

County, North Carolina, for the passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of L. N. C. Spruill and 29 others, of Washington County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of J. D. Hampton and 42 others, of Currituck County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of J. R. Gay and 29 others, of Jacob Branch Farmers' Alliance, for the same measure—to the Committee on Ways and Means.

Also, petition of L. B. Newburn and 81 others, of Pitt County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of W. S. Spruill and 19 others, against the passage of House bill 233—to the Committee on Agriculture,

By Mr. STAHLNECKER: Letter of Mr. J. Osgood Carlton, against the Butterworth bill—to the Committee on Agriculture.

Also, petition for the granting of medals of honor to the forlorn hope storming column—to the Committee on the Library.

Also, petition of the National Grange, Patrons of Husbandry, favoring certain legislation—to the Committee on Agriculture.

Also, petition of D. M. Downing and 23 persons, of New Rochelle, N. Y., favoring House bill 7162 and Senate bill 2806—to the Committee on Agriculture.

By Mr. STEWART, of Georgia: Petitions of many citizens of Georgia, protesting against the passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. STOKBRIDGE: Petition of 26 citizens of Baltimore, against the manufacture and sale of adulterated articles and in favor of H. R. 10320 (Fiftieth Congress)—to the Committee on Agriculture.

Also, a petition of 26 others, citizens of Baltimore, for the same measure—to the Committee on Agriculture.

By Mr. TURNER, of Kansas: Petition of C. J. Peters, secretary of Willow Dale Alliance, protesting against duty on ores imported from Mexico—to the Committee on Ways and Means.

Also, petition of Twin Creek Alliance, Osborne County, Kansas, opposing the refunding of the Union Pacific Railroad bonds—to the Committee on the Pacific Railroads.

Also, petition of O. O. Osborne and 64 others, opposing refunding of Union Pacific Railroad bonds—to the Committee on the Pacific Railroads.

By Mr. VAN SCHAICK: Petition of merchants, manufacturers, and capitalists of the city of Milwaukee, numbering 122, favoring the passage of laws which will encourage and perpetuate the national-banking system—to the Committee on Banking and Currency.

By Mr. WADE: Petition for reference of papers relating to the claim of Susannah J. Rose, widow of Allen Rose, to the Court of Claims—to the Committee on War Claims.

Also, petition for reference of papers relating to the claim of John H. Roberson to the Court of Claims—to the Committee on War Claims.

Also, petition for reference of papers relating to the claim of Floyd M. Todd to the Court of Claims—to the Committee on War Claims.

Also, petitions of Woman's Christian Temperance Union and other organizations in Missouri, for a national Sunday-rest law—to the Committee on Labor.

By Mr. WALKER, of Massachusetts: Petition of 100 citizens of Spencer, Mass., praying for the passage of laws for the perpetuation of the national-banking system, under which the interests of depositors are protected by Government supervision—to the Committee on Banking and Currency.

By Mr. WASHINGTON: Petition of M. L. Shemwell and 22 others, of Cheatham County, Tennessee, asking for the passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of C. N. Herron and 45 others, of same county and State, for the same relief—to the Committee on Ways and Means.

Also, petition from Alex. Lowe, M. D., and 8 others, from the same county and State, for the same relief—to the Committee on Ways and Means.

## SENATE.

FRIDAY, May 2, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.  
The Journal of yesterday's proceedings was read and approved.

### PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of the United States Maimed Soldiers' League, praying for the enactment of Senate bill 833 and House bill 3328, in regard to pensions; which was referred to the Committee on Pensions.

He also presented the memorial of the representatives of the religious Society of Friends for the States of Pennsylvania, New Jersey, and Delaware, in opposition to the passage of an act making appropriations for the construction of a navy; which was referred to the Committee on Naval Affairs.

Mr. CULLOM presented petitions of citizens of the towns of Chaun-

cey and Gibson, Ill., praying for the passage of a service-pension bill; which were referred to the Committee on Pensions.

Mr. PADDOCK presented a memorial of the representatives of the religious Society of Friends in the States of Pennsylvania, New Jersey, and Delaware, remonstrating against the passage of bills for a large increase of appropriations for the construction of vessels of war, etc.; which was referred to the Committee on Naval Affairs.

Mr. ALLISON presented a petition of 111 citizens of Knoxville, Iowa, and a petition of 26 citizens of Swan, Iowa, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented petitions of members of Star Alliance, No. 1247, and of Olivet Alliance, No. 1142, of the county of Mahaska, in the State of Iowa, praying for the passage of the Conger compound-lard bill; which were referred to the Committee on Agriculture and Forestry.

Mr. DOLPH. I present the petition and statements of the United States Maimed Soldiers' League, praying for the enactment of Senate bill 833 and House bill 3328. I believe those bills have already been acted upon by the Committee on Pensions. However, the petition may be referred.

The VICE-PRESIDENT. The petition will be referred to the Committee on Pensions.

Mr. BERRY presented a petition of the Farmers' Alliance of Clark County, Arkansas, praying for the passage of House bill 7162, providing for the deposit of agricultural products in Government warehouses; which was referred to the Committee on Agriculture and Forestry.

Mr. EVARTS presented a memorial of the Farmington Executive Meeting of Friends of Wayne County, New York, numbering 53 persons, remonstrating against the proposed large increase of expenditures for the Navy and so-called coast defenses; which was referred to the Committee on Naval Affairs.

Mr. TURPIE presented petitions of citizens of St. Joseph and Clinton Counties, in the State of Indiana, and a petition of citizens of Indiana, praying for the passage of the House bill in relation to pure food; which were referred to the Committee on Agriculture and Forestry.

Mr. TELLER presented a petition of Subordinate Union No. 2 of the Bricklayers and Masons' International Union of America, of Pueblo, Colo., praying that none but citizens of the United States be employed on Government works; which was referred to the Committee on Education and Labor.

Mr. HARRIS. I present a memorial of a number of citizens of Tampa, Fla., remonstrating against the passage of what is known as "the Plumb bill," disposing of the late Fort Brooke military reservation, and a bill for the disposal of abandoned and useless military reservations, which have been reported from the Committee on Public Lands. I move that the memorials lie on the table, as the bills have been reported.

The motion was agreed to.

Mr. INGALLS presented a memorial of the Society of Friends of Jewell County, Kansas, remonstrating against further increase in naval expenditure; which was referred to the Committee on Naval Affairs.

He also presented a petition of the board of county commissioners of Anderson County, Kansas, praying for a deep-water harbor on the Gulf of Mexico; which was ordered to lie on the table.

Mr. COKE presented a petition of the Farmers' Alliance of Jones County, Texas, praying for the election of United States Senators by the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Union No. 367, of the United Brotherhood of Carpenters and Joiners, of San Antonio, Tex., praying for the enforcement of the law passed in 1868 making eight hours a day's labor on all Government work; which was referred to the Committee on Education and Labor.

### REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2660) to provide for opening alleys and constructing sewers in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2608) for establishing a free public bathing beach on the Potomac River beside the Washington Monument grounds, reported it without amendment.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 183) for the erection of a public building at Columbus, Ga., reported it with an amendment, and submitted a report thereon.

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

A bill (S. 2386) granting a pension to John Connolly;

A bill (S. 2043) granting a pension to Edgar M. Cherry; and

A bill (H. R. 4038) granting a pension to James Fitzgerald.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 2493) granting a pension to John Swearer, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H.

R. 6688) asking an increase of pension for Mary H. Nicholson, reported it with an amendment, and submitted a report thereon.

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

A bill (S. 1236) granting a pension to Mary A. Mykins;  
 A bill (S. 1240) granting a pension to Jennie H. Coghill;  
 A bill (H. R. 4152) granting an increase of pension to Albert Mabb;  
 A bill (H. R. 4808) granting a pension to Roxanna Finch;  
 A bill (H. R. 5299) for the relief of Chloe Cooper;  
 A bill (H. R. 4393) for the relief of Mary Dockham; and  
 A bill (H. R. 5618) granting a pension to Malvina P. Fletcher, widow of John P. Fletcher, late private Company D, First Michigan Engineers.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (S. 2295) providing for the appointment of superintendent of charities in the District of Columbia, and defining his duties, direct me to report the same adversely and to move that it be postponed indefinitely, the object having been accomplished by a provision in the District appropriation bill.

The motion was agreed to.

Mr. HIGGINS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2760) for the relief of Caroline T. Bancroft, executrix and trustee of William S. Bancroft, deceased, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 9548) providing for the classification of worsted cloths as woolsens, reported it without amendment.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2589) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the Benning Road, in the District of Columbia, reported it without amendment.

#### CANADIAN LINES OF TRANSPORTATION.

Mr. CULLOM. I desire to submit from the Committee on Interstate Commerce the testimony taken and a written report in addition from the committee in response to a resolution passed by the Senate a good while ago, instructing the committee "to ascertain and report to the Senate whether any railroad lines located in the United States are owned, operated, or controlled by the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or any other Canadian railroad corporation; whether commerce originating in the United States is diverted from American to Canadian lines of transportation, and, if so, to what extent and by what means; and whether there is any discrimination in the charges made for tolls or otherwise against American vessels which pass through the Welland and St. Lawrence Canals." The committee instruct me to submit the testimony taken, as well as a written report, and to ask that the same be printed. I ask that the usual number be printed as soon as possible.

The VICE-PRESIDENT. The regular number will be printed, of course.

Mr. CULLOM. I shall probably ask for an additional number of copies of the report proper.

Mr. PLATT subsequently said: I was not in this morning during the time when morning business was considered, when the chairman of the Committee on Interstate Commerce [Mr. CULLOM] presented a report bearing upon the question of the competition of Canadian railroads with our American railroads, and I desire to say that, while I concur in much and most of that report, both as to statement and conclusion, there is one point on which I was unable to agree with the committee, and that is as to the suggestion that some method should be adopted to prevent Canadian roads from doing American business until they comply with the provisions of the interstate-commerce law.

The interstate-commerce law has two sections in it which, I think, should not be there, sections 4 and 5, relating to the short haul and to pooling; and I understand that the only complaint against the Canadian railroads is that they do not observe those sections, at least they do not observe the fourth section. As I think that section ought to be repealed from our law, I see no reason why we should try to enforce it against Canadian roads.

#### BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 3731) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889; which was read twice by its title.

Mr. VEST. I desire to call the attention of the chairman of the Committee on Interstate Commerce to the bill. It provides that express companies shall be placed under the provision of the interstate-commerce law.

Mr. CULLOM. I desire to say that the Committee on Interstate Commerce has had that subject under consideration, and it has also had under consideration at the same time more important legislation with reference to the regulation of common carriers. Seeing at the time that we should probably not be able to secure the legislation in both directions that was desired, the branch of the subject to which the bill now introduced refers was postponed. But the committee will probably

take up the subject again, and especially now, as a bill has been introduced, will it be certain to do so.

The VICE-PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

Mr. FAULKNER introduced a bill (S. 3732) to provide for holding a district court of the United States at Parkersburgh, in the district of West Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 3733) to incorporate the District Railway Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. REAGAN. I introduce a bill to increase the pension of E. S. Bishop, with the inclosed petition from him in which he refers to the Pension Office for evidence upon which he asks relief.

The bill (S. 3734) to increase the pension of E. S. Bishop was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3735) granting a pension to Elizabeth Conder; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a bill (S. 3736) legalizing the action of the commissioners of the District of Columbia in granting permits to extend any building or buildings beyond the building line, and declaring such building or buildings to be lawful structures; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GIBSON introduced a bill (S. 3737) to confirm to the heirs of Mrs. Courtney Ann Claiborne the title to a certain tract of land in the State of Louisiana; which was read twice by its title, and referred to the Committee on Private Land Claims.

#### AMENDMENTS TO BILLS.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the bill (H. R. 1914) to define and regulate the jurisdiction of the courts of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### RAILROAD LAND-GRANT FORFEITURE BILL.

On motion of Mr. DOLPH it was

*Ordered*, That the bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes be printed as it passed the Senate.

#### DISTRICT WATER SUPPLY.

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

*Resolved*, That the Secretary of War is hereby directed to report to the Senate upon the feasibility of completing the tunnel in process of construction between the two reservoirs in the District of Columbia, and the estimated cost thereof; also the practicability of placing iron pipes in the tunnel sufficient to carry the necessary water supply to the new reservoir, and the cost thereof.

#### COIN, CURRENCY, AND IMPORTS.

Mr. MITCHELL. I offer a resolution calling on the Secretary of the Treasury for certain information, and I ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the Secretary of the Treasury be, and he hereby is, directed to report to the Senate at his earliest convenience—

First. The total amount in value of gold coin and gold bullion, respectively, and the total amount in value of silver coin and silver bullion, respectively, such coins to be estimated at their par value and such bullion at its market value at time of shipment, exported from this country during the year ending December 31, 1889, and the amount in like details of each of said coins and metals imported into this country during the same period, and the countries respectively whence said coin or bullion came, and to what uses and extent each was applied in this country during that year.

Second. The amount of national-bank notes retired during the year 1889, the amount and kind of money issued to take the place of said notes; also to take the place of the excess of the amount of coin and bullion, respectively, exported over the amount imported, if any, during that year, and the exact result and effect caused by said changes on the volume of paper money outstanding; and also the amount of gold and silver coin and bullion, respectively, in this country at the beginning and end of said year.

Third. The aggregate cash value of exports from and imports into this country (aside from the movement of gold and silver coin and bullion) during the year ending December 31, 1889.

Fourth. That for convenient reference the answers to these inquiries be stated consecutively and as concisely as the full information asked for will admit.

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

Mr. ALDRICH. I think it had better go over until to-morrow, so that we may see it in print.

Mr. MITCHELL. I ask that it be printed.

The VICE-PRESIDENT. The resolution will go over, and it will be printed under the rule.

#### PRINTING OF SENATE MANUAL.

Mr. INGALLS submitted the following resolution; which was referred to the Committee on Printing:

*Resolved*, That 1,500 copies of the Rules and Manual be printed for the use of the Senate.

## REPORT ON MEAT PRODUCTS.

Mr. VEST submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 30,000 additional copies of the report on meat products, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House of Representatives; and that there be printed 1,500 additional copies of the testimony accompanying the said report, of which 500 shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

## ENTRY OF CHINESE LABORERS INTO THE UNITED STATES.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed, and the Calendar under Rule VIII is in order.

Mr. DOLPH and Mr. ALLISON addressed the Chair.

The VICE-PRESIDENT. The Senator from Oregon.

Mr. DOLPH. I reported on Wednesday, from the Committee on Foreign Relations, a concurrent resolution, to which the Senator from Kansas [Mr. INGALLS] objected and it went over. He having examined it, I believe has no further objection to it; and as I think there is no objection to it I ask leave that it be read and a vote had on it.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Oregon?

Mr. ALLISON. I have no objection to the consideration of the resolution, if it leads to no debate.

Mr. DOLPH. If there is any discussion or if it takes any time, I shall not insist on it at present.

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

The Chief Clerk read the concurrent resolution reported by Mr. DOLPH from the Committee on Foreign Relations on the 30th of April, as follows:

*Resolved by the Senate (the House of Representatives concurring).* That the President, if in his opinion not incompatible with the public interests, be requested to enter into negotiations with the Governments of Great Britain and Mexico, with a view to securing treaty stipulations with those Governments for the prevention of the entry of Chinese laborers into the United States, contrary to the laws of the United States, from the Dominion of Canada and Mexico.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. SHERMAN. I submit to the Senator from Oregon whether the last two clauses ought not to be transposed. I think it would read a little better. I do not wish to change the substance of the resolution, but if he will look at it a moment he will see that it should read: "from the Dominion of Canada, contrary to the laws of the United States."

Mr. DOLPH. Let it read: "from the Dominion of Canada and from Mexico into the United States, contrary to the laws of the United States."

Mr. SHERMAN. That is right.

Mr. GRAY. Is the resolution reported from a committee?

Mr. DOLPH. It was reported from the Committee on Foreign Relations.

Mr. SHERMAN. It was reported unanimously.

The VICE-PRESIDENT. The concurrent resolution will be read as modified.

The Chief Clerk read the concurrent resolution as modified, as follows:

*Resolved by the Senate (the House of Representatives concurring).* That the President, if in his opinion not incompatible with the public interests, be requested to enter into negotiations with the Governments of Great Britain and Mexico with a view to securing treaty stipulations with those Governments for the prevention of the entry of Chinese laborers from the Dominion of Canada and Mexico into the United States, contrary to the laws of the United States.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution as modified.

The concurrent resolution was agreed to.

## PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to widows, minor children, and dependent parents.

Mr. DAVIS. I move that the Senate non-concur in the House amendment and ask for a conference on the disagreeing votes of the two Houses.

Mr. INGALLS. I think it important, in view of the action which has been taken, that the amendment should be printed and lie over until it can be examined and the Senate may have an opportunity of expressing itself on the subject.

The VICE-PRESIDENT. Objection being made to present consideration, the amendment will be printed and lie over.

Mr. CULLOM. I should like to hear the amendment read.

The VICE-PRESIDENT. The amendment of the House of Representatives will be read.

The CHIEF CLERK. The House of Representatives propose to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of any officer or enlisted man of sixty years of age or over, or who shall hereafter reach that age, who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the war of the rebellion, and shall have received an honorable discharge therefrom, said pension to commence from the date of the

application therefor and to continue during the term of the life of said officer or enlisted man, at the rate of \$8 a month.

SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now, or may hereafter be, suffering from mental or physical disability equivalent to the grade now established in the Pension Office for the rating of \$8 per month, upon due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, shall be placed upon the list of invalid pensioners of the United States at the rate of \$8 per month, and such pension shall commence from the date of the filing of the application in the Pension Office after the passage of this act upon proof that the disability then existed, and shall continue during the existence of the same: *Provided*, That those who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe and approve, showing themselves entitled thereto, receive the benefit of this act, and nothing contained in this act shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period.

SEC. 3. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died, or shall hereafter die, leaving a widow over the age of sixty years, such widow shall, upon due proof of her husband's death, be placed upon the pension-roll from date of her application at the rate of \$8 per month, to continue during her widowhood.

SEC. 4. That if any officer or enlisted man who served three months or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of sixteen years, such widow or minor children shall, upon due proof of her husband's death, without proving his death to be the result of his army service, be placed on the pension-roll from the date of the application therefor, at the rate of \$8 per month during her widowhood, and in case of the death or remarriage of the widow, leaving a child or children of the soldier or sailor under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided*, That said widow shall have married said soldier prior to the passage of this act.

SEC. 5. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting pension claims under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claims a sum greater than \$5, which sum shall be payable only upon order of the Commissioner of Pensions by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not less than \$100 nor more than \$500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Amend the title so as to read as follows: "An act providing for a service pension for the soldiers of the rebellion and their widows, and for other purposes."

The VICE-PRESIDENT. The question is on the motion made by the Senator from Kansas that the bill lie on the table and that the House amendment be printed.

Mr. SHERMAN. I suggest, as a matter of saving time, that the bill and amendment be referred to the Committee on Pensions. I should like to have a report from the committee on the difference between the bill and the House amendment, which is a very important subject. The amendment, being a substitute for the whole bill, ought to be referred to the Committee on Pensions.

Mr. INGALLS. I cordially approve that suggestion and shall be glad to have that course followed.

The VICE-PRESIDENT. The bill will be referred to the Committee on Pensions with the House amendment.

## CUSTOMS ADMINISTRATION.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 4970.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4970) to simplify the laws in relation to the collection of the revenues.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Delaware [Mr. GRAY], which will be read.

The CHIEF CLERK. It is proposed to amend section 14 by striking out all after the word "accordingly," in line 23, and inserting in lieu thereof the following:

And whenever Congress has not clearly and distinctly declared the classification of any imported article and the rate of duty thereon, but the law is equivocal and ambiguous in that regard, and appraising officers or the collector are in doubt which of two or more rates the law has required, then the lowest of those rates shall be levied and collected, the appropriate appraising officers or collector shall forthwith inform the Secretary of the Treasury, and he shall report all the facts to Congress.

Mr. GRAY. Mr. President, I have only a few words to say about this amendment and I should like to have the attention of the committee, because it may be that they have some explanation to give about this bill, with which they are presumably and actually very familiar.

This bill as it comes to us seems, from the fact that there have been stricken out of it certain clauses which were in it when it came from the House, to have sanctioned the principle of this amendment. On page 33 of the bill it will be found that one of the paragraphs stricken out was to this effect:

Third. Any non-enumerated article which is similar, either in material, quality, texture, or the use to which it may be applied, to any article chargeable with duty, shall pay the same rate of duty which is levied on the article which it most resembles in the particulars before mentioned, and if any non-enumerated article equally resembles two or more articles on which different rates of duty are chargeable, there shall be levied on such non-enumerated article the

same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty, and on articles not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value.

On page 34 there is a similar provision in the bill as it came from the House, which is stricken out by the committee.

Fifth. Whenever the rate of duty on any article shall depend upon the relative value of its component materials and such values shall be so near the determining line as to make their true relation doubtful, that relative value which carries the higher duty rate shall prevail; and if two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates.

Mr. President, it had been the rule of construction, as established by the Supreme Court for many years, that where, from the wording and framework of the law, there was doubt as to the proper classification of dutiable merchandise and the doubt was whether the merchandise should belong to a classification in which the duty was higher or to one in which the duty rate was lower, in that case the true rule was to put upon the merchandise as to which there was this doubt the lower rate of duty. That was the rule of law sanctioned by common sense, sanctioned by those maxims which were applied by the courts to cases of this kind; that where money is taken from the citizen doubts should be resolved in his favor.

The Government has absolute power to make such rates as it pleases. It may, by the use of language in the bill originally or by an amendment thereto, entirely remove all doubt by the use of apt words, and therefore, where Congress have chosen to use or where there has been from inadvertence the use of doubtful language, there is no reason why the citizen should be mulcted in a higher rate than probably was intended by Congress to be proposed. Hence the rule was wisely laid down at an early date by the Supreme Court that in case of doubt the lower rate should prevail.

This bill as it came from the House of Representatives reverses this maxim and by harsh provisions has prescribed that where Congress has left the classification in doubt, where by the use of language employed by it there is a reasonable uncertainty, a real uncertainty as to whether the merchandise belongs to this or that classification, then the appraising officer shall, as a rule prescribed by law, levy the higher rate of the classification with which they are concerned.

The Committee on Finance have very wisely, I think, stricken out this provision, but they have not prescribed the rule which was the reverse of that stricken out, and my amendment seeks to make a rule of law applicable to appraisers and applicable to all officers whose duty it is to ascertain the value or classification of imported merchandise, that where there is real doubt this beneficent rule shall apply, that inasmuch as Congress has had the power to use such language as it chose, where it has left the classification in doubt, the citizen shall not be mulcted in the higher rate which possibly may not have been within the intention of Congress to impose.

It is necessary I think that this should be made a rule of law obligatory upon appraisers, because, as I understand by the Treasury regulations, this rule laid down by the Supreme Court has been changed, and the appraising officers have been instructed, as a matter of executive duty, to do the very thing which the House has prescribed and which the Senate has struck out.

I think, therefore, that it would be entirely in line with what seemed to be the opinion of the committee and be entirely a necessary amendment in view of what has been done by the customs department in reference to the classification of articles in regard to which there has been or may be a doubt whether a higher or a lower rate of duty should be imposed.

Mr. ALLISON. Mr. President, I call the attention of the Senator from Delaware to the section stricken out by the Committee on Finance found in our bill as section 29. That section was proposed to be stricken out by the Senate Finance Committee because we considered it as not properly belonging to an administrative bill, but more properly belonging to a bill relating to the tariff regulating the rates of duty.

