleman from Tennessee [Mr. McMILLIN].

Mr. FLOWER. I do not hear what is going on.

The SPEAKER. The amendment of the gentleman from Tennessee [Mr. McMILLIN] can now be voted on.

Mr. MILLS. I rise to a parliamentary inquiry. Will there be any opportunity given to members to offer amendments and vote on their adoption?

The SPEAKER. There is one amendment now pending, offered by the gentleman from Tennessee; and when that is voted on another amendment will be in order.

Mr. SPRINGER. One amendment was offered by the chairman before that.

The SPEAKER. If there is an amendment offered by the chairman, then that is the pending amendment, and the amendment of the gentleman from Tennessee is not.

Mr. MILLS. After the debate has closed will there be opportunity to offer amendments?

The SPEAKER. The Chair does not see how there can be.

Mr. FLOWER. That is the reason I yielded to gentlemen in order to get their amendments in.

The SPEAKER. The first amendment is that offered by the gentleman from Massachusetts [Mr. CANDLER], chairman of the committee. [Cries of "Vote!" "Vote!"] The Clerk will read that amendment.

The Clerk read as follows:

Strike out section 8 and insert the following:

SEC. 8. That said commission shall provide for the dedication of the buildings in the World's Columbian Exposition in said city of Chicago on the 12th day of October, 1892, with appropriate ceremonies, and said exposition shall be open to visitors not later than the 1st day of May, 1893, and shall be closed at such time as the commission may determine, but not later than the 30th day of October thereafter."

The SPEAKER. The Clerk will report the section to be stricken out.

The Clerk read as follows:

SEC. 8. That the said commission shall provide for the dedication of the buildings of the World's Columbian Exposition in said city of Chicago on the 30th day of April, 1892, the one hundred and third anniversary of the inauguration of George Washington as first President of the United States, with appropriate ceremonies, and that the said exposition shall close on the 20th day of October, 1892.

The SPEAKER. The question is on striking out and inserting.

Mr. SPRINGER. Is it the desire to take the vote on this immediately?

Mr. HOLMAN. Yes; let us have a vote.

The amendment of Mr. CANDLER, of Massachusetts, was agreed to.

Mr. McMILLIN. Now my amendment comes in.

The SPEAKER. The amendment of the gentleman from Tennessee [Mr. McMILLIN] is now pending, which the Clerk will read.

The Clerk read as follows:

Strike out section 16.

The SPEAKER. The Clerk will read the section to be stricken out. The Clerk read as follows:

SEC. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the World's Columbian Exposition for the Government exhibits, as provided in this act, and he is hereby authorized and directed to contract therefor, in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of \$400,000, and for the remainder of the fiscal year and for the fiscal year ending June 30, 1891, there is hereby appropriated for said building or buildings, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000.

The SPEAKER. The question is on striking out the section just read. [Cries of "Vote!"]

Mr. CANDLER, of Massachusetts. I hope the amendment will not be adopted. One reason I have is that the Government appropriates only one million and a half of dollars for this purpose. The gentleman stated the Government did not erect buildings at Philadelphia for their own exhibits. I think he is mistaken in that statement. The gentleman from Pennsylvania can correct me if I am wrong.

Mr. O'NEILL, of Pennsylvania. I desire to have a few minutes to explain.

Mr. CANDLER, of Massachusetts. I will yield for five minutes to the gentleman from Pennsylvania to make his explanation.

Mr. O'NEILL, of Pennsylvania. The Government of the United States expended, all told, on the exposition of 1876, \$535,000, and in my opinion that was a meager sum. That sum will not be sufficient for the expenses of the Government exposition at Chicago in view of the advance in years and increase in population and industrial affairs generally throughout the country. I think the gentleman from Massachusetts who has reported the bill this morning is right when he says the Government should appropriate one million and a half of dollars.

Again, I will state here, because I wish it to go into the RECORD, that the Government of the United States expended only, at the Philadelphia exposition, the amount I have mentioned. The Government had no expense to meet for entertaining the commissioners appointed by governors of States and Territories, which, in my opinion, was a great neglect in the legislation for the Centennial, but that expense, amounting to many, many thousands of dollars, was paid out of the money which should have gone to the stockholders.

I see in this bill a provision that the expenses of the commissioners are to be paid by the Government, and that I believe to be right. I was placed in a very remarkable position here as between New York and Chicago on the question of the location of this world's fair. The Philadelphia exposition owed neither the State of New York nor the State of Illinois anything in the necessary legislation required, for both of those States, as far as Congress was concerned, were against the proposition. But to-day I stand here hoping that at this session of Congress the United States, so far as she is concerned, will make ample, liberal, adequate appropriations so that at Chicago there will be a great

success commensurate with the importance of the occasion and the greatness of our country. [Applause.]

Mr. BELDEN. I rise to a question of order.

Mr. O'NEILL, of Pennsylvania. I want to say this, that there were not—

Mr. BELDEN. Mr. Speaker, in whose time is the gentleman speaking?

The SPEAKER. The Chair understands the gentleman from Massachusetts [Mr. CANDLER] has yielded to the gentleman from Pennsylvania from his time.

Mr. CANDLER, of Massachusetts. That is correct.

Mr. O'NEILL, of Pennsylvania. I want to state this, that I do not know what kind of friendship may exist in the minds of members from New York towards the Chicago exposition, but I know how the members from Pennsylvania feel, especially those from the districts embraced in the city of Philadelphia. We feel that our people expect us to aid this great enterprise as much as we can to a successful consummation. [Applause on the floor and in the galleries.]

The SPEAKER. Applause in the galleries can not be permitted.

Mr. O'NEILL, of Pennsylvania. I feel very sincerely on this question, and for good reasons. I am glad that at the expiration of sixteen years we have risen to a greater eminence, that our country is larger in population and resources, our views more comprehensive; that we are abler financially and otherwise, and that the Congress of the United States can help an enterprise to a greater degree than it did in the years past and gone. At the same time I want to say that Pennsylvania did much for the success of that Centennial Exposition. She contributed \$1,000,000 towards the exposition.

The city of Philadelphia contributed a million and a half more, and the stock subscriptions amounted to two and a half millions of dollars, while the Government allowed us to use one and a half millions in addition. And let me say here to the Chicago gentlemen and to the Illinois Representatives, in order that they may not be laboring under a wrong impression as to the difficulty of procuring the necessary means, that it was not until four years after the Centennial was decreed to be held in Philadelphia that the board of finance, which was created also by Congress, came here and asked the help of the Government to the extent of a million and a half of dollars. I beg them to be earnest and constant in getting subscriptions.

For four years the board of finance had made all efforts; the best men in Philadelphia and in the State of Pennsylvania were in its membership, and yet they found at last how difficult it was to get together the large amount of money necessary to meet the vast expenses staring them in the face, the whole cost being nearly \$9,000,000; and after all, when Congress saw fit to require that the board of finance should pay back the million and a half of dollars advanced by the Government, the stockholders who subscribed for one share, for ten shares, or fifty shares or more, in all sincerity, for the success of the Centennial, only received a dividend of about 22 per cent. on their subscription. If the Government had allowed the one and a half million of dollars to remain, the stockholders would have been paid in full, probably, out of the receipts of the exposition, the largest receipts, sir, ever derived from any of these great expositions in any country up to 1876. The people of Chicago are undertaking a great work and they must be untiring in their efforts, for the cost will be many millions.

I mention this, Mr. Speaker, because I have said I want success for the sake of my country, and I must say that I was rather pleased that my vote did not, though against it, prevent the selection of the city of Chicago for this exposition. [Applause.] I believe in these people; I believe they are and will be in earnest; I believe they are ready and willing and that they are alive to the situation, and I am sure that if \$10,000,000 or more are required it will be forthcoming in proper time. [Applause.] That is my idea and I think the times are such that there can be no doubt of Chicago giving, if necessary, every dollar over and above what is given by the United States Government at the outset to make it a success.

Now, the board of finance of the Philadelphia exposition did present some Congresses ago a memorial to Congress for the repayment to them of this million and one-half of dollars, less the 22 per cent. paid to the stockholders. Perhaps some day justice may be done that board, for we must recollect that New Orleans for her exposition received one million of dollars. When I voted for it I knew they would never be called upon to pay back that million-dollar loan made to them; still I voted for that appropriation, and I repeat the hope that some day justice may be done to the men who made a great success in the city of Philadelphia of the Centennial in 1876.

Mr. Speaker, I should not have voted for the extension of time at Chicago unless I had understood that that was satisfactory to the people there. But I am glad they have extended the time; we learn by experience. There were over two hundred buildings erected in the Centennial grounds at Philadelphia for the purpose of that exposition, magnificent buildings, some of them immense in size, 1,876 feet long, 1,400 feet, 800, 600, and so on; many, many buildings; some erected by the States who sent their commissioners there, and some by foreign Governments. But, sir, this undertaking is a great one, and however many millions it may cost, Chicago, I believe, is good for the amount. [Applause.]

Mr. HERBERT. Mr. Speaker, the scramble we have had over this bill shows very clearly that so far as the competing cities are concerned it is a simple effort to get and to keep trade—a mere business transaction. And look at it as we may, in any aspect whatever, it resolves itself into a business proposition.

A great industrial exposition is to be held. Government is expected to appropriate for it at least \$1,500,000. Three cities enter the lists for the prize, subscribe their millions of dollars, send their lobbyists not only throughout America, but even into foreign countries. They bring to bear upon Congress the influence of literary bureaus and boards of trade. What for? Why, sir, of course with the expectation of pecuniary profit to themselves.

Sir, this exposition is as purely business as is the bargain counter of an enterprising dry-goods firm who advertised recently in this city a great sale of dry goods, cheap for cash, on the tenth anniversary of the partnership. If it were proposed to celebrate this anniversary in a different manner, though I confess it would be going a long way back into history in search of something to stir our hearts, but still, if the scheme were purely patriotic and did not mean taxation, I, for one, would not object; but, sir, it does look like assuming the garb of patriotism to cover up the fact that we are spending money that belongs to all the people in a manner that can benefit only a portion of them.

We are still in the threshold of the second century of our existence. Let us pause and reflect a moment before taking another step in the new career upon which we have started. The Government has only in recent years begun making such appropriations as this. Possibly it is not too late even now to retrace the steps we have taken. Our achievements in the century that is gone were without parallel in human history. During the first eighty-seven years after the adoption of our Constitution not a dollar was expended by our Government for an exposition of this kind. No combination was ever powerful enough in all that time to filch from the Treasury an appropriation to aid an exhibition intended for private benefit.

We had our celebrations: the landing of the Pilgrims, the birthday of Washington, the battle of New Orleans, and, above all, the Declaration of Independence. We celebrated all these—not by elaborate preparations to add to our wealth, for in those days wealth was not the first and last and only consideration—but by music, and fireworks, and poems, and orations. Our anniversary celebrations during these seventy years were, as they professed to be, patriotic.

The farmer left his plow, the blacksmith laid aside his hammer, the merchant shut up his shop, all gave over for a time the pursuit of gain and devoted themselves to the memories of the past, to recalling the valor, the wisdom, the self-denying spirit of those who had sacrificed for the right in the brave old days of the past. If there was a feast at one of these anniversaries no one thought of asking the Government to pay for it. It was furnished by the rich and the well-to-do. The poor came and were welcome.

It was during that period, sir, that we laid the foundations of the greatness of our country. Music, poetry, and oratory were the educators, the vehicles that carried to mind and heart the noblest thoughts that can animate the breast of man. Thus was nursed the patriotism, thus was developed the splendid courage that inspired both the Northern and the Southern armies during the late war, when the soldiers on both sides, all conceiving they were fighting for the Constitution and laws of the fathers, poured out their blood like water and made the great civil war in America a revelation, not only to the world abroad, but to ourselves.

During the first three-quarters of a century of our existence the pet theories of to-day were not in control of the Government, those theories under which monopolies now rule the land. Extravagance in the expenditure of public moneys was not then called liberality; economy was not then denominated parsimony.

The prevailing theory then was that the Government should extend to every citizen the benefit of just and equal laws and that no man should have a bounty at the expense of his brother. In the men reared under such a system the world saw that sturdy independence and that bold and enterprising spirit that have made the American freeman the admiration of mankind.

It was an unfortunate day, sir, when we began to pass away from those old-fashioned celebrations. It was in 1876, the hundredth year from the Declaration of Independence. We had begun to grow rich, and then it occurred to us to take advantage of Independence Day to make to the world a great display of our wealth. It is true that at the Philadelphia Exposition we had an oration and a poem. But these did not constitute the celebration. They were simply opening ceremonies. We devoted three hours to poet and orator and six months to contemplating our present riches and planning schemes for the future.

Instead of worshiping at the shrine of Liberty, the exposition meant worshiping at the shrine of Mammon. Instead of shutting up shop the whole country opened up shop, displayed the wares we had for sale, established a great national bargain counter. The money loaned by the Government to the city of Philadelphia was afterwards repaid, but we expended there in making an exhibit of the costly collections of the Government \$535,803.25. All this expenditure was defended in Congress at the time on the plea that the centennial year was an epoch in our history. We could afford to make an exception, it was

said, on the happening of such an event as the hundredth anniversary of American Independence.

Now mark the sequel. Eight years after the centennial a world's industrial exposition was to be held in New Orleans. Money had been appropriated to show the people of the North what costly collections the Government had, and now, on the plea that the turn of the South had come, \$299,756.35 were expended to exhibit to the Southern people the grandeur of our Government.

Mr. CARLISLE. One million six hundred and fifty thousand dollars.

Mr. HERBERT. The gentleman from Kentucky says \$1,600,000. The figures I have given were those furnished to me by the Treasury Department, and if the Treasury officials have overlooked the fact that the real expense to which the Government was put amounted to \$1,600,000—

Mr. CARLISLE. One million six hundred and fifty thousand dollars.

Mr. HERBERT. Then that was a serious mistake. They probably overlooked the surety debt the Government was compelled to pay. That makes my argument all the stronger. As we had a surety debt to pay for New Orleans, we are the more apt to have such a debt to pay for Chicago when we stand sponsor for her by this bill. And then, after this New Orleans experience in 1888, to give the people of the West, who were to visit the centennial exposition of the Ohio Valley at Cincinnati a due and proper conception of the riches of the Government by exhibiting to their astonished eyes the wonderful things it has accumulated, we expended the further sum of \$147,750.

Now comes this proposition to celebrate the anniversary of the discovery of America by Columbus. As the gentleman from Massachusetts who reported the bill said a few moments ago, this is to be upon a much larger and upon a much more liberal scale than any of those exhibitions which have preceded it. The Government contemplates spending much more money than it did on either of these former occasions.

Gentlemen in control here are getting more and more lavish year by year in expending the money of the people. In spite of the experience of the past the committee report a bill that contemplates a Government expenditure of one million and a half, and no one can tell how much more may result. But the report of the committee this time is not unanimous. Three of the committee, gentlemen of as much business standing as any in this House, gentlemen who are entitled to as much credit as any upon this floor, tell us that this guaranty that the city of Chicago has raised a bona fide subscription of \$10,000,000, which seems to be satisfactory to the remainder of the committee, is not satisfactory to them.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I would like to ask the gentleman if he has read the appendix to the report of the committee?

Mr. HERBERT. I have not.

Mr. CANDLER, of Massachusetts. I think that, if he would read it and would read the report, and if the House would read it, they would realize how good is the authority the chairman and the committee have for making the statement they do make. I would like—

Mr. HERBERT. The gentleman can explain that in his own time, as he has the closing of the debate.

We appointed a committee on this matter, and we look to them for advice and information as to details. Here they come in with a divided opinion as to whether or not the guaranty of ten millions is sufficient. On a plain business proposition like that it ought to be an easy matter to satisfy reasonable business men. Where are there two better business men in the United States than the two gentlemen from New York [Mr. BELDEN and Mr. FLOWER]? Where is there any more reliable gentleman than the gentleman from Missouri [Mr. HATCH]? Will the gentleman from Massachusetts [Mr. CANDLER] tell me that it was impossible for Chicago, if the subscription had been good, if the paper had been gilt-edged, to satisfy these gentlemen? And yet it has not been done. How, then, shall gentlemen expect this House to be satisfied?