There is now upon the statute-book, and there has been for a long time, a similitude clause, so called, assessing the highest rate of duty where there is any doubt, and that, I think, has been the rule of law certainly since the Morrill tariff bill, if not before, and I believe it was in the Walker bill of 1846. We struck out section 29 for that reason, and I might say for an additional reason that the committee were not quite satisfied with the details of that section as proposed by the House of Representatives.

The existing law provides for levying the highest rate of duty where there is doubt, and if I may be permitted to quote to the other side of the Chamber, as I do with some hesitation and some delicacy, the Mills bill, so called, I will say that that bill also contained a similitude clause providing for the highest rate of duty where there was any doubt. So, then, we have the highest sanction, certainly to that side of the Chamber, for a reversal of the rule now proposed, namely, all the bills that have been passed by the House of Representatives containing a similitude clause levying the highest rate, and not the lowest rate.

Mr. GRAY. I do not wish to interrupt the Senator, but we have been met several times by allusions to what is known as the Mills bill

and its supposed influence on this side of the Chamber generally. I have been endeavoring to discuss this bill and the amendments I have offered on their merits. How far the purpose to which the Senator alludes and the sanction of which he has spoken goes I do not know and for the purpose of this debate I do not very much care. But I should like to hear from the Senator some reason why that rule, which on its face is so exceedingly harsh and unfair, is justified by him.

Mr. ALLISON. Very well, then, Mr. President, I will address myself to that feature.

The reason for the similitude clause, as it now stands in the law and as proposed by all the bills which have been presented from time to time, rests in the fact that it is aimed at one method of evading the duties which Congress intended to impose upon different articles; for example, we levy a certain amount of duty upon woolen goods, where wool is the material of chief value or chief construction. Thereupon, a manufacturer on the other side finds it convenient to substitute cotton for wool as the element of chief material, and thus, perhaps, by that new method of manufacture introduces practically the same goods at a lower rate of duty. So as respects silk goods. Very often manufacturers inject silk as an element or component part. In this way it has been shown from time to time that manufacturers on the other side seek to evade our duty. Therefore this original rule was established, that the component part of chief value should be the determining factor if there was any doubt about it.

That is all there is of this provision. It is a question whether in regulating our duties we shall encourage the manufacture or fabrication abroad of materials so as to avoid high duties or shall impose, as it were, upon manufacturers on the other side the duty of so fabricating their articles as to pay the rates Congress intended to impose.

I conceive that there may be some merit in one provision suggested by the Senator from Delaware, and that is, where a question of construction is in doubt and has been settled by the courts or by the Secretary of the Treasury, there might be instances where Congress should be called upon at once to correct the misapprehension or the misunderstanding as respects the true construction of the statute. We have a very marked case of that now, and in the spirit of the Senator's amendment I suppose we shall in a day or two proceed to the consideration of the worsted clause. The attention of Congress has been called to the unfortunate phraseology of the law of 1833 in that respect, and the other House has passed a bill looking to the correction of that unfortunate phraseology and we shall be called on to do the same thing.

I think it is customary for the Secretary of the Treasury in his annual report to suggest to Congress modifications of the tariff laws when these difficulties arise.

Mr. GRAY. The Senator will observe that my amendment does not embrace precisely the questions which are covered by the part of the House bill stricken out by the committee. The amendment which I have offered reads as follows:

And whenever Congress has not clearly and distinctly declared the classification of any imported article and the rate of duty thereon, but the law is equivocal and ambiguous in that regard, and appraising officers or the collector are in doubt which of two or more rates the law has required, then the lowest of those rates shall be levied and collected, the appropriate appraising officers or collector shall forthwith inform the Secretary of the Treasury, and he shall report all the facts to Congress.

It seems to me that with a law that bristles all over with provisions so harsh as this perhaps necessarily does—I will not stop to criticize that point now—provisions that undeniably bear hardly upon the citizen and upon the importer, this is a concession which might be made in all fairness to the rights and to the welfare of the importer of dutiable merchandise, when it is recollected that a principle universal in its application in regard to questions of taxation is that where they are in derogation of common right tax-laws must be liberally construed. All courts apply that principle; and where the language of the law imposing the tax is susceptible of a doubtful construction, where the language used by the legislative body is equivocal, then, inasmuch as it was within the power of that legislative body to have made what was equivocal clear, to have made what was ambiguous plain, the principle is one of common fairness and common justice and common humanity that the parties to whom that law applies should not be subjected to the most onerous construction of it, for perchance that may not have been the will of the legislative body, and you may be taking from the citizen his property without legislative sanction. Therefore, the doubt being such, it is resolved in favor of the tax-payer. That beneficent principle is all I want applied by the executive officers of the Government in regard to tariff taxation. It does not at all confront the provisions which are made for the security of the revenue. There is no greater chance here for evasion or for the avoidance of the payment of the tax by reason of such principle being incorporated into the law, but it seems to me it is unnecessarily harsh, amounting almost to a declaration of hostility against a large class of citizens who are carrying on a legitimate business to leave such a construction possible in the law.

Mr. ALDRICH. Mr. President, I did not suppose the Senator from Delaware could be serious in offering this amendment. It reverses the rule of law which has obtained in this country for half a century, and if it should be adopted—

— Mr. GRAY. Will the Senator from Rhode Island point me to any

decision by any court where the principle I have enunciated has not been applied as a matter of construction?

Mr. ALDRICH. I will touch upon that as I proceed.

If the amendment should be adopted, we might as well abandon all attempt to collect revenue from customs duties. The twentieth section of the act of August 30, 1842, reads as follows:

SEC. 20. *And be it further enacted*, That there shall be levied, collected, and paid on each and every non-enumerated article which bears a similitude, either in material, quality, texture, or the uses to which it may be applied, to any enumerated article, chargeable with duty, the same rate of duty which is levied and charged on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles, on which different rates of duty are chargeable, there shall be levied, collected, and paid on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest duty; and on all articles manufactured from two or more materials the duty shall be assessed at the highest rates at which any of its component parts may be chargeable.

The principle embodied in this section has been recognized in every general tariff act which has been enacted from 1842 to the present time.

The reasons for the rule are obvious. It is impossible to include in a tariff act a definite description of all articles upon which duties are levied; and if the rule proposed by the Senator from Delaware should be adopted, and in all cases of doubt or uncertainty the lowest rate should be levied, articles covered by the plain intent of that act would be imported under new commercial names, for the purpose of creating doubt and evading the payment of the duties imposed by law.

The tendency to adopt new names and descriptions is restrained by the rule which is contained in the twentieth section of the act of 1842 and in section 2499 Revised Statutes. Unless this rule is to be retained it will be necessary to describe definitely, if this were possible, every article upon which a duty is to be levied. This being impracticable in a tariff covering, as ours does, an immense number of articles directly or indirectly, the rule contained in existing law and which has been in force fifty years must be retained. Otherwise, unless a uniform rate of duty is imposed upon all merchandise, the law can not be enforced.

The Senator from Delaware says that the courts have held that tariff laws should be construed liberally when the rights of importers are involved. I think that is true, but this rule applies only to questions of doubtful construction, and not to those covered by the plain language of the statute.

Mr. GRAY. There is so much noise in the Chamber that I can not hear the Senator.

Mr. ALDRICH. I think the rule of liberality to importers in the construction of the tariff laws has been established by the courts of the United States, but as I say this applies only to questions which are not covered by the plain language of the statutes.

Mr. GRAY. I agree with you there.

Mr. ALDRICH. This rule has no application to section 2499 Revised Statutes, which is familiarly known as the similitude section.

Mr. GRAY. It could not apply because there is an express statutory rule of construction laid down.

Mr. ALDRICH. Precisely, and this rule the Senator from Delaware by his amendment seeks to reverse, and for this reason I am opposed to the amendment.

Mr. EVARTS. Mr. President, if the Senator from Delaware will for a moment notice the distinction between what is covered by the similitude clause and what is covered by his amendment, which is that the lesser rate of taxation when in doubt as to which rate was meant shall be made, he will see that the cases are quite distinguishable.

Mr. GRAY. Will the Senator pardon me? I commented upon that suggestion a few moments ago.

Mr. EVARTS. And he may not see any good reason for disturbing the similitude clause by any change he may wish to make. A change of it would not be within his principle. The principle is that when the Government undertakes to decide that similitude goods shall bear a certain rate and quality, because it finds its descriptive powers exhausted in there being two articles that will come within an equal degree of similitude, and then the meaning of the legislature is, "We mean that it is most like that which has the highest rate." That is what it means. That is, in a question of distinction between them, it is their method of getting at an accurate description of what similitude goods are.

Mr. GRAY. Mr. President, I think I understand the distinction which the Senator from New York has just spoken of, and I called attention a few moments ago, after the Senator from Iowa had spoken, to the fact that my amendment was not framed with reference to the similitude clause, but sought, so far as it might, to impose by statute prescription the rule of construction and of interpretation that the courts have pronounced to be the proper one in cases of equivocal language used in a statute in regard to tax rates. That is all. Certainly the provision as embraced in my amendment can not much interfere even with the strictest administration of the customs law, for after all it is only where the administrative officers, to wit, the appraisers, are in doubt, from the language used in the statute, which of two rates of duty shall be imposed, the higher or the lower, that this rule shall apply.

The Government will not go to pieces if, in those unprovided-for cases in which Congress has not been able or has not seen fit to clearly determine the rate, pending amendment and readjustment by the legislative body, the lower rate shall be imposed by the customs officers. Suppose there is a clear and honest doubt in the mind of the appraiser whether a certain article should under the language used in the customs act be liable to a duty of 50 or of 25 per cent. That doubt arises from the ambiguity of the language used by Congress. May it not well happen that if he imposes the higher rate he not only has worked a hardship to the importer, but he really may have imposed an exaction which Congress did not intend should be made, and therefore money is taken from the citizens against the will of the legislative body?

To avoid a consequence so serious as that, the rule prescribed in my amendment says that pending this doubt and until this doubt is cleared up by Congress when this matter is reported to it, the lower rate shall be imposed, that such a doubt shall be resolved in favor of the tax-payer, a principle that is universally applied by all courts, State and national, in regard to this matter of taxation, because it is always within the power of the Government through its legislative department to make plain that which is ambiguous, to make clear that which is equivocal. They have the power in their hands, and if they have used the ambiguous language, if they are responsible for this equivocal situation, then the tax-payer ought not to take the chance even of suffering from it.

The Senator from Iowa and the Senator from Rhode Island have alluded to the past practice, but I have heard nowhere of a justification of the present rule nor why a principle so harsh as that advocated by them should remain upon our statute-book. Nor should the tax-payer be called upon to pay \$5,000 where, perchance, the legislative body only intended that he should pay \$2,500. That may well happen owing to the ambiguous language used by Congress. Certainly, with our frequent sessions of Congress, the Government will receive no detriment if pending an appeal to it—and this amendment requires that such matter should be reported to Congress at once—the lower duty should be collected from the citizen and the benefit of the doubt resolved in his favor.

Upon what principle of justice, upon what principle of common fairness the administration of laws so harsh as this can be defended by the Senator from Iowa and the Senator from Rhode Island I am at a loss to understand.

Mr. SHERMAN. Mr. President, the Senator from Delaware looks upon this proposed law from a different standpoint from what I do. If he is correct, this is a criminal statute to be construed strictly and every doubt against the Government. A law levying a tax is not a criminal statute, certainly. It is a law to provide the essential requisites for carrying on the operations of the Government.

Mr. GRAY. The Senator will allow me to say that it is not a contention of mine, but it is a principle laid down by the Supreme Court that such a law should be strictly construed as against the citizen.

Mr. SHERMAN. If that be true, why put it in the form of an express provision of law? Can you not trust the Supreme Court of the United States to fairly construe your law without putting in rules of construction that they have already acted upon?

Mr. GRAY. We can not get to the Supreme Court under this bill.

Mr. SHERMAN. Yes, you can. Every question of classification which raises a question of law may be carried to the Supreme Court of the United States; and there is one of the troubles about this bill. I would not let it ever go to the Supreme Court of the United States, and the Supreme Court of the United States is in favor of terminating all these revenue cases which can be corrected by an act of Congress without going to the Supreme Court of the United States, and it has so expressed itself. There is no reason why a revenue case, which is a mere question of what rate of duty is imposed by an act of Congress, should ever go to the Supreme Court of the United States, because Congress being in session at least once a year can always change the law. It is not like a question where the right of property is depending, but it is a mere question as to what duties are for the time being imposed by law upon the importation of goods, and those duties can be changed by law at any time. Let there be a tribunal to decide these questions promptly and let the decisions be reported to Congress, so that Congress may at once change the law if the rate is too high for justice or too low for revenue, and then as a matter of course the trouble is easily corrected.

The whole principle of this bill rests upon the idea that the tribunals to pass upon the facts are tribunals able and willing in every respect to perform the duty imposed upon them. That is what? To ascertain the value in one case of imported goods, in another case what is the commercial name of those goods; and those two questions are the only questions that are left to the appraisers: first, what is the value of those goods, if the duty is ad valorem, and, next, what is the commercial name of the goods and the quality of the goods according to commercial usage—not a question of law usually.

It is true that in the question of classification sometimes there are legal points involved, but very rarely. Nearly all are questions of fact. Now, the theory of this bill is that these questions of fact ought to be determined by administrative officers, and not by judicial officers.

A jury passes upon questions of fact, for the amount of damages, etc., but here the question is as to the value of a particular article spread before the appraiser, as to whether that value is a dollar a yard or five dollars a yard, what the article is composed of and what is its commercial name. If it is described as satinet by the law creating the duty, then it is for the officer to say whether it is satinet or cloth or some other kind of material used for clothing. Each name used in the tariff act is a commercial designation known to merchants and known to the men who are engaged in this business.

Mr. President, the whole principle of this law is that we are dealing simply with commercial facts, with the importation of goods, with the value of those goods, with the classification of those goods, with the commercial name of those goods, and not in one case in fifty is anything involved except a question of fact; and we say that the decision of the tribunal which we have constituted, as strong we suppose as it could be constituted, of men of experience, with liberal salaries, absolutely independent, free from political embarrassments, men of different parties—that the decision of that tribunal shall stand; that it is the proper and just and right tribunal to decide these questions. I would never allow any of these cases to go to any court whatever. If these men make mistakes, Congress can give those aggrieved the only practicable remedy by changing the law. If they should make some grievous error that really should operate as an injustice to any class of importers in any class of cases, Congress could furnish the remedy.

It is an administrative, not a judicial, proceeding. That is the theory of the law. If the Senator from Delaware is correct, we ought to vote down this bill right off. If it is a judicial proceeding in one sense, in the sense in which it is claimed by him, then as a matter of course it ought not to appear in the form here provided. But this bill does provide for a decision even by the highest court of the United States, the Supreme Court of the United States, on every question of law involved in an importation of goods. The present law is not more clear on this subject than this bill, because every case may be certified upon error of law, first to the circuit court and then to the Supreme Court of the United States.

It has struck me all along in the whole of the three or four days' debate we have had on this bill that we are not taking the proper general view of the nature and character of this bill, which is a bill in the main to ascertain facts and only dealing with legal questions when they possibly arise in probably one case out of ten in the construction of the meaning of the words of the statute in a decision as to whether a particular commercial name means the article that is imported or does not, and those cases and questions are much better decided by the skilled appraisers than by the Supreme Court of the United States, however august may be that tribunal.

For these reasons I shall vote against the amendment of the Senator from Delaware and all other amendments to this bill. Indeed, since the concession made to the lawyers, as I think, in this bill has not been acceded to, I shall vote against the amendments proposed by the Committee on Finance, to which I assented, simply on the ground that the House bill as it stands is a better bill for administrative purposes, and just and fair to the persons who wish to raise legal questions to be carried to the Supreme Court of the United States.

Mr. ALDRICH. Mr. President, I did not comprehend on the first hasty reading of this amendment its vicious character. It proposes that when an appraiser is in doubt as to the rate of duty which should be applied in any case or whenever the law is in his opinion equivocal or ambiguous he shall fix the duty at the lowest rate possible, the appraiser to decide finally as to what is equivocal, ambiguous, or a question of doubt. In other words, it proposes to give to the appraisers at New York or wherever, the right to determine the rates of duty which shall be assessed, without any limitation except that the rate shall always be the lowest.

Mr. GRAY. Did not the Senator see that in the amendment at first? That is all there is in it.

Mr. ALDRICH. No, I did not see it at first, and I now have difficulty in realizing that the Senator from Delaware seriously proposes to delegate the power to establish rates and to assess duties, which I supposed resided in the Congress of the United States, to certain officers of the customs who may be paid a salary of \$1,800 to \$2,000 a year. The Government would have no remedy against the wrongful acts of its own officers to whom it had given such extraordinary powers.

Mr. GRAY. Mr. President, I should not have said another word but for what the Senator from Rhode Island had just said. The Senator from Rhode Island says that when he first looked at this amendment he did not discover what he calls its vicious character.

Mr. ALDRICH. Not wholly.

Mr. GRAY. There is nothing in the amendment which deserves that characterization which should not have been seen at the most casual glance.

Mr. ALDRICH. I think that is so.

Mr. GRAY. The Senator stated awhile ago that he did not know whether the amendment had been offered seriously. Now, let us understand what he means by the vicious character of this amendment. He says it is this: That under this amendment where the appraiser is in doubt as to what the law means, whether a higher or a lower rate

of duty shall be imposed on a given class of merchandise, then he is allowed or commanded to impose the lowest duty, thereby delegating to him, a mere executive officer, the right to impose duties.

Now, I shall put it the other way. Suppose there is a doubt in the appraiser's mind whether a higher or a lower duty should be imposed and we leave it to him to decide in favor of the higher duty, are we not delegating to him a much more serious power, to wit, the power to take a larger sum from the tax-payer's pocket? A rule that will not work both ways is a very poor rule.

That is the vicious character which the Senator from Rhode Island seeks to attribute to this amendment, that this executive officer, the appraiser, is allowed to decide some of these cases in favor of the citizen and not always and at all times in favor of the Government. He actually takes large sums of money from the pocket of the citizen that Congress never intended should be taken.

Mr. ALDRICH. Mr. President, in the case to which the Senator from Delaware alludes, the importer if wronged has a remedy by an appeal, but in this case the Government has no remedy, but is bound by the instructions given by this provision to its own officer.

Mr. GRAY. I will tell the Senator what remedy the Government has. When the matter is reported to Congress, in the next month or two, let Congress make plain that which is obscure or ambiguous or equivocal.

Mr. ALDRICH. If the Senator from Delaware believes that to be a certain or efficacious remedy then his judgment is very different from mine. It will take months or years before the action of Congress can be taken, and the Government will be without remedy, practically.

Mr. GRAY. How long, may I ask the Senator from Rhode Island, has it taken one House of Congress to remedy what they conceive to be the evil of the worsted classification?

Mr. ALDRICH. Under a Republican administration it has taken but a few hours, but the defect in the law has been known since 1883, and prior to this Congress no attempt to furnish a remedy has been made in the other House.

Mr. GRAY. Then this is a proper provision for an incoming Democratic Administration.

Mr. McPHERSON. Will the Senator from Rhode Island permit me to ask him a question?

Mr. ALDRICH. Certainly.

Mr. McPHERSON. He says it has been in the tariff law which existed from 1883 to the present time.

Mr. ALDRICH. It has.

Mr. McPHERSON. I ask the Senator if an appeal has not been made by each succeeding Secretary of the Treasury, beginning with Judge Folger who, I believe, was a Republican and a very just and honest and honorable one, followed by Secretary Manning and Secretary Fairchild. That appeal was made to all of the Congresses after 1883, and they resisted the appeals upon the ground that the issuance of such an order by the Secretary of the Treasury would in effect be to repeal a law of Congress, and nobody has been found bold enough to take such a step until the present Secretary of the Treasury undertook it.

Mr. ALDRICH. In answer to the question asked by the Senator from New Jersey I will say that it is true that interested parties appealed to each successive Secretary of the Treasury from 1883 to the present time for relief from the injurious effects of the defective provisions of the act of 1883. Prior to the administration of Secretary Windom, however, these appeals were made in vain.

Each of the officers in turn acknowledged the glaring inequalities in the respective provisions applying to worsteds and to woolens, but each held that the remedy could only be found in legislative action, and Congress was repeatedly urged to adopt the needful legislation. The fact that in a matter of this importance and urgency no action was taken for seven years confirms fully what I have said in answer to the Senator from Delaware, that no reliance can be placed on the prompt action of Congress in redressing grievances of this kind.

Mr. McPHERSON. I am not willing that the Senator's statement shall remain unanswered. There are two opinions with respect to whether there was any defect in the law. I take the ground openly and boldly that the law as it stands is exactly as Congress intended it to be, and all the evidence adduced before the Tariff Commission and all the evidence before the committee of the Senate, in short, everything from that day to this goes to show that it was the intention of Congress at that time to make the cost of that particular article as cheap as possible to the consumer, because the Republican party of that day had not yet reached the advanced point that they would begin to protect an industry before it was born. The later views, however, of the Republican party anticipate what may be born in the future in the shape of an industry, and they propose to build up a barrier of protection against them before they appear upon the scene at all. That was not the direction in which we legislated in 1883 upon the worsted question.

Mr. ALDRICH. Does the Senator from New Jersey mean to say that there was then no worsted industry in existence in this country?

Mr. McPHERSON. I mean to say that the worsted industry in this country to-day and the worsted industry in 1883 were entirely different in these respects.

Mr. President, I have one word to say in respect to the amendment offered by the Senator from Delaware, more in justification of the vote I expect to give upon the question than for any other purpose. I do not approve the amendment offered by the Senator from Delaware. I do not approve of it for the reason that, as in all tariff bills we have made since we began to make tariffs, the rule that is embodied in this bill has always obtained. It has been the practice of the Government, and is, I think, a good practice, because it has a tendency more than anything else to prevent frauds, because of the tendency of all importers in preparing their goods. To illustrate, take the textile fabrics.

It is almost impossible for a consumer of the goods to determine as to the respective kind and quantities, cost, and value of the materials that enter into their construction. Certain goods are manufactured solely for the purpose of getting them in at a lower rate of duty, and they find that by using a little less or a little more of one particular article they would be able to bring the goods in at a little less cost, and the whole purpose is to defraud the consumer or the revenue. The consumer is not sufficiently able to judge of the article to determine whether the goods be shoddy or genuine, so closely can the genuine be imitated. Therefore, you should make one rule that applies to all, and not a shifting, changing rule that to-day may apply to one case and impose one duty and to-morrow, applied to another case in a different direction, impose a different duty. When you consider the number, variety, and extent of all the fabrics and all the articles, covering three or four thousand on the tariff-list, coming into this country we must adopt a certain rule.

Therefore, as I say, I was in favor of making a new rule whereby the administration of the customs department should be governed. That we have tried to do in this bill. Now, as to what should follow in a tariff bill as a rate of duty is quite a different thing. I claim that we have the right to say, and I shall say, and I emphasize it for the benefit of the other side of the Chamber, when the tariff bill comes before the Senate for consideration, that owing to the construction of this bill it should accomplish, as we hope and expect it will, the prevention of undervaluations so that the effect will be to tend to raise the cost of goods to the consumer. Is not that so?

Mr. EDMUNDS. No; it does not.

Mr. McPHERSON. Why not, if the goods are coming into this country undervalued, for which this bill has been considered necessary to prevent? Then of course the protection accorded to American manufacturers is not so great.

Mr. EDMUNDS. Yes, but the Senator spoke of the consumer. That was the person I was speaking about.