What a revelation all this, Mr. Speaker, would have been to the simple-minded men who framed our Constitution. Their dream was a free government and a great people. But that theory is now turned upside down. Everything tends now towards a great and splendid Government and a dependent people. Year by year the Government grows in splendor, while the people, many of them, who support the Government are growing poorer and poorer. The Government is to be sponsor for this exposition. If Chicago does not properly sustain it, gentlemen on this floor who have advocated the scheme will feel bound to uphold it with the public moneys. We are being committed to a show that may cost the people many millions of dollars over and even above the direct, unconditional expenditure of a million and a half.

Mr. Speaker, gentlemen can no longer justify a vote for such a measure as this on the ground that it presents an exceptional case. When once you pass this bill you may put it down as the settled policy of this Government, so far as gentlemen here may have power to settle a policy, that it will aid with direct appropriations every great fair or exposition held in this country and claiming to be international.

At no time in the future will there be any less reason for a Government contribution than now. Even at this moment the disappointed

aspirants for this appropriation are looking far into the future for some excuse upon which they can found a claim to a similar appropriation of Government money. An enterprising St. Louis editor has fixed upon 1903 the centennial of the purchase of the Louisiana territory by Jefferson. That is to be St. Louis's opportunity. Then she is to have her international show and her Government appropriation. God help the surplus, and God help the people, if we are to give away their substance in this manner!

Mr. Speaker, pomp and show are natural to aristocratic and monarchical governments. The French people forgot that they had lost their liberty in the splendors of the empire of Napoleon I. They forgot freedom again when they saw Napoleon III and Eugénie ride with their retinue of nobles along the Champs Elysées in their magnificent capital. Where are we going? A republican government is popularly supposed to be noted for its simplicity. Why should we be imitating the splendors of royalty? There was a time when under the Roman republic the people cried out to their rulers for bread and the circus as loudly as they cry out now for Government here to give or help on a show, but that was in its degenerate days, when that great republic was already tottering to its fall.

The remarkable feature is that in Rome it was the mob that cried out *Panem et circenses*—Bread and the circus. In America it is the rich who cry loudest for Government to appropriate for a celebration that shall eclipse in its magnificence even the Paris Exposition. "Gentlemen may say that France is a Republic, but she furnishes no example that we can imitate. France has never yet been able to throw off the trappings of royalty. She has stopped at the half-way station. She still has her nobility, her Orleanists, and her Imperialists; she still has her state-church establishment; she still supports with the people's money the theater and the opera.

Mr. Speaker, I rejoice in whatever adds to the prosperity of the American people or any portion of them, but I have never yet given my consent to the proposition that it is either right or expedient to tax one man for the benefit of another.

What part or lot in this exposition have the farmers of this country, East or West, North or South? They will be expected to make their exhibits, but for what purpose? Why invite the people of foreign countries to see the wonderful products of our soil if the Governments of those foreign countries forbid their people to buy of these products?

France, taught by the example of your Government, interdicts your pork. Germany, following in your footsteps, excludes your food products, and other countries are tending in the same direction. Republican leaders never tire of proclaiming on this floor that American markets must be reserved for Americans. Germany retaliates with, "German markets for Germans." France echoes, "French markets for Frenchmen."

We have been holding here at great expense for months a Pan-American Congress. We invited all these other American Governments to send to Washington delegates empowered to confer with delegates from our Government. The purpose is to see how we can extend our trade. It may result in a proposition for a Government subsidy to steamship lines, in a scheme to take more of the people's money to give to some monopoly, but it will all come to nothing else. If you lock up our markets against the foreigner you must expect him to lock up his markets against you. These South American countries have already caught the inspiration of North American statesmanship and are beginning to impose higher duties on imports.

America, under the rule of the Republican party, is leading in the policy that is shutting up the markets that once were open to whatever products of our farms other countries can produce within their borders, and so it comes to pass that the American farmer is impoverished by the very superabundance of his crops. In the midst of plenty he is becoming poorer every day. He must still sell his surplus abroad—sell for low prices in the restricted markets of the world, sell in competition with all the pauper labor of the world—and yet he is not allowed to buy where he sells. He must buy at home at higher rates. No wonder the prices of agricultural lands are tending downwards.

In New Hampshire recently the commissioner of immigration advertised that 1,422 farms had been abandoned by their owners. The promise that the system of exclusion was to give our farmers a better and still better home market year by year has proven a delusion and a sham. Take cotton as an example. In the cotton year ending with August, 1869, we exported after supplying the home market 1,465,880 bales of cotton.

In 1879, ten years afterwards, we exported 3,481,004 bales. At the end of another decade we sold abroad 4,742,347 bales. This cotton in the markets of the world must compete with the labor of the world. Year by year we are sending more and more of it abroad, and yet gentlemen seek to delude the men who produce it with the idea that the Government of the United States can give them relief by furnishing them with a home market. That home market, as the figures show, is more insufficient now than it was twenty years ago.

There never was so much complaint among the farmers of the country as there is to-day. And they have cause to complain. They are now feeling in its full force the effect of the unjust and partial, the un-

fair and extravagant legislation for which the Republican party is responsible. Stop this extravagance. Reduce custom-house taxations. Allow him who is obliged to sell in the markets of the world some of the benefits to be derived from buying in those same markets. This way is open and plain if we can only unite the farmers of the country to rise up as one man and break the bonds in which the Republican party has bound and delivered them into the hands of the monopolists. But instead of giving him this poor privilege the great Ways and Means Committee of this House is now busy devising new schemes to increase taxation. That committee is expected to report a bill that will raise taxes on article after article of common necessity.

Not even the tin cup of the laborer is to escape; at least, that is the present programme. A monopoly has been formed beforehand, although not a pound of tin-plate is now manufactured in America. A combination has already been made; the lobbyists who compose it call themselves the American Tin-Plate Association. They have associated themselves together first to get the tax imposed, and secondly to manufacture and control the product afterwards. Thus the tin that goes into every cup and bucket and pan in the United States, every pound of it, is to pay tribute to this monopoly by anticipation that is here at our doors demanding this increased tax; and this is only a sample.

This same expected tariff bill, the newspapers say, is to lay a tax on hides. That is undoubtedly the programme now. Whether the committee will be able to stand by such a monstrous provision nobody can tell. There is a protest going up against it all over the land. I add my protest now. Look at the facts. No industry in this country has prospered more in the last fourteen years than the leather industry. It is finding its way south. Under the provision for free hides there is a flourishing shoe factory in the district I have the honor to represent. Other factories are contemplated. Shall these be crushed by high-priced leather? We are now making in the United States more than we consume of leather goods, exporting more than we import. Leather goods are the one manufactured article to be bought as cheaply in America as in Europe; but it is proposed to tax hides, and that will raise the price of boots and shoes, a necessity to everybody.

No wonder there is a spirit of unrest among the farmers. No wonder they are coming together to find out the causes of their distress. I do hope, sir, they will look at this legislation. They are taxed for the benefit of everybody else. This is legislation for the classes and against the masses; so is your legislation for a world's fair, and for a grand national park in Wyoming, and for a great zoological garden in the city of Washington, and for the great Memorial Columbus park, up here yesterday.

These things, sir, and all kindred schemes, though they may gratify national vanity, though they may seem to add to the splendor of your Government, are heaping taxation on the people and teaching the citizen to look to the Government instead of himself. The doctrines that are being taught by the American capitalist to-day and by the Republicans in this Congress are tending directly, as surely as cause leads to effect, towards socialism and its twin brother, communism.

If the Government can help the people by giving or aiding great expositions; if it can help science by taking geology and paleontology under its wing, or by researches into electricity and magnetism, as it is doing; or if it can add to the price of the labor of one class of people by enacting that other people shall pay higher prices for their goods, all of which I deny; if beneficial results follow all these laws, as is contended, why not, as Edward Bellamy and his socialist friends contend, go further? Why not have Government take full control—regulate your farming, your mining, your manufacturing, your cooking, and your washing?

How shall you stop, sir, when once you have started in that direction? Socialism, the telegraph tells us, is rapidly spreading in Germany. It may be that this is the cause of the downfall of Bismarck; that the Emperor was dissatisfied with his great chancellor because he has failed to check the socialist party. The successes of that party in the recent elections for the Reichstag have startled the world.

But they are perfectly natural, sir. German statesmen have taught the doctrine that, instead of relying on individual enterprise and energy, the government, to secure the happiness of Germany, must control and build up the industries of the country. Its hand must be everywhere felt. In Bavaria government even brews the beer. The socialists are simply carrying out the teachings of German statesmen to their logical conclusion. So in France.

From the days of Louis XIV down to the present government there has controlled everything, sustaining by taxation the church and the theater, regulating in the minutest details the butcher and the baker. If the Government can do everything the few may wish, why shall it not do everything a hungry mob in a city can demand? And France has furnished the most frightful examples of communism, anarchy, and bloodshed that history has recorded; and, sir, socialism is manifesting itself in many parts of our own country.

If we would check this tendency, if we would maintain and preserve inviolate the homes that are at once the pride and the blessing of a free people, let us turn our faces towards the ways in which our fathers trod; let us give to every man the benefit of just and equal laws; let us teach the citizen the true spirit of independence, and that the pre-

tended benefactions of the Government are simply robbing him of the right to do as he may please with that which is his own.

I would not, sir, strike down any interest in this country. I would favor no radical or revolutionary measures; but, sir, I would turn the face of this Government in a different direction. I would have legislation hereafter look towards lower taxes, towards the lightening of the onerous customs duties that now weigh down our people, not to the adding of new burdens. Let us have justice for all, exclusive privileges for none.

Mr. TAYLOR, of Illinois. What became of the cattle industry when they took off the tariff?

Mr. HERBERT. It was just where it is now. It got into the hands of the big operators in Chicago. Are you doing anything to get it out of their hands?

Mr. TAYLOR, of Illinois. Yes.

Mr. STRUBLE. Mr. Speaker, is it the world's fair bill that we are discussing or the tariff? [Laughter.]

Mr. McMILLIN. Mr. Speaker, I believe that the question is on the amendment which I offered.

The SPEAKER. The question is on the amendment of the gentleman from Tennessee [Mr. McMILLIN].

The question was taken, and the amendment of Mr. McMILLIN was rejected.

Mr. CARLISLE. I ask the gentleman [Mr. FLOWER] to yield to me to offer an amendment to the sixteenth section, which the gentleman from Tennessee proposed to strike out.

Mr. HOLMAN. I have sent up an amendment which I suppose is entitled to priority.

The SPEAKER. The amendment of the gentleman from Indiana [Mr. HOLMAN] will be first in order.

Mr. HOLMAN. I have modified the amendment so as to limit the amount for which the Government shall be liable to \$1,000,000, instead of \$1,500,000, as proposed by the bill.

The SPEAKER. The Clerk will report the amendment of the gentleman from Indiana.

The Clerk read as follows:

Strike out all of section 17 after the word "aggregate" in line 17 and insert in lieu thereof the words "one million dollars."

The amendment was not agreed to, there being—ayes 36, noes 56.

Mr. CARLISLE. I offer the amendment which I send to the desk. The Clerk read as follows:

Add to section 16 the following:

"The Secretary of the Treasury shall cause the said building or buildings to be constructed as far as possible of iron, steel, and glass, or of such other material as may be taken out and sold to the best advantage; and he is authorized and required to dispose of such building and buildings or the material composing the same, at the close of the exposition, giving preference to the city of Chicago or to the said World's Exposition of 1892 to purchase the same at an appraised value, to be ascertained in such a manner as he may determine."

Several MEMBERS. All right.

Mr. CARLISLE. I desire to say but a single word—

Mr. CANDLER, of Massachusetts. We are willing to accept that amendment.

The amendment was agreed to.

Mr. STEWART, of Georgia. I offer an amendment which I ask the Clerk to read.

The Clerk read as follows:

At the end of section 17 add the following:

"And provided further, That if in the conduct of said World's Fair a dividend should be declared, the amount contributed by the United States Government shall receive its pro rata share thereof."

Mr. SPRINGER. The gentleman from Georgia [Mr. STEWART] mistakes the provisions of this bill. It does not contemplate any partnership of the Government in the financial operations of the exposition. This appropriation by Congress is entirely for the Government's own building; and there is nothing out of which a dividend could be paid to the Government.

The question being taken on the amendment of Mr. STEWART, of Georgia, it was rejected.

Mr. FLOWER. Mr. Speaker, as I have computed the time, I believe I have used sixty-nine minutes.

The SPEAKER. The Chair thinks that is very nearly right.

Mr. FLOWER. I reserve the rest of my time.

Mr. CANDLER, of Massachusetts. I yield five minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, some weeks ago I appealed upon this floor for fair play for New York. To-day I appeal to this House for fair play to Chicago. [Applause.] New York had fair play on this floor. She lost this fight through treachery in her own ranks. There was a Benedict Arnold in her army. No "Jockey of Norfolk" received a warning before her natural geographical allies in New England and Pennsylvania were led into the ranks of the enemy. But she had fair play upon this floor.

When I was a school-boy I saw two boys fighting. It was a stiff quarrel and a good fight. One boy whipped the other. The boy that was whipped picked up a stone and hit his opponent in the neck, after his back was turned. Now, I do not know what kind of boys you have in this House; but I am not that kind of a boy. [Applause.]

I say there was a fair fight on this floor. We met the enemy, and we are theirs. We were handsomely whipped.

Now, what are we going to do about it? Why, sir, we ought to act a manly part. What is a manly part? Let us see. After selecting Chicago as a site for the fair, we referred this matter to a committee for adjustment. The subcommittee of that committee have voted unanimously in favor of this bill. They are satisfied with the pledges given by Chicago. The large majority of the committee are satisfied with those pledges. If that committee are satisfied with the pledges they have received, we ought to be satisfied. They know more about it than I do. I am satisfied.

I stand by that committee. I stand by them because I believe it is manly to do so. I stand by them because I believe it is my duty as a member of Congress from the city of New York to do so. I stand by them because I believe I am right in doing so. And I may add, Mr. Speaker, that I stand by that committee because I believe it is politic to do so.

We are not the only branch of the National Legislature to consider this project. The Senate is to have its "innings." The Senate must express its opinion and pass upon this measure. The action of the Senate may be unfavorable to Chicago. If so, then New York can again enter the lists with honor. If that time ever comes the battle may again be fought. Then we may say with Dessaix at Marengo, "The battle is completely lost; but there is time and opportunity to win another."

[Here the hammer fell.]

Mr. CANDLER, of Massachusetts. I yield the gentleman a minute longer.

Mr. CUMMINGS. If that time does not come I consider that I honor myself, honor my city, honor my State, and honor my country by standing by Chicago and doing all that can be done to aid her in making this fair a success. [Applause.] I shall vote against the amendment because I think it unjust to Chicago to postpone the measure longer. She needs every minute for preparation. Even the seconds are golden. Give the fair fair play.

Mr. LAWLER. That is the spirit that will make it a grand success.

Mr. FARQUHAR. Mr. Speaker, I think it would have been well if the gentleman who has just taken his seat had withheld somewhat at least of his animadversion in respect to the struggles of New York for gaining this fair. Whatever the troubles were in New York or in Albany, there is one thing to be said in vindication of the honor of the Representatives of that State: that on the floor of Congress New York's Representatives stood solidly together and fought till the last; and when we are conquered we are generous enough to walk into the enemy's camp and share their rations. [Laughter and applause.]

Mr. CANDLER, of Massachusetts. I yield five minutes to the gentleman from St. Louis [Mr. FRANK].

Mr. FRANK. Nothing, in my judgment, Mr. Speaker, should be done to retard the progress or imperil the success of the commemoration of this great historic event in the city of Chicago. The pride of the State of Illinois, the integrity of the city of Chicago and her people, as well as the honor of this entire country, are involved in this affair.

I did not stop to inquire what consideration prompted this House in declaring in favor of Chicago as the proper site for the holding of this fair. It was sufficient for me this House had declared in favor of that city as against all other competitors. I then said, as a member of this committee and as a member of this House, I should do all in my power to aid Chicago in making this fair a complete success; that all my efforts would be zealously exerted in that direction.

And I intend, gentlemen, to stand by that promise. All I asked of Chicago or demanded of her people was that she should accept the provisions of the bill and carry out its requirements in good faith, as I pledged the people of St. Louis would do if she had been the successful competitor for its location.

It is quite true it would not have strained my people as it seems to strain the people of Chicago, because my people are accustomed to observe the terms of an agreement by a standard of honor than which there is none higher anywhere the sun shines.