Mr. McPHERSON. Why not to the consumer as well? If the goods are undervalued, upon that undervaluation which we hope to prevent by this method of administration, and a lower duty is charged, consequently the consumer does not have to pay so much.

The evidence of that, I will say to the Senator from Vermont, is found in the testimony before the committee upon which this bill was based. The New York importing merchants appeared before the committee and made this declaration: "It is impossible for us to import goods at all." Why? Simply because the foreign manufacturer consigns his goods to an agent in New York under an undervaluation of the goods. The agent pays the duty upon the undervaluation and the appraiser is powerless, because there is no market value of the goods abroad. None are offered and the goods are entered for duty and the lower duty paid, and the agent in turn turns around and sells them to the merchant. The merchant who can not import his goods becomes the purchaser of the goods from the agent, and he can not get them at all except from the agent. That is not a proper system to continue.

It is not exactly, as I think, the province of this great Government to destroy those importing merchants who have been for years and years importing goods upon an honest basis, purchasing them in an open market on the other side, where everybody can purchase at like prices, and then offering them for sale here upon the purchase price of the goods abroad plus the duty. Therefore, this administrative bill was originated and has been constructed and defended from that time to this for the express purpose of getting rid of that dilemma.

Now, then, what more do we do in the bill for administrative purposes? We even make tariff legislation in this bill, and, unlike the existing law and directly contrary to its provisions, we impose here a duty upon the cases, upon the coverings, the boxes which include the goods. That I confess we do more for administrative than other purposes, because when the appraiser receives a box of goods under this bill he takes the box as he finds it and he imposes the requisite duty upon everything it contains as required by law, and another duty upon the box itself. That I believe to be the true policy. We are making an administrative bill, and are not dealing here with rates of duty. The plan proposed is that the box and its contents are before the appraiser and he shall deal with them as an entirety.

But following that, I wish to say to the Senator from Vermont, who noticed a remark I made about it, if it would and should not necessarily follow as a consequence that when we come to consider a tariff bill we should take into consideration what we had gained by preventing undervaluation, what we have gained by way of protection as well by imposing a duty on the carton, the box, and other things not pro-

vided for in the existing law, for that is what I intend most absolutely to insist upon. Whatever you gain by these methods of administration I propose to ask you to reduce in the tariff bill when it comes before the Senate.

Mr. GRAY. Does the Senator from New Jersey think, inasmuch as this bill is so severe an increase of tariff burdens in the way he has described, that we may afford to be a little liberal in the construction of the law?

Mr. McPHERSON. When the Senator undertakes by a change of construction in the law that which I think would be vicious in its practice and its tendency, I shall certainly oppose such a law. It does seem to me, though, that there ought to be judgment and good sense enough in the Congress of the United States to make an administrative bill which of itself would be perfect and complete in all its parts, and which, as to its workings, would give ample protection everywhere, and then when we come to impose the duty upon the goods let the duty be sufficiently reduced upon the goods to meet any changes demanded or made possible in framing an improved administrative bill.

Mr. VEST. Do I understand the Senator from New Jersey to say that he now indorses the provision of this bill which puts the same tax upon the carton or the covering as upon the contents?

Mr. McPHERSON. But the carton or covering does not bear the same tax upon the value as the contents of the box.

Mr. VEST. It is the same thing substantially. It makes the carton or covering as to value a part of the value of the package, reversing the law as it has existed since 1883.

Mr. McPHERSON. The Senator does not exactly understand the situation. If, for instance, a case of silks is brought into the port of New York, and has a box covering upon it which is worth \$1 or \$3, whatever may be the value of that covering, the duty is imposed upon the silk at its rate and the duty is also imposed upon the box at its rate for coverings, if the value of the box can be ascertained. What is the reason for that?

Mr. VEST rose.

Mr. McPHERSON. If the Senator will permit me to make the explanation. It was found after the act of 1883 was passed, when we took the duty entirely off the coverings, that parties began upon the other side their attempts to defraud the revenue and escape the operation of the law; and they would for instance ship to this country a box of jewelry in which there would be a cheap article of jewelry, and inclosing that was a box highly embellished, highly wrought, which was worth five times as much as the articles contained in the box.

Mr. EDMUNDS. Sometimes worth twenty times as much.

Mr. McPHERSON. Sometimes worth twenty times as much.

Mr. GRAY. Allow me to say to the Senator—

Mr. McPHERSON. When I get through with my statement.

Mr. GRAY. Only a single word.

Mr. McPHERSON. I must insist upon proceeding.

Mr. GRAY. You need not insist upon it. I will sit down.

Mr. McPHERSON. That certainly was an evasion of the law, because if that box inclosing the jewelry was shipped here the box came in free, and there was box or covering surrounding the jewelry worth more than the jewelry. I want to know if that sort of thing should be allowed to go on. If there is to be a system, let it be a perfect and complete and intelligent system to start with, and when we come to make a rate of duty let us make that rate of duty low enough, as I think we ought to make it, more in the interest of the consumer than in the interest of the manufacturer. I am in favor of the lowest possible rate of duty, a rate simply to measure the difference in cost between the wages paid to labor in this country and what is paid abroad. I favor a lower rate of duty on the whole list of dutiable goods than has ever been proposed by any party since I became a member of the Senate.

Now I will listen to the Senator from Delaware.

Mr. GRAY. The Senator from New Jersey is good enough to say he will listen to what I have to say. That matter of the jewelry-box is the standard and well worn illustration that is to show the iniquity of allowing cartons and coverings to come in free. It has been very often used and it is very easily provided against. That single instance—and no other instance can be cited by the Senator from New Jersey—can be provided against simply by phraseology which will exclude from the immunity of the packing cases any unusual, or unnecessary, or extraordinary cases or coverings. That is all that is required. But that the usual box, the usual packing case of imported merchandise should be subjected to a tax when it is perfectly worthless when stripped from the articles that it covers, is a monstrous feature of this law.

Mr. McPHERSON. Let me cite another case. It will, perhaps, be rendered more apparent to the Senator from Delaware that there is more in it than he is willing to concede. For instance, take the pottery industry. The duty on pottery and glassware was increased in the tariff act of 1883 and the coverings made free, and although it is an industry of my State it was done contrary to my wishes and my vote; but sometimes the packages of glassware and pottery are very expensive. They must be made with something that will enable them to be packed strongly, of willow-ware, or something of that kind,

which will enable the box to be moved without breaking the articles. The covering must be something elastic, as the Senator from Texas [Mr. COKE] suggests. I thank him for the term.

No sooner was that question settled than the importer began to put around the pottery and glassware a steel box made of articles of steel which under the schedule of the tariff were made dutiable at a high rate of duty. When the box came here they could take the box to pieces, and there was an article of steel which had been imported free of duty. This practice became quite common, and there was a large amount of this material introduced into the country in this way free of duty. I do not suppose it was the intention of Congress to give anybody that particular advantage, and it was an enormous advantage to those who were enabled to bring in these steel coverings in that way.

There are a hundred things I might go on and name here, but the illustration I have given is sufficient for the purpose.

I want to say to the Senator from Delaware that I objected to putting this carton question in the administrative bill in committee. I did it because I thought it properly belonged on a tariff bill rather than on this bill, but I can see some propriety in having it here and a great propriety, and it being here now I am not going to object to it. When you instruct an appraiser as to what he is to make an entry of goods upon, what thing there is before him which he shall enter and how he shall enter it—because that is the purpose of this bill—it deals with the question of the entry of goods and the appraisement, and it is simply a direction to him that he shall take the box and covering and that a duty shall be levied on them in proportion to their values, respectively.

Then I claim that this side of the Chamber has the right, in addition to the rate of duty that they will be willing to see imposed upon these goods, to ask for a further reduction upon the ground that we have prevented undervaluation, and upon the ground that we have strengthened the protection to the American manufacturer, in that we have imposed additional duties upon the carton.

Mr. VEST. Mr. President, I want to submit some observations in reply to a portion of the remarks of the Senator from New Jersey. My friend from Delaware wants a vote upon this amendment. I propose to offer an amendment afterwards upon this carton question, upon which I wish to say something, or I shall say it now unless we can get the vote on this amendment, in which case I will defer my remarks.

Mr. EDMUNDS. Mr. President, I wish to submit a single observation in regard to the amendment proposed by the Senator from Delaware, and to speak only in respect to it. There is no act of Congress, I think, and no act of any law-making power, that is not open, when you first come to consider it, and until you finally conclude what it means, to doubt, to the very state of things that is mentioned in this amendment. I do not know any instance of any kind of legislation in which it can not be said that some part or clause or phrase or word in a law is open to question and doubt. I have never heard or seen, to the best of my recollection, any instance where the law-making power declares that, if the tribunal to whom its administration or final consideration is to be intrusted shall be in doubt as to what it means or what it should mean, a certain result shall follow. I think, therefore, the amendment certainly is entitled to the credit of being unique. There is nothing like it, I believe, in any statute that can be produced from the beginning of the making of statutes down to this day, beginning with the Ten Commandments and coming down to the administrative tariff bill, which I hope is about to become a law.

Mr. GRAY. The Ten Commandments are unique in connection with the tariff bill—

Mr. EDMUNDS. So they are. They say "Thou shalt not steal."

Mr. GRAY. That makes this unique.

Mr. EDMUNDS. "Thou shalt not lie;" "Thou shalt not bear false witness," and so on, and that is what this administrative bill is trying to command shall not be done under the laws of the United States.

To say that an administrative officer, a tax officer, being in doubt as to the value of a horse in the State of Delaware or Vermont, as I suppose horses are taxed in both these States, should put the horse into the class of mules, which I suppose are taxed less in Delaware than horses are, would be an amazing piece of legislation. The fact is it is impossible by legislation to cure doubts and difficulties in administration and in judicial determination of disputes that arise. It is beyond the reach of human power to do it, and every effort to do it by declaring that in case of doubt, of mental confusion in the mind of a judge or administrative officer, then the result shall be so and so, is to invite a larger field of difficulty and corruption than can possibly exist in a case where you require a man to make up his mind, whatever his doubt may be, and having made it up to follow the law as he finds it to be. Therefore, Mr. President, I am opposed to this amendment.

Mr. GRAY. I do not think my amendment is open to the criticism of the Senator from Vermont as being unique, for it seeks to impose a rule of construction in case of doubt which he says is an entirely usual thing in all statutes where doubts may arise and where it is important that the doubt should be resolved for administrative purposes.

Mr. EDMUNDS. I think I have not said anything of that kind.

Mr. GRAY. Then I misunderstood the Senator from Vermont; but, whether he said so or not, it is a fact that the laws of the United States from I do not know what distant period in the past until the present

have undertaken to impose a rule of construction in regard to doubtful classifications, and impose upon the executive officers a duty in that regard.

Mr. EDMUNDS. Will the Senator kindly read one of those statutes?

Mr. GRAY. I will not pause to read them now. They have been read by the Senator from Rhode Island.

Mr. EDMUNDS. I should be very glad to see a statute of this kind anywhere.

Mr. GRAY. The Senator from Vermont thinks this is not a statute of this kind, yet it is entirely within the principle that he has enunciated.

Mr. EDMUNDS. Different facts.

Mr. GRAY. It may be different facts that they refer to, it may be to the similitude clause; but, whatever the subject referred to may be, the statute law has undertaken time and time again and over and over again in our books to impose a rule of construction. Now, all I ask is that the rule of construction shall be that where there is a doubt the doubt shall be resolved in favor of the lower duty. The Senator from Vermont sees no inconsistency and nothing unique in resolving that doubt in favor of the higher duty. I leave it to him whether there is any inconsistency in my amendment with the settled practice in regard to such statutes, except in the fact that this lowers the duty, and he would always have it raised.

Mr. EDMUNDS. I would not do anything of the kind, and I have not said anything, I think, that would warrant my friend from Delaware in making his last but one remark, that I would have the doubt solved in favor of the higher duty. I would do nothing of the kind. I would have the doubt solved, as, in the administration and execution of all laws, doubts must be solved, by an honest intellectual effort to arrive at the true meaning of the statute or the true nature of the thing which was the subject of consideration; and having intellectually and without corruption or bias reached a result, I would follow it whether it put it into the lower grade or into the higher one. That is it. Now the Senator says that if a man has a confusion of mind then there will be free trade; if he has a clear head then there will be protection.

Mr. GRAY. The Secretary of the Treasury has instructed these customs officers that where that doubt exists in the statute or in the mind of the appraiser it must be resolved in favor of the higher duty.

Mr. CALL. Mr. President, it seems to me a discussion upon this point necessarily resolves itself into the consideration that all questions of ambiguity or doubt in reference to this subject must be either because the subject claimed to be dutiable is not within the terms of the law or because it has some similitude to something that is within the law, but is not within the terms of description of the law.

Now, as I understand the law and the doubts to which the amendment of the Senator from Delaware relates, similitude is provided for in the statute which now exists.

An article may be in the likeness of a thing, and yet not that thing. In that case it would not be within the terms of the law and not subject to the duty. The law as it stands provides that where there is an article not within the terms of the description, but which is subject to duty because of its similitude to some things which are dutiable, where it is neither one of two articles each of which bears a different rate of duty but has a similitude to both, it shall bear the highest rate of duty which any article to which it has a similitude bears.

The domain and region of reason, the intellectual exercise for which the Senator from Vermont contends, is limited entirely to the question whether it is a matter of similitude or a matter of identity.

If there be a difference the doubt comes in, and the law imposes the highest rate of duty, not the rate of the article to which it bears the greatest similitude, but the rate of the article which bears the highest rate of duty. The doubt upon the mind of the assessing officer or the court or anybody else under this proposed statute is of necessity limited to the question of identity or of similitude altogether.

Now, the Senator from Delaware says that is a practical thing in the administration of the law, and that being so this statute prescribes a rule, not the rule of similitude, not that the article in reference to which we are now considering shall bear the tax of that article to which it has the greatest similitude, which would be the reasonable and the natural and the just and equitable rule, but that, being like two articles, no matter in what degree of likeness, it shall bear the rate of the higher, while the Senator from Delaware says that as a matter of wise policy and of justice it ought to bear the rate of the lower duty.

Why? Because if it is not within the terms of the law it is not a subject of taxation, and the doubt is whether there is any law to take the citizen's property away from him, and as there is a doubt whether the article is dutiable, and, if so, what duty, the duty should be of the lowest rate fixed in this law, and not the highest. Where it is doubtful whether there is law for taking the citizen's property the amount taken from him should be as little as possible, pending the settlement of the question. This is clearly right.

But, Mr. President, there is another consideration, it seems to me, that should address itself to the mind of a legislator in respect to this proposition. The tariff laws present an inducement to persons in for-

eign countries, to capital, to industry, to human thought, to invent some method by which the things imported into this country may bear a cheaper rate, may pay a smaller tax, without going into the domain of fraud upon the law—new inventions, new species of textile manufacture, which may be made cheaper and placed within the reach of the people for a smaller amount of their labor in exchange for theirs, and which will contribute to their comfort and pleasure equally as well as the higher-priced article.

Now, to all that invention and that spirit of enterprise, an arbitrary rule intended to prevent frauds upon the revenue law, that all such inventions shall bear the highest rate of duty of any of the dutiable articles to which they have any likeness, is an obstacle to invention, a barrier to enterprise and ingenuity, a perpetual injury to the laboring people. It says, however, you may manufacture something different from the article upon which the rate of duty is imposed, and however much it may answer all the purposes of domestic use and human comfort, if it is in the similitude of anything whatever that is dutiable, it shall bear the highest rate of duty of the article to which it has any similitude.

Now, there is no reason for that. It is only defensible upon the ground of a fraud upon the revenue laws. How easy it is to meet this matter of fraud on the revenue laws by penalties, by confiscation, or by a suspension of the importation until the matter shall be legally and properly determined; and how much wiser it would be in a case like that, where there is no natural reason and the fraud alone is the thing to be prevented, to provide, in the interests of invention and human ingenuity and discovery and in the interests of the laboring people of the country to whom it is a benefaction, whatever you may say upon the subject of domestic production and domestic manufacture, and conceding for the purposes of the argument all that the progress of society and social improvement demand, that the laborer, the farmer, on whom both Government and society depend, shall be able to obtain the comforts of life always for a less and a continually smaller portion of his labor. This amendment, it seems to me, is in that direction and ought to be adopted.

While the criticism of the Senator from Vermont is technically correct, I do not think that you could make a law in direct terms that wherever anybody has a doubt upon a certain proposition the law shall be one thing and where the administrative officer shall have no doubt the law shall be another. That would leave it to the varying judgment of the person charged with the duty, but the amendment of the Senator from Delaware refers to a practical fact, which is an existing fact in the administration of these laws, and it provides, assuming your administrative officers to be what you suppose them to be in this amendment, that wherever there is a reasonable doubt it is to be determined by whom? By these officers to whom you have given this great discretion.

The amendment of the Senator from Delaware simply provides that wherever the law is equivocal and ambiguous, the collecting officer of course deciding the fact whether it is or not, and deciding it subject to these administrative processes of an immediate appeal, we may say an instantaneous appeal to the Secretary of the Treasury, involving very little time and no delay of any consequence, the lower rate shall be allowed. What possible harm could that be to this bill or to a fair administrative process?

We should bear in mind that any unnecessary exactions in collecting the revenue increases the cost to the great farming interest of the country. It means so many more hours of labor to give in exchange for it. It means so many less comforts, so many more hardships and privations.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Delaware [Mr. GRAY].

The amendment was rejected.

Mr. EVARTS. I ask the Senator in charge of the bill whether it will suit his convenience that I should now have present disposition of the amendment I have proposed to the fifteenth section and which I presented to meet the accommodations suggested by the committee.

Mr. ALLISON. What is the amendment?

Mr. EVARTS. It is the amendment striking out certain portions of the fifteenth section and providing for the arrangements of a trial in court.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York will be read.

The CHIEF CLERK. On page 22, in section 15, line 36, after the word "prescribe," it is proposed to strike out all down to and including the word "the," in line 40, as follows:

And such further evidence with the aforesaid return shall constitute the record upon which said circuit court shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision, respecting the,

And to insert in lieu thereof:

And thereupon the court shall proceed to try and determine, according to law, upon the matters thus before it, and such other testimony as the court may think necessary, the proper;

So as to make the section read:

And all the evidence taken by and before said appraisers shall be competent evidence before said circuit court; and within twenty days after the aforesaid return is made the court may, upon the application of the Secretary of the Treasury, the collector of the port, or the importer, owner, consignee, or agent, as the case may be, refer it to one of said general appraisers, as an officer of the court to take and return to the court such further evidence as may be offered by the Secretary of the Treasury, collector, importer, owner, consignee, or agent, within sixty days thereafter, in such order and under such rules as the court may prescribe; and thereupon the court shall proceed to try and determine, according to law, upon the matters thus before it, and such other testimony as the court may think necessary, the proper classification of such merchandise and the rate of duty imposed thereon under such classification, and the decision of such court shall be final, etc.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

Mr. GRAY. I wish to ask the Senator from New York if that is not the original amendment offered by him day before yesterday.

Mr. EVARTS. I have not offered an amendment as long as this that has been read lately.

Mr. GRAY. I ask the Senator from New York if he does not desire to answer my question? It was a respectful question.

Mr. EVARTS. Certainly; I am not objecting to that. It was my own inattention to what had been read.

Mr. GRAY. I would ask the Senator from New York, then, if the amendment that has just been read at the desk is not the amendment of which he gave notice day before yesterday, and concerning which we had some private conference.

Mr. EVARTS. Exactly; I will not question that; only I was inattentive to the reading. I assume that it is the same.

Mr. GRAY. That is the amendment that, if I understood it was going to be insisted on, I should have accepted in lieu of my own.

Mr. EVARTS. Very well; I am not making any question of the matter. This amendment which I proposed and was intending to take the sense of the Senate upon was to strike out, I think, about four lines and insert my proposition. On conference and comparison of views I assented to a substituting arrangement, I will call it at this stage, by leaving the text as it now reads in the report of the committee unchanged, so far as striking out anything, and an addition of the clause that was then reported or suggested. My present purpose is to have this matter disposed of as I understood it was to be disposed of yesterday, and that the committee will assent to the change. My present purpose is to learn whether the committee assents to the proposition as made yesterday in substituting for the amendment I was proposing the amendment that was read by my colleague and which I understood met with the assent of the committee.

Mr. ALLISON. Mr. President, the suggestion now made by the Senator from New York requires, I suppose, that I should make a statement as respects the proposed substitution. The colleague of the Senator from New York suggested to me an amendment which he said he thought we as a committee could agree to, which he showed to me. I said I personally had no objection to that amendment. As I understood, he then consulted his colleague, and when I saw the amendment afterwards there were interpolated into it additional words, namely, that the court may receive additional evidence. I do not know that that is very material. It was an arrangement between the Senator from New York and his colleague, to which I personally stated I would not object. When the additional words were interpolated I was not consulted. The amendment was shown to me in that form. Now, the Senator's colleague is necessarily absent to-day. The committee, on consultation, I find to be hostile to this amendment. But inasmuch as I stated to the colleague of the Senator that I should personally not object to the amendment, if he proposes it I shall not vote against it.

Mr. EVARTS. You mean, then, if I propose it to the Senate?

Mr. ALLISON. Yes.

Mr. EVARTS. If I am to propose it to the Senate, I prefer my own amendment.

Mr. ALLISON. Surely the Senator from New York will not now claim that the committee in any possible sense did or could agree to this amendment. We had no meeting upon it, and after it was shown to me several members of the committee objected to it.

The PRESIDING OFFICER. The Chair will state to the Senator from New York that the amendment which was read is the former amendment of which he gave notice two days ago, and is not the amendment the Chair understands the Senator from New York and the Senator from Iowa to have been discussing.

Mr. EVARTS. Mr. President, there should be no misunderstanding about what my proposed amendment was, and I will send it up to the desk.

The PRESIDING OFFICER. The amendment will be read.

Mr. EVARTS. Before it is read, I would state, and the Clerks will see, that there are interpolated two or three words in red, I think, in addition to the printed ones, which involve no consideration between us, but simply take in certain words which I did not intend to leave out. Let it be read now with the red in, please.

The CHIEF CLERK. In line 36, section 15, after the word "prescribe," it is proposed to strike out all down to and including the word "the," in line 40, as follows:

And such further evidence with the aforesaid return shall constitute the rec-

ord upon which said circuit court shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision respecting the,

And to insert in lieu thereof the following:

And thereupon the court shall give priority to and proceed to try and determine, according to law, upon the matters thus before it, and such other testimony as the court may think necessary, the proper;

So as to read:

The proper classification of such merchandise and the rate of duty imposed thereon under such classification, etc.

Mr. EVARTS. The Chief Clerk has not read the whole of my amendment.

The PRESIDING OFFICER. The Secretary informs the Chair that the whole of the amendment has been read.

Mr. EVARTS. Certainly my amendment has a provision that includes taking additional testimony if the court shall think proper.

The PRESIDING OFFICER. The Chief Clerk has read it. The language the Senator refers to is in his amendment, and it has been so read, the Secretary informs the Chair.

Mr. EVARTS. Then there has been some inadvertence about it, and that relates to the very point suggested by the Senator from Iowa. I have not intended to add, nor did the Senator, my colleague, intend to introduce any additional provision concerning the court taking testimony beyond what I had suggested in my original amendment. There were two points (and it is part of my general argument, which has not escaped attention) enabling the court to take additional testimony if it saw fit. Certainly all the Senators understand that. We argued that. The other one was that it should proceed according to law. I will ask the Senate to lay this aside for a moment until I can see how the matter stands.

The PRESIDING OFFICER. Does the Senator desire to have the amendment read again.

Mr. VEST. Let it be read again.

The PRESIDING OFFICER. The Chief Clerk will read the amendment.

The CHIEF CLERK. In line 36 of section 15, after the word "prescribe," it is proposed to strike out all down to and including the word "the," in line 40, the words to be stricken out being as follows:

And such further evidence with the aforesaid return shall constitute the record upon which said circuit court shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision respecting the,

And to insert in lieu thereof the following:

And thereupon the court shall give priority to and proceed to try and determine, according to law, upon the matters thus before it, and such other testimony as the court may think necessary, the proper.

Mr. EVARTS. Oh, well, that is quite right. That is the amendment. That contains the same proposition about additional testimony. It was some confusion I was in, which the Senate will excuse me in suffering from, in not having the ability to hear as well as I ought. So that is in my amendment, and the conference, if it may be called so, between my colleague and myself covered that point of both additional testimony and of proceeding according to law and formed the staple of much discussion here. Now, the amendment that I was willing to assent to, and the committee were willing to assent to, I will ask may be read.

Mr. ALLISON. I must say again, if the Senator from New York understood that the committee assented to this amendment, it was a mistake, and his colleague thoroughly understood that.

Mr. EVARTS. I do not insist upon that. I only ask that it may be read to see what it is.

Mr. ALLISON. Very well; I do not object to its being read.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. In line 36, of section 15, after the word "prescribe," it is proposed to strike out all down to and including the word "the," in line 40, and to insert:

And said court in its discretion may receive additional evidence, and may in its discretion, to promote justice, send difficult questions of fact for trial to a jury.

Mr. EVARTS. That is the substitute. Now, I understand the committee do not assent at all; and what has passed therefore yesterday I had treated as a conference between myself and my colleague, and as securing his vote to the amendment that he has received my assent to. All the matter was this, that I would be satisfied to withhold my amendment if the committee were willing to accept that amendment.

Mr. ALLISON. I do not see how the committee can accept an amendment when the committee is against it.

Mr. EVARTS. Then I think they should have said so.

Mr. ALLISON. My conversation on the subject was with the colleague of the Senator.

Mr. EVARTS. And mine also was with him.

Mr. MORRILL. And they were the only ones who had any conversation who did not disagree to the amendment.

Mr. ALLISON. When the Senator's colleague went about and consulted with other members of the committee he found them hostile to the amendment. Now, I am in a dilemma respecting this matter, as I think the Senator from New York is. I simply stated to his col-

league, as we often do here, that personally I would not object to the limited proposition of the Senator's colleague. Then the two Senators conferred together, and there was interpolated another provision.

Mr. EVARTS. No; that is a mistake.

Mr. ALLISON. About evidence?

Mr. EVARTS. No.

Mr. ALLISON. I mean that was not in the original proposition as shown to me. But I do not know that there is any special objection to that interpolation. I do not object to it. Now, I will say to the Senator that having yesterday agreed with his colleague that I would not object to that amendment, I do not object to it now.

Mr. EVARTS. Well, does the committee accept it as an amendment? That is the only question. The individual assent of members of the Senate is not quite important as to a modification by an amendment. It is a matter of very great value to any interest or to any Senators supporting an amendment that it should be accepted by the committee.

Mr. MCPHERSON. I should like to make an inquiry of the Senator from New York, if he will permit me.

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

Mr. EVARTS. Certainly.

Mr. MCPHERSON. I inquire what particular difference it makes at this stage of the proceedings what any member of the committee thinks about it. The committee have expressed their judgment in the bill and reported it to the Senate. It is now here for individual Senators to express their judgment upon it. I do not see why there need be any controversy touching an amendment offered here as to whether the committee agree to it or disagree to it.

Mr. EVARTS. The Senator is familiar with the practice of the Senate, that when a committee having charge of a bill accepts an amendment that is proposed, it then rests as an amendment that the committee supports. That is the only subject of controversy. It is not a matter of interest whether an individual Senator accepts an amendment or not. If I am then notified that the committee will not assent to the modification which formed the subject of a conference between myself and my colleague, and which was quite public and commented upon with considerable force, I must ask if this is the appropriate time to propose my amendment, that it may be disposed of.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

The question being put, a division was called for, and the ayes were 11.

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

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

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN] and can not therefore vote upon the amendment.

Mr. CALL. The Senator from Alabama would vote "yea," I presume.

Mr. GRAY. I take the liberty of saying that the Senator from Alabama, with whom the Senator from New York is paired, would vote in the same way as the Senator from New York would vote.

Mr. EVARTS. Then I will vote "yea."

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

Mr. RANSOM (when his name was called). I am paired with the Senator from North Dakota [Mr. PIERCE].

The roll-call was concluded.

Mr. EDMUNDS. I am paired with the Senator from Alabama [Mr. PUGH], and as I see he is absent I withhold my vote.

Mr. CULLOM. My colleague [Mr. FARWELL] is paired with the Senator from Florida [Mr. PASCO].

Mr. SPOONER. I am paired generally with the Senator from Mississippi [Mr. WALTHALL]. I do not see him in the Chamber, and therefore I do not feel at liberty to vote.

Mr. GRAY. With the consent of the Senator from Nebraska [Mr. PADDOCK], I transfer my pair with the Senator from Massachusetts [Mr. HOAR] to the Senator from Louisiana [Mr. EUSTIS], so that both the Senator from Nebraska and myself can vote.

Mr. PADDOCK. That is agreeable to me.

Mr. GRAY. I vote "yea."

Mr. PADDOCK. I vote "nay."

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

Mr. JONES, of Arkansas. I am paired with the Senator from New York [Mr. HISCOCK]. The Senator from Connecticut [Mr. PLATT] is paired with the Senator from Virginia [Mr. BARBOUR]. By an agreement between us we transfer the pair of the Senator from New York to the Senator from Virginia and the Senator from Connecticut and I will vote. I vote "yea."

Mr. BATE. The Senator from West Virginia [Mr. FAULKNER] is necessarily absent, and I announce his pair with the Senator from Pennsylvania [Mr. QUAY].

Mr. ALLISON (after having voted in the negative). The junior Senator from Missouri [Mr. COCKRELL] was obliged to leave the Chamber awhile ago and I agreed to pair with him, reserving the right to vote in case it was necessary for a quorum. I suggest to the Senator from Kentucky [Mr. BLACKBURN] that I transfer my pair to the Senator from Nebraska [Mr. MANDERSON], and that will enable the Senator from Kentucky to vote. I have already voted.

Mr. BLACKBURN. That is altogether agreeable to me. I vote "yea."

Mr. PLATT. I vote "nay." As already announced, the Senator from Virginia [Mr. BARBOUR] is paired with the Senator from New York [Mr. HISCOCK].

Mr. GIBSON (after having voted in the affirmative). Is the Senator from Minnesota [Mr. WASHBURN] recorded?

The PRESIDING OFFICER. He is not recorded.

Mr. GIBSON. I withdraw my vote.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote, and I refrain from voting.

Mr. BLACKBURN. I desire to announce the pair of my colleague [Mr. BECK] with the Senator from Maine [Mr. HALE]. If my colleague were here, he would vote "yea."

Mr. TURPIE. Is the vote of the Senator from Minnesota [Mr. DAVIS] recorded?

The PRESIDING OFFICER. He is not recorded as having voted.

Mr. TURPIE. I therefore withhold my vote. I should vote "nay" if he were present.

The result was announced—yeas 16, nays 30; as follows:

## YEAS—16.

Bate,	Call,	Gibson,	Jones of Arkansas,
Berry,	Daniel,	Gray,	Reagan,
Blackburn,	Evarts,	Hampton,	Vest,
Blodgett,	George,	Hearst,	Wilson of Md.

## NAYS—30.

Aldrich,	Dolph,	Paddock,	Squire,
Allen,	Frye,	Payne,	Stanford,
Allison,	Harris,	Platt,	Stewart,
Blair,	Hawley,	Plumb,	Teller,
Casey,	Higgins,	Power,	Washburn,
Cullom,	McPherson,	Sanders,	Wilson of Iowa.
Dawes,	Mitchell,	Sawyer,	
Dixon,	Morrill,	Sherman,	

## ABSENT—38.

Barbour,	Edmunds,	Kenna,	Ransom,
Beck,	Eustis,	McMillan,	Spooner,
Brown,	Farwell,	Manderson,	Stockbridge,
Butler,	Faulkner,	Moody,	Turpie,
Cameron,	Gorman,	Morgan,	Vance,
Chandler,	Hale,	Pasco,	Voorhees,
Cockrell,	Hiscock,	Pettigrew,	Walthall,
Coke,	Hoar,	Pierce,	Wolcott.
Colquitt,	Ingalls,	Pugh,	
Davis,	Jones of Nevada,	Quay,	

So the amendment was rejected.

Mr. VEST. I move as an amendment to the pending bill to strike out section 18 and insert in lieu thereof the following:

That whenever imported merchandise is subject to an ad valorem rate of duty or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price of such merchandise, at the time of exportation to the United States, in the principal markets of the country from whence imported in the condition in which such merchandise is there bought and sold for exportation to the United States, or consigned to the United States for sale, and in which it is prepared and put up for shipment, including all costs, charges, and expenses incident to placing the same in such condition: *Provided, however,* That in determining the dutiable value of imported merchandise no estimate shall be made of the cost or value of the outer case, crate, sack, or other outer covering in which such merchandise may be packed or inclosed for transportation to the United States, and which is necessary solely for such transportation, nor the cost of transportation, shipment, and transshipment, with all expenses incident thereto, from the place of purchase or original shipment, whether by land or water, to the vessel or other vehicle in which shipment is made to the United States, in case the same shall be specifically stated in the invoice, and if not so stated no deduction therefrom for the invoice shall be allowed. That the words "value" or "actual market value," whenever used in this act or in any law relating to the appraisement of imported merchandise, shall be construed to mean the actual market value or wholesale price as defined in this section. So much of section 2906 of the Revised Statutes as is inconsistent with this section is hereby repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. VEST. Mr. President, this side of the Chamber, as well as the distinguished senior Senator from New York, have had such poor success in attempting to amend this bill, even as to verbiage, that I concluded I would offer this amendment, coming from the Home Market Club, which I believe is about the highest protective authority in this country. The amendment that I have offered is taken *verbatim et literatim* from a bill prepared by that club.

Mr. GEORGE. By what club?

Mr. VEST. The Home Market Club, the fountain of the high protection doctrine in the United States of America. I thought I would try that awhile and see if any more attention would be paid to a suggestion from that quarter than from an uncircumcised Philistine of a free-trader, as we are all regarded.

The Senator from New Jersey [Mr. MCPHERSON] this morning advanced the idea that if this bill were enacted into law and undervalu-

ation was thereby prevented, protection would therefore be accorded to the American manufacturer in a larger degree than at present; and he said with a degree of faith which was never before found in Israel—I mean Democratic Israel—that he would ask on behalf of this side of the Chamber when the tariff bill proper came over from the House of Representatives that, in consideration of our doing away with undervaluation and giving the manufacturers more protection thereby, he would ask a reduction of duties! He will ask, but he will not receive! As Hotspur said about calling spirits from the vasty deep, you may call, but they will not come.

Mr. PLUMB. Glendower said it to Hotspur.

Mr. VEST. Glendower told Hotspur he could call them, and Hotspur told him he might call them, but they would not come. The Senator from New Jersey will ask for a reduction which he will never see at the hands of the Republican party on tariff duties.

Now, what is the truth in regard to the imposition of this duty—for it is nothing else—in this bill upon cartons and coverings of imported merchandise? We know that in 1883 the duties for coverings and cartons were taken off, and in consideration of that fact increased duties were put in the tariff act of 1883 upon the contents of the cartons. It is now proposed to put back the duty on the cartons, but not to decrease the duty upon the contents. This rule will not work both ways. The argument then, when there was resistance made to putting the cartons on the free-list, was that the importer, whilst he was relieved from that duty, paid an additional duty upon the contents of the package. Now, when we put back this duty upon the cartons, the same per cent. upon the value of the cartons that is put upon the contents, there is no reduction of duty upon the contents at all, but it is an open secret that under the tariff bill proposed in the House of Representatives there is an increased duty.

To show what was the construction put by the Tariff Commission I want to read a paragraph from their report in regard to this matter. I want to read it to the country; I am not reading now to the Senate, because I know what the result will be here; it is a foregone conclusion; but I want to put this upon the record. The Tariff Commission said:

This recommendation as to the increase of duties is largely more apparent than real, as it will be observed that the proposed abolition of duties upon packages, inland freights, charges, and commissions affects this species of earthenware in general use perhaps more seriously than any other article embraced in the tariff schedules, so that, as will be apparent from the statement of the president of the Pottery Dealers' Association, and substantially all statements made to the commission which bear upon the question, a duty of 40 per cent. under the present tariff is substantially equal to a duty of 50 per cent. on these goods with the proposed abolition of dutiable charges.

The meaning of this was that there was a difference of 10 per cent. by reason of our taking the duty off cartons or coverings. If the Tariff Commission was correct in that—and I take it there will be no denial of it—we are increasing the duty now by our action in this bill in the same proportion upon the contents without any diminution at all corresponding to it. The Home Market Club, the highest authority in the country, says:

We believe the provisions suggested in the Home Market Club bill, which imposes a duty upon every kind of covering with the exception of those outer coverings which may be used solely to protect merchandise from injury during transportation and are necessary to handling, are in accord with commercial usage and with the desire of conservative business men of every class. We hold that it is in accordance with equity to collect the duty upon merchandise only, and not upon extraneous appendages which have no integral relationship to the merchandise itself. Moreover, it is the opinion of customs experts of good judgment in various branches of the service that in the administration of the tariff there would be no difficulty in carrying out the provisions of the Home Market Club bill; and also that there is a fundamental distinction between coverings which merely protect the goods and those coverings which are an essential part of the merchandise and therefore necessary for placing the same in merchantable condition for sale.

A great deal has been said in regard to the frauds that are perpetrated by putting very valuable coverings upon the outside of these packages and thereby escaping any duty upon them, when they really ought to be classified under some of the provisions of the existing tariff law; but under the amendment which I offer it becomes necessary for the importer to place upon the invoice the character of the carton or covering. That becomes his duty, and unless he does it it is then subject to the same duty as the contents of the carton itself.

The Senator from New Jersey referred to the duties upon earthenware. He alluded to the debate of 1883. I remember when that increase upon earthenware was asked. I remember when it was resisted, how the phantom of outraged American labor was paraded in the Senate; how we were told that pauper labor was being brought here and would be brought here to destroy the honest wages of American mechanics. I remember that the home market was paraded here in behalf of that increase, and that the pottery-makers of New Jersey thronged these lobbies, holding up their emaciated hands and appealing to Congress for assistance. They said, "Unless you increase this duty thousands of poor men and women will be turned out upon the streets of Trenton and Newark without bread; and we demand, in the name of these pottery-workers, that you shall increase the duty." It was increased; and it was not two months after we made that increase until those same people, those same lobbyists, discharged these American workmen and imported Bohemians in their place.

Mr. MCPHERSON. It was glassware.

Mr. VEST. The Senator from New Jersey corrects me by saying it was glassware. I did include that under the head of pottery. They were both in New Jersey. Unless the newspapers published in New Jersey and New York were wholesale liars, making statements out of whole cloth in reference to this matter, it was not two months after we made that increase in order to protect the poor women and men working in these glass factories before their employers turned them out on the streets to starve and imported ship loads of Bohemians to take their place. That is the working of your tariff system!

What does this bill do? Under the guise of being an administrative bill it increases taxation upon glassware and earthenware. I have a statement here in my hand, carefully prepared, which I put through the hands of two experts in order to show the per cent. of duty that the bill now pending in the Senate puts upon glassware and earthenware, and here it is: Take 5 to 7 inch opal globes. The present duty is 45 per cent. The duty under this bill, by reason of putting the tax upon the carton or covering, is 77 per cent., and under the new McKinley tariff bill, as it is called in the other House, if it is passed as reported, the duty will be 205 per cent.

Mr. ALLISON. That would be the increase?

Mr. VEST. That would be the increase, from 45 per cent. now to 205 per cent., if this bill passes and then the tariff bill that is to come from the other House. The duty on 5 to 7 inch opal globes, fancy, is now 45 per cent. The duty under this bill would be 47½ per cent.; and under the McKinley bill it would be 73 per cent. On student chimneys—

Mr. ALLISON. Would it interrupt the Senator if I should ask him a question there?

Mr. VEST. Certainly not.

Mr. ALLISON. The amendment provides for the exclusion of outer coverings, but includes other coverings. I ask the Senator if his expert has estimated the increase of duty as provided by his amendment.

Mr. VEST. That would simply be impossible. My argument now goes to this feature, and this feature alone, of the bill. I say that this bill, instead of being an administrative bill, works an increase of tariff duties, and that question ought to be determined by us when the tariff bill comes over from the House of Representatives, and not now.

I say more than that, whether my amendment is adopted or not, without regard to that, if this bill is enacted with the general provisions that it contains, putting back the duty upon cartons or coverings, then in common justice there ought to be a reduction of the duties on the contents, the goods themselves.

But the fallacy of the whole thing is that the Senator from New Jersey says he will demand a corresponding decrease in this respect when the bill is passed, and we all know we shall never get it. The proposition is to make the increase in this bill and then to increase it in the McKinley tariff bill. So you will have a double increase. I stand here now and risk my reputation as a man of common sense and common intelligence that that will be the result, and every Senator in this Chamber knows it will. You will increase it here, you will increase it there, and you will be deaf to any appeal upon our part, such as was made here to-day by the Senator from New Jersey.

Mr. President, I shall not read all these items of increase. Here are common student chimneys. The present duty is 45 per cent. Under this bill the duty will be 77 per cent. and under the McKinley tariff bill it will be 460 per cent. That is all! That is not much! It is just a small accretion! So it is on down through the whole chapter. The last item here is even upon the tea-sets for children, toy tea-sets. They rob old age and middle age and then go down even to the cradle and rob the children. Here are toy tea-sets. Under the present rate of taxation the duty is 35 per cent.; under this bill it will be 52 per cent.; and under the McKinley bill and this bill added it will be 90 per cent. You talk about going from the cradle to the grave, and here it is. Nothing escapes. I will ask that this table be included in my remarks, for I will not undertake to read it all.

Mr. FRYE. Prepared by whom?

Mr. VEST. Prepared by two experts I had to work on it. I went to the chairman of the committee and asked for the estimate of the committee, so as to see whether the table was correct or not, and it is correct; and the Senator from Iowa himself knows that that is the result of this administrative bill. I submit the table.

Description.	Present duty.	Duty under the administrative bill.	Duty under the administrative and new tariff bill.
	Per cent.	Per cent.	Per cent.
10-inch opal shades, decorated.....	45	52	81
10-inch opal shades, plated.....	45	47	60
Tumblers, light.....	45	58	75
Tumblers, heavy.....	45	58	115
Tumblers, etched.....	45	56	111
Syphons, plain.....	45	53	182
Syphons, etched.....	45	52	270
Bohemian tumblers, plain.....	45	67	149
Bohemian tumblers, etched.....	45	61	106
Prisms, 3-inch U drops.....	45	53	74
Silver vases.....	45	73½	334
Gold-decorated vases.....	45	65	224
Alabaster vases.....	45	56	170
Fine vases.....	45	56	170
White English earthenware.....	55	66½ to 70	66½ to 70
Decorated English earthenware.....	60	68 to 75	68 to 75
White china, Bohemian.....	55	70	70
Decorated china, Bohemian.....	60	75 to 80	75 to 80
Thuringia china.....	60	75	75
Bisque figures.....	60	71	71
Toy tea-sets.....	35	52	90

Specific duty is calculated on the net weight of goods. Should it be collected on gross weight, respecting which the bill is indefinite, it would vastly increase the rates.

I repeat the proposition that when in 1883 we put these cartons on the free-list (and every Senator who was here then knows what I state to be true) it was then said by the defenders of the tariff act of 1883 that there should be in justice an increase of duty upon the contents of the cartons by reason of putting the carton itself on the free-list. Now, that rule ought to work both ways. You now put back the duty upon the carton, but you do not take any duty off the contents. In other words, you increase it, as I have shown by this table, and if when the McKinley tariff bill comes here and is passed without a single diminution of duty in it, as we all know will be the case, then the increase will be in the enormous proportions which I have stated here to-day.

Mr. MORRILL. Mr. President, I desire to say to the Senator from Missouri that the Home Market Club, very soon after they came to the conclusion they did in presenting some amendments to the administrative bill, withdrew the whole of them. They were transmitted to me as the chairman of the Committee on Finance, and the secretary of the club immediately thereafter wrote me that the club had reached a different conclusion with a larger assemblage of members and with some who were converted to a different opinion.

In relation to these cartons and coverings that are proposed to be taxed, I assure the Senator from Missouri that there will be no cartons brought hereafter to perpetrate such gross frauds as have been perpetrated under the existing law. For instance, cartons were imported for linen handkerchiefs for ladies that were worth more as a covering, and as an elegant box to contain them than the handkerchiefs themselves.

In relation to glassware and crockery, I hope the Senator's reputation rests upon a more solid basis than to suppose that there will be no action in relation to that subject whenever it comes before us.

Mr. VEST. Mr. President, I know what action will be taken and the Senator from Vermont knows. It will be taken in accordance with the platform of the Republican party upon which Harrison was elected, and that is to increase duties up to the point that is necessary to exclude from this country every article that competes with one manufactured in the United States. That is what will be done. That is the whole of it.

We are told suggestively by the venerable Senator from Vermont now that there will be a reduction. I have read the duties here in the proposed tariff bill in the other House, and we know, all of us know, that they will never be reduced here in the Senate. They will rather be increased. That has been the experience in legislation, as it was in 1883 when they put upon us a tariff bill after we beat it in both Houses. I assert, and the RECORD will show it, that we beat the items in that bill after debate in both Houses, and then they put it upon us in a conference committee on the last night of the session, and those taxes have been collected ever since.

There is one feature of this matter which I did not allude to, but which I will refer to now. I do not care what the Home Market Club think about this question or any other. I have seen remarkable conversions, and they may have undergone one, but I know what the truth is in regard to it, and they stated the truth when they made the argument which I have had read. Whether they have withdrawn their bill or not is an immaterial question; they can not withdraw the argument they made. That was either true or false, good or bad.

But we have heard a great deal about the foreign importer buying his goods at a low price in a foreign market and then bringing them in here and paying the tariff duty upon them and still being enabled, by

Description.	Present duty.	Duty under the administrative bill.	Duty under the administrative and new tariff bill.
	Per cent.	Per cent.	Per cent.
5 to 7 inch opal globes, white.....	45	77	205
5 to 7 inch opal globes, fancy.....	45	47½	72
Student chimneys, common.....	45	77	450
Student chimneys, crystal.....	45	80½	112
7-inch opal shades, common.....	45	74	268
7-inch opal shades, fancy.....	45	48½	69
10-inch opal shades, common.....	45	56	135

reason of the low price paid abroad, to compete with the American manufacturer. We have heard in every sort of shape and form the declaration that the foreign importer simply brought here the surplus of the foreign market; that he bought there at a great depreciation, at ruinous prices, and therefore he was enabled to come in and pay the tariff duty and compete with our domestic manufacturers.

Now, this bill explodes all that. This administrative customs bill, which my friend from Iowa champions, announces the doctrine and stands upon the basis that the goods are to be taxed according to the wholesale price in the foreign market; that the importer is presumed to pay the market price abroad, and not to buy at the depreciated price of which we have heard so much.