Chicago has recorded her promises. To violate them would be her everlasting disgrace, and in this matter would be humiliating to the whole country. She does not intend to do it. She is now prompted by what she has heard on this floor, by patriotic impulse, to make this fair a grand and colossal success. [Applause.] All the provisions of the bill are surrounded by proper safeguards.

I trust this measure will now pass, so we can say to Chicago: "On with the work!" [Renewed applause.]

Mr. CANDLER, of Massachusetts. I yield for five minutes to the gentleman from Kentucky.

Mr. MCCREARY. Mr. Speaker, after the eloquent speech of my friend from New York [Mr. CUMMINGS] and the appropriate remarks of my friend from St. Louis [Mr. FRANK] there is not much for me to say, and I wish 4 o'clock, the time fixed for closing the debate, had come, so that we might vote on the bill. [Applause.]

I am one of those who advocated Chicago at the beginning as a proper place to locate the world's fair. I have had no cause since I first cast my vote for Chicago to lessen my ardor or to lose confidence in the Queen City of the Lakes.

For nearly three months we have considered in committee and in the House of Representatives the holding of a world's fair to commemorate the greatest event of modern times, and we must not now halt or hesitate, but go forward with the good work. In a fair contest and in an honorable struggle Chicago was victorious. Friends of New York or St. Louis or Washington are now estopped in interposing unnecessary and improper obstacles.

I believe all who are in favor of a world's fair are now honorably bound to stand by Chicago and do all that is proper to have the most attractive, the most conspicuous, and the grandest international exhibition of arts, industries, products, minerals, and manufactures ever held in the world.

The people of Chicago, with an unanimity unparalleled and an enthusiasm unequalled, are ready to do their duty. They offered a larger and more generous contribution to the world's fair than was ever proffered before by private citizens or by any foreign government for the great international exhibitions previously held. In the financial plan for the great Paris exposition, which was perhaps the most successful world's fair ever held, the contributions aggregated \$8,600,000.

The city of Chicago has now \$5,000,000 available for present use, and guaranties to satisfy the commission that it will provide, without the aid of the United States Government, \$5,000,000 more, making \$10,000,000, which is in every respect abundant, for I believe that our world's fair will pay its own expenses and be a good investment.

No person who knows the enterprising, progressive, and earnest people of Chicago can doubt that the fair, if held at that city, will be a grand success, and when we are assured by the distinguished Senator from Illinois [Mr. FARWELL] that he has examined the subscriptions to the world's fair fund for Chicago and that they are bona fide and will be paid, and when such men as Lyman J. Gage, president of the First National Bank of Chicago; John B. Drake, proprietor Grand Pacific Hotel; G. B. Shaw, president Merchant Loan and Trust Company; C. L. Hutchinson, president Corn Exchange National Bank; John C. Black, president Continental National Bank; W. E. Hale, president Hale Elevator Company; Potter Palmer, proprietor Palmer House; E. G. Keith, president Metropolitan National Bank; H. F. Eames, president Commercial National Bank; A. L. Patterson, Chicago Globe; W. J. Huiskamp, Chicago Times; William T. Baker, president Chicago Board of Trade; William Penn Nixon, Chicago Inter-Ocean; John N. Clark, collector of customs; O. W. Potter, president Illinois Steel Company; James W. Scott, Chicago Herald; Joseph Medill, Chicago Tribune; Stuyvesant Fish, president Illinois Central Railroad Company; J. W. Doane, president Merchants' Loan and Trust Company, and others pledge their hearty support and declare that Chicago will be equal to every demand, I feel satisfied that there is no longer any ground for cavil or complaint and that Chicago can be fully trusted in the grand commemoration of the four hundredth anniversary of the discovery of America.

Mr. Speaker, I am in favor of the passage of the bill reported by the committee with the amendment offered by the gentleman from Kentucky [Mr. CARLISLE]. I was opposed to a United States corporation to manage the world's fair, but an Illinois corporation, with a commission consisting of two persons appointed by the governors of the respective States, is the best. I am heartily in favor of the amendment offered by the gentleman from Massachusetts [Mr. CANDLER].

The pluck and promptness of Chicago in preparing to hold the fair in 1892 is very commendable, but we should look at this question from a business as well as from a patriotic standpoint.

Columbus discovered America on the 12th of October, 1492. If we are to celebrate the four hundredth anniversary of the discovery of America we should not commence before that time, and that will be too late for an international exposition to be held in the year 1892. Therefore, I am in favor of inaugurating the world's fair on the 12th of October, 1892, and at that time we should dedicate the buildings with proper ceremonies, but the great exposition of our arts, industries, manufactures, and the products of the mine, the soil, and sea should commence in the spring of 1893.

Thus will our world's fair become a greater success, thus it will be of greater national and international advantage, thus it will stimulate the patriotism and promote the material prosperity of our people, and thus, too, our country will be crowned with the wreath which represents progress and pre-eminence, individual achievements, and national success. [Applause.]

Mr. CANDLER, of Massachusetts. I reserve the balance of my time and yield the floor to the gentleman from New York [Mr. FLOWER].

The SPEAKER. The gentleman from Massachusetts has occupied one hour and seventeen minutes on that side.

Mr. FLOWER. How much belongs to the opposition to the bill?

The SPEAKER. About forty minutes.

Mr. FLOWER. I yield five minutes to the gentleman from Missouri [Mr. HATCH.]

Mr. HATCH. Mr. Speaker, I do not know that I will use even as much as the five minutes accorded to me by the gentleman from New York. I was not present at the committee meeting this morning and was not aware of this division of time.

I simply desire to state to the House now that when the contest was

presented for the location of this fair I was an earnest supporter of the claims of the city of St. Louis. I gave then at length my reasons for supporting St. Louis to the House and to the country. When the bill was sent back to the committee to be perfected and reported to the House under the resolution the contest, as far as the site was concerned, was settled. The question was then as to the best means of protecting the country and to see that Chicago, having secured the location of the fair, would comply in good faith with every proposition made by its advocates on this floor pending the discussion of that measure.

I took the position before the committee that Chicago had not complied in good faith with the promises made by its advocates in this House in regard to the subscription and guaranty fund. I insisted that Chicago should present to that committee unquestioned evidence of the soundness and legality of that subscription. I was in a minority. The majority of the committee decided that upon the evidence presented to the committee they were satisfied with the guaranty fund, and especially when they had adopted an amendment offered by the gentleman from West Virginia [Mr. WILSON], which is now a part of the bill, that before the fair should be inaugurated or notice thereof given to foreign countries by the President of the United States, by his proclamation, he should be satisfied of the good faith and absolute soundness of the guaranty fund of \$10,000,000. With that I am today content and satisfied.

While it was not the plan I proposed, I accepted gracefully and in good faith the action of the majority of the committee; and there is nothing left for us or for Congress to do at this time but to extend to the city of Chicago every fair and reasonable legislative facility for making the fair what it should be, a grand national success. [Applause.] And to that end I will go as far as any gentleman on the floor of this House.

Mr. FLOWER. Mr. Speaker, I am one of that unfortunate minority of the Committee on the World's Fair who believe that Chicago did not put up the necessary subscription before our committee; and I agree fully in everything that my colleague from New York, Mr. BELDEN, has said in regard to the subscription list from that city. I will say further that there is no heading to that subscription list; and I will go still further and say that the mayor of Chicago did not know how to head it in a telegram to a member of the committee or to make it fit the lists we have in the committee.

Mr. TAYLOR, of Illinois. Oh, well, he is a Democrat. [Laughter.]

Mr. FLOWER. But I will not say that they can not raise \$5,000,000, because I believe that Chicago can raise \$5,000,000 or \$10,000,000. But I do not believe that on that subscription list they furnished to the committee they have raised it. I believe that on the subscription list there is more than one and one-half million dollars subscribed by corporations; and the gentlemen ought to know, if they do not, that under the decisions of the supreme court of the State of Illinois the corporations who subscribed are likely to forfeit their charters by subscribing for stock in any corporation.

Now, I do not say but that Chicago can get around that, because she is a smart city. But I do say, suppose that she does not get around it, what are we to do when the President finds out that Chicago can not raise the necessary funds?

Mr. TAYLOR, of Illinois. Then we will send it to New York.

Mr. FLOWER. We do not want it then. We believe in playing fair. We made a fair and square fight with you and you won it. As my colleague from New York stated, the committee generally was not called to meet these Chicago people; but I say that outside of the committee-room they were asked to get that subscription list and show that they had the \$5,000,000 fund. They were asked to get a certified copy of it, because we told them that if they should get their bill through the House they might have trouble in the Senate. I said that to them in all kindness myself—in kindness to the city of Chicago—and I say to you now that that is essential.

I shall vote for the amendment of my colleague [Mr. BELDEN], therefore, to recommit this bill with instructions to the committee to show a subscription list; and, failing in that motion, I shall vote for the fair, because I believe in it, and I believe that Chicago can raise the \$10,000,000 and satisfy the country.

There has never been a time since the debate began that I have had a doubt that Chicago, when she leveled herself right down to the work, could get the money and make the fair a success, and I believe so now. But I think she has got a hard road to travel; and I would like to have her show first that she is able to do what she undertakes. That is what I am after, and that is all. I am fearful—yet I may be mistaken—I am fearful that at the other end of the Capitol when they call upon Chicago to furnish the subscription list they may take the same view of it; and therefore I wanted that subscription list left with our committee. That would have been conclusive of their ability to do what they undertook. But it was not left.

I yield three minutes now to the gentleman from Texas [Mr. KILGORE].

Mr. KILGORE. Mr. Speaker, I have very little to say on the pending bill and very little time in which to say it. The proviso at the end of the seventeenth section should be stricken out entirely. It recites that the Government shall not be liable for more than a million five

hundred thousand dollars, to be used to pay the world's fair commissioners, to erect buildings for the Government exhibits, and to pay the expenses of transporting and caring for such exhibits.

The gentleman from Indiana [Mr. HOLMAN] undertook to amend the section by reducing the amount to \$1,000,000, but the amendment was rejected.

This proviso is a delusion and a snare. It is an imposition on the House and the country and ought to be eliminated from the bill. If the friends of the measure, the patriotic advocates of a world's fair to be held under the direction of the United States Government, were disposed to deal fairly and candidly with the people, they would amend the proviso by striking out \$1,500,000 and insert \$5,000,000; because it will cost the Government every cent of five millions of the people's money to discharge the obligations which the Government will incur if this bill becomes a law. I will not offer such an amendment for the reason that I am unwilling that Congress should appropriate a single dollar of public money to pay for this Chicago show, this picnic.

But the House seems determined to bind the Government to participate in this exposition, a scheme to promote the business interests of the people of a great city at the expense of the tax-payers of the country, and it ought to be honest enough and courageous enough to let the country know the amount of money likely to be used in that scheme. There is a pretense in this bill to limit the amount to a million and a half dollars. At the same time every member of this House knows that no such limitation can be imposed by Congress. The next Congress, or this Congress at its next session, or during this session, can disregard this pretended limitation and appropriate five millions or any other sum of money to carry out the purposes of the bill if it should become a law.

Mr. MASON. Mr. Speaker—

Mr. KILGORE. I can not yield to the gentleman from Illinois. I have very little time.

Mr. MASON. I want to ask the gentleman from Texas one question.

Mr. KILGORE. Well, sir, I will yield for just one question.

Mr. MASON. Do you want to fix this bill or any other bill so that any future Congress shall not extend the limit of the appropriation?

Mr. KILGORE. You propose in this bill to fix a limit on Congress. You say the Government shall not be liable for more than a million and a half dollars, and that is what I am now objecting to. You are not acting in good faith with the people. You know that no such limitation can be imposed on future Congresses by the proviso which I have recited. It is so much waste paper, and ought to be stricken out.

The bill *prima facie* affords conclusive reasons why such limit does not fix the maximum amount of the money necessary to pay the expenses incurred by the Government. The bill authorizes the appointment of 106 commissioners and 106 alternate commissioners to be named in thirty days after the law is passed, and to continue in office till the 1st of January, 1898, a period of seven years and six months about. Their pay is \$6 per day and transportation. Their per diem amounts to \$636. Then there are other, and indeed necessary, expenses of that august commission. It will be compelled to have stationery, fuel, rooms, clerks innumerable, and type-writers, and I am actually informed that a type-writer is a very expensive luxury. I have never been able to afford one myself. [Great laughter.]

I hope the House will not consume too much of my limited time with laughter and applause. [Renewed laughter.] Taking everything into consideration, the expenses of this commission will not be less than \$700 or \$800 per day, and this to continue in existence about seven and one-half years; and they will always be on hand to draw pay. If one dies, or resigns, or fails to act, an alternate is provided for in the bill; hence there will never be a vacancy in the commission when it comes to drawing pay. We may reasonably conclude that this commission alone will cost the Government two million and a half of dollars. Then the bill appropriates besides \$400,000 for buildings in which the Government is expected to place its exhibits and \$200,000 for the transportation and care of the Government exhibits—all ostensibly for a patriotic purpose, really in fact in the interest of private speculation.

I want, in conclusion, to repeat and emphasize the declaration that if this bill becomes a law and the exposition is held at Chicago, as contemplated by the bill, the people of the United States will be out \$5,000,000 before it is done with, possibly much more. But, indeed, this is not the worst feature of the measure.

The SPEAKER. The gentleman's time has expired.

Mr. KILGORE. I would like to have just one minute more—

Mr. FLOWER. I now yield ten minutes to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. Mr. Speaker, I wish I could agree with all that my friends from New York have stated on this question to-day. This is a peculiar position we find ourselves in. The leading gentleman from Illinois, when this question was before the House to fix the location where the fair should be held, told the House that under no circumstances would Chicago ask for more than \$650,000. They now ask to put the limit in the bill at a million and a half. Gentlemen forget that the surplus is melting away. I am going to keep calling your attention to it from day to day.

Mr. KERR, of Iowa. Why did you not do so when the Frémont bill was under consideration?

Mr. SPINOLA. Why, will you cast one single slur at the character of the old soldier and great American explorer, General Frémont, in this way?

Mr. KERR, of Iowa. No, sir.

Mr. SPINOLA. You have done so by your question, and I hurl it back with contempt. [Laughter.]

Mr. HENDERSON, of Iowa. From the foot of the throne.

Mr. SPINOLA. Now, sir, when before this House asking to locate this fair at the city of New York, I will repeat briefly what I stated then:

New York will erect all the buildings for the fair, including the Government buildings provided for in the bill as reported by the committee. The imperial city of New York will do all that may be necessary without any Government aid of any kind, either in money or Government guaranties. Therefore, no Government help is necessary for the organization or management of the fair in the city of New York.

That was the position New York occupied. We asked you to accept it. The majority vote of this House decided otherwise. And how did they decide it? Based upon the assertions of the gentlemen from Illinois that they had already secured a bona fide and absolute subscription of \$5,000,000. Now it turns out, when asked to produce their subscription list, that they failed to do it. There is a doubt about your list, and it leaves it without any certainty that the \$5,000,000 even will be subscribed by the city of Chicago. Five million dollars will not be sufficient to hold the fair. You will have to have at least \$15,000,000 before it is sure and certain.

Suppose the subscription is bona fide and every man were to pay up his subscription, where does the other \$10,000,000 come from? You are asking us now to give you an entering-wedge in getting the million and a half. In my judgment, if it goes on and we give authority to establish this fair at Chicago as it stands in this bill, if it passes, then you will come back to us and say in the most bland and fascinating way, "Gentlemen, you must give us a few millions more, just to grease the thing along with." That will be the application made to this House. If this subscription is a genuine one why have they failed to show it? New York had one and made it up of her very best citizens and her wealthiest people, engaged in the greatest industries within her limits, and then again the city itself said, "We will furnish you ten millions additional in hard money."

What we want from Chicago now is hard cash. Unlock your strong box and let us look at the money; if you have got it, then I will say amen to you, and will not put my vote in the way of the passage of this bill. But I want to see some proof of the fact, and up to this time you have failed to furnish us any proof that you have got the spelter. Now, I agree with all that has been said in a complimentary way about Chicago. I know they are a nimble people out there, active and pushing. They have almost all of them got rich, and, from what I learn, a great many of them who have got their wealth in their pockets intend to keep it there and do not propose to waste any of it on this fair. [Laughter.] That is the information that comes to us. To be sure a few distinguished gentlemen have been mentioned by my friend from Kentucky, but that does not represent one-tenth of Chicago. One bank there, we are informed, has got \$20,000,000 on deposit. That bank is not going to open its doors for the benefit of this fair. Not much. That bank and its twenty millions belong to the people who have put the money there, and they will not consent to have it taken out to be wasted upon this enterprise.