The Senator from Vermont said this morning that he denied that the consumer paid the tax. I want him to convert the chairman of the committee, who admitted day before yesterday that the consumer did pay it—

Mr. ALLISON. I beg pardon, the Senator from Ohio made that statement. The Senator was looking at me and I thought he referred to some remarks I made.

Mr. VEST. I understood the chairman of the committee [Mr. MORRILL] to make it.

Mr. MORRILL. I said nothing on that subject.

Mr. SHERMAN. I spoke of it in the qualified way in which it was reported, and properly reported, and I stand by whatever I said in regard to that.

Mr. VEST. Very good.

Mr. SHERMAN. I said that in the first instance the duty is added to the cost, but it is afterwards reduced by domestic competition, either by the act itself—

Mr. VEST. Very well, I accept the amendment. I thought the Senator from Vermont made the statement, but the Senator from Ohio suits me just as well. I can be happy

With either,  
Were t' other dear charmer away.

He is the leader of the protection party in this country, and it suits me, I have no doubt, just as well that the Senator from Ohio said it.

I say, then, let the Senator from Vermont address his argument to the Senator from Ohio, and after he has convinced him that the consumer does not pay the tax let him turn his attention to the Senator from Rhode Island [Mr. ALDRICH], who, in the debate here last Congress, admitted on the floor of the Senate that the consumer paid the tax.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. VEST. Well, Mr. President, I have seen so many changes here lately that perhaps I do not understand the English language; and I do not understand it if I do not show where the Senator from Rhode Island in the debate on the last tariff bill stood here on this floor and admitted that the consumer paid that tax; or, in other words, he declared here against the protests of his colleagues (and the Senator from Wisconsin [Mr. SPOONER] was one of them who went to him and begged him not to say such a thing here in the presence of Democrats) that the tariff tax increased the cost to the consumer that much or nearly that much.

Mr. ALDRICH. No; I did not.

Mr. VEST. I will yield to the Senator if he did not say it, and I will produce the RECORD.

Mr. ALDRICH. I should be very glad to have the Senator produce the RECORD, and when he produces it he will find that I did not say anything of the kind.

Mr. VEST. Will the Senator tell us what he did say, for I have heard so many things lately that I once heard and now do not hear that I should like to know what he did say. I will yield to him.

Mr. ALDRICH. I will not undertake to repeat the exact language which I then used.

Mr. VEST. What was the substance?

Mr. ALDRICH. If the Senator wishes my views upon the subject now I will give them.

Mr. VEST. I do not want the Senator's views now, but I want to know what he said then. The Senators from New York had some views yesterday and the day before which they do not have now.

Mr. ALDRICH. The subject under discussion, as I remember it, was the duty on tin-plate, and the question was whether the duty on tin-plate was added to the cost of tin-plate to the consumer.

Mr. VEST. Yes, that was it.

Mr. ALDRICH. I stated that under conditions then existing it was undoubtedly added, and would be as long as there was no production in this country; that whenever the production in this country supplied a considerable portion of the domestic demand a varying proportion of the duty might be added to the cost; but whenever the time arrived that the producers in this country could furnish the whole amount of tin-plate consumed here the duty might not, and probably would not, be added to any extent to the cost.

Mr. VEST. That is a very elaborate statement compared with what the Senator made then. I will ask him if he did not state then upon this floor that the effect of a tariff tax was to increase the price of goods to the consumer?

Mr. ALDRICH. Unquestionably. I stated that this was true under

the circumstances of the case which we had then under discussion, that is, in the case the duty upon tin-plate, but not generally.

Mr. VEST. But the Senator made the general statement. I will find the RECORD. If I do not find it, I will stand convicted of having made a false statement here, intentionally or unintentionally.

Mr. DAWES. Does the Senator mean to say that the Senator from Rhode Island said that generally it did?

Mr. VEST. Whether the word "generally" was used or not, I say the effect of the Senator's statement was that, as between the two administrative theories, the one advocated by Senators on the other side, that the tariff tax does not increase the cost of the imported or manufactured article to the consumer, and the other theory that it does, the Senator from Rhode Island admitted that it did, and admitted it against the protest of his colleagues. I recollect the scene distinctly when they gathered around him and said, "Don't say that, ALDRICH; don't say that; it gives away the case." He said, "I do say it." I have great respect for the Senator, because he stood here—

Mr. ALDRICH. The statement which I made, as I remember, which gave so much satisfaction to the Senator from Missouri—

Mr. VEST. Yes, it did. I repeated it the next day.

Mr. ALDRICH. The statement was that the average effect of a protective duty was to increase the price of the articles imported, and I say so now, if it affords my friend from Missouri any gratification.

Mr. VEST. Exactly. That is all I ask. That is the whole of it.

Mr. ALDRICH. Otherwise there would be no force and effect in a protective tariff.

Mr. VEST. Exactly; and that is just what the Senator said.

I thank thee, Jew, for teaching me that word.

The VICE-PRESIDENT. The Chair will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had passed the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed the concurrent resolution of the Senate to print the report of the National Academy of Sciences for the year 1888, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills of the Senate:

A bill (S. 606) to provide for the purchase of a site and the erection of a public building thereon at La Fayette, in the State of Indiana; and

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

The message also announced that the House insisted upon its amendment to the bill (S. 2714) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Illinois, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MILLIKEN, Mr. POST, and Mr. CLUNIE managers at the conference on its part.

#### TRUSTS AND COMBINATIONS.

Mr. VEST. I move that the trust bill, with the amendments of the House of Representatives, be referred to the Judiciary Committee.

Mr. SHERMAN. I should like to have the amendments read.

The VICE-PRESIDENT. The Chair will lay the bill before the Senate.

The SECRETARY. A bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies.

Mr. SHERMAN. Let the amendments be read.

The SECRETARY. Page 1, after line 10, insert as section 2:

SEC. 2. Every contract or agreement entered into for the purpose of preventing competition in the sale or purchase of a commodity transported from one State or Territory to be sold in another, or so contracted to be sold, or to prevent competition in transportation of persons or property from one State or Territory into another, shall be deemed unlawful within the meaning of this act: *Provided*, That the contracts here enumerated shall not be construed to exclude any other contract or agreement declared unlawful in this act.

Page 1, line 11, change section 2 to section 3, change section 3 to section 4, change section 4 to section 5, change section 5 to section 6, change section 6 to section 7, change section 7 to section 8, and change section 8 to section 9.

The VICE-PRESIDENT. The amendments will be referred with the bill to the Committee on the Judiciary.

Mr. SHERMAN. I suppose that the amendment proposing a substitute for section 2 could be concurred in, so far as I know, without a reference. That is merely an amendment in degree. I will move that it be concurred in.

Mr. VEST. I prefer that the amendment should go to the Committee on the Judiciary.

Mr. SHERMAN. I will submit my motion.

Mr. VEST. I looked at it in the RECORD this morning, and it seemed to me an amendment which was entirely unnecessary.

Mr. SHERMAN. I will submit the motion to concur in the amend-

ment, and then if the Senator desires it can go to the Committee on the Judiciary. I do not see anything in the amendment out of the way.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio to concur in the amendments of the House of Representatives.

Mr. SHERMAN. I only move to concur and then it is quite proper for the Senator from Missouri to move to refer that motion.

Mr. VEST. The first question is on the motion I made to refer the bill and amendments to the Judiciary Committee.

Mr. SHERMAN. I have a right first to move to concur. That has prior right. Then the Senator can move to refer the whole matter.

Mr. HARRIS. Of course the Senator from Ohio can enter his motion, but the Senator from Missouri can interpose the motion to refer, and it carries the motion of the Senator from Ohio with the bill to the committee.

Mr. SHERMAN. That is precisely right, but my motion to concur is the first in order, and then the bill may be referred, pending the question, to the Committee on the Judiciary.

Mr. VEST. That would carry the motion of the Senator from Ohio with it?

Mr. SHERMAN. Certainly.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Missouri to refer the bill with the amendments of the House of Representatives to the Judiciary Committee.

The motion was agreed to.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. 1873) authorizing the Brazos Terminal Railway Company to construct a bridge across the Brazos River in the State of Texas.

The message also announced that the President had this day approved and signed the joint resolution (S. R. 76) to authorize Lieut. Henry R. Lemly, United States Army, to accept a position under the Government of the Republic of Colombia.

#### CUSTOMS ADMINISTRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4970) to simplify the laws in relation to the collection of the revenues.

Mr. SHERMAN. As the debate closes at 4 o'clock, I wish to address a few words to the Senate in regard to the amendment of the Senator from New York. I do not see him present.

Mr. VEST. That has been disposed of.

Mr. SHERMAN. Has it been voted on?

Mr. GRAY. Yes.

Mr. SHERMAN. I mean the modified amendment.

Mr. GRAY. That has been disposed of.

Mr. SHERMAN. Both of them?

Mr. VEST. Both of them.

Mr. ALLISON. The Senator from New York intends to propose, after the pending amendment is disposed of, another amendment to section 14.

Mr. SHERMAN. I should like to have that amendment offered at this time, so that I can make a few observations about it before 4 o'clock arrives. I can do so now, because Senators will bear it in mind.

Mr. VEST. I suggest to the Senator from Ohio that as we are to vote at 4 o'clock the vote can be taken now upon the pending amendment, unless some Senator wishes to discuss it, and then we can take up the other proposition.

Mr. SHERMAN. All I desire is five minutes before 4 o'clock arrives, when debate will be cut off.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. VEST].

The amendment was rejected.

Mr. GRAY. I desire to offer an amendment to section 7 of the bill. That is the section which undertakes to impose a penalty upon the importer if in the opinion of the appraising officer the market value of the goods shall exceed the invoice value by so much as 10 per cent. Section 7 provides then, if that be the case, there shall be a very severe penalty inflicted upon the importer, to wit, the imposition of an additional duty "equal to 2 per cent. of the total appraised value for such 1 per cent. that such appraised value exceeds the value declared in the entry."

The old law imposed an additional duty of 20 per cent. on the appraised value of such merchandise. The amendment of the committee proposes this unknown increase, which may vary according to the amount of the excess of the appraised value over the invoice value. It may amount to a forfeiture of one-fifth, or one-third, or one-half of the goods imported.

Now, it is not with reference to that that I propose an amendment, harsh and extreme as I think that is, but the seventh section, even with that provision, is confined in this respect only to those who have purchased goods abroad. In view of the harshness and severity of the penalty, the law has been for a great many years that the importer, when he observed that the invoice value was probably lower than the

appraised value would be (an invoice value with which he had nothing to do so far as fixing it was concerned), in order to avoid the serious consequences of this penalty, might in his entry paper add to the invoice value so as to escape the infliction of this additional duty.

That was all fair enough, and so it has always been, but in this section that privilege is confined to "the owner, consignee, or agent of any imported merchandise which has been actually purchased," thereby excluding from this privilege the consignee of an article manufactured abroad and consigned to an agent or a purchaser in this country.

Mr. SPOONER. Or to a factor?

Mr. GRAY. Or to a factor.

Mr. FRYE. Where it is a plain, palpable case of attempted fraud?

Mr. GRAY. Where it is not a plain, palpable case of attempted fraud; and that is just the point I am making. I no more wish to be the abettor of a case of plain, palpable, attempted fraud than the Senator from Maine. I think the plain, palpable, attempted frauds are on that side of the Chamber, and not on this—plain frauds upon the rights of American citizens who happen to be engaged in the foreign commerce of the country, frauds on the rights of those who happen to be engaged in business that conflicts, it may be, or that competes, it may be, with the favored manufacturing classes. Those are the frauds that are entitled to a little attention at the hands of the American Senate, as well as some of those that have been provided against in this bill.

Now, I should like to know what reason there is for this discrimination. The law has been ever since 1857, I think, as I propose it shall remain, that wherever goods are imported, whether purchased abroad or manufactured abroad, consigned to a party in this country, if in the opinion of the consignee the invoice value is too low or likely to be lower than the appraised value, he shall have the right that has obtained in that long period of a third of a century of raising the invoice value to what he thinks will meet the opinion of the appraisers, and thereby allow him to escape the forfeiture which is imposed by the provisions of this bill.

When goods are otherwise obtained than by purchase abroad, obtained by gift, if you please, obtained upon credit, if you please, obtained from a manufacturer who consigns them to his agent or to a merchant in this country, why is not that a legitimate matter? Why should that receive the brand that is sought to be put upon it in this bill as if it were essentially and necessarily and universally a fraudulent and smuggling operation? Are we to hold our rights so cheap that transactions like these, which have been lawful and encouraged as long as the history of civilization extends, are to receive the condemnation of this favored class in whose interests alone this bill is made? Are the powers of this great Government to be invoked for only that favored class, and all other rights and the business of all other classes and all other people to be disregarded, to be prostrated and ruined, it may be, if it is necessary to prevent the competition that these people to whom I have referred so much fear?

I should like to know from the members of the committee, when a manufacturer out of this country has consigned to me the goods that he has lawfully and properly made, and invoiced them to be at a price that I fear may not be the opinion of the appraisers who too often exercise their function in the interest of those for whom these laws were enacted, why he should not be allowed, in order to meet that anticipated discrepancy in values, to raise the entry value to correspond or come more nearly to what he supposes the appraised value will be? You allow the purchaser to do it. Why should he be allowed to do it and not the consignee of a manufacturer? The goods are obtained abroad honestly, we presume, in both cases. They may be obtained fraudulently in both cases, so far as the provisions of this bill are concerned; but why the distinction should be made is the question that I should like to ask the members of the Finance Committee.

Mr. ALLISON. The section under criticism deals very liberally as respects the matter of invoices. Even in the case of consigned goods there is no penalty attached under this section unless the goods are undervalued to the extent of 10 per cent.

The point to which the Senator from Delaware calls attention is that in this bill we have distinguished between the consignor and the purchaser, allowing the purchaser on this side at the time of entry to add to the invoice value of the merchandise and we have denied to the consignor or his agent, the consignee, that privilege.

It seems to me the distinction is perfectly clear. The merchant on this side may order of a manufacturer in Germany or in England a certain amount of goods a year beforehand, or six months, or whatever—

Mr. ALDRICH. He may make contracts in advance.

Mr. ALLISON. Yes, he may make contracts in advance. When those goods are manufactured and transported here the invoice is made, and it must be put at the market value at the time. The merchant here is not primarily responsible for the market value, because he may not know exactly what it is, but that is not true as to consigned goods. I ask the Senator from Delaware, who knows better the market value of goods in Sheffield or Manchester, or Crefeldt, in Germany, than the man who is making those goods day by day in those markets?

Mr. GRAY. Does the Senator want an answer now?

Mr. ALLISON. Yes, sir; I will take an answer now.

Mr. GRAY. No one knows better than an honest manufacturer,

perhaps, but certainly the appraiser at the New York custom-house does not know better, and if his opinion based on less knowledge and less opportunity of knowledge raises the appraisement, then the manufacturer or his agent here is helpless under the provisions of this bill to raise it voluntarily to meet the appraisement.

Mr. ALLISON. The Senator's answer is no answer. The manufacturer makes out his invoice. If he is an honest man he makes out that invoice according to the market value as he understands it; and we intend by this very provision that his consignee in this country, or his agent here, shall not have the opportunity of feeling about the market here and then in advance raising the invoice in order to escape fraud.

Whatever frauds there are in the custom-house business in New York largely originate from the importation of these consigned goods. I submit that a manufacturer cannot be cheated under this bill if he states the market value of the goods in the country where they are manufactured, and no man can know it better than he does. Why should he want the privilege of increasing his invoice?

Mr. GRAY. Why should the purchaser want it?

Mr. ALLISON. I ask this question, why should a point be made in favor of a manufacturer who in the very nature of things must know the market value? It is different with the purchaser who may live on this side of the water, and who can not in the nature of things be absolutely responsible for market value in England or Germany. But the man who lives there, and who sells him goods here, and has the advantage of our market ought to come here with an honest statement in his invoice, and if he does he does not need the privilege sought for him by the Senator from Delaware.

Mr. GRAY. Was the Senator about to conclude?

Mr. ALLISON. I am absolutely through.

Mr. GRAY. I was about to ask the Senator a question, but I will state what is in my own mind in regard to what he has just said, as he has relinquished the floor. Undoubtedly frauds can be committed and are daily committed by reason of the tariff exactions. Any revenue or tariff law will undoubtedly produce smuggling to a greater or less extent, and the higher the tariff the greater the temptation to fraud and the greater the temptation to smuggling. But to pass a bill which assumes that all importations of a certain class are so apt to be or so given to be fraudulent that they can have no concession made in their favor at all, seems to me to be the very tyranny of legislation.

Mr. ALLISON. Will the Senator allow me a moment?

Mr. GRAY. Certainly.

Mr. ALLISON. This very bill gives them a leeway of 10 per cent. up and down, without adding any penalty. Now, an honest manufacturer it seems to me ought not to make a greater mistake than that.

Mr. GRAY. This bill provides that when there shall be a difference of as much as 10 per cent. between the opinion of the appraisers in the city of New York and the value invoiced in the foreign country, in that case there shall be a forfeiture.

Mr. GEORGE. Suppose the appraisers make a mistake?

Mr. GRAY. I am going to speak of that in a moment. There may be a forfeiture which will amount to a fifth, a third, or a half of the merchandise imported, and if it goes to 40 per cent. there is a forfeiture of the whole merchandise imported. That is the penalty for that difference of opinion, which may or may not be an honest difference of opinion. But, in view of the fact that the hardship in many cases would be very great, the law has been until the present time that where the consignee of goods so invoiced looks at the invoice value and either thinks or fears that the appraisers may put a higher value than the invoice value, he may protect himself by voluntarily increasing the invoice value in his entry of the goods for duty. That is the law and has been the law without distinction as to the classes of importers.

Now, this bill, preserving and increasing the penalty by a 10 per cent. difference, confines that privilege of increasing the invoice value to the importer who has absolutely purchased the goods abroad. He may be mistaken or he may fraudulently have been a participator in the lowering of the invoice value, but he still has the liberty under this bill to add in his entry of the goods such sum as he thinks necessary and right in order to protect himself. But where a manufacturer out of this country consigns goods to this country to be sold, subject to our tariff laws, by his consignee in this country, and looking at the invoice price thinks that the appraisers will appraise those goods at a higher rate and as much as 10 per cent. more, he is absolutely bound hand and foot, and the forfeiture depends upon the opinion of the appraisers, whether that opinion be an honest, a wise, of intelligent one or not; and he is not permitted to voluntarily do as the purchaser may, add to the invoice value.

The manufacturer abroad may be dishonest or he may be honest. There are some places I suppose even for a manufacturer of goods abroad that will put him in the class of people who are not wholly outside of the pale of society. A manufacturer abroad may invoice his goods at a price so low, in order to compete with rival manufacturers in his own country or in this country, that the appraisers here may have some ground for saying that the general market value abroad is greater than the value at which he is invoicing. Suppose a manufacturer abroad,

with competitors in his own country and desiring to secure the trade of this country, does that wrong to the great body of consumers here that he sends his goods at a very low price. That is the great offense in all these tariff laws, low prices of goods.

Suppose he sends them to this country, to his consignee, invoiced at a price much lower than the competing manufacturers in his own country or the competing manufacturers in this country, when the appraisers come to look at the invoice and look at the goods and take some evidence as to what the general market value abroad is, his rivals in his own country, interested by this competition that is being made against them, supply information to the appraiser that the general market value is 10 per cent. higher than it was invoiced at and than this importing merchant can afford to sell them, and the appraiser, upon evidence like that, adds 10 per cent. to the invoice value. Why should he not be allowed the poor privilege, not of showing that he could afford to sell them for that, for they do not allow him to do it, but the poor privilege of adding in his entry-paper a sufficient sum, in his opinion, to bring the invoice value up to meet the appraiser's statement?

Mr. President, it will work a hardship upon a class of people, both those who are manufacturers of foreign goods and the importers and consumers in this country, that in my opinion will disgrace the statute-books of the United States. We have been living under the more equitable system that I described awhile ago for nearly a third of a century, and I do not believe that there is any good reason why that distinction should be made now.

Mr. MORRILL. Mr. President, our large importers keep experienced expert men abroad making purchases all the time for importation into this country.

Mr. GRAY. Have small importers, Mr. President, no rights?

Mr. MORRILL. Well, let me finish what I have to say and then the Senator from Delaware, I have no doubt, will have breath enough left him to discuss this matter further.

Mr. GRAY. I beg the Senator's pardon.

Mr. MORRILL. I say that our large importers keep experienced, expert men abroad making purchases all the time for importation into this country, and yet they assure me that they are unable to compete with the parties who consign goods here, and that there are certain branches of articles that they can not import. It is a fact that these consignors have driven a majority of the regular importers out of the business. It is in consequence of the immense frauds that have been perpetrated by these consignors that the American importers are driven out of the business.

Mr. GRAY. Mr. President, a single word. If these importers have been driven out of the market by the consignors, as they are called, they have been driven out because they have been undersold and the consignors have furnished cheaper goods to the American public than the importers.

Mr. MORRILL. By fraud.

Mr. SHERMAN. Mr. President, as the debate closes at 4 o'clock I do not care to address myself to the amendment pending, but I wish to call attention to an amendment of which we have had notice. The two Senators from New York proposed yesterday an amendment which involves two propositions: that when a case comes before the circuit court the court may, if they see proper, order new evidence to be taken, and they may also, if they think justice demands it, order a trial by jury. So far as the trial by jury is concerned, I think that has been sufficiently answered, because I believe that would defeat the object of this proposed law, which is to bring a case to a summary ending in a reasonable time, about sixty days being now allowed.

But in regard to the other proposition, the authority of the court to order new testimony to be taken, that opens the case. As a matter of course, if new testimony can be taken it must be taken either by depositions or oral evidence. If by depositions, more time must be left to take the testimony. It makes a case then that may drag on as long as a chancery case from time to time. To allow new evidence to be taken when the case comes up for adjudication would be practically to prolong the contest.

Mr. MORRILL. For two or three years afterwards.

Mr. SHERMAN. It would be prolonged for two or three years afterwards. Nor is it necessary. This bill provides the amplest, fullest possible authority for taking the testimony. It is not supposed that the case will come before the circuit court until all the testimony that can be offered by either side has been taken.

If Senators will take the pains to look through this bill and see how carefully all its provisions have been framed, they will find, first, that when the entry or invoice is made and the case comes before the local appraiser, the deputy appraiser, the importer has a right to present his testimony there, his view of the case. He may present the evidence. The evidence probably is the inspection of the article, or it may be by deposition, and that is provided for when the first examination is made.

Mr. GRAY rose.

Mr. SHERMAN. I hope the Senator will not interrupt me.

Mr. GRAY. I want to ask a question which is necessary to understand the Senator's purpose. If the Senator objects, I will not ask it, but it is a single question for information.

Mr. SHERMAN. After I get through, if I shall not have answered the question, the Senator can then ask it.

Mr. GRAY. I merely wanted to ask the Senator if he intended to offer that amendment. That is all.

Mr. SHERMAN. I do not offer any amendment at all.

Mr. GRAY. Nobody else has offered it.

Mr. SHERMAN. Notice has been given that it will be offered.

Mr. GRAY. No.

Mr. SHERMAN. If the Senator will allow me to proceed, I will go on. I can answer his question when I get through.