The gentleman has got a list of a few bankers. I do not deny that; but those bankers have not subscribed \$5,000,000, or if they have the Representatives of Chicago have failed to produce the subscription list. It is like going to buy a bill of goods. You go to the largest merchant in America and represent you are worth \$10,000,000, and he sells you goods to the amount of \$5,000,000, and finally it turns out that you are not worth \$1,000,000; that is a case of getting goods under false pretenses, and this looks to me very much like that.

Mr. LAWLER. We will accept this bill and live up to it.

Mr. SPINOLA. My friend says they will accept this bill and live up to it. I know he will, so far as he is concerned, because he is sincere; he is a friend of Chicago; he lives there, and the people have been kind to him, and he has been kind and true to them, and I hope they will both continue their relations for many long years. [Laughter and applause.] Mr. Speaker, I have no fault to find with any of the gentlemen from Illinois. They are doing what I would probably try to do if I lived there. I do not find fault with what they say about Chicago, but I do find fault with their coming here and making statements which they can not verify. Up to this time they have failed to prove that they have got even \$2,000,000 of actual subscriptions. There is no written proof of it, no written evidence of it, and I am waiting for my smiling friend from Illinois [Mr. SPRINGER] to produce the proof.

Mr. SPRINGER. When my time comes I will produce it.

Mr. SPINOLA. Will you go back to your original proposition of \$650,000?

Mr. SPRINGER. I have nothing to do with the Government exhibit. You can do what you like about that.

Mr. SPINOLA. My dear friend, that was not your statement. Your

statement, standing here in this aisle, was that the Government would not be asked to appropriate more than \$650,000 for Government exhibits and everything connected therewith.

Mr. LAWLER. He was looking for votes then. [Laughter.]

Mr. SPINOLA. I know he was looking for votes, and that comes under the principle which I illustrated awhile ago of buying goods under false pretenses. That is another argument in the same line and I am sorry it comes from so honest a gentleman as my friend in front of me [Mr. LAWLER]. They must not make such statements. [Laughter.] Let us have the proofs and let us stand by the proofs and the facts. My friend says further that if Chicago fails to get the money they will give the fair to New York. Sir, New York does not want it. Now we have had our day in court and now quit.

Mr. MASON (laughing). My friend must excuse me for smiling.

Mr. SPINOLA. Certainly; and I may some day smile with you. [Laughter.]

I say that under the circumstances New York does not want it. We gave you a gallant battle for it, and if you had not represented that you had \$5,000,000 when you did not have over one million in reality, we would have beaten you.

Mr. MASON. We have got the five million.

Mr. RAINES. Will my friend yield for a question?

Mr. SPINOLA. Yes, sir.

Mr. RAINES. Does not my friend consider it fortunate that we were beaten, from the fact that if things go on in New York as they are going now, by the time we were ready to go to work we should have lost a good part of the Tammany managers of the fair, as they would have been inside of Ludlow street jail or some other such place?

Mr. SPINOLA. My dear sir, try to keep yourself out of jail if you can. You will be lucky if you succeed. [Laughter and applause.] The gentleman's question is another feeble attempt to inject politics into this matter. [Laughter.] I thought the gentleman from New York knew me better. He seems to have lost sight of me since other days.

Mr. RAINES. Oh, no; I remember you very well.

Mr. SPINOLA. Yes, sir; and I think after to-day your memory will be refreshed, and many others of your kind remember me, too.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOWER. I reserve the balance of my time.

Mr. CANDLER, of Massachusetts. I yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, the gentleman from New York has insisted that Chicago has not given any proof of the fact that a bona fide subscription has been made to the corporation to erect buildings for the world's fair. If the gentleman will look on page 9 of the report of the committee on this bill he will find that that subscription list was verified to the satisfaction of the committee by the signatures of Mr. Lyman J. Gage, who is vice-president and general manager of the First National Bank, the largest banking-house west of the Alleghany Mountains, and of Mr. Otto Young, one of the most prominent business men and merchants in the city of Chicago, and also by Senator FARWELL, of that State, who addressed the following note to the chairman of this committee:

UNITED STATES SENATE, Washington, D. C., March 19, 1890.

DEAR SIR: I have examined the list of the subscriptions to the world's fair-fund for Chicago, and desire to say to you that they are bona fide and will be paid.

Yours, very truly,

C. B. FARWELL.

HON. J. W. CANDLER,  
Chairman World's Fair Committee.

Mr. BELDEN. Did Mr. FARWELL ever see the subscription?

Mr. SPRINGER. He did.

Mr. BELDEN. Did he ever see the twenty-seven hundred names?

Mr. SPRINGER. No, sir, he did not; and it is not necessary that he should have seen them.

Mr. BELDEN. How much did they represent?

Mr. SPRINGER. I will tell you how much they represent by reference to this report; you will find it in these two exhibits which I now hold in my hand—Exhibits A and B. Here are the names of gentlemen who have subscribed \$4,361,000 to this corporation, and if members desire to look at these names they will find among them those of the most prominent gentlemen in Chicago, including such names as Marshall Field & Co., John V. Farwell & Co., and George M. Pullman, of the Pullman Palace Car Company. These subscriptions show how much these gentlemen have pledged themselves for in money, and Mr. Gage has certified that the original papers of the subscription are in the vaults of the committee in Chicago.

How much more proof do you want? If we were dealing with men whom we suspected of "salting" mines or selling bogus silver bricks, if we were dealing with persons whom we regarded as confidence men, not to be trusted, we would have asked them to bring in some affidavit, some sworn statement, with the seal of a court. But that is not the kind of gentlemen we were dealing with. These are gentlemen who stand in the very foremost rank among the financiers and capitalists of this country, gentlemen whose word is good for millions, and whose checks would be honored for any amount for which they might be given.

These honorable, responsible gentlemen have said—and they know what this subscription is—that it is ample for the amount each man has subscribed.

Mr. BELDEN. Will the gentleman allow me a moment?

Mr. SPRINGER. No, sir; I can not yield now.

In addition to that these gentlemen state that they will furnish \$5,000,000 more than the capital stock of this company, making in all \$10,000,000; and the bill provides that this fair shall not be announced to be held until this commission to be appointed by the President, two members from each State and Territory, two from the District of Columbia, and eight from the country at large (only two commissioners coming from the State of Illinois) shall be satisfied of the sufficiency of this fund.

Not only that, but the President of the United States himself is to pass upon the same question before inviting the nations of the earth to participate in this fair, before giving it any recognition whatever.

What more do you want? Do you suppose that the city of Chicago, which desires this fair so much, which has made so honorable and stupendous an effort to secure it, is going to allow the enterprise to lapse into desuetude? Not at all. It will be a success; the gentlemen whose names are subscribed to this paper will make it the grandest fair that ever was held in this country or in any other. Their honor is pledged, their money is pledged; they are able to carry out their promises. Does any gentleman on this floor believe that these honorable and responsible gentlemen have been playing with Congress; that they have come here as confidence men to deceive us; that they came before our committee and submitted these papers for the purpose of committing a fraud upon a committee of this House and upon members here? To doubt the genuineness of this subscription is to impute dishonesty to this committee and to the honorable gentlemen of Chicago who came here and gave us their personal assurances and their written statements that these subscriptions are bona fide and will be paid.

[Here the hammer fell.]

Mr. BELDEN. I desire to make an inquiry of the gentleman from Illinois.

Mr. SPRINGER. Certainly.

Mr. BELDEN. I see that the first name on Exhibit A is "E. St. John, \$395,000." Will the gentleman tell us whether Mr. St. John subscribed that amount?

Mr. SPRINGER. He subscribed that amount in behalf of those whom he represents.

Mr. BELDEN. Did he sign any subscription for \$395,000?

Mr. SPRINGER. He is responsible; he put his name there for that sum.

Mr. BELDEN. Is his name signed to any subscription for that amount?

Mr. SPRINGER. His name has been signed for that much of the sum.

Mr. BELDEN. Did he sign that subscription for \$395,000?

Mr. SPRINGER. You see it there.

Mr. BELDEN. I do not; I see a copy or what purports to be a copy. You have seen the subscription, and I ask you if he signed it.

Mr. MASON (to Mr. BELDEN). Let me ask you a question. Do you think the people of Chicago are confidence men? You speak of a paper which you say "purports to be a copy." Do you pretend to stand before the people of the country and doubt the honor and responsibility of these gentlemen from Chicago? Do you mean to intimate that we are furnishing you a "copy" the original of which does not exist? Do you pretend—

Mr. BELDEN. I say a representative of Chicago in the person of Mr. SPRINGER told me he had not subscribed it.

Mr. MASON. Who had not?

Mr. BELDEN. E. St. John.

Mr. SPRINGER. The fact is that Mr. St. John is president of the Chicago and Rock Island Railroad Company, and was chairman of a committee to call upon certain railroad companies to ascertain how much they would give. He reported to the finance committee that he had raised this sum of money, and he put his name down as responsible for it. He will be responsible; do not be at all concerned about that.

Mr. MASON. I want just one minute, if I can have it.

Mr. CANDLER, of Massachusetts. I yield two minutes to the gentleman, and only two minutes.

Mr. MASON. Mr. Speaker, I only desire to say one word in reply to the general tone of debate this afternoon on the part of the gentleman from New York [Mr. BELDEN]. We did expect you were sorry and sore when you were defeated, but when you said you would try to help to make this world's fair a success at Chicago, we thought you meant it. [Laughter.] But we do not think it this afternoon. [Laughter and applause.]

"Fair play is a jewel," and the gentleman is very hard pushed when he attempts to throw discredit and dishonor upon the people of Chicago by holding up before the House a paper saying, "It is not the original; it is a mere copy," as though we were sending a forged or fraudulent paper, as though we were tramps. [Laughter and applause.]

The honor of Chicago, the national honor, is at stake.

If this fair is not a success by reason of this proceeding, New York will be as much disgraced as we are. [Applause.] We have as much as we can do to make it a success; but we will do it. [Applause.] All we ask is that this House will give us the bill which the committee have reported. We will comply with the terms on the part of Congress and endeavor to make it a success. When it is a success it will redound to the honor, not only of Chicago, not only to the honor of the Northwest, but to the honor of every man who voted to give us the opportunity and reposed trust and confidence in the city of Chicago. [Applause.]

Do what the committee has reported in favor of Chicago. You have no right to hold up papers here and say they are "mere copies," as though there was some foul play intended. If you are going to help us, show it by your acts, but do not rise up here before the people and attempt to throw odium upon this whole matter by alleging this is merely a copy of a paper, as though the original did not exist.

For myself, Mr. Speaker, standing before the country, if Chicago is to get that fair, I want it to get it in a way that would be satisfactory and honorable. There is something more valuable than a world's fair, and that is the honor of that city. If we have the world's fair at Chicago under the provisions of the bill reported by the committee, it will be a success. We intend to make it a success. [Applause.] If, however, the business men of Chicago, in order to secure this fair, are to be placed on a level with tramps and mendicants, we do not want the fair at that price, and you can place it somewhere else. If you are men, be fair; if school-boys, continue as you now are going.

Mr. BELDEN. I desire to say to the gentleman from Illinois that what New York promised to do, she did.

Mr. MASON. Still sticking about New York, I see. [Laughter and applause.]

Mr. BELDEN. In the list of subscriptions on the part of New York the names were given and the amounts subscribed.

Mr. MASON. You have it in your hands, I suppose.

Mr. BELDEN. No.

The SPEAKER. The gentleman from Illinois has not the right to interrupt the gentleman from New York.

Mr. BELDEN. On the list of the city of New York there were twenty-seven thousand names given, with the amounts, but on this paper, presented in behalf of Chicago, you do not give a name. If I had my way I should not give you any of it.

Mr. MASON rose.

The SPEAKER. The gentleman from Illinois will not interrupt. Gentlemen will take their seats.

Mr. MASON. I will take my seat.

Mr. FLOWER. I will yield now for three minutes to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA rose.

Mr. FLOWER. How much time has the gentleman from Massachusetts left?

The SPEAKER. Ten minutes.

Mr. CANDLER, of Massachusetts. I will take the floor, and yield four minutes, Mr. Speaker, to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, it has been said by some gentlemen, discussing this measure this morning, that this bill proposes to pledge the Government of the United States to the extent of at least \$1,500,000 towards the success of this exposition. When the House took a vote on this some weeks ago, for the purpose of determining where the fair should be held, the bill then reported by the committee contained precisely the same provision and embraced the same amount of appropriation. If the vote of the House had indicated the great metropolitan city of New York as the proper place to hold the world's fair, I take it for granted that New York would not have declined the million and a half of dollars embraced in the original bill. If the choice had fallen upon St. Louis, it is fair to assume that she would have availed herself of the same appropriation, and had it come to the city of Washington, which was my own preference, because I thought, as the seat of the Government, it was the proper place, I presume Washington City would not have declined the money feature of the bill.

I should have preferred that the bill had some of the amendments which have been offered embodied in it; for instance, the amendment of my friend from Tennessee [Mr. McMILLIN] I should have been glad to see incorporated in the bill. I am glad that the amendment of the gentleman from Kentucky [Mr. CARLISLE] has been adopted. But, sir, when we recall the fact that the committee's bill as originally presented contained the appropriation of the same amount carried by this bill, and on a fair contest on the floor of the House for the site Chicago was selected as the proper place, and having been selected by a vote of the House, the subsequent bill of the committee, the one now under consideration, proposing to pledge the Government to the same extent, namely, one and a half millions of dollars precisely—the same as the original bill—I can not conceive that to be a reason for declining to accept the committee's present proposition. And what city, I ask, would have declined it? There was strong competition for it. It is not fair, therefore—it is not fair play, which is a jewel, and a jewel of the first water, to attack the bill now on the ground of the sum ap-

propriated, when we voted on the original bill containing the same appropriation.

Mr. COBB. I would like to ask the gentleman from Mississippi this question: whether he regards voting to fix the place as committing the House to the proposition.

Mr. HOOKER. Yes, I think it did; it certainly did to a certain extent. You voted to fix the place, and in the very bill fixing the place was embodied an appropriation of a million and a half of dollars for the Government exhibits, and the Government was pledged for that amount so far as the success of the exposition was concerned, whether the vote of the House decided in favor of one place or another. Now, as Chicago is fixed upon, I repeat that fair play requires that we should give to Chicago what we would have given had the site been chosen elsewhere; and, while it is not the place that I originally favored myself, it is the place where a great many people who live in the valley of the Mississippi favor, people who are linked together with bands of iron with Chicago, the great Illinois Central Railroad, as well as by the great streams which flow through that region bearing upon their bosoms the manufactures and the products of that whole region of country down to the golden bowl of the West Indies, the Gulf of Mexico; and many of my people prefer Chicago, and as she has been selected as the site I say that even-handed justice demands that we should do precisely in her case what we would have done or what many of us would have favored had New York been preferred or St. Louis or Washington.

If proper safeguards are thrown around the bill, as I believe they are, we should not interpose factious objections simply because it has gone to Chicago rather than another place. The bill does not propose to appropriate any more than the other bill, and I hope it will pass.

Mr. CANDLER, of Massachusetts. I now yield three minutes to the gentleman from New Jersey [Mr. MCADOO].

The SPEAKER. The Chair would state that since the gentleman from Massachusetts inquired what time was remaining a few moments ago the Chair has examined and found that the gentleman was entitled to fifteen minutes instead of ten.

Mr. MCADOO. Mr. Speaker, my colleagues and myself, from the State of New Jersey, believe that we voiced the unanimous opinion of the people we represent when we voted for New York as the proper place for this exposition. But Chicago, after a splendid fight and a fair and a manly one on her part, secured the majority of the House in favor of that city as the selected site. The people of my State, who have never exhibited sectionalism on any question and who never will, who know no geographical distinction of North, South, East, or West among the people of this country, will heartily second the people of Chicago in making this fair a splendid success. [Applause.] Chicago is an American city, and the honor of all our people is bound up in showing to the world such an exposition as will even surpass that lately held in the Republic of France.

Now, as to the question of finances. The people of Chicago have induced the American Congress, on certain statements, to give them the world's fair. Chicago can not afford to make this fair anything but a grand success. She has everything at stake and all to lose. If she has obtained this fair upon false pretenses, upon fraudulent lists, upon bogus subscriptions, then it would have been better for Chicago that she had never secured the site; her temporary victory would then end in disastrous defeat. She has, therefore, more at stake than New York or any other portion of the country.