This bill provides that evidence may be furnished to the original appraiser, and then again it goes to the appraiser of the port, and there this measure expressly provides that either the Secretary of the Treasury, or the collector, or the importer, or his agent, or his factor, or any one connected with the importation may again offer evidence, may file the nature of his claim, and that evidence goes upon file. It provides for the appeal to one of these selected boards of appraisers. It provides that if the collector shall deem the appraisement of any merchandise too low he may order a reappraisal, or if the importer, owner, agent, or consignee of such merchandise shall be dissatisfied with the appraisement thereof then he must give notice in writing, and a reappraisal is ordered, as a matter of course, by one of the general appraisers, and then he is at liberty to again furnish his testimony to supply any defect of the testimony before the appraisers.

Then if he is still not satisfied with that judgment and it is appealed to the board of general appraisers, the general appraiser who has first considered the matter certifies to the board of appraisers the invoice and all the papers appertaining thereto, which includes all the evidence that has been taken, and the board of general appraisers take up the case. They must decide the case thus submitted, and their decision is final as against all parties interested, and the record is transmitted to the collector, or person acting as such, who shall liquidate the entry accordingly, etc. The decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, etc., shall be conclusive against the persons interested therein, unless the owner, importer, consignee, or agent of such merchandise shall within ten days take an appeal, and then it goes before this board of general appraisers. When the case is before this board the board itself may take testimony upon the demand of either party, and this must be reduced to writing, and the papers and exhibits connected therewith (there being three different appraisements) are all sent before this board and acted upon.

But that is not all. If there is still discontent on the part of the importer it then goes to the circuit court, and the circuit court may within two weeks after the case goes before the court, upon the motion either of an officer of the Government or of the importer or factor or agent, order testimony to be taken. The circuit court itself may two weeks after the case has gone before the court order the testimony to be taken. The bill expressly provides the mode and manner in which it shall be taken. The importer may apply to the circuit court of the United States within the district in which the matter arises and call for a review of the questions of law and of fact involved in such decision. Then it provides:

Thereupon the court shall order the board of appraisers to return to said circuit court the record and the evidence taken by them, together with a certified statement of the facts involved in the case, and their decisions thereon; and all the evidence taken by and before said appraisers shall be competent evidence before said circuit court; and within twenty days after the aforesaid return is made the court may upon the application of the Secretary of the Treasury, the collector of the port, or the importer, owner, consignee, or agent, as the case may be, refer it to one of said general appraisers, as an officer of the court, to take and return to the court such further evidence as may be offered by the Secretary of the Treasury, collector, importer, owner, consignee, or agent, within sixty days thereafter, in such order and under such rules as the court may prescribe.

Here is the fullest possible authority to each of these officers and the court itself to order additional testimony to be taken within sixty days, and the only restriction is that it must be taken by one of the appraisers under the rules and regulations of the court and under the court.

Mr. President, to require more than this, it seems to me, is simply a delay and defeat of justice. After all the testimony is taken the case comes up for hearing upon the facts thus stated, the law of the case as disclosed by the facts, and suppose the court should then, avoiding the decision upon the facts as provided by these various examinations, undertake to say, "I will order further testimony to be taken." Depositions may be taken in London, in Berlin, in Siam, and thus postpone the case and continue it along. That defeats the very object, the whole object of this careful plan of adjustment.

It seems to me, therefore, that both clauses of the amendment embraced in the proposition of the Senator from New York would only tend to create delay and a denial of justice, and create all the trouble that the Government has had in the collection of the revenue heretofore when these cases have been continued for years and years, and only decided perhaps after five years. This does provide for every possible means of collecting testimony or presenting the case by argument in every way, and all these papers, whatever has been said and done in all the various stages of progress of this investigation, go before the circuit court, and then this proposed law requires the circuit court to decide the case, not to hear further testimony, but to decide the case upon the showing

made by the parties with ample opportunity, and there should be no longer delay about it. It must be done within sixty days; at least sixty days are allowed for testimony, and then the decision must be made. To give the court any authority to take further testimony would be, in my judgment, a denial of justice, and to renew all the trouble we had before, and only give occasion for imposing a trial upon a case in which the facts are ascertained and will defeat the ends of justice.

I hope, therefore, that no amendment of that kind will be adopted. Mr. EVARTS. I ask that the Chief Clerk read the proposed amendment which I offer on that separate point.

The VICE-PRESIDENT. The amendment will be read.

Mr. MCPHERSON. What became of the amendment offered by the Senator from Delaware?

Mr. SHERMAN. It is pending.

The SECRETARY. In section 15, line 37, after the word "record," it is proposed to insert:

Together with such other evidence as the court may deem necessary to the ends of justice.

Mr. ALLISON. Where does that come in?

Mr. EVARTS. After the word "record." The Senator from Ohio is quite right in thinking valuable arrangements have been made to get at testimony and competent decisions.

Mr. GRAY. I ask the Senator from New York, as a matter of the merest courtesy, if he will not let a vote be had upon my amendment. The time is short and it will take but a few moments.

Mr. FRYE. It can be taken after 4 o'clock.

Mr. GRAY. Can it be taken after 4 o'clock?

Mr. FRYE. Certainly; we vote then on all pending amendments.

Mr. EVARTS. That is all very well. Now, every lawyer knows and every one conversant with affairs knows the difference between the examination of witnesses and the presentation of facts by voluntary witnesses without the cross-examination that belongs to a judicial inquiry, and the regular procedure of a court in examination and cross-examination. There is no power, in my judgment, to bring in circumstances that require coercion of evidence in any of this process that belongs to a judicial inquiry, and now I will accept everything thus far, and I only ask that when the judge shall think that for the ends of justice in the matter before him he can take more evidence it shall not be denied. No argument is presented except that all these other stages are trustworthy, but the judge can not be trusted at all.

That argument does not satisfy my mind and will not satisfy the public. I only ask that after this record has come up, if the judge himself shall say that he needs more testimony, whether it be favorable to the Government or favorable to the importer, before he can pass upon the question that is here interesting, which is the question of law, or that he needs more evidence on the facts, he shall be enabled to have it.

Mr. President, that is all that is sought here, and yet it is put in our eyes all the while that if a judge thinks that justice requires more evidence before him it is accumulating \$5,000 costs and a delay of five years.

Mr. ALDRICH. The Senator from Delaware—

Mr. REAGAN. I desire to offer an amendment and have it pending, and I wish to say a word upon it because I can not say it after 4 o'clock.

Mr. ALDRICH. The Senator can offer his amendment after 4 o'clock. I have yielded once already and I should like to proceed now. I propose to discuss the pending amendment.

Mr. GRAY. What is the pending amendment?

Mr. ALDRICH. The amendment of the Senator from Delaware [Mr. GRAY].

Mr. REAGAN. I hope the Senator will allow me a minute or two.

Mr. ALDRICH. I shall not occupy all the time remaining between now and 4 o'clock.

The Senator from Delaware, in the course of the discussion yesterday and to-day, has several times reiterated the charge that this bill was here at the instigation and demand of the manufacturers of the country. That is not historically accurate in any sense of the word. This bill was prepared by a subcommittee of the Finance Committee of the Senate consisting of the Senator from Iowa [Mr. ALLISON], the Senator from Vermont [Mr. MORRILL], the Senator from Kentucky [Mr. BECK], the Senator from New Jersey [Mr. MCPHERSON], and myself.

Mr. GRAY. I thought it was a House bill.

Mr. ALDRICH. This bill in substantially its present form was prepared by the subcommittee which I have named. It was prepared after hearing the statements of merchants of New York and of Boston and the experts of the Treasury Department in regard to the evils which have existed and the frauds which have been prevalent in connection with the importation of goods for the last quarter of a century. In the course of the examination and discussion, which extended over two years, the manufacturers did not appear before the committee or prefer any request as to legislation desired by them. The inquiry was an original investigation on the part of the committee, and this bill was prepared and reported with the hearty and earnest concurrence of the Senator from Kentucky [Mr. BECK], and he so stated to the Senate in the discussion three years ago.

Not only was this true, but it had the approval in a large measure, and in regard to all of its provisions but one or two, of the Treasury Department, then administered by Mr. Manning and Mr. Fairchild. And notwithstanding this fact the Senator from Delaware is here declaring that it is a bill to take away from the importing merchants of the country their constitutional rights.

Mr. GRAY. I say so.

Mr. ALDRICH. Mr. Hewitt, Mr. Morrison, Mr. MILLS, in the several bills which they presented in the other House of Congress, adopted many of the provisions of this bill, including that now under consideration; and yet we have a series of amendments offered by the Senator from Delaware and the Senators upon the other side of the Chamber.

Mr. BLAIR. Am I to understand that the free-traders and these men who have been denouncing the tariff for years and years are in favor of this bill?

Mr. ALDRICH. They have declared in favor of most of its provisions, believing it to be an earnest effort to secure an honest collection of the revenues.

Mr. BLAIR. Does the Senator quote that sort of testimony?

Mr. ALDRICH. I quote this testimony for the benefit of the Senator from Delaware, who is now seeking by a series of amendments—I will not question his motives—to emasculate and destroy every valuable feature of the bill. We have discovered in the discussion during the last two days by declaration, deemed necessary, I fear, on account of some party exigency, that Senators on the other side of the Chamber intend to repudiate the record made by them three years ago and disown the acts of a Democratic Administration, on the theory that we are now endeavoring to deprive their friends, the importers, of their sacred constitutional rights.

This very provision now under consideration was made a part of this measure at the demand of the honest importers in New York. The very men the Senator from Missouri quoted yesterday with such a flourish, Arnold, Constable & Co., and others, came before the Committee on Finance and demanded that this provision should be retained in the bill, and I know of no merchant who is in favor of the change suggested by the Senator from Delaware, unless he is desirous of maintaining a system which will allow importers to fraudulently enrich themselves at the expense of Government and the people.

For a clear understanding of the effect of the pending amendment, it should be remembered that the duties upon imported merchandise are assessed upon the value in the principal markets of the country whence exported, at the time of exportation. And the Senator from Delaware says in effect that the manufacturer or consignor of goods in Europe does not know the value of his own goods in the markets of his own country on the day of shipment to the United States as well as his agent or consignee in the city of New York may know ten, twelve, or thirty days thereafter.

What has been the practice under the provision as it now stands, which allows additions for value in cases of consigned goods?

There has been in many cases no market value, if we can believe the evidence of foreign manufacturers.

The manufacturer or consignor has placed a nominal value upon his goods, and his agent in New York has advanced them, I will not say after consultation with the appraiser, but with a knowledge of what the decisions of the appraisers have been, to a safe point within 10 per cent. of the anticipated appraised value. This is not, of course, the value in the market of exportation contemplated by law, but it is an artificial market value which has no existence except by the creation of customs officers in New York. By this machinery a vast amount of undervaluation has been rendered possible without detection.

The Senator from Delaware asked why there should be any discrimination. For this reason: The man who purchases goods, perhaps under contract, as the Senator from Connecticut has said, to be delivered in six months or in a year, may have a very good reason why he should be permitted to make additions for value to his invoices, as values may have changed since his purchases or contracts were made, and the duty must be assessed, not on the value at the time when the goods were purchased or manufactured, but at the time of shipment, and the market value at the time of shipment may be a very different thing from what it was at the time of manufacture or purchase. But in cases where goods are consigned for sale, the consignor must know from the very nature of things better than any other man the market value at the time of shipment, which is also the time at which the dutiable valuation must be made.

Mr. GRAY. I desire that the amendment which I offered yesterday and which has been printed shall be considered.

Mr. REAGAN. I desire to give notice that I shall offer two amendments, one on page 3, section 3, and the other to strike out the words in lines 27 and 28, "and that it includes all charges thereon as provided by this act."

Mr. ALLISON. On what page?

Mr. REAGAN. On page 3, lines 27 and 28. That is, to strike out a part of the amendments of the committee which have been adopted, and the words are, as I have stated, "and that it includes all charges thereon as provided by this act." I shall also move to amend in

section 11, on page 16, by striking out from line 11 to line 14 the words:

Together with the expense of preparing and putting up such merchandise ready for shipment and an addition of 10 per cent. upon the total cost as thus ascertained.

In fixing the invoice price of the merchandise it seems to me that it is sufficient that we get the cost of the goods at the place of manufacture and their market value at the time.

The eleventh section goes on to provide—

That when the actual market value, as herein defined, of any article of imported merchandise wholly or partially manufactured and subject to ad valorem duty, or to duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, the appraiser or appraisers shall use all available means to ascertain the cost of production of such merchandise at the time of exportation to the United States and at the place of manufacture, such cost of production to include cost of materials and of fabrication, all general expenses covering each and every outlay of whatsoever nature incident to such production—

To that I do not object. But it goes on then further to add—

together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of 10 per cent. upon the total cost as thus ascertained.

The VICE-PRESIDENT. The hour of 4 o'clock having arrived, under the agreement reached yesterday the vote will now be taken on the amendments to the pending bill without further debate. The first amendment, as the Chair understands, is the amendment offered by the Senator from Delaware [Mr. GRAY], which will be read.

The SECRETARY. In section 7, at the end of line 2, after the word "purchased," it is proposed to insert "or procured otherwise than by purchase;" so as to read:

Sec. 7. That the owner, consignee, or agent of any imported merchandise which has been actually purchased or procured otherwise than by purchase, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

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

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

Mr. CULLOM (when Mr. FARWELL's name was called). My colleague [Mr. FARWELL] is absent and is paired with the Senator from Florida [Mr. PASCO].

Mr. GRAY (when his name was called). I desire to state that I am paired with the Senator from Massachusetts [Mr. HOAR], but I will transfer that pair to the Senator from Louisiana [Mr. EUSTIS], and shall vote. I vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS], but I transfer that pair to the Senator from Massachusetts [Mr. HOAR], as I have arranged to do with the Senator from Delaware [Mr. GRAY]. I vote "nay."

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 generally paired with the Senator from Virginia [Mr. BARBOUR] and the Senator from Arkansas [Mr. JONES] is paired with the Senator from New York [Mr. HISCOCK]. My pair is transferred to the Senator from New York, so that the Senator from Virginia [Mr. BARBOUR] will be paired with the Senator from New York for the remainder of the day, and the Senator from Arkansas and myself can vote. I vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from North Dakota [Mr. PIERCE].

Mr. SQUIRE (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL]. If his vote is not recorded, I withhold my vote.

The roll-call was concluded.

Mr. BATE. I announce the pair of the Senator from West Virginia [Mr. FAULKNER] with the Senator from Pennsylvania [Mr. QUAY], who is absent necessarily.

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

Mr. JONES, of Arkansas. I have a general pair with the Senator from New York [Mr. HISCOCK], but I have arranged with the Senator from Connecticut [Mr. PLATT] to transfer the pair with the Senator from New York to the Senator from Virginia [Mr. BARBOUR], so as to allow the Senator from Connecticut and myself to vote. I vote "yea."

Mr. EVARTS. I am paired generally with the Senator from Alabama [Mr. MORGAN], but I have arranged with the Senator from North Carolina [Mr. RANSOM] for the rest of the day that the Senator from Alabama shall be paired with the Senator from North Dakota [Mr. PIERCE], with whom the Senator from North Carolina [Mr. RANSOM] was paired, and then we can each vote. I therefore vote "nay."

Mr. RANSOM. Under that arrangement I vote. I vote "yea."

Mr. McMILLAN. I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. FRYE. My colleague [Mr. HALE] is absent from the city and is paired with the senior Senator from Kentucky [Mr. BECK]. I make this announcement for the day.

Mr. TELLER. I desire to say that my colleague [Mr. WOLCOTT] is paired with the Senator from West Virginia [Mr. KENNA].

Mr. McMILLAN. I transfer my pair with the Senator from North

Carolina [Mr. VANCE] to the Senator from Nebraska [Mr. MANDERSON], who was paired with the Senator from Kentucky [Mr. BLACKBURN], and I vote "yea."

Mr. BLACKBURN. Under that arrangement I am at liberty to vote, and I vote "yea."

The result was announced—yeas 23, nays 36, as follows:

YEAS—23.			
Bate,	Coke,	Gray,	Reagan,
Berry,	Colquitt,	Hampton,	Turpie,
Blackburn,	Daniel,	Jones of Arkansas,	Vest,
Blodgett,	George,	Payne,	Walthall,
Call,	Gibson,	Pugh,	Wilson of Md.
Cockrell,	Gorman,	Ransom,	
NAYS—36.			
Aldrich,	Dixon,	Mitchell,	Sherman,
Allen,	Dolph,	Moody,	Spooner,
Allison,	Edmunds,	Morrill,	Squire,
Blair,	Evaris,	Paddock,	Stanford,
Casey,	Frye,	Platt,	Stewart,
Chandler,	Hawley,	Plumb,	Stockbridge,
Cullom,	Higgins,	Power,	Teller,
Davis,	Ingalls,	Sanders,	Washburn,
Dawes,	McMillan,	Sawyer,	Wilson of Iowa.
ABSENT—25.			
Barbour,	Faulkner,	Kenna,	Quay,
Beck,	Hale,	McPherson,	Vance,
Brown,	Harris,	Morgan,	Voorhees,
Butler,	Hearst,	Pasco,	Wolcott.
Cameron,	Hiscock,	Pettigrew,	
Eustis,	Hoar,	Pierce,	
Farwell,	Jones of Nevada,		

So the amendment was rejected.

The VICE-PRESIDENT. The amendment submitted by the Senator from New York [Mr. EVARTS] will now be stated.

The CHIEF CLERK. In section 15, line 37, after the word "record," it is proposed to insert "together with such other evidence as the court may deem necessary to the ends of justice;" so as to read:

And such further evidence with the aforesaid return shall constitute the record, together with such other evidence as the court may deem necessary to the ends of justice, upon which said circuit court shall give priority to, and proceed to hear and determine the questions of law, etc.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York [Mr. EVARTS], which has been read.

The question being put, there were on a division—yeas 24, noes 28.

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

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

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

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

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL].

Mr. SQUIRE (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL].

The roll-call was concluded.

Mr. GRAY. In voting I omitted to state that I had a general pair with the Senator from Massachusetts [Mr. HOAR], but that pair has been transferred to the Senator from Louisiana [Mr. EUSTIS].

Mr. McMILLAN. I transfer my pair with the Senator from North Carolina [Mr. VANCE] to the Senator from Nebraska [Mr. MANDERSON], which will enable the Senator from Kentucky [Mr. BLACKBURN] and myself to vote.

Mr. BLACKBURN. I vote "yea."

Mr. BATE. I announce the pair of the Senator from West Virginia [Mr. FAULKNER], who is unavoidably absent, with the Senator from Pennsylvania [Mr. QUAY].

The result was announced—yeas 27, nays 31; as follows:

YEAS—27.			
Allison,	Cockrell,	Gorman,	Reagan,
Bate,	Coke,	Gray,	Spooner,
Berry,	Colquitt,	Hampton,	Turpie,
Blackburn,	Edmunds,	Jones of Arkansas,	Vest,
Blair,	Evaris,	Payne,	Walthall,
Blodgett,	George,	Pugh,	Wilson of Md.
Call,	Gibson,	Ransom,	
NAYS—31.			
Allen,	Hawley,	Morrill,	Sherman,
Casey,	Higgins,	Paddock,	Stanford,
Chandler,	Ingalls,	Pettigrew,	Stewart,
Cullom,	Jones of Nevada,	Platt,	Stockbridge,
Davis,	McMillan,	Plumb,	Teller,
Dawes,	McPherson,	Power,	Washburn,
Dixon,	Mitchell,	Sanders,	Wilson of Iowa.
Frye,	Moody,	Sawyer,	
ABSENT—26.			
Aldrich,	Dolph,	Hiscock,	Quay,
Barbour,	Eustis,	Hoar,	Squire,
Beck,	Farwell,	Kenna,	Vance,
Brown,	Faulkner,	Manderson,	Voorhees,
Butler,	Hale,	Morgan,	Wolcott.
Cameron,	Harris,	Pasco,	
Daniel,	Hearst,	Pierce,	

So the amendment was rejected.

The VICE-PRESIDENT. The next amendment, which is one offered by the Senator from Delaware [Mr. GRAY], will now be stated. The CHIEF CLERK. It is proposed to amend section 3 by adding at the end thereof the following:

But for receiving such declaration, verifying and certifying all of the invoices or statements required by this or any other law or regulation, including oaths before whomsoever taken on the requirement of a consular officer, the shipper shall not pay in the aggregate on any one shipment a fee greater than the \$2.50 prescribed by section 2851 of the Revised Statutes.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. REAGAN. Mr. President, in section 3, page 3, lines 27 and 28, I move to strike out the words "and that it includes all charges thereon as provided by this act."

Mr. ALDRICH. That amendment is not in order.

The VICE-PRESIDENT. The amendment is not in order at the present time.

Mr. REAGAN. I thought we were through with the other amendments.

The VICE-PRESIDENT. If there are no other amendments in Committee of the Whole, the bill will be reported to the Senate. The Senator from Texas proposes to amend an amendment already agreed to.

The bill was reported to the Senate as amended.

Mr. EDMUNDS (to Mr. REAGAN). Now your amendment is in order.

The VICE-PRESIDENT. The question is on agreeing to the amendment made as in Committee of the Whole.

Mr. MCPHERSON. Before the amendments are reported to the Senate, it will probably be proper for me to call attention to the fact that I reserved an amendment yesterday which perhaps it would be proper to consider now. It will be found on page 16 of the bill, lines 13 and 14, and at this particular point the question is to be determined as far as I am concerned—

Mr. ALDRICH. Debate is not in order.

Mr. MCPHERSON. No debate on reserved amendments? I supposed that it was. Yesterday, when I was absent from the Chamber—

Mr. GRAY. I should be glad if it was otherwise, but that was the unanimous consent, as I understood it.

Mr. MCPHERSON. I did not understand that debate was cut off by the Senate on reserved amendments. I was absent from the floor of the Senate when the amendment was agreed to, which I did not consent to in committee.

Mr. SHERMAN. The Senator can ask a separate vote on the amendment.

The VICE-PRESIDENT. The understanding, as stated by the Presiding Officer yesterday afternoon, is as will now be read from this morning's RECORD.

The Chief Clerk read as follows:

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at 4 o'clock to-morrow the vote shall be taken upon the amendments to the pending bill without further debate.

Mr. ALLISON. And that we shall proceed until the bill is disposed of.

The PRESIDING OFFICER. And that the Senate shall then proceed with the consideration of the bill until disposed of. Is there objection to the proposition? The Chair hears none, and it is so ordered.

Mr. MCPHERSON. I see nothing in that understanding that would prevent a fair and proper statement of the question where it was reserved for a separate vote in the Senate.

Mr. PLATT. I ask that the Secretary read a little further on.

The Chief Clerk read as follows:

Mr. ALLISON. Some Senators about me think that the order I proposed for to-morrow is not clearly understood. As I understand it, there is unanimous consent that at 4 o'clock to-morrow we shall proceed to vote on this bill and all amendments offered to it without further debate, and go on with the bill to-morrow until we finally dispose of it.

Mr. GRAY. That is right.

Mr. COCKRELL. Everybody understands that or ought to.

The PRESIDING OFFICER. The Chair very plainly announced that as the understanding and heard no objection to the same.

Mr. ALLISON. I thought so.

Mr. MCPHERSON. That certainly does not answer the question yet. We were to vote upon all pending amendments and the vote was to be taken at 4 o'clock, as I understand. There is on this bill one reserved amendment, and I gave notice yesterday to the acting chairman of the committee on this bill that there was one amendment that I proposed to reserve, and I think no other one has been reserved—

The VICE-PRESIDENT. In the opinion of the Chair debate is not in order.

Mr. MCPHERSON. I ask unanimous consent—

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

Mr. CULLOM. If this is the only case I shall not object.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. ALDRICH. If a statement is made on one side it ought to be allowed on the other.