But, Mr. Speaker, I know that the people of Chicago will redeem their promises. They are bustling, active, manly, energetic, typical American people. They know what they have at stake, and I believe that this great Western metropolis will prove itself equal to the emergency, and that her public-spirited people will produce all the money necessary to make it a success. Honor, self-interest, and the future of their great city will be imperiled by anything short of unquestioned success.

While the debate was in progress as to the site or what city should be selected for that purpose, it was said somewhat facetiously, I must believe, that we of the East are complacently provincial in the sense in which an average Englishman is spoken of as insularly bigoted; and it was claimed that it would do foreigners good to have them land on our Eastern shores and go through this splendid country to see the progress and improvements which had been developed in the West. But it is not true that we are provincial. We are not provincial. We are beyond that. Why, my friend from the Trenton district [Mr. BUCHANAN] here has been all over the country. [Laughter.] If it were true at all it would do our Eastern people good to go up and rub against our Western brethren and catch the contagion of this tremendous enterprise, this muscular development, as it were, which has been developed so plentifully in that region, and whether true or not I, as a humble citizen of this country, will do my best to make the great fair at Chicago successful and one of which we all can be proud in all sections of the country. [Applause.]

Mr. SPINOLA. Mr. Speaker, a few minutes have been assigned me by the gentleman from New York [Mr. FLOWER], or what time I require. My first ten minutes expired before I had concluded what I desired to say. I shall first make this statement: I shall vote for the amendment which is before the House; nevertheless, if that amendment

fail, I shall vote for the bill; but before doing so I shall be compelled, owing to the extreme modesty of my friend from Illinois [Mr. CANNON], whom I respect as highly as any man can respect another—I shall ask whether this bill calls for an appropriation.

Mr. SPRINGER. Three hundred and twenty thousand dollars only.

Mr. SPINOLA. Then, if it calls for an appropriation, I shall ask that it take the same course that all bills calling for appropriations for public buildings during this session have taken; that is, that it be referred to the Committee on Appropriations.

Mr. COLEMAN. With one exception, on your side of the House.

Mr. SPINOLA. What was that exception?

Mr. CUMMINGS. San José.

Mr. COLEMAN. The bill called up by Mr. CLUNIE, on your side.

Mr. SPINOLA. I shall be compelled to ask for that reference in deference to my friend from Illinois, who I know is too modest to call for it, as it calls for an appropriation; and, as it does, I think that it ought to go to the Committee on Appropriations. I ask that it may be referred to that committee under the general rule of the House; and if necessary I will make the point of order.

Mr. FLOWER. I ask—

Mr. WILSON, of Washington. Will the gentleman yield to me for a question before he takes his seat?

Mr. SPINOLA. Undoubtedly; any man who had nine relatives in the Army can ask me a question. [Laughter.]

Mr. WILSON, of Washington. I understand that the gentleman said that he intended to vote for this bill?

Mr. SPINOLA. I certainly say I shall if that is the best thing we can do.

Mr. WILSON, of Washington. Then all you could state in your ten minutes was just for home consumption?

Mr. SPINOLA. That is, as looked at through your distorted, innocent vision. [Laughter.]

Mr. BELDEN. I desire to call the attention of the House to the fact that New York's delegation have not said a word against any appropriation. On the contrary, they have held themselves in abeyance, expecting that we would eventually have to make an appropriation from the United States Treasury, and we believe we will. We expect to vote for this bill, and we expect to vote to make the fair a success; but we have a right, and we propose to exercise it, as we have done, to show that Chicago has not fulfilled promises made, and express our belief that large appropriations will have to be made by the Government in order to secure the success that New York offered to secure and pay for. We do not come here with a sore thumb to show, and are not jealous or envious of Chicago's securing the fair. We do not want the fair, nor will we take it, but we expect to vote the Government's money because of our failure to make Chicago fulfill promises made while soliciting votes locating the fair. [Cries of "Vote!" "Vote!"]

Mr. FLOWER. I have two minutes remaining, and, while I do not wish to seem to oppose Chicago in any way, yet there is a ludicrous side of this matter which is amusing to me. In the first place, the gentleman from Illinois [Mr. SPRINGER] the last time we had a bout here in regard to the fair made his farewell statement to this audience by saying that Chicago would certainly put up \$10,000,000. He showed in his report, or in his minutes, a dispatch from three men saying Chicago had a subscription for \$5,000,000 and they were sure of getting \$5,000,000 more. In answer to my speech, in which I claimed that New York was the only city that could hold this fair in 1892, he said that Chicago could do so. So I suppose that inadvertently '93 has slipped into this bill. I do not object to it; I hope you will have a splendid fair; and I know you will. I have not voted against a single part of the bill, and I shall not vote against the million and a half, or the three millions that you will want to make this fair a success on the part of the Government exhibit. But he spoke of this subscription list. I know the parties that he spoke of well.

Mr. SPRINGER. Do you know Mr. Gage?

Mr. FLOWER. I know Mr. Gage.

Mr. SPRINGER. Do you believe he would state falsely what he would give?

Mr. FLOWER. No, sir; I do not.

Mr. SPRINGER. Is not his statement in writing opposite his subscription?

Mr. FLOWER. I asked him to send a certified copy, as that would avoid all talk about it; but it has not come.

Mr. SPRINGER. You did not ask him to do it?

Mr. FLOWER. I did ask him to do it.

Mr. SPRINGER. Mr. Gage?

Mr. FLOWER. I did; and Mr. Young, too; the one and only time I saw them in the room of the Committee on Ways and Means.

Mr. SPRINGER. I was not present?

Mr. FLOWER. You were not. The two men there talked about it with me and I told them just what I have said here. I said that the absence of this subscription list would cause talk at the other end of the Capitol, and told them to get a certified copy of it and file with our committee.

Mr. HATCH. I would just like to make one suggestion to the gentleman from New York. My colleague on the committee has changed

front on this matter so often that I would just like him now to desist and let him alone. [Laughter.]

Mr. FLOWER. If the gentleman from West Virginia will ask me to do so I will. [Laughter.] I will now yield the balance of my time to the chairman of the committee.

Mr. CANDLER, of Massachusetts. Mr. Speaker, as I have spoken so many times and as it is not required of me to speak again, I will yield two minutes of my time to the gentleman from Missouri [Mr. MANSUR].

Mr. FLOWER. I do not yield my time to the chairman of the committee so that he may yield to another.

Mr. CANDLER, of Massachusetts. I will yield it out of the time I have remaining.

Mr. MANSUR. When the voice of the people of America decreed that there was to be a celebration of the four hundredth anniversary of the discovery of this country and when Congress in obedience to that voice opened its doors for competitors, four trained athletes entered. It was but a little while until I, in common with many others, discovered that the great athlete of the Northwest, Chicago, stood alone against the other three; and while it is known that I stood by St. Louis and went down with her colors, as I did with many another, it was with pride and admiration at the strength of Chicago and of the great Northwest as developed in her victory. I felt that when she had thus won by common consent the location it was the duty of every member to aid in all reasonable ways to make her success the success of the nation. I believe that the people of that great city are enlisted in this matter. I believe that the development of the next three years will prove to the larger part of our country as well as to the whole world that the power and strength of the great American people lies west of the Alleghenies.

Chicago has a stake in the success of this exposition that will not let her fail. For her to fail now would be a tenfold disgrace on her part. Better tenfold for Chicago that she had never risen, Phoenix-like, from the great conflagration of 1873 than that she should trail the honor of the American nation, to be exemplified in this exhibition, in the dust. I know she will not do it. The energy and the spirit, the capital, the enterprise, and the pluck which characterize that great city of the West will make this exposition what it is predestined to-day to become, in my opinion, not only the grandest exhibition this country has ever seen, but the grandest the world has ever seen.

The SPEAKER. The time of the gentleman has expired.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I trust that the members of the House who have not read the committee's report will read it, even after the vote is taken. They will find that the same fairness and justice which have been exercised throughout by this committee in the committee-room and in the House were extended to every member of the committee, and the facts upon which the report is based are therein set forth, and will be found, I think, so substantial that every man will indorse the wisdom of the committee and the fairness of the committee in accepting the statements of the gentlemen from Chicago.

I shall not explain the reference of the gentlemen from New York to the fact that they were not present at some of the meetings further than to say that they were invited to be present; but the gentleman who makes the complaint [Mr. BELDEN] was absent from the city, and another member of the committee, from West Virginia [Mr. WILSON], was absent at Atlanta. And Mr. Bowden, of Virginia, a member of the committee, but not of the subcommittee, was present. The gentleman from New York [Mr. FLOWER] was invited to be present with the committee, and I think that in the earnestness of the debate—

Mr. FLOWER. When was I invited?

The CHAIRMAN. I invited you to be present at the meeting with the Chicago gentlemen and you declined.

Mr. FLOWER. Whereabouts?

Mr. CANDLER, of Massachusetts. When they were here.

Mr. FLOWER. You invited me to meet Mr. Gage when he came in on the train.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I wish to claim for the committee that they investigated this matter with all the fairness which was possible for them to command, with the desire to give every one a fair hearing, both upon this floor and in the committee-room, and I say that the indorsements which they had from the city of Chicago ought to have satisfied the Representatives of this House and the Representatives of other cities, because the honor of the city of Chicago was at stake and is at stake, and the statements made to the committee deserved to be accepted as they were accepted. But what is more important they will find in the appendix the proposed plans and suggestions of the departments and bureaus of the United States Government that indicate the scope of the exposition, and I think will increase the interest of this House and the people and impress them with the high standard which it is expected to attain.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. Does the gentleman from New York [Mr. BELDEN] desire to insist upon the motion to recommit?

Mr. BELDEN. I do.

The SPEAKER. The Clerk will read the motion of the gentleman from New York.

The Clerk read as follows:

Mr. BELDEN moved that the bill be recommitted to the Committee on the World's Fair with instructions to report the same back with a favorable recommendation when a guaranty fund of \$10,000,000 shall be secured by the citizens of Chicago, the sufficiency and legality of which shall be satisfactory to said committee.

The amendment was rejected.

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

The SPEAKER. The question now is on the passage of the bill.

Mr. BLAND. Upon the passage of the bill I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 202, nays 48, not voting 79; as follows:

## YEAS—202.

Adams,	Connell,	Kinsey,	Robertson,
Alderson,	Cooper, Ind.	Lacey,	Rockwell,
Allen, Mich.	Cooper, Ohio	La Follette,	Rowell,
Anderson, Kans.	Craig,	Laidlaw,	Russell,
Andrew,	Crain,	Lane,	Sanford,
Arnold,	Cummings,	Lawler,	Sawyer,
Atkinson, Pa.	Cutcheon,	Laws,	Scull,
Atkinson, W. Va.	Davidson,	Lee,	Seney,
Baker,	De Lano,	Lewis,	Sherman,
Banks,	Dibble,	Lind,	Shively,
Barline,	Dingley,	Lodge,	Simonds,
Barwig,	Dolliver,	Maish,	Smith, W. Va.
Bayne,	Dorsey,	Mansur,	Smysler,
Belden,	Dunnell,	Mason,	Snider,
Belknap,	Ellis,	McAdoo,	Spinola,
Bergen,	Ewart,	McClellan,	Spooner,
Bingham,	Farquhar,	McComas,	Springer,
Blanchard,	Finley,	McCord,	Stewart, Vt.
Boatner,	Fithian,	McCreary,	Stivers,
Boothman,	Flick,	McKenna,	Stockbridge,
Boutelle,	Flower,	McKinley,	Stockdale,
Bowden,	Forman,	Miles,	Stone, Ky.
Brewer,	Fowler,	Milliken,	Struble,
Brickner,	Frank,	Moffitt,	Sweney,
Bookshire,	Funston,	Moore, N. H.	Tarsney,
Browne, Va.	Gear,	Morey,	Taylor, E. B.
Brunner,	Geissenhainer,	Morgan,	Taylor, Ill.
Buchanan, N. J.	Gest,	Morrill,	Thomas,
Buckalew,	Gibson,	Morrow,	Tillman,
Bullock,	Greenhalge,	Mutcher,	Townsend, Colo.
Bunn,	Grosvenor,	Niedringhaus,	Townsend, Pa.
Burrows,	Groul,	O'Donnell,	Tracey,
Burton,	Hall,	O'Neil, Mass.	Turner, Kans.
Bynum,	Hansbrough,	O'Neil, Pa.	Vandever,
Candler, Mass.	Harmer,	Osborne,	Van Schick,
Cannon,	Hatch,	Outhwaite,	Walker, Mass.
Carlisle,	Haugen,	Owens, Ohio	Wallace, Mass.
Carter,	Hays,	Parrett,	Wallace, N. Y.
Caruth,	Haynes,	Payne,	Whiting,
Caswell,	Henderson, Ill.	Payson,	Wike,
Catchings,	Henderson, Iowa	Perkins,	Wilkinson,
Cheadle,	Hermann,	Peters,	Willcox,
Chipman,	Hill,	Pickler,	Williams, Ill.
Clancy,	Hitt,	Post,	Williams, Ohio
Clarke, Ala.	Hooker,	Price,	Wilson, Wash.
Clark, Wis.	Houk,	Pugsley,	Wilson, W. Va.
Clunie,	Kelley,	Quinn,	Wise,
Cogswell,	Kennedy,	Raines,	Yardley,
Coleman,	Kerr, Iowa	Ray,	Yoder,
Comstock,	Kerr, Pa.	Reed, Iowa	
Conger,	Ketcham,	Rife,	

## NAYS—48.

Abbott,	Crisp,	Lanham,	O'Ferrall,
Allen, Miss.	Culbertson, Tex.	Lester, Ga.	Peel,
Anderson, Miss.	Dockery,	Lester, Va.	Pierce,
Bankhead,	Edmunds,	Martin, Ind.	Richardson,
Bland,	Elliott,	Martin, Tex.	Rogers,
Breckinridge, Ark.	Forney,	McMillin,	Roland,
Breckinridge, Ky.	Grimes,	McRae,	Sayers,
Brown, J. B.	Hare,	Mills,	Stewart, Ga.
Buchanan, Va.	Heard,	Montgomery,	Stewart, Tex.
Carlton,	Herbert,	Morse,	Stone, Mo.
Clements,	Holman,	Norton,	Walker, Mo.
Cobb,	Kilgore,	Oates,	Wheeler, Ala.

## NOT VOTING—79.

Barnes,	De Haven,	Mudd,	Taylor, Tenn.
Beckwith,	Dunphy,	Nute,	Taylor, J. D.
Biggs,	Enloe,	O'Neill, Ind.	Thompson,
Bliss,	Evans,	Owen, Ind.	Tucker,
Blount,	Featherston,	Paynter,	Turner, Ga.
Brosius,	Fitch,	Penington,	Turner, N. Y.
Brower,	Flood,	Perry,	Turpin,
Browne, T. M.	Gifford,	Phelan,	Venable,
Butterworth,	Goodnight,	Quackenbush,	Wade,
Caldwell,	Hemphill,	Randall, Mass.	Washington,
Campbell,	Henderson, N. C.	Randall, Pa.	Watson,
Candler, Ga.	Hopkins,	Reilly,	Wheeler, Mich.
Cheatham,	Knapp,	Reyburn,	Whithorne,
Cothran,	Lansing,	Rusk,	Wickham,
Covert,	Lehlbach,	Scranton,	Wilber,
Cowles,	Magner,	Skinner,	Wiley,
Culbertson, Pa.	McCarthy,	Smith, Ill.	Wilson, Ky.
Dalzell,	McClammy,	Stahlnecker,	Wilson, Mo.
Dargan,	McCormick,	Stephenson,	Wright,
Darlington,	Moore, Tex.	Stump,	

So the bill was passed.

The following-named members were announced as paired on all political questions until further notice:

Mr. WADE with Mr. NORTON.

Mr. BLISS with Mr. CHIPMAN.  
 Mr. SCRANTON with Mr. HEMPHILL.  
 Mr. MUDD with Mr. RUSK.  
 Mr. BROWER with Mr. BUNN.  
 Mr. THOMPSON with Mr. TURNER, of Georgia.  
 Mr. EVANS with Mr. PERRY.  
 Mr. BROSIUS with Mr. REILLY.  
 Mr. CALDWELL with Mr. MCCARTHY.  
 Mr. WICKHAM with Mr. COCHRAN.  
 Mr. KNAPP with Mr. STAHLNECKER.  
 Mr. HOPKINS with Mr. BLOUNT.  
 Mr. BREWER with Mr. COVERT.  
 Mr. WILSON, of Kentucky, with Mr. PAYNTER.  
 Mr. REYBURN with Mr. MCCLAMMY.  
 Mr. LEHLBACH with Mr. OATES.  
 Mr. FLOOD with Mr. HENDERSON, of North Carolina.  
 Mr. FINLEY with Mr. CANDLER, of Georgia.  
 Mr. SMITH, of Illinois, with Mr. SKINNER.  
 Mr. WILBER with Mr. RANDALL, of Pennsylvania.  
 Mr. GIFFORD with Mr. TURPIN.  
 Mr. STEPHENSON with Mr. GOODNIGHT.  
 Mr. COWLES with Mr. ALLEN, of Michigan, until April 1.  
 Mr. TAYLOR, of Tennessee, with Mr. O'NEALL, of Indiana, until April 13.

For this day:  
 Mr. OWEN, of Indiana, with Mr. TUCKER.  
 Mr. CRAIG with Mr. BARNES.  
 Mr. WRIGHT with Mr. DARGAN.  
 For the rest of this day:  
 Mr. JOSEPH D. TAYLOR with Mr. ENLOE.  
 Mr. HARMER with Mr. MOORE, of Texas.  
 Mr. TURNER, of Kansas, with Mr. DUNPHY.  
 Mr. LANSING with Mr. WILEY.  
 Mr. WATSON with Mr. WASHINGTON, on this bill. If present, Mr. WATSON would vote for and Mr. WASHINGTON against it.  
 Mr. DARLINGTON with Mr. PENINGTON, on this bill. Mr. DARLINGTON would vote for it.

Mr. BLISS. Mr. Speaker, I desire to have my vote recorded.  
 The SPEAKER. Was the gentleman in his seat and listening at the time his name was called?  
 Mr. BLISS. Having just returned to the city, I did not get into the Hall until a moment or two after my name was called. I ask unanimous consent that my vote may be recorded.

The SPEAKER. The Chair is not allowed under the rules to entertain the request.  
 Mr. BLISS. If permitted to vote, I should vote "ay."  
 The SPEAKER. The gentleman can have the benefit of that statement in the RECORD.

Mr. ROGERS. During the first roll-call I was temporarily absent from the Hall and did not answer to my name, though I understand the Clerk, by mistake, recorded me as voting. On the second roll-call I was in my seat, but my name was not called. I desire to be recorded as voting "no."

The SPEAKER. The gentleman's vote is so recorded.  
 Mr. CHIPMAN. I was announced as paired with my colleague, Mr. BLISS; but that pair applies only to political questions. On this question we both vote the same way.

Mr. OATES. I am paired on political questions with the gentleman from New Jersey [Mr. LEHLBACH], but not on this bill. Therefore I have voted.

Mr. HOUK. My colleague, Mr. EVANS, is absent on account of sickness. If present, he would vote "ay."

Mr. BREWER. It has been announced from the Clerk's desk that I am paired with the gentleman from New York [Mr. COVERT]. We were paired until last evening upon all political questions. I presume that on this question the gentleman from New York would vote "ay," as I have voted. Therefore I allow my vote to stand.

Mr. MASON. I ask unanimous consent that the recapitulation of the names be dispensed with.

There was no objection, and it was ordered accordingly.  
 The result of the vote was announced as above stated.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMISSION OF WYOMING.

Mr. BAKER. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill for the admission of Wyoming; and pending that motion I ask unanimous consent for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Wednesday, March 26, immediately after the approval of the Journal, be set apart for the consideration in the House of the bill for the admission of Wyoming, and that unless previously ordered by the House the

previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 4 o'clock p. m. of that day.

Mr. SPRINGER. I object to this resolution.

Mr. BAKER. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill in relation to the admission of Wyoming.

Mr. SPRINGER. I move that the House adjourn.

The question was put.

Several MEMBERS. The ayes seem to have it.

The SPEAKER. The Chair is in doubt. [Laughter.]

The House was counted; and there were—ayes 91, noes 94.

Mr. SPRINGER. I demand tellers.

Tellers were ordered; and Mr. SPRINGER and Mr. BAKER were appointed.

The House again divided; and the tellers reported—ayes 96, noes 101.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 94, nays 113, not voting 122; as follows:

YEAS—94.

Abbott,	Crain,	Lane,	Peel,
Alderson,	Crisp,	Lanham,	Pierce,
Andrew,	Culbertson, Tex.	Lee,	Price,
Bankhead,	Cummings,	Lester, Ga.	Richardson,
Barnes,	Dockery,	Lester, Va.	Rogers,
Barwig,	Edmunds,	Lewis,	Rowland,
Bland,	Elliott,	Maish,	Sayers,
Breckinridge, Ark.	Ellis,	Mansur,	Seney,
Breckinridge, Ky.	Fithian,	Martin, Ind.	Spinola,
Brickner,	Flower,	Martin, Tex.	Springer,
Brookshire,	Forney,	McAdoo,	Stewart, Ga.
Brunner,	Geissenhainer,	McClellan,	Stone, Mo.
Buchanan, Va.	Gibson,	McMillin,	Tarsney,
Buckalew,	Grimes,	McRae,	Tillman,
Bullock,	Hare,	Mills,	Tracey,
Bynum,	Hatch,	Montgomery,	Walker, Mo.
Carlisle,	Hayes,	Morgan,	Wheeler, Ala.
Catchings,	Haynes,	Mutchler,	Whiting,
Chipman,	Heard,	Norton,	Wike,
Clarke, Ala.	Herbert,	O'Ferrall,	Wilkinson,
Clements,	Holman,	O'Neil, Mass.	Williams, Ill.
Clunie,	Hooker,	Outhwaite,	Wilson, W. Va.
Cobb,	Kerr, Pa.	Owens, Ohio	
Cooper, Ind.	Kilgore,	Parrett,	

NAYS—113.

Adams,	Comstock,	Kennedy,	Raines,
Allen, Mich.	Conger,	Kerr, Iowa	Ray,
Anderson, Kans.	Connell,	Ketcham,	Reed, Iowa
Arnold,	Cooper, Ohio	Kinsey,	Rowell,
Atkinson, Pa.	Craig,	Lacey,	Russell,
Atkinson, W. Va.	Cutcheon,	La Follette,	Sanford,
Baker,	De Haven,	Laws,	Scully,
Banks,	De Lano,	Lind,	Sherman,
Bayne,	Dolliver,	Lodge,	Simonds,
Belden,	Dorsey,	Mason,	Smith, W. Va.
Belknap,	Dunnell,	McComas,	Snider,
Bergen,	Ewart,	McCord,	Spooner,
Bingham,	Farquhar,	McKenna,	Stewart, Vt.
Bliss,	Finley,	McKinley,	Stivers,
Boothman,	Flick,	Miles,	Stockbridge,
Boutelle,	Frank,	Milliken,	Struble,
Bowden,	Geart,	Moffit,	Taylor, E. B.
Brewer,	Gest,	Moore, N. H.	Townsend, Colo.
Browne, Va.	Grosvenor,	Morey,	Townsend, Pa.
Buchanan, N. J.	Hall,	Morrill,	Turner, Kans.
Burrows,	Hansbrough,	Morrow,	Vandever,
Burton,	Harmer,	Morse,	Van Schaick,
Cannon,	Haugen,	O'Donnell,	Wallace, Mass.
Carter,	Henderson, Ill.	Osborne,	Williams, Ohio
Caswell,	Henderson, Iowa	Payne,	Wilson, Wash.
Cheadle,	Hermann,	Peters,	Yardley.
Clark, Wis.	Hitt,	Pickler,	
Cogswell,	Houk,	Post,	
Coleman,	Kelley,	Pugsley,	

NOT VOTING—122.

Allen, Miss.	Dingley,	Nute,	Stone, Ky.
Anderson, Miss.	Dunphy,	Oates,	Stump,
Bartine,	Enloe,	O'Neall, Ind.	Sweeney,
Beckwith,	Evans,	O'Neill, Pa.	Taylor, Ill.
Biggs,	Featherston,	Owen, Ind.	Taylor, J. D.
Blanchard,	Fitch,	Paynter,	Taylor, Tenn.
Blount,	Flood,	Payson,	Thomas,
Boatner,	Forman,	Pennington,	Thompson,
Brosius,	Fowler,	Perkins,	Tucker,
Brower,	Funston,	Perry,	Turner, Ga.
Brown, J. B.	Gifford,	Phelan,	Turner, N. Y.
Browne, T. M.	Goodnight,	Quackebush,	Turpin,
Bunn,	Greenhalge,	Quinn,	Venable,
Butterworth,	Grout,	Randall, Mass.	Wade,
Caldwell,	Hemphill,	Randall, Pa.	Walker, Mass.
Campbell,	Henderson, N. C.	Reilly,	Wallace, N. Y.
Candler, Ga.	Hill,	Reyburn,	Washington,
Candler, Mass.	Hopkins,	Rife,	Watson,
Carlton,	Knapp,	Robertson,	Wheeler, Mich.
Caruth,	Laidlaw,	Rockwell,	Whitthorne,
Cheatham,	Lansing,	Rusk,	Wickham,
Clancy,	Lawler,	Sawyer,	Wilber,
Cochran,	Lehlbach,	Scranton,	Wiley,
Covert,	Magner,	Shively,	Willcox,
Cowles,	McCarthy,	Skinner,	Wilson, Ky.
Culbertson, Pa.	McClammy,	Smith, Ill.	Wilson, Mo.
Daizell,	McCormick,	Smyser,	Wise,
Dargan,	McCreary,	Stahlnecker,	Wright,
Darlington,	Moore, Tex.	Stephenson,	Yoder,
Davidson,	Mudd,	Stewart, Tex.	
Dibble,	Niedringhaus,	Stockdale,	

So the House refused to adjourn.

During the roll-call the following additional pairs were announced until further notice:

Mr. THOMAS M. BROWNE with Mr. BRIGGS.

On this vote:

Mr. WALLACE, of New York, with Mr. STONE, of Kentucky.

Mr. ROCKWELL with Mr. MCCREARY.

For the rest of the day:

Mr. DARLINGTON with Mr. PENINGTON.

Mr. CRAIG with Mr. WASHINGTON.

Mr. O'NEILL, of Pennsylvania, with Mr. DAVIDSON.

Mr. WATSON with Mr. SHIVELY.

Mr. DORSEY. I move, by unanimous consent, the reading of the names be dispensed with.

Mr. SPRINGER. I object.

Mr. HILL. I withdraw my vote, being paired with Mr. TUCKER on all political questions.

The vote was then announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from New York [Mr. BAKER] that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill for the admission of Wyoming.

The question was put to the House.

The SPEAKER. The ayes seem to have it.

Mr. SPRINGER. Division.

The House divided; and there were—ayes 87, noes 76.

Mr. SPRINGER. I demand tellers.

Tellers were ordered; and Mr. SPRINGER and Mr. BAKER were appointed.

The House again divided; and the tellers reported—ayes 74, noes 45.

Mr. SPRINGER. I make the point of order that no quorum has voted.

The SPEAKER. The Chair overrules the point of order.

Mr. BAKER. I move a call of the House.

The SPEAKER. The only point is that no quorum has voted.

Mr. BLAND. I make the point that there is no quorum present, as shown by the vote.

The SPEAKER. The Chair overrules the point of order.

Mr. WILLIAMS, of Illinois. I make the point of order that there is no quorum present.

The SPEAKER. That point the Chair will investigate.

The SPEAKER, having counted the House, announced the presence of 121 members, less than a quorum.

Mr. BAKER. I move a call of the House.

The question was taken; and on a division there were—ayes 78, noes 55.

So a call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Abbott,	Darlington,	Magner,	Skinner,
Allen, Miss.	Davidson,	Mason,	Smith, Ill.
Anderson, Miss.	De Haven,	McCarthy,	Smyser,
Bartine,	Dibble,	McClammy,	Spinola,
Beckwith,	Dunphy,	McComas,	Stahlnecker,
Belknap,	Edmunds,	McCormick,	Stephenson,
Biggs,	Ellis,	McRae,	Stewart, Ga.
Bingham,	Enloe,	Miles,	Stewart, Tex.
Blanchard,	Evans,	Milliken,	Stewart, Vt.
Boatner,	Ewart,	Mills,	Stockdale,
Bowden,	Featherston,	Montgomery,	Stump,
Breckinridge, Ark.	Fitch,	Moore, Tex.	Taylor, Ill.
Brewer,	Flood,	Mudd,	Taylor, Joseph D.
Brosius,	Forman,	Niedringhaus,	Taylor, Tenn.
Brower,	Fowler,	Norton,	Thomas,
Brown, J. B.	Frank,	Nute,	Thompson,
Browne, T. M.	Gibson,	O'Neill, Ind.	Tillman,
Bunn,	Gifford,	Owen, Ind.	Tracey,
Butterworth,	Goodnight,	Payson,	Tucker,
Caldwell,	Greenhalge,	Pennington,	Turner, Ga.
Campbell,	Grout,	Perkins,	Turner, N. Y.
Candler, Ga.	Hall,	Perry,	Turpin,
Candler, Mass.	Harmer,	Phelan,	Venable,
Carlisle,	Hatch,	Quackenbush,	Wade,
Carlton,	Haynes,	Quinn,	Wallace, Mass.
Caruth,	Hemphill,	Raines,	Wallace, N. Y.
Catchings,	Henderson, Iowa,	Randall, Mass.	Washington,
Cheatham,	Henderson, N. C.	Randall, Pa.	Watson,
Clancy,	Herbert,	Ray,	Wheeler, Mich.
Clark, Wis.	Hermann,	Reilly,	Whitthorne,
Conger,	Hopkins,	Reyburn,	Wickham,
Congress,	Kilgore,	Richardson,	Wilber,
Cooper, Ohio,	Knapp,	Rife,	Wiley,
Cothran,	Laidlaw,	Robertson,	Wilkinson,
Covert,	Lane,	Rockwell,	Wilson, Ky.
Cowles,	Lanham,	Rowell,	Wilson, W. Va.
Crain,	Lansing,	Rusk,	Wise,
Culbertson, Tex.	Lawler,	Sawyer,	Wright,
Culbertson, Pa.	Lehlbach,	Scranton,	Yoder.
Dalzell,	Lewis,	Seney,	
Dargan,	Lodge,	Shively,	

The SPEAKER. The roll-call discloses the presence of 167 members, being more than a quorum.

Mr. BAKER. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill for the admission of the Territory of Wyoming; and the tellers will resume their places.