The VICE-PRESIDENT. Is there objection—

Several SENATORS. Regular order.

The VICE-PRESIDENT. The regular order is called for; objection is made.

Mr. MCPHERSON. I want to say, if unanimous consent can be given me to say a single word in explanation of my course—

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New Jersey?

Mr. MCPHERSON. If I can not be allowed to explain, then I shall be compelled to vote against the bill, because the thing to which I wish to call attention I do not think should be put down here by gag rule. I have never before in my experience in this body, under circumstances of this character or of any character, known the Senate to refuse to hear a simple statement upon the conditions which surround a question presented for action.

The amendment was reserved. I asked the Senator from Iowa if I should then move a reconsideration of the amendment which was agreed to in my absence. He said it could be done in the Senate. Certainly sufficient time should be given me to explain it. If there is objection to my explaining it—

Mr. BLAIR. I do not understand that the consent given by the Senate precludes action to the contrary by any one who wants to take such action. The Senator is not obliged to ask consent; but after such an understanding as was arrived at yesterday, unless the circumstances are extraordinary, every member will feel himself in honor bound to abide by the unanimous consent previously given. That is the way I understand the matter.

Mr. MCPHERSON. I understand the Chair had ruled that I have no right under the agreement to proceed. I then asked unanimous consent that I might proceed.

Mr. INGALLS. Mr. President, it is important that no wrong precedent should be established, and I respectfully submit that a unanimous consent such as this does not present an order that can be enforced by the Chair. The unanimous consent is an arrangement not known by the rules and does not bind any one who is not present or who does not see fit subsequently to abide by it. Notwithstanding the agreement of yesterday as recited on the RECORD, if the Senator from New Jersey does not think that he is bound by it, he certainly has the right under the rules to proceed, and he can not be restrained either by the ruling of the Chair or by any expression on the part of the Senate.

Without any disparagement to any Senator who does not feel bound by such an agreement, unanimous consent may properly be defined as an understanding only among gentlemen, to which a Senator may consent or not as he pleases. I was not present when the arrangement was made yesterday afternoon, and therefore do not know to what extent it was carried; but it is obvious under all the precedents which have been established in this body that nothing has been presented that authorizes the Chair to decide that the Senator from New Jersey is not order. I therefore submit that the Senator from New Jersey has the right to proceed.

Mr. EDMUNDS. He must be the judge himself.

The VICE-PRESIDENT. It is proper for the Chair to call attention to the request made by the Senator from New Jersey for unanimous consent.

Mr. INGALLS. He was not compelled to ask that.

The VICE-PRESIDENT. Not on this present occasion.

Mr. INGALLS. He had the right to proceed without unanimous consent. Having been recognized by the Chair, he was entitled to the floor.

Mr. GRAY. May I interrupt the Senator from Kansas on this question of the order of procedure? If I understand the principle laid down by the Senator from Kansas covering a case like this—and I have great deference to his opinion—of course those Senators who feel the obligation of the unanimous consent which was given that the vote should be taken at a certain time are at a great disadvantage to those who do not feel that they should recognize that obligation.

Mr. INGALLS. Any Senator is at liberty, in my judgment, to disregard the announcement of unanimous consent.

Mr. SHERMAN. But that has never been done in the Senate.

Mr. MCPHERSON. Mr. President, I was not present yesterday when the agreement was made, but I take no advantage of my absence. When the Chair ruled me out of order I then asked for the unanimous consent of the Senate in order that I might explain the particular things I wished to bring to the attention of the Senate, and I understand some objection was made even to that. Do I now proceed in order? [A pause.] If so, I want to call attention to this particular part of the bill.

Mr. ALLISON. Mr. President, that we may have no difficulty as respects this matter, I ask unanimous consent now that the Senator from New Jersey may have five minutes to make a brief explanation.

Mr. EDMUNDS. To that, so far as the rules go, I object, because the Senator from Kansas has stated truly what the practice of the Senate has been for a quarter of a century. If the Senator from New Jersey chooses to occupy the floor, he has the right under the rules to do it, but I do not wish to make a precedent that it requires unanimous consent to do it. He must be the judge for himself as to whether he is violating the obligation he undertook yesterday.

Mr. MCPHERSON. Then I will proceed without any limitation.

On page 16 of the bill, to which I call the attention of the Senate, in section 11, in lines 13 and 14, it will be seen that the appraising officer has the power to add to the dutiable value of the merchandise after it has been imported into this country 10 per cent. to cover profit, if that be the word that I may properly employ. In other words, after the entire value of the merchandise has been made up and ascertained, the appraising officer, for his own satisfaction, if he can not be satisfied in any other way, has the power to add 10 per cent. to the dutiable value.

This section vitiates the entire bill for me, and unless it be eliminated the bill which I have supported in its administrative plan and features and I must part company. I will not consent to place such a power as this in the hands of any officer with which to favor a friend or punish an enemy, as the case may be. I am willing to exact duties upon the actual value under the law, but upon what hypothesis do you add 10 per cent., except that it be a desire to secure 10 per cent. more protection against foreign importations?

In other words, the mythical thing called a profit is to be added upon which the importing merchant has to pay his duty. If that clause is to be retained in the bill, I certainly can not and shall not vote for it. We have been all day here debating the question as to whether duty should be imposed upon the coverings of the packages. The entire amount of duty to be imposed upon the package or covering will not amount to one-quarter of 1 per cent. upon the package of goods. The amount here dependent upon the whim of the appraising officers is 10 per cent. upon every package of goods.

I have done my utmost as a member of the subcommittee to secure a plan which would be fair and reasonable and proper upon which we might base valuations of merchandise. I agree with the general structure of the bill; but I shall not vote for the bill unless this proposition is stricken out of it.

Mr. President, I ask that there be a separate vote taken on lines 13 and 14 of section 11 of the bill, to strike out the words "and an addition of 10 per cent. upon the total cost as thus ascertained."

Mr. REAGAN. I ask for a vote on my amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Jersey [Mr. MCPHERSON] will first be stated.

Mr. MCPHERSON. My amendment is in section 11, line 13, after the word "shipment," to strike out all that follows down to and including the word "ascertained," in line 14.

Mr. MORRILL. May I ask the Senator from New Jersey a question?

Mr. MCPHERSON. Certainly.

Mr. MORRILL. Does he think that there should be something put in for the cost of the plant that may be owned or leased abroad? Are we to conduct our business at the cost of a plant whether owned or leased, while the foreigner may deduct all the cost of interest or lease for the ownership of the plant?

Mr. MCPHERSON. This 10 per cent. relates not at all to the plant or the cost. Every element of cost, even including the interest on the money invested in the plant, is first brought in here as one of the elements of value. In addition to that it is proposed by the committee to add 10 per cent. to that value. A principle is injected into this bill which I think is false and vicious.

Mr. REAGAN. Mr. President, I ask to reserve for a separate vote in the Senate the amendment on page 3, section 3, lines 27 and 28, and I also ask for a separate vote on the amendment in lines 13 and 14 of section 11, on page 16.

The VICE-PRESIDENT. Those amendments will be reserved for a separate vote. The amendment of the Senator from New Jersey will now be stated.

The CHIEF CLERK. In section 11, line 13, after the word "shipment," it is proposed to strike out "and an addition of 10 per cent. upon the total cost as thus ascertained."

Mr. ALDRICH. That amendment is not in order now. What the Senator proposes to strike out is partly in the original text and partly an amendment of the committee. The question is whether the Senate will agree to the amendment adopted in Committee of the Whole. The Senator has a right to reserve a separate vote on the amendment which was adopted as in Committee of the Whole.

The VICE-PRESIDENT. The question is upon agreeing to the amendment made as in Committee of the Whole.

Mr. MCPHERSON. The Senator will observe that the phraseology which I have mentioned should all go out, otherwise it will only confound the text.

Mr. VEST. Mr. President—

Mr. ALLISON. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Iowa will state his point of order.

Mr. ALLISON. I desire to know if all the amendments adopted in Committee of the Whole have been agreed to except those reserved?

The VICE-PRESIDENT. They have not been acted on.

Mr. ALLISON. Then I insist that the amendments be taken up in their order and passed upon. Otherwise we shall never get through with the bill. I ask that Senators who desire to have special amendments reserved will state now what reservations they desire to have made.

Mr. VEST. That is exactly what I was trying to do.

Mr. ALLISON. Very well. Otherwise we shall never know when we shall get through with this bill.

Mr. VEST. I gave notice the other day, and I repeat it now, that I shall ask for a separate vote in the Senate on the amendment of the committee striking out the words in lines 44, 45, 46, 47, and 48 of section 13.

Mr. SHERMAN. On what page?

Mr. VEST. On page 19, section 13, that part which prohibits the importer or his counsel from being present.

Mr. ALLISON. That amendment is reserved.

The VICE-PRESIDENT. That amendment will be reserved.

Mr. COKE. I desire to reserve for a separate vote the substitute offered by me for section 22.

Mr. ALLISON. If I may be permitted to raise another question of order, that amendment can not be reserved, but, as I understand it, the Senator from Texas can reoffer it in the Senate.

Mr. COKE. I reserve the right then to reoffer the amendment in the Senate.

The VICE-PRESIDENT. I there are no further reservations the question is on concurring in the amendments made as in Committee of the Whole, except those reserved.

Mr. GRAY. Are we in committee now?

The VICE-PRESIDENT. No, the bill is in the Senate.

The amendments not reserved were concurred in.

Mr. McPHERSON. Now I ask for a vote on the amendment which I had reserved.

Mr. EDMUNDS. The best way is to take them in order as they appear in the bill.

The VICE-PRESIDENT. The amendment reserved will be stated in their order. The first reserved amendment will be stated.

The CHIEF CLERK. On page 3, in section 3, line 27, after the word "quantities," it is proposed to strike out the words "and that it includes all charges thereon as provided by this act."

The VICE-PRESIDENT. The question is on concurring in the amendment which has been stated.

The amendment was concurred in.

Mr. REAGAN. Is that my amendment that is concurred in?

The VICE-PRESIDENT. The amendment of the committee was concurred in.

Mr. EDMUNDS. I think that was not understood. I hope the question will be opened again.

Mr. REAGAN. There was a misunderstanding about this. I propose to amend the committee's amendment by striking out the words, "and that it includes all charges thereon as provided by this act." I propose to amend the amendment.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, on section 3, after the word "quantities," it is proposed to strike out:

And that it includes all charges thereon as provided by this act.

Mr. EDMUNDS. Is that an amendment of the committee?

The VICE-PRESIDENT. It is an amendment offered by the Senator from Texas to the committee amendment. The Senator from Texas moves that the words which have been read in the amendment of the committee be stricken out, as the Chair understands the amendment of the Senator from Texas.

Mr. EDMUNDS. Then the proper question is simply to concur in the committee's amendment. If the Senator from Texas only moves to strike out what the Committee of the Whole has inserted, the simple question is on concurring.

Mr. REAGAN. I propose to strike out part of what was inserted by the committee, to amend their amendment.

Mr. ALLISON. And more besides.

The VICE-PRESIDENT. As the Chair understands, the words which have been read by the Chief Clerk, the Senator from Texas moves to strike them out as an amendment to the amendment reported by the committee.

Mr. EDMUNDS. Let the amendment be again read as proposed by the Senator from Texas. Let us know what his motion is.

The CHIEF CLERK. On page 3, section 3, line 27, after the word "quantities," it is proposed to strike out:

And that it includes all charges thereon, as provided by this act.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. EDMUNDS. On agreeing to the motion of the Senator from Texas to strike out those words?

The VICE-PRESIDENT. The question is on the amendment moved by the Senator from Texas.

The amendment to the amendment was rejected.

Mr. ALDRICH. The question now is, whether the Senate will concur in the amendment made as in Committee of the Whole.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. As I understand it, there is still left as an amendment of the Committee of the Whole the striking out of the words "the

actual quantity thereof," in line 27, of section 3, and inserting the words "and the actual quantity thereof" in another place after the words which have been agreed to. Those words are left after the amendment of the Senator from Texas.

Mr. SHERMAN. But his amendment was not agreed to.

The VICE-PRESIDENT. The question is on concurring in the amendment printed in italics in section 3, on page 3, lines 27, 28, and 29.

The amendment was concurred in.

The VICE-PRESIDENT. The next reserved amendment will be stated.

The CHIEF CLERK. On page 16, section 11, line 11, after the word "production," it is proposed to strike out:

Together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of 10 per cent. upon the total cost as thus ascertained.

Mr. REAGAN. Mr. President, I put my motion there in the form of an amendment to the amendment, because it embraces the amendment of the committee. I move to strike out, after the word "production," in line 11, all down to and including the word "ascertained," in line 14, as follows:

Together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of 10 per cent. upon the total cost as thus ascertained.

I move that as an amendment.

Mr. McPHERSON. I should like to inquire what has become of my reserved amendment? I reserved an amendment in lines 13 and 14 of this section.

The VICE-PRESIDENT. The amendments are being considered in their order.

Mr. McPHERSON. I understood the Chair to say that the pending amendment was on page 16, and I thought I heard the Senator from Texas [Mr. REAGAN] move an amendment to that same section, if I am not mistaken.

Mr. ALLISON. I understand this is one of the reserved amendments, and that the Senator from Texas moves to amend the amendment, which he has a right to do I take it.

The VICE-PRESIDENT. That is the understanding of the Chair.

Mr. McPHERSON. I should like to hear the amendment of the Senator from Texas read.

The CHIEF CLERK. In section 11, line 11, after the word "production," it is proposed to strike out all down to and including the word "ascertained," in line 14, as follows:

Together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of 10 per cent. upon the total cost as thus ascertained.

Mr. McPHERSON. As that is before the Senate, I will accept the amendment of the Senator from Texas, because I shall be equally as well satisfied if the whole section should be stricken out.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Texas.

Mr. McPHERSON. I ask for the yeas and nays upon that question.

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

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

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS], but I have arranged with the Senator from Delaware [Mr. GRAY], who is paired with the Senator from Massachusetts [Mr. HOAR] for a transfer of the pairs which will enable the Senator from Delaware and myself to vote. I vote "nay."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL].

The roll-call was concluded.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN]. I desire to say that the Senator from Louisiana [Mr. EUSTIS], with whom I was paired by an arrangement made by the Senator from Delaware [Mr. GRAY] and myself, is now paired with the Senator from Massachusetts [Mr. HOAR].

Mr. MORRILL. I have a general pair with the Senator from Tennessee [Mr. HARRIS]. While I know he is generally in favor of this bill, I do not know how he would vote upon this amendment, and therefore I withhold my vote.

Mr. JONES, of Arkansas. Under the agreement made between the Senator from Connecticut [Mr. PLATT] and myself, the pair existing between the Senator from New York [Mr. HISCOCK] and myself is transferred to the Senator from Virginia [Mr. BARBOUR], and I record my vote "yea."

The result was announced—yeas 23, nays 34; as follows:

YEAS—23.

Bate,	Colquitt,	Hampton,	Reagan,
Berry,	Daniel,	Jones of Arkansas,	Turpie,
Blodgett,	George,	McPherson,	Vest,
Call,	Gibson,	Payne,	Walthall,
Cockrell,	Gorman,	Pugh,	Wilson of Md.
Coke,	Gray,	Ransom,	

NAYS—34.

Aldrich,	Dixon,	Moody,	Spooner,
Allen,	Edmunds,	Paddock,	Squire,
Allison,	Everts,	Pettigrew,	Stewart,
Blair,	Frye,	Platt,	Stockbridge,
Casey,	Hawley,	Plumb,	Teller,
Chandler,	Higgins,	Power,	Washburn,
Cullom,	Ingalls,	Sanders,	Wilson of Iowa.
Davis,	Jones of Nevada,	Sawyer,	
Dawes,	Mitchell,	Sherman,	

ABSENT—27.

Barbour,	Eustis,	Hoar,	Pierce,
Beck,	Farwell,	Kenna,	Quay,
Blackburn,	Faulkner,	McMillan,	Stanford,
Brown,	Hale,	Manderson,	Vance,
Butler,	Harris,	Morgan,	Voorhees,
Cameron,	Hearst,	Morrill,	Wolcott.
Dolph,	Hiscock,	Pasco,	

So the amendment to the amendment was rejected.  
 The VICE-PRESIDENT. The question now is on concurring in the amendment made as in Committee of the Whole, which will be again stated.

The CHIEF CLERK. In section 11, line 13, after the words "shipment and," the Senate, as in Committee of the Whole, struck out "a profit of five" and inserted "an addition of ten;" so as to read:

Together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of 10 per cent. upon the total cost as thus ascertained.

The amendment was concurred in.

The VICE-PRESIDENT. The next reserved amendment will be stated.

The CHIEF CLERK. On page 19, in section 13, line 44, after the word "and," the Senate, as in Committee of the Whole, struck out the words:

Entry shall be liquidated accordingly. The owner, importer, consignee, or agent of imported merchandise subject to a reappraisal by the board of general appraisers shall have the privilege of being present with or without counsel, as he may elect.

And inserted in lieu thereof:

The collector or the person acting as such shall ascertain, fix, and liquidate the rate and amount of duties to be paid on such merchandise, and the dutiable costs and charges thereon, according to law.

Mr. VEST. I ask for the yeas and nays on that amendment.

The VICE-PRESIDENT. The question is on concurring in the amendment which has just been read, on which the yeas and nays are demanded.

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

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE].

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

Mr. MORRILL (when his name was called). I have a general pair with the Senator from Tennessee [Mr. HARRIS]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. PASCO. I again announce my pair with the Senator from Illinois [Mr. FARWELL].

The roll-call was concluded.

Mr. BLODGETT. On this question I am paired with the Senator from North Dakota [Mr. CASEY]. If he were present I should vote "nay."

Mr. PADDOCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN] and I have transferred my pair with the Senator from Louisiana [Mr. EUSTIS] to the Senator from Massachusetts [Mr. HOAR], which, as I have stated before, allows the Senator from Delaware [Mr. GRAY] and myself to vote.

The result was announced—yeas 34, nays 19; as follows:

YEAS—34.

Aldrich,	Dolph,	Moody,	Spooner,
Allen,	Edmunds,	Paddock,	Stanford,
Allison,	Everts,	Payne,	Stewart,
Blair,	Frye,	Platt,	Stockbridge,
Chandler,	Hawley,	Plumb,	Teller,
Cullom,	Higgins,	Power,	Washburn,
Davis,	Ingalls,	Sanders,	Wilson of Iowa.
Dawes,	Jones of Nevada,	Sawyer,	
Dixon,	Mitchell,	Sherman,	

NAYS—19.

Bate,	Colquitt,	Hampton,	Turpie,
Berry,	George,	Jones of Arkansas,	Vest,
Call,	Gibson,	Pugh,	Walthall,
Cockrell,	Gorman,	Ransom,	Wilson of Md.
Coke,	Gray,	Reagan,	

ABSENT—31.

Barbour,	Daniel,	Hoar,	Pettigrew,
Beck,	Eustis,	Kenna,	Pierce,
Blackburn,	Farwell,	McMillan,	Quay,
Blodgett,	Faulkner,	McPherson,	Squire,
Brown,	Hale,	Manderson,	Vance,
Butler,	Harris,	Morgan,	Voorhees,
Cameron,	Hearst,	Morrill,	Wolcott.
Casey,	Hiscock,	Pasco,	

So the amendment was concurred in.

Mr. ALLISON. May I ask if all the reserved amendments have now been disposed of?

The VICE-PRESIDENT. All the amendments made as in Committee of the Whole have been passed upon.

Mr. COKE. I now offer the amendment to section 22 which was offered by me last evening and voted down in Committee of the Whole.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 22 of the bill and in lieu thereof to insert the following:

SEC. 22. That no allowance for damage to goods, wares, and merchandise imported into the United States shall hereafter be made in the estimate and liquidation of duties thereon, unless the said merchandise be sold at public auction. Application to the collector of the port for authority to sell must be made within ten days after the completion of the landing of the said merchandise, and the sale to be made within ten days after the granting of such authority by the collector. The allowance on the duty on the merchandise so sold shall in no case exceed the percentage of loss on the sound duty-paid value on the day of said auction sale, shown by said auction sale. This provision not to apply for allowance for breakage on plate and window glass, which is to continue as heretofore. All the foregoing to be subject to such regulations as the Secretary of the Treasury may prescribe.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas [Mr. COKE] which has just been read.

The amendment was rejected.

Mr. GRAY. I move to amend, in section 16, on page 24 of the bill, by striking out, after the word "oaths," in line 2, all the remainder of that section.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 16, line 2, after the word "oaths," it is proposed to strike out the remainder of the section, as follows:

And said general appraisers, the boards of general appraisers, the local appraisers or the collectors, as the case may be, may cite to appear before them, and examine upon oath any owner, importer, agent, consignee, or other person, touching any matter or thing which they, or either of them, may deem material respecting any imported merchandise, in ascertaining the dutiable value or classification thereof; and they, or either of them, may require the production of any letters, accounts, or invoices relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed in the office of the collector, and preserved for use or reference until the final decision of the collector or said board of appraisers shall be made respecting the valuation or classification of said merchandise, as the case may be.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GRAY. Mr. President, I offer the following amendment, that at the end of section 9 there be added the words:

That all suits and trials under this section shall be subject to the provisions of section 16 of the act of June 22, 1874.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 9 the following:

That all suits and trials under this section shall be subject to the provisions of section 16 of the act of June 22, 1874.

Mr. GRAY. Now, I ask that the section referred to of the act of June 22, 1874, which is not very long, may be read, so that we may know what we are voting upon.

Mr. ALLISON. The Senator can ask unanimous consent.

Mr. GRAY. I ask unanimous consent that the section may be read, because it is impossible to vote intelligently on the amendment otherwise.

The VICE-PRESIDENT. If there be no objection the section will be read. The Chair hears none, and the section will be read.

The Chief Clerk read as follows:

SEC. 16. That in all actions, suits, and proceedings in any court of the United States now pending or hereafter commenced or prosecuted to enforce or declare the forfeiture of any goods, wares, or merchandise, or to recover the value thereof, or any other sum alleged to be forfeited by reason of any violation of the provisions of the customs-revenue laws, or any of such provisions, in which action, suit, or proceeding an issue or issues of fact shall have been joined, it shall be the duty of the court, on the trial thereof, to submit to the jury, as a distinct and separate proposition, whether the alleged acts were done with an actual intention to defraud the United States, and to require upon such proposition a special finding by such jury; or, if such issues be tried by the court without a jury, it shall be the duty of the court to pass upon and decide such proposition as a distinct and separate finding of fact; and in such cases, unless intent to defraud shall be so found, no fine, penalty, or forfeiture shall be imposed.

The amendment was rejected.

The VICE-PRESIDENT. If there be no further amendments, the question is, Shall the amendments be engrossed and the bill read a third time?

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

The bill was read the third time.

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

Mr. GRAY. I ask for the yeas and nays, Mr. President.

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

Mr. BLODGETT (when his name was called). I am paired on this question with the Senator from North Dakota [Mr. CASEY]. If he were present, I should vote "nay."

Mr. CULLOM (when Mr. FARWELL'S name was called). My colleague [Mr. FARWELL] is paired with the Senator from Florida [Mr. PASCO]. If my colleague were present he would vote "yea" on the passage of this bill.

Mr. GRAY (when his name was called). I am paired with the Sen-

ator from Massachusetts [Mr. HOAR]. By arrangement that pair is transferred to the Senator from Louisiana [Mr. EUSTIS], and I vote "nay."