Mr. BAKER. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 93, nays 64, not voting 172; as follows:

YEAS—93.		
Adams,	Craig,	Kerr, Iowa
Allen, Mich.	Cutcheon,	Kinsey,
Anderson, Kans.	De Haven,	Lacey,
Arnold,	De Lano,	La Follette,
Atkinson, Pa.	Dingley,	Laws,
Atkinson, W. Va.	Dolliver,	Lincoln,
Baker,	Dorsey,	McComas,
Banks,	Dunnell,	McCord,
Bayne,	Farquhar,	McKenna,
Belden,	Finley,	McKinley,
Bergen,	Flick,	Moffitt,
Bliss,	Funston,	Moore, N. H.
Boothman,	Gear,	Morey,
Boutelle,	Gest,	Morrill,
Buchanan, N. J.	Grosvenor,	Morrow,
Burrows,	Hall,	Morse,
Burton,	Hansbrough,	Osborne,
Cannon,	Haugen,	Payne,
Carter,	Hayes,	Peters,
Casswell,	Henderson, Ill.	Pickler,
Cheadle,	Hitt,	Post,
Cogswell,	Houk,	Pugsley,
Coleman,	Kelley,	Reed, Iowa
Comstock,	Kennedy,	Rockwell,
NAYS—64.		
Alderson,	Cobb,	Lester, Va.
Andrew,	Cooper, Ind.	Lewis,
Barnes,	Cummings,	Maish,
Bland,	Dockery,	Martin, Ind.
Breckinridge, Ark.	Enloe,	Martin, Tex.
Breckinridge, Ky.	Fithian,	McAdoo,
Brickner,	Flower,	McClellan,
Brookshire,	Forney,	McCreary,
Brunner,	Geissenhainer,	McMillin,
Buchanan, Va.	Grimes,	Morgan,
Buckalew,	Hare,	Mutchler,
Bullock,	Heard,	O'Ferrall,
Chipman,	Holman,	O'Neil, Mass.
Clarke, Ala.	Hooker,	Outhwaite,
Clements,	Kerr, Pa.	Owens, Ohio
Clunie,	Lester, Ga.	Parrett,
NOT VOTING—172.		
Abbott,	Culbertson, Pa.	Lodge,
Allen, Miss.	Dalzell,	Magner,
Anderson, Miss.	Dargan,	Mansur,
Bankhead,	Darlington,	Mason,
Bartine,	Davidson,	McCarthy,
Barwig,	Dibble,	McClammy,
Beckwith,	Dunphy,	McCormick,
Belknap,	Edmunds,	McRae,
Biggs,	Ellis,	Miles,
Bingham,	Elliott,	Milliken,
Blanchard,	Evans,	Mills,
Boatner,	Ewart,	Montgomery,
Bowden,	Featherston,	Moore, Tex.
Brewer,	Fitch,	Mudd,
Brosius,	Flood,	Niedringhaus,
Brower,	Forman,	Norton,
Brown, J. B.	Frank,	Nute,
Browne, T. M.	Gibson,	O'Neill, Ind.
Browne, Va.	Gifford,	O'Neill, Pa.
Bunn,	Goodnight,	Owen, Ind.
Butterworth,	Greenhalge,	Paynter,
Bynum,	Grout,	Payson,
Caldwell,	Harmer,	Pennington,
Campbell,	Hatch,	Perkins,
Candler, Ga.	Haynes,	Perry,
Candler, Mass.	Hemphill,	Phelan,
Carlisle,	Henderson, Iowa	Quackenbush,
Carlton,	Henderson, N. C.	Quinn,
Caruth,	Herbert,	Raines,
Catchings,	Hermann,	Randall, Mass.
Cheatham,	Hill,	Randall, Pa.
Clancy,	Hopkins,	Ray,
Clark, Wis.	Ketcham,	Reilly,
Conger,	Kilgore,	Reyburn,
Congress,	Knapp,	Richardson,
Cooper, Ohio,	Laidlaw,	Rife,
Cothran,	Lane,	Robertson,
Covert,	Lanham,	Rogers,
Cowles,	Lansing,	Rowell,
Crain,	Lawler,	Rusk,
Crisp,	Lee,	Sawyer,
Culbertson, Tex.	Lehlbach,	

NOT VOTING—172.

Scranton,
Seney,
Shively,
Skinner,
Smith, Ill.
Smyser,
Spinola,
Stahlnecker,
Stephenson,
Stewart, Ga.
Stewart, Tenn.
Stewart, Vt.
Stivers,
Stockdale,
Stump,
Taylor, Ill.
Taylor, J. D.
Taylor, Tenn.
Thomas,
Thompson,
Tillman,
Tracey,
Tucker,
Turner, Ga.
Turner, N. Y.
Turpin,
Venable,
Wade,
Wallace, Mass.
Wallace, N. Y.
Watson,
Wheeler, Mich.
Whitthorne,
Wickham,
Wilber,
Wiley,
Wilkinson,
Willcox,
Wilson, Ky.
Wilson, W. Va.
Wise,
Wright,
Yoder.

No quorum voting.

The following additional pairs were announced for the rest of the day:

Mr. BROWNE, of Virginia, with Mr. LEE.

Mr. COGSWELL with Mr. ANDREW.

Mr. HERMANN with Mr. LANHAM.

Mr. LODGE with Mr. CULBERTSON, of Pennsylvania.

Mr. STEWART, of Vermont, with Mr. KILGORE.

Mr. MASON with Mr. McRAE.

The following were announced as being paired on this vote:

Mr. ANDERSON, of Mississippi, with Mr. ROBERTSON.

Mr. CARUTH with Mr. BLANCHARD.  
Mr. CARLTON with Mr. YODER.

On motion of Mr. BAKER, by unanimous consent, the recapitulation of the vote was dispensed with.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I make the point that there is no quorum present.  
Mr. BAKER. I move that the House adjourn.

#### ENROLLED BILLS SIGNED.

Pending the motion to adjourn,

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 525) to establish two additional land offices in the State of Montana; when the Speaker signed the same.

And then the motion of Mr. BAKER was agreed to; and accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### TRANSFER OF PENSION BUREAU TO WAR DEPARTMENT.

Letter from the Secretary of War, replying to the resolution of the House of Representatives requesting that the Secretary of War and the Secretary of the Interior inform the House what saving of public expenditure, if any, can be made by transferring the Bureau of Pensions to the War Department—to the Committee on Invalid Pensions.

##### RELIEF OF CERTAIN INDIAN AGENTS.

Letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs setting forth the claims of certain Indian agents for pay for a part of their terms of service, heretofore suspended by the accounting officers of the Treasury Department in the settlement of their accounts, together with a draught of a bill for their relief—to the Committee on Indian Affairs.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 73) for the relief of Avery D. Babcock and wife, of Oregon—to the Committee on Military Affairs.

A bill (S. 231) for the relief of Robert H. Montgomery—to the Committee on War Claims.

A bill (S. 393) for the relief of Aquilla Jones, late postmaster at Indianapolis, Ind.—to the Committee on Claims.

A bill (S. 462) making an appropriation for the construction of a light-house and steam fog-signal on St. Mary's Island, Alaska—to the Committee on Commerce.

A bill (S. 555) for the relief of James W. Harvey as assignee of Joseph Parkins—to the Committee on Claims.

A bill (S. 724) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa—to the Committee on Claims.

A bill (S. 762) granting a pension to Jeremiah White—to the Committee on Pensions.

A bill (S. 763) granting a pension to Martha F. Webster—to the Committee on Invalid Pensions.

A bill (S. 773) granting a pension to James E. Kabler—to the Committee on Invalid Pensions.

A bill (S. 840) granting an increase of pension to Levi Moser—to the Committee on Invalid Pensions.

A bill (S. 877) for the relief of Dr. A. Sidney Tebbs—to the Committee on Military Affairs.

A bill (S. 894) to incorporate the King Theological Hall—to the Committee on the District of Columbia.

A bill (S. 897) to establish a port of delivery at Sioux City, Iowa—to the Committee on Commerce.

A bill (S. 1034) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased—to the Committee on Claims.

A bill (S. 1047) granting a pension to Mary Murphy—to the Committee on Invalid Pensions.

A bill (S. 1082) granting a pension to Frederick Kidwiler—to the Committee on Invalid Pensions.

A bill (S. 1151) granting a pension to Robert Foss—to the Committee on Invalid Pensions.

A bill (S. 1152) granting a pension to Mary O. Hall—to the Committee on Invalid Pensions.

A bill (S. 1154) to increase the pension of James Johnson—to the Committee on Invalid Pensions.

A bill (S. 1247) granting a pension to Michael Shong—to the Committee on Invalid Pensions.

A bill (S. 1256) granting a pension to James A. Myers—to the Committee on Invalid Pensions.

A bill (S. 1264) to provide for the erection of a public building at San Diego, Cal.—to the Committee on Public Buildings and Grounds.

A bill (S. 1269) granting a pension to James M. McKinney—to the Committee on Invalid Pensions.

A bill (S. 1350) for the relief of Lieut. Col. Charles G. Sawtelle, deputy quartermaster-general United States Army—to the Committee on Claims.

A bill (S. 1502) granting a pension to Mary Ellen Fitzgerald—to the Committee on Invalid Pensions.

A bill (S. 1548) to provide for the purchase of a site and the erection of a public building thereon at Taunton, in the State of Massachusetts—to the Committee on Public Buildings and Grounds.

A bill (S. 1616) for the relief of Charles Adams—to the Committee on Claims.

A bill (S. 1665) granting restoration of pension to Sarah A. Woodbridge—to the Committee on Invalid Pensions.

A bill (S. 2063) placing the name of Elizabeth Domm on the pension-rolls—to the Committee on Invalid Pensions.

A bill (S. 2076) granting an increase of pension to John E. Walton—to the Committee on Invalid Pensions.

A bill (S. 2103) granting a pension to Mrs. Caroline G. Seyfforth—to the Committee on Invalid Pensions.

A bill (S. 2245) granting increase of pension to Mrs. Adelaide H. Woodall—to the Committee on Invalid Pensions.

A bill (S. 2262) for the relief of John S. Neet, jr.—to the Committee on War Claims.

A bill (S. 2285) granting a pension to Hannah Leo—to the Committee on Invalid Pensions.

A bill (S. 2369) granting an increase of pension to Oscar S. Collins—to the Committee on Invalid Pensions.

A bill (S. 2389) granting an increase of pension to Robert H. Milroy, major-general, United States Volunteers—to the Committee on Pensions.

A bill (S. 2412) for the relief of Joseph W. Carmack—to the Committee on War Claims.

A bill (S. 2415) to amend an act entitled "An act authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.," approved July 19, 1888—to the Committee on Commerce.

A bill (S. 2451) granting a pension to Juliet Opie H. Ayers—to the Committee on Invalid Pensions.

A bill (S. 2481) to improve the marine hospital at Vineyard Haven, Mass.—to the Committee on Naval Affairs.

A bill (S. 2531) granting an increase of pension to Benjamin T. Baker—to the Committee on Invalid Pensions.

A bill (S. 2598) increasing the pension of Walter P. Harrison—to the Committee on Pensions.

A bill (S. 2611) granting a pension to James Anderson—to the Committee on Invalid Pensions.

A bill (S. 2618) to confirm to the city of Buffalo, Wyo., certain lands occupied for school purposes—to the Committee on the Public Lands.

A bill (S. 2634) for the relief of T. A. Kendig—to the Committee on Claims.

A bill (S. 2835) to amend an act approved March 3, 1887, entitled "An act to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown—to the Committee on Commerce.

#### RESOLUTIONS.

Under clause 2 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. RUSSELL:

*Resolved by the House of Representatives (the Senate concurring), That the Report of the Commissioner of Fish and Fisheries for the year 1888 be printed, and that there be printed 12,500 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 2,500 for the use of the Commissioner of Fish and Fisheries, and 1,000 for sale by the Public Printer, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing;*

to the Committee on Printing.

By Mr. BAKER:

*Resolved, That Wednesday, March 26, immediately after the approval of the Journal, be set apart for the consideration in the House of the bill for the admission of Wyoming, and that unless previously ordered by the House the previous question shall be deemed ordered on the engrossment, third reading, and final passage of the bill at 4 o'clock p. m. of that day;*

to the Committee on Rules.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. ALLEN, of Michigan, from the Committee on Agriculture, reported with amendment the bill (H. R. 282) transferring the weather service of the United States Signal Service Bureau to the Department of Agriculture—to the Committee of the Whole House on the state of the Union.

Mr. SWENEY, from the Committee on Commerce, reported favorably the bill (S. 1738) to authorize the construction of a railroad bridge across the Missouri River, in the county of Monona, in the State of Iowa, and in the county of Burt, in the State of Nebraska—to the House Calendar.

Mr. BUCHANAN, of New Jersey, from the Committee on the Judiciary, reported with amendment the bill (H. R. 5966) to provide for an additional associate justice of the supreme court of the Territory of New Mexico—to the Committee of the Whole House on the state of the Union.

Mr. ROGERS, from the Committee on the Judiciary, reported with amendment the bill (H. R. 3936) to amend section 9 of "An act making appropriations for expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885—to the Committee of the Whole House on the state of the Union.

Mr. WALKER, of Missouri, from the Committee on Commerce, reported favorably the following bills; which were severally referred to the House Calendar:

A bill (S. 2323) to authorize the construction of a bridge across the Arkansas River at or near Pendleton, Desha County, Arkansas; and

A bill (S. 2324) to authorize the building of a bridge across the White River, Arkansas, by the Mississippi and Little Rock Railway Company.

Mr. BROWNE, of Virginia, from the Committee on Pensions, reported with amendment the bill (H. R. 823) granting pensions to the survivors of the Indian wars—to the Committee of the Whole House on the state of the Union.

Mr. CUTCHEON, from the Committee on Military Affairs, reported with amendment the bill (H. R. 7989) to promote the administration of justice in the Army—to the House Calendar.

He also, from the same committee, reported favorably the bill (H. R. 8201) to amend the Articles of War relative to the punishment on conviction by courts-martial—to the House Calendar.

Mr. DAVIDSON, from the Committee on Commerce, reported favorably the bill (H. R. 6421) to extend to Tampa, Fla., the privilege of immediate transportation of unappraised merchandise—to the House Calendar.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported favorably the joint resolution (H. Res. 128) construing part of act of March 2, 1889, making appropriations for the office of Second Assistant Postmaster-General—to the House Calendar.

Mr. CAREY, from the Committee on Military Affairs, reported favorably the bill (H. R. 1335) for the relief of Robert H. Montgomery—to the Committee of the Whole House.

Mr. BINGHAM, from the Committee on Merchant Marine and Fisheries, reported favorably the bill (S. 2501) to provide for an American register for a steamer to be named San Benito, owned by a corporation of the State of California—to the House Calendar.

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported favorably the bill (S. 2483) increasing the salary of the Supervising Surgeon-General of the Marine-Hospital Service—to the Committee of the Whole House on the state of the Union.

Mr. NORTON, from the Committee on Pensions, to which was referred the bill (H. R. 8194) to amend section 1 of an act granting pensions to the soldiers and sailors of the Mexican war, reported, as a substitute therefor, a bill (H. R. 8593) to amend section 1 of an act granting pensions to the soldiers and sailors of the Mexican war; which was read twice, and referred to the Committee of the Whole House on the state of the Union.

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill (S. 760) granting a pension to Jonathan Hayes—to the Committee of the Whole House.

Mr. SPOONER, from the Committee on Military Affairs, reported with amendment the bill (H. R. 1324) to clear the military record of J. George Ruckstuhl—to the Committee of the Whole House.

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the bill (H. R. 8394) to amend chapter 67, volume 23, of the Statutes at Large of the United States—to the House Calendar.

Mr. ROCKWELL, from the Committee on Military Affairs, reported favorably the bill (H. R. 8235) to prevent desertions from the Army, and for other purposes—to the House Calendar.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the joint resolution (H. Res. 14) authorizing the use and improvement of Castle Island, in Boston Harbor—to the House Calendar.

He also, from the same committee, reported with amendment the bill (H. R. 644) for the construction of a macadam road from the city of Salisbury, N. C., to the national cemetery near that place—to the Committee of the Whole House on the state of the Union.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. FRANK (by request): A bill (H. R. 8585) for the relief of soldiers and sailors of the late war who have so far received no bounty—to the Committee on Invalid Pensions.

Also (by request): A bill (H. R. 8586) for the relief of soldiers and sailors of the late war dependent for their support upon others—to the Committee on Invalid Pensions.

By Mr. PAYSON: A bill (H. R. 8587) to regulate the granting of leases and the distribution of hot water and collection of rents for the same at Hot Springs, Ark.—to the Committee on the Public Lands.

By Mr. FARQUHAR: A bill (H. R. 8588) to amend section 4178, Revised Statutes, providing for the marking of vessels' names at bow and stern—to the Committee on Merchant Marine and Fisheries.

By Mr. LANE: A bill (H. R. 8589) to amend sections 4783 and 5486 of the Revised Statutes—to the Committee on Invalid Pensions.

By Mr. BOUTELLE (by request of Mr. REED, of Maine): A bill (H. R. 8590) to authorize the Secretary of War to convey to school district No. 12, of Kittery, Me., a certain portion of the military reservation of Fort McClary, Me., for school purposes, in exchange for other lands within the limits of said reservation—to the Committee on Military Affairs.

By Mr. MUTCHLER: A bill (H. R. 8591) to extend the jurisdiction of the Court of Claims to all claims for the use by the Government of patents granted by the United States—to the Committee on the Judiciary.

By Mr. McCLELLAN: A bill (H. R. 8592) to equalize taxation and impose a graduated income tax—to the Committee on Ways and Means.

By Mr. ATKINSON, of Pennsylvania (by request): A bill (H. R. 8594) to authorize the extension of the Columbia Railway Company of the District of Columbia—to the Committee on the District of Columbia.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CANNON: A bill (H. R. 8595) for the relief of William Bishop—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 8596) granting a pension to Charles L. Crick—to the Committee on Invalid Pensions.

By Mr. COOPER, of Indiana: A bill (H. R. 8597) for the relief of Squire West—to the Committee on Invalid Pensions.

By Mr. DORSEY: A bill (H. R. 8598) to increase the pension of Louisa A. Phillips—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 8599) for the relief of William F. Hunter—to the Committee on War Claims.

Also, a bill (H. R. 8600) increasing the pension of William T. Rhodes, late of Company K, Twelfth Regiment United States Infantry, in war with Mexico—to the Committee on Pensions.

Also, a bill (H. R. 8601) for the relief of R. M. Sanderson—to the Committee on War Claims.

Also, a bill (H. R. 8602) granting a pension to John M. Sims—to the Committee on Invalid Pensions.

By Mr. FLOWER: A bill (H. R. 8603) granting a pension to Catherine Sattle—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8604) granting a pension to Maria Brooks—to the Committee on Invalid Pensions.

By Mr. LANSING: A bill (H. R. 8605) to amend the military record of James P. Kirby, Company D, Ninety-fourth Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. LEE (by request): A bill (H. R. 8606) making appropriation for payment of a claim found by the Court of Claims to be due to the estate of Anthony R. Fraser, deceased, late of Virginia—to the Committee on War Claims.

By Mr. NORTON: A bill (H. R. 8607) for the relief of Annie E. Bird—to the Committee on Invalid Pensions.

By Mr. O'NEIL, of Massachusetts: A bill (H. R. 8608) granting a pension to Edwin T. Warner—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 8609) for the relief of Eli Bailey—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 8610) granting a pension to Mattie M. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8611) for the relief of Hugh S. McCormack—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 8612) for the relief of Christian Mornhinveg, sr., of Opelousas, St. Landry Parish, State of Louisiana—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 8613) for the relief of the Reformed Church, of Sharpsburgh, Washington County, and State of Maryland—to the Committee on War Claims.

By Mr. SANFORD: A bill (H. R. 8614) for the relief of John Thompson alias Dennis Stockwell—to the Committee on Military Affairs.

By Mr. SNIDER: A bill (H. R. 8615) for the relief of John Schurch—to the Committee on Claims.

Also, a bill (H. R. 8616) for the relief of Eli Small, late assistant surgeon One hundred and fifty-second New York Volunteers—to the Committee on Military Affairs.

By Mr. SPINOLA: A bill (H. R. 8617) granting an increase of pension to Jonas Carlson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8618) granting an increase of pension to Nehemiah Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8619) granting an increase of pension to Andrew A. Rhobottom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8620) granting a pension to Thaddeus H. Wilcox—to the Committee on Invalid Pensions.

By Mr. STIVERS: A bill (H. R. 8621) to reimburse John Waller, former postmaster at Monticello, N. Y., for moneys expended in carrying the mail—to the Committee on Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 8622) granting a pension to Mrs. Tabitha Hankins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8623) for the relief of James Henry Mastin and Mrs. Mary E. Mastin—to the Committee on War Claims.

By Mr. WILSON, of West Virginia: A bill (H. R. 8624) for the relief of the estate of George Phoenix, deceased—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 8625) granting a pension to Mary G. Walker—to the Committee on Invalid Pensions.

By Mr. McCORD: A bill (H. R. 8626) granting a pension to R. H. Ackerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8627) granting a pension to Frank Sherrin, jr.—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 4174) for the relief of D. W. Boutwell—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 5587) for the relief of James A. Rice—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 7784) for the relief of Agnes and Maria De Leon—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8091) for the relief of A. J. Sampson—Committee on Claims discharged, and referred to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ATKINSON, of West Virginia: Petition of citizens of Wellsburgh, W. Va., relating to employment only of American citizens on Government works—to the Select Committee on Immigration and Naturalization.

By Mr. BURTON: Petition of the Bricklayers' Union of Cleveland, Ohio—to the Committee on Labor.

By Mr. CANNON: Papers to accompany bill for the relief of William Bishop—to the Committee on Invalid Pensions.

By Mr. CAREY: Memorial of the Eleventh Legislative Assembly of Wyoming Territory, praying that certain lands in Wyoming Territory be sold to the settlers thereon—to the Committee on Public Lands.

By Mr. CHIPMAN: Petition of Bricklayers and Masons' Union No. 9, Detroit, Mich., against alien labor on public works—to the Committee on Labor.

By Mr. COLEMAN: Petition of John C. Londreau, on claim—to the Committee on Foreign Affairs.

By Mr. CONGER: Petition of Bricklayers and Masons' Union of Des Moines, Iowa, in favor of the employment of citizens in preference to aliens in the construction of public works—to the Committee on Labor.

Also, joint resolution of Iowa Legislature, asking for pension legislation—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petitions of Muskegon, Mich., No. 5, and Manistee, Mich., No. 8, subordinate unions, Bricklayers and Masons' International Union, with reference to the employment of aliens upon Government works—to the Committee on Labor.

By Mr. DE LANO: Petition of the farmers of Broome County, State of New York, asking protection to barley, potatoes, and numerous other farm products—to the Committee on Ways and Means.

By Mr. DORSEY: Petition from citizens of Kearney, Nebr., asking that only citizens of the United States be employed on public works—to the Committee on the Judiciary.

Also, petition from citizens of Nebraska, against Window bill, against issuing bonds as a basis for banking, for free coinage of silver supplemented by United States notes, for Government supervision of banks—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Nebraska, protesting against passage of Union Pacific Railway funding bill—to the Committee on Pacific Railroads.

Also, remonstrance of citizens of Nebraska, against passage of Window silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. FLOWER: Petition of board of aldermen of New York, in regard to Bedloe's Island and Harlem River improvement—to the Committee on Rivers and Harbors.

By Mr. GEISSENHAINER: Petition for improvement of South Shrewsbury River, Monmouth County, New Jersey—to the Committee on Rivers and Harbors.

Also, petition asking a survey of Shark River, New Jersey—to the Committee on Rivers and Harbors.

By Mr. HARE: Petition of J. N. Deal and 104 others, farmers of Collin County, Texas, against taxing compound lard, as proposed in Conger bill, H. R. No. 283—to the Committee on Agriculture.

By Mr. HEARD: Petition of citizens of the Sixth district of Missouri, in favor of the passage of bill H. R. 3863, proposing an increase in pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON, of Iowa: Resolutions of Widewake Alliance of Farmers, Butler County, Iowa, favoring the Butterworth bill against gambling in farm produce—to the Committee on Agriculture.

Also, petition of C. A. Jones and others, of Black Hawk County, Iowa, and vicinity, praying for the reduction of duties on certain articles therein named—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of citizens of Oregon, for passage of the bill increasing the maximum pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KELLEY: Petition of Colona Lodge, F. M. B. A., of Woodson County, Kansas, asking for the passage of a service-pension bill and for free coinage of silver—to the Committee on Invalid Pensions.

Also, petition of Saline County Farmers' Alliance, State of Kansas, asking for abolition of national banks, issuing of more paper currency, free coinage of silver, for the issuing of fractional currency, for a law preventing the dealing in futures of agricultural products—to the Committee on Banking and Currency.

Also, petition of 114 soldiers and citizens of Woodson County, Kansas, asking for the passage of the Ingalls-Cheadle service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolutions of Montezuma Post, Grand Army of the Republic, favoring a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of John Graham and 33 others, of Davis County, Iowa, asking that twine binding and the material therefor be put on the free-list—to the Committee on Ways and Means.

By Mr. LANSING: Petition of citizens of Ogdensburg, in relation to foreigners working upon public works—to the Committee on Labor.

By Mr. McRAE: Resolutions of the city council of Little Rock, Ark., relative to the deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MORRILL: Resolutions of Farmers' Alliance, Atchison County, Kansas—to the Committee on Banking and Currency.

Also, petition of George W. Chase and 142 others, asking for service pension—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition of citizens of San Diego County, California, praying for the repayment to entrymen of the excess of \$1.25 per acre on cash entries and 3 per cent. commission on a like amount paid by them on homestead entries—to the Committee on the Public Lands.

Also, resolution from the Board of Trade of San Francisco, in opposition to the passage of the Torry bankrupt bill—to the Committee on the Judiciary.

Also, petition of the California Fruit Union, praying for an increased duty on prunes and protesting against a reduction of the duties on raisins, nuts, and olive products—to the Committee on Ways and Means.

Also, petition of sundry postal clerks employed on railroad lines centering in San Francisco, Cal., favoring the passage of H. R. 6459, relative to the reclassification and fixing of their salaries, and protesting against what is known as the Bingham bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution from the North American Turnerbund of San Francisco, Cal., protesting against the passage of any bill designed to materially change the present national laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. O'DONNELL: Petition from 89 farmers of Branch County, Michigan, asking the passage of a law directing the Secretary of the Treasury to pay a bounty for the export of flour by the barrel in American vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. PAYNTER: Petition of Mary Lewis, formerly widow of J. H. Meadows, Company E, Fortieth Kentucky Volunteers, for pension—to the Committee on Invalid Pensions.

By Mr. SHIVELY: Preamble and resolutions from the Cigar-Makers' Union No. 134, of La Porte, Ind., in favor of legislation extending the eight-hour system to all forms of Government contracts, as well as per diem work—to the Committee on Labor.

By Mr. SMYSER: Petition of citizens of Ohio, against alien labor on public works—to the Committee on Labor.

By Mr. STRUBLE: Resolutions passed by Maple Grove Alliance, Monona County, Iowa, urging the passage of the bill H. R. No. 5383, defining options and futures, etc.—to the Committee on Agriculture.

Also, resolutions of West Silver Alliance, Cherokee County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions by Meadow Alliance, 833, Spencer, Iowa, for same measure—to the Committee on Agriculture.

Also (by request), memorial of William C. Hazeldine and others, citizens of the Territory of New Mexico, praying the admission of said

Territory, and constitution submitted with the memorial—to the Committee on the Territories.

By Mr. SWENEY: Resolutions of Charles J. Pixley Post, Grand Army of the Republic, of Rockford, Iowa, favoring a service pension—to the Committee on Invalid Pensions.

Also, resolutions of Reynolds Post, Grand Army of the Republic, of Maynard, Iowa, in favor of a service pension—to the Committee on Invalid Pensions.

Also, resolution of Brush Creek Post, Grand Army of the Republic, Iowa, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: Petitions of Subordinate Union No. 4, of Colorado Springs, Colo., of the Bricklayers and Masons' International Union of America, and of Subordinate Union No. 3, Pueblo, Colo., same international union, for the employment of citizens of the United States on Government works whether let by contract or otherwise—to the Committee on Labor.

By Mr. TOWNSEND, of Pennsylvania (by request): Petition of citizens of Pennsylvania, against alien labor—to the Committee on Labor.

By Mr. TRACEY: Petition of the Subordinate Union No. 8, Cohoes, N. Y., Bricklayers and Masons' International Union of America—to the Committee on Labor.

Mr. WHEELER, of Alabama: Petition of Mobile Cotton Exchange, praying that Congress will not enact a bill taxing lard which contains cotton-seed oil—to the Committee on Agriculture.

Also, petition of Memphis Cotton Exchange, for same purpose—to the Committee on Agriculture.

By Mr. WILSON, of Missouri: Papers in case of T. J. Rice, for relief—to the Committee on Invalid Pensions.

By Mr. WILSON, of Washington: Memorial from Legislature of State of Washington, in relation to Puyallup Indian reservation—to the Committee on Indian Affairs.

## SENATE.

WEDNESDAY, March 26, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.  
The Journal of yesterday's proceedings was read and approved.

### VISITORS TO WEST POINT.

The VICE-PRESIDENT. Under the provisions of existing law, the Chair appoints the Senator from Connecticut [Mr. HAWLEY] and the Senator from Delaware [Mr. GRAY] as members of the Board of Visitors to attend the annual examination of cadets at West Point.

### PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of the Monthly Meeting of Friends, of Dover, Ohio, numbering 352 adult persons, remonstrating against large expenditures for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

Mr. McMILLAN presented a petition of the Farmers and Bee-Keepers' Association of Hesperia, Newaygo County, Michigan, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of Subordinate Union No. 5 of the Bricklayers and Masons' International Union of America, of Muskegon, Mich.; a petition of Subordinate Union No. 9 of the Bricklayers and Masons' International Union of America, of Detroit, Mich.; a petition of Subordinate Union No. 8 of the Bricklayers and Masons' International Union of America, of Manistee, Mich.; a petition of Subordinate Union No. 2 of the Bricklayers and Masons' International Union of America, of Detroit, Mich.; and a petition of Subordinate Union No. 6 of the Bricklayers and Masons' International Union of America, of Saginaw, Mich., praying for the employment of none but citizens of the United States on Government buildings, etc.; which were referred to the Committee on Education and Labor.

He also presented a petition of 474 citizens of the State of Michigan, praying for a national Sunday-rest law, etc.; which was referred to the Committee on Education and Labor.

Mr. VANCE presented a memorial of the Holly Spring Monthly Meeting of Friends, in Randolph County, North Carolina, remonstrating against appropriations of money for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

Mr. VEST presented a petition of George Elston, of Elston, Mo., praying for the repeal of the tax on sugar of all grades above and below No. 13, Dutch standard; which was referred to the Committee on Finance.

Mr. REAGAN presented a petition of 36 citizens of Wheeler County, Texas, praying for the free coinage of silver, like gold; which was referred to the Committee on Finance.

Mr. STEWART presented a petition of 30 members of the Farmers and Laborers' Union No. 714, of Shelby County, Missouri, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented 34 petitions signed by 1,038 members of the Farm-

ers' Alliance, citizens of Nebraska, praying for the free coinage of silver; which were referred to the Committee on Finance.

### REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 1258) for the relief of Charles Murphy, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 1028) for the relief of William Bushby, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 405) for the relief of James A. Terrell, reported it with an amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2017) to increase the pension of Henry H. Penrod, reported it with an amendment, and submitted a report thereon.

Mr. SPOONER. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 5965) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, to report it without amendment. This is the bill commonly known as the Fourth of July claims bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1618) for the relief of Margaret Kennedy, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PASCO, from the Committee on Claims, to whom was referred the petition of Frederick A. Schmidt, administrator of Thomas H. Yeatman, late of Cincinnati, Ohio, deceased, praying payment of claim for war supplies, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 4865) granting a pension to Carrie B. Wirtz, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (H. R. 2832) granting a pension to Sarah McTavey, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 2695) in relation to a farm for the Indian training school at Pierre, S. Dak., reported it without amendment.

### MEAT EXPORTATION AND INSPECTION, ETC.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report an amendment to an amendment of what is commonly called the meat-inspection bill, being the bill (S. 2594) providing for the inspection of meats, etc. I ask that the amendment to the amendment be printed.

Mr. ALLISON. I ask that the amendment to the amendment may be read, so that it will go into the RECORD.

The VICE-PRESIDENT. The proposed amendment will be read.

Mr. SHERMAN. It is a substitute for the first section and is made to conform to the desires and requests of a committee that appeared before the Committee on Foreign Relations.

The CHIEF CLERK. It is proposed to substitute for section 1 of the amended bill:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture may cause to be made a careful inspection of salted pork and bacon intended for exportation with a view to determining whether the same is wholesome, sound, and fit for human food whenever the laws, regulations, or orders of the government of any foreign country to which such pork or bacon is to be exported shall require inspection thereof relating to the importation thereof into such country; and also whenever any buyer, seller, or exporter of such meats intended for exportation shall request the inspection thereof.*

Such inspection shall be made at the place where such meats are packed or boxed, and each package of such meats so inspected shall bear the marks, stamps, or other device for identification provided for in the last clause of this section: *Provided*, That an inspection of such meats may also be made at the place of exportation if an inspection has not been made at the place of packing, or if, in the opinion of the Secretary of Agriculture, a reinspection becomes necessary. One copy of any certificate issued by any such inspector shall be filed in the Department of Agriculture; another copy shall be attached to the invoice of each separate shipment of such meat, and a third copy shall be delivered to the consignor or shipper of such meat as evidence that packages of salted pork and bacon have been inspected in accordance with the provisions of this act and found to be wholesome, sound, and fit for human food; and for the identification of the same such marks, stamps, or other devices as the Secretary of Agriculture may by regulation prescribe shall be affixed to each of such packages.

Any person who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in this section on any package of any such meats, or who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any certificate in reference to meats provided for in this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$1,000, or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Mr. SHERMAN. This amendment is intended to meet the objections made by the packers and dealers in pork, and I believe covers substantially the objections they made. At least, so the committee intended.

The VICE-PRESIDENT. The amendment will be printed and placed upon the Calendar to accompany the bill.