Mr. KENNA (when his name was called). My colleague [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY]. I am paired with the Senator from Colorado [Mr. WOLCOTT]. If he were present, I should vote "nay."

Mr. MORRILL (when his name was called). I am generally paired with the Senator from Tennessee [Mr. HARRIS]; but knowing that he is in favor generally of this bill I shall take the liberty of voting "yea."

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

Mr. RANSOM (when his name was called). I have a general pair with the Senator from North Dakota [Mr. PIERCE]. That pair has been transferred to the Senator from Alabama [Mr. MORGAN], and I vote nay.

The roll-call was concluded.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. ALDRICH. The junior Senator from New York [Mr. HISCOCK] is absent from the city, and paired with the Senator from Virginia [Mr. BARBOUR]. The Senator from New York, if present, would vote "yea."

Mr. FRYE. My colleague [Mr. HALE] is absent from the city, and paired with the Senator from Kentucky [Mr. BECK]. If my colleague were present and permitted he would vote "yea."

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were here, I should vote "nay." My colleague [Mr. BECK] is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "nay."

The result was announced—yeas 35, nays 18; as follows:

#### YEAS—35.

Aldrich,	Dolph,	Moody,	Sawyer,
Allen,	Edmunds,	Morrill,	Sherman,
Allison,	Evarts,	Paddock,	Spooner,
Blair,	Frye,	Payne,	Stewart,
Chandler,	Hawley,	Pettigrew,	Stockbridge,
Cullom,	Higgins,	Platt,	Teller,
Davis,	Ingalls,	Plumb,	Washburn,
Dawes,	Jones of Nevada,	Power,	Wilson of Iowa.
Dixon,	Mitchell,	Sanders,	

#### NAYS—18.

Bate,	George,	McPherson,	Vest,
Berry,	Gibson,	Pugh,	Waithall,
Call,	Gray,	Ransom,	Wilson of Md.
Coke,	Hampton,	Reagan,	
Colquitt,	Jones of Arkansas,	Turpie,	

#### ABSENT—31.

Barbour,	Cockrell,	Hearst,	Pierce,
Beck,	Daniel,	Hiscock,	Quay,
Blackburn,	Eustis,	Hoar,	Squire,
Blodgett,	Farwell,	Kenna,	Stanford,
Brown,	Faulkner,	McMillan,	Vance,
Butler,	Gorman,	Manderson,	Voorhees,
Cameron,	Hale,	Morgan,	Wolcott.
Casey,	Harris,	Pasco,	

So the bill was passed.

Mr. ALLISON. Mr. President—

Mr. PLUMB. I rise to a privileged question. I ask that the conference report on Oklahoma town-site entries may be laid before the Senate.

Mr. ALLISON. I desire one moment in respect to the bill just passed.

Mr. PLUMB. I yield for that purpose.

Mr. ALLISON. I move that the Senate insist upon its amendments to the bill just passed and ask a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. ALDRICH, and Mr. MCPHERSON were appointed.

#### TREASURY NOTES ON SILVER BULLION.

Mr. JONES, of Nevada. I move that the bill (S. 2350) authorizing the issue of Treasury notes on deposit of silver bullion may be taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES, of Nevada. I ask unanimous consent that this bill shall be taken up immediately after the conclusion of the business of the morning hour on Wednesday next, and then be considered the unfinished business, and so considered until finally disposed of.

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

Mr. GORMAN. We do not understand the request of the Senator on this side of the Chamber.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Nevada?

Mr. MCPHERSON. What is the request?

The VICE-PRESIDENT. That Senate bill 2350, authorizing the issue of Treasury notes on deposit of silver bullion, be taken up on Wednesday immediately after the morning business and continued until disposed of. Is there objection to the request? The Chair hears none.

#### ADMISSION OF WYOMING.

Mr. PLATT. I move that the Senate proceed to the consideration of Order of Business 185, being the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes. I simply desire that it may be taken up so as to remain the unfinished business.

Mr. INGALLS. Is it the purpose of the Senator from Connecticut to proceed with this bill to-morrow?

Mr. PLATT. On Monday. To-morrow is devoted to the Calendar.

Mr. KENNA. We perhaps had better not have so many special orders arranged to be taken up and considered. Suppose this matter lie over.

The VICE-PRESIDENT. The Senator from Connecticut moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. Now, I am willing that the bill shall be laid aside informally if there is any other business to be transacted.

#### OKLAHOMA TOWN-SITE ENTRIES.

Mr. PLUMB submitted the following report;

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1015) to provide for town-site entries of lands in what is known as "Oklahoma," and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the House bill, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That so much of the public lands situate in the Territory of Oklahoma now open to settlement as may be necessary to embrace all the legal subdivisions covered by actual occupancy for purposes of trade and business, not exceeding 1,280 acres in each case, may be entered as town sites, for the several use and benefit of the occupants thereof, by three trustees to be appointed by the Secretary of the Interior for that purpose, such entry to be made under the provisions of section 2387 of the Revised Statutes as near as may be; and when such entry shall have been made the Secretary of the Interior shall provide regulations for the proper execution of the trust by such trustees, including the survey of the land into streets, alleys, squares, blocks, and lots when necessary, or the approval of such survey as may already have been made by the inhabitants thereof, the assessment upon the lots of such sum as may be necessary to pay for the lands embraced in such town site, costs of survey, conveyance of lots, and other necessary expenses, including compensation of trustees: *Provided*, That the Secretary of the Interior may, when practicable, cause more than one town site to be entered and the trust thereby created executed in the manner herein provided by a single board of trustees, but not more than seven boards of trustees in all shall be appointed for said Territory, and no more than two members of any of said boards shall be appointed from one political party.

"Sec. 2. That in the execution of such trust, and for the purpose of the conveyance of title by said trustees, any certificate or other paper evidence of claim duly issued by the authority recognized for such purpose by the people residing upon any town site the subject of entry hereunder shall be taken as evidence of the occupancy by the holder thereof of the lot or lots therein described, except that where there is an adverse claim to said property such certificate shall only be *prima facie* evidence of the claim of occupancy of the holder: *Provided*, That nothing in this act contained shall be so construed as to make valid any claim now invalid of those who entered upon and occupied said lands in violation of the laws of the United States or the proclamation of the President thereunder: *Provided, further*, That the certificates hereinbefore mentioned shall not be taken as evidence in favor of any person claiming lots who entered upon said lots in violation of law or the proclamation of the President thereunder.

"Sec. 3. That lots of land occupied by any religious organization, incorporated or otherwise, conforming to the approved survey within the limits of such town site shall be conveyed to or in trust for the same.

"Sec. 4. That all lots not disposed of as hereinbefore provided for shall be sold under the direction of the Secretary of the Interior for the benefit of the municipal government of any such town, or the same or any part thereof may be reserved for public use as sites for public buildings or for the purpose of parks, if in the judgment of the Secretary such reservation would be for the public interest, and the Secretary shall execute proper conveyances to carry out the provision of this section.

"Sec. 5. That the provisions of sections 4, 5, 6, and 7 of an act of the Legislature of the State of Kansas, entitled "An act relating to town sites," approved March 2, 1868, shall, so far as applicable, govern the trustees in the performance of their duties hereunder.

"Sec. 6. That all entries of town sites now pending on application [or] hereafter made under this act shall have preference at the local land office of the ordinary business of the office and shall be determined as speedily as possible, and if an appeal shall be taken from the decision of the local office in any such case to the Commissioner of the General Land Office, the same shall be made special, and disposed of by him as expeditiously as the duties of his office will permit, and so if an appeal should be taken to the Secretary of the Interior. And all applications heretofore filed in the proper land office shall have the same force and effect as if made under the provisions of this act, and upon the application of the trustees herein provided for such entries shall be prosecuted to final issue in the names of such trustees, without other formality, and when final entry is made the title of the United States to the land covered by such entry shall be conveyed to said trustees for the uses and purposes herein provided.

"Sec. 7. That the trustees appointed under this act shall have the power to administer oaths, to hear and determine all controversies arising in the execution of this act, shall keep a record of their proceedings, which shall, with all papers filed with them and all evidence of their official acts, except conveyances, be filed in the General Land Office and become part of the records of the same, and all conveyances executed by them shall be acknowledged before an officer duly authorized for that purpose. They shall be allowed such compensation as the Secretary of the Interior may prescribe, not exceeding \$10 per day while actually employed, and such traveling and other necessary expenses as the Sec-

Secretary may authorize, and the Secretary of the Interior shall also provide them with necessary clerical force by detail or otherwise.

SEC. 8. That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated to carry into effect the provisions of this act, except that no portion of said sum shall be used in making payment for land entered hereunder, and the disbursements therefrom shall be refunded to the Treasury from the sums which may be realized from the assessments made to defray the expense of carrying out the provisions of this act.

P. B. PLUMB,  
A. S. PADDOCK,  
JAMES H. BERRY,  
*Managers on the part of the Senate.*

CHAS. S. BAKER,  
B. W. PERKINS,  
J. E. WASHINGTON,  
*Managers on the part of the House of Representatives.*

Mr. PLUMB. I move the adoption of the report.

The VICE-PRESIDENT. The question is on concurring in the report.

The report was concurred in.

#### EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 3, 1890, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate the 2d day of May, 1890.*

##### ASSISTANT UNITED STATES TREASURER AT CHICAGO.

Daniel Dustin, of Illinois, to be assistant treasurer of the United States at Chicago, in the State of Illinois, to succeed James T. Healy, whose term of office will expire May 5, 1890.

##### NAVAL OFFICER OF CUSTOMS.

Frank D. Currier, of New Hampshire, to be naval officer of customs in the district of Boston and Charlestown, in the State of Massachusetts, to succeed Henry O. Kent, whose term of office will expire by limitation May 4, 1890.

##### COLLECTOR OF CUSTOMS.

T. Pitt Cooke, of Ohio, to be collector of customs for the district of Sandusky, in the State of Ohio, in place of John J. Finch, to be removed.

##### APPRAISER OF MERCHANDISE.

William C. Brace, of Ohio, to be appraiser of merchandise in the district of Cuyahoga, in the State of Ohio, in place of Joseph M. Poe, to be removed.

##### POSTMASTER.

Harrison Reed, to be postmaster at Tallahassee, in the county of Leon and State of Florida, in the place of Edward C. Weeks, resigned; the nomination of William T. Webster, which was sent to the Senate April 26, 1890, having been withdrawn.

#### WITHDRAWAL.

*Executive nomination withdrawn by the President May 2, 1890.*

William T. Webster, to be postmaster at Tallahassee, Fla.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 30, 1890.*

##### APPOINTMENT IN THE ARMY.

*To be post chaplain.*

The Rev. Delmar R. Lowell, of Vermont.

##### PROMOTIONS IN THE ARMY.

*Fourth Regiment of Cavalry.*

First Lieut. Cunliffe H. Murray, to be captain.

Second Lieut. John M. Neall, to be first lieutenant.

*Fifth Regiment of Cavalry.*

Capt. Wirt Davis, of the Fourth Cavalry, to be major.

*Eighth Regiment of Cavalry.*

Maj. Edwin V. Sumner, of the Fifth Cavalry, to be lieutenant-colonel.

*Tenth Regiment of Cavalry.*

Lieut. Col. John K. Mizner, of the Eighth Cavalry, to be colonel.

##### COLLECTORS OF CUSTOMS.

George M. Warren, of Maine, to be collector of customs for the district of Castine, in the State of Maine.

John D. Hopkins, of Maine, to be collector of customs for the district of Frenchman's Bay, in the State of Maine.

#### POSTMASTERS.

Elihu J. Wood, to be postmaster at Anamosa, in the county of Jones and State of Iowa.

Asa F. McConnell, to be postmaster at Spencer, in the county of Clay, and State of Iowa.

Emmet E. Brannon, to be postmaster at Holyoke, in the county of Phillips and State of Colorado.

Alanson P. Hammond, to be postmaster at Ashland, in the county of Jackson and State of Oregon.

Joseph C. Keppler, to be postmaster at Anaconda, in the county of Deer Lodge and State of Montana.

William D. Pennycook, to be postmaster at Vallejo, in the county of Solano and State of California.

John T. Nourse, to be postmaster at Santa Ana, in the county of Orange and State of California.

George T. Elam, to be postmaster at Marlin, in the county of Falls and State of Texas.

Charles E. Dupuy, to be postmaster at Plaquemine, in the parish of Iberville and State of Louisiana.

Emile N. Cornay, to be postmaster at Franklin, in the parish of St. Mary's and State of Louisiana.

Calvin G. Warden, to be postmaster at Berea, in the county of Cuyahoga and State of Ohio.

Benjamin Norton, to be postmaster at Belmont, in the county of Allegany and State of New York.

George W. Cooper, to be postmaster at Riverhead, in the county of Suffolk and State of New York.

Lucius B. Nutting, to be postmaster at Wilton, in the county of Hillsborough and State of New Hampshire.

Lemuel M. Keith, to be postmaster at Bridgewater, in the county of Plymouth and State of Massachusetts.

Isaac P. Carpenter, to be postmaster at Foxborough, in the county of Norfolk and State of Massachusetts.

*Executive nominations confirmed by the Senate May 2, 1890.*

##### UNITED STATES MARSHAL.

Jeremiah C. Donahower, of Minnesota, to be marshal of the United States for the District of Minnesota.

##### ASSISTANT TREASURER.

Daniel Dustin, of Illinois, to be assistant treasurer of the United States at Chicago, Ill.

##### NAVAL OFFICER OF CUSTOMS.

Frank D. Currier, of New Hampshire, to be naval officer of customs in the district of Boston and Charlestown, Mass.

## HOUSE OF REPRESENTATIVES.

FRIDAY, May 2, 1890.

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

The Journal of the proceedings of yesterday was read.

#### CORRECTION OF REFERENCE.

The SPEAKER. The bill (H. R. 9792) for the protection of persons furnishing material and labor for the construction of public works, which was referred to the Committee on Public Buildings and Grounds, should have been referred to the Committee on the Judiciary. Without objection, the correction will be made.

There was no objection.

#### PUBLIC BUILDING AT AURORA, ILL.

The SPEAKER laid before the House the bill (S. 2714) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Illinois, with House amendments disagreed to by the Senate, on which the Senate asks a conference.

Mr. HOPKINS. I move that the House insist on its amendments and that the conference requested be agreed to.

The motion was agreed to.

The SPEAKER. The Chair will appoint Mr. MILLIKEN, Mr. KERR of Iowa, and Mr. CLUNIE as managers of the conference on the part of the House.

Subsequently,

Mr. KERR, of Iowa, said: Mr. Speaker, I am not familiar with the facts in the case, and I ask to be excused.

There was no objection.

The SPEAKER. The Chair will appoint the gentleman from Illinois [Mr. POST] as conferee in the place of the gentleman from Iowa [Mr. KERR].

#### PUBLIC BUILDING AT LA FAYETTE, IND.

Mr. MILLIKEN. Mr. Speaker, on behalf of the Committee on Public Buildings and Grounds I present the following conference re-

port on the bill (S. 606) for the purchase of a site and the erection of a public building thereon in the city of La Fayette, Ind.

The Clerk proceeded to read the conference report.

Mr. CANNON. Mr. Speaker, I understand that this bill authorizes a building at \$80,000, and it is substantially the same as the other reports. It seems to me that time might be saved by simply reading the statement instead of reading this report, which is alike in all these bills.

The SPEAKER. If there is no objection, that course will be taken. There was no objection.

Mr. CHEADLE. Let the statement be read, Mr. Speaker. It is very brief and it states the effect of the change sufficiently.

The statement was read, as follows:

The effect of this report is to reduce the appropriation from \$100,000 to \$80,000 by the Senate receding from its first proposition.

On the second disagreement the Senate recedes, and the effect is to strike out the appropriation from the bill.

Mr. MILLIKEN. I move that the report of the committee of conference be adopted.

The motion was agreed to.

#### PUBLIC BUILDING AT CHESTER, PA.

Mr. MILLIKEN. Mr. Speaker, I present the report of the committee of conference on the bill (S. 859) for the erection of a public building at Chester, Pa. I move that the Clerk read the statement of the House conferees instead of reading the conference report.

The SPEAKER. The gentleman from Maine moves that the reading of the conference report be omitted and that the statement of the managers of the conference on the part of the House be read. Is there objection? [After a pause.] The Chair hears none.

The statement was read, as follows:

#### STATEMENT OF CONFEREES ON THE BILL OF THE SENATE.

The effect of the report is that the appropriation in the Senate bill is stricken out and the limit of cost reduced to \$80,000, and that part of the Senate bill which provides that the Secretary of the Treasury may create a commission, consisting of one officer of the Treasury Department and two other persons, where he shall deem it necessary, who shall examine sites, grant hearings where deemed necessary, who shall within thirty days report their conclusions, with maps, plats, and documents taken or submitted to them to the Secretary of the Treasury, and that the compensation of those commissioners shall not be more than \$6 per day and actual traveling expenses, provided that the commissioner appointed from the office of the Secretary of the Treasury shall receive for compensation his actual traveling expenses only. In no other respect does the report differ from the House bill.

S. L. MILLIKEN,  
SMEDLEY DARLINGTON,  
SAM'L DIBBLE,  
Managers on the part of the House.

Mr. MILLIKEN. I move the adoption of the report of the committee of conference.

The motion was agreed to.

#### TOBACCO TAX.

Mr. DAVIDSON obtained unanimous consent to have printed in the RECORD a protest, signed by E. H. Cate and 560 other citizens of Key West, Fla., against the passage of that part of the tariff bill embodied in Schedule F, "Tobacco," etc.; which was referred to the Committee on Ways and Means.

The memorial is as follows:

Hon. R. H. M. DAVIDSON,

House of Representatives, Washington, D. C.

SIR: We most respectfully protest against the passage of that part of the tariff bill embodied in section F, under the head of "Tobacco," as it would ruin the cigar industry of the country.

We would request that the import stamp now put on all boxes containing imported cigars by the Government be abolished, that the duty on imported cigars be \$5 a pound, and that a uniform duty of 50 cents a pound be put on all imported tobacco, irrespective of grade.

#### COMPOUND-LARD BILL.

Mr. FRANK obtained unanimous consent to have printed in the RECORD, without the names, a protest of 2,000 laboring men of the city of St. Louis against the measure known as the Conger bill, taxing compound lard. It is as follows:

St. Louis, April 3, 1890.

To the Senate and House of Representatives, Washington, D. C.:

We respectfully call your attention to a bill introduced in the House of Representatives by Hon. Mr. CONGER, which proposes to put the manufacture of "compound lard" under the supervision of the Internal Revenue Department and levy a tax on every pound manufactured, and require wholesale and retail dealers to pay licenses for selling it.

If this bill should become a law it will be so burdensome to manufacturers and dealers and so disastrous in its effects that the manufacture of "compound lard" will have to be discontinued. This will throw thousands of operatives out of employment and compel them to seek situations in other lines of business that are already overcrowded.

"Compound lard" is a cheap, wholesome, and popular substitute for hog lard, and if it is forced out of the market the poor man will necessarily have to pay much higher prices for lard, as not enough hog lard can be produced in this country to supply the demand; and it is the object of those who are seeking to secure the passage of this bill to destroy the "compound-lard" industry, and secure a monopoly of the lard market, and reap a rich harvest at the poor man's expense.

To increase the price of a staple commodity like lard by such means should be branded a crime, and is nothing more nor less than an abuse of the taxing power of the Government in the interest of bloated and monopolistic manufacturers.

We therefore respectfully ask you as the guardian of our interests in the national Congress to oppose the passage of this iniquitous bill.

#### REPORT OF NATIONAL ACADEMY OF SCIENCES FOR THE YEAR 1888.

Mr. STIVERS. I am directed by the Committee on Printing to report back the following concurrent resolution and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for the year 1888, with its appendices, be printed in the usual octavo form, and that 1,000 copies of the report and memoirs be printed for the use of the Senate, 2,000 for the use of the House of Representatives, and 1,500 for the Academy of Sciences.

Mr. HEARD. I desire to ask the gentleman from New York if this is the usual number that is ordered to be printed?

Mr. STIVERS. I am not able to answer the gentleman, but I think it is the usual number. I was not present when the committee considered the matter, but I understand that it is the usual number.

Mr. HEARD. I do not desire to make any captious opposition, but I desire to know if this is an unusual number, and, if so, why. I suppose some member of the Committee on Printing can state whether it is the usual number or not; and, if not, why a greater number is ordered.

The SPEAKER. The Chair understands that it is the usual number.

Mr. HEARD. I have no objection to make to it, then. The resolution was adopted.

#### TARIFF BILL.

Mr. BELKNAP obtained unanimous consent to have printed in the RECORD the memorial of 65 farmers of the township of Ronald, Ionia County, Michigan, praying for the passage of the McKinley tariff bill, without the names; which was referred to the Committee on Ways and Means. It is as follows:

To the honorable Senate and House of Representatives

of the United States in Congress assembled:

The petition of the subscribers, citizens of Ronald, Ionia County, and vicinity, in the State of Michigan, respectfully sheweth:

That the interest of the farmer will be both directly and indirectly fostered by the passage of the McKinley tariff bill now before your honorable body, and that the success of other callings is largely dependent upon success in agriculture, would respectfully ask for the passage of the same.

And your petitioners will ever pray, etc.

#### REPEAL OF LIMITATION OF ARREARS OF PENSION.

Mr. BELKNAP, from the Committee on Pensions, submitted to the House a letter from the Commissioner of Pensions, transmitting an estimate of the probable cost of the repeal of the limitation of arrears of pension; which was ordered to be printed.

Mr. PAYSON. Regular order.

#### INTERNATIONAL COPYRIGHT LAW.

Mr. ADAMS. Mr. Speaker, I understand the gentleman from Texas was recognized for the second hour of debate, and I shall be glad, Mr. Speaker, at the present time to see if some arrangement can not be made as to the limit for debate.

Mr. CULBERSON, of Texas. I am requested to yield a moment to the gentleman from Pennsylvania [Mr. O'NEILL.]

#### THE LATE REPRESENTATIVE SAMUEL J. RANDALL.

Mr. O'NEILL, of Pennsylvania. The gentleman from Texas yields to me to offer a resolution fixing the day for eulogies upon my late colleague, Mr. Randall.

The resolution was read, as follows:

Resolved, That Saturday, June 14, beginning at 1 o'clock, afternoon, be set apart for paying tribute to the memory of Hon. Samuel Jackson Randall, late a member of the House of Representatives from the Third district of the State of Pennsylvania.

The resolution was adopted.

#### COPYRIGHT BILL.

The SPEAKER. The gentleman from Texas [Mr. CULBERSON] has the floor.

Mr. CULBERSON, of Texas. I yield to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I desire to suggest to the House that to-day being Friday, the House being obliged under the rules to take a recess at 5 o'clock, and this being the only day now remaining to the Judiciary Committee, it is my duty to endeavor, if I can, to secure a vote upon this bill at least this afternoon. I do not know that any one objects to that; but gentlemen will see that it is extremely desirable that we should come to some understanding as to the debate. It was suggested yesterday that we have three and a half hours' debate, and on that understanding I was to give twenty minutes of my time and the gentleman upon the other side [Mr. CULBERSON] was to give twenty minutes of his time to my colleague [Mr. HOPKINS], but no arrangement was made. I desire that gentlemen who are opposed to the bill will now suggest what time they will be satisfied with.

Mr. PAYSON. Speaking for myself, I would be content with thirty minutes.

Mr. ADAMS. Will my colleague make some suggestion as to the time for closing the debate which he thinks will enable him to get that thirty minutes?

Mr. PAYSON. I have no means of knowing. I speak only for myself. I know of several gentlemen on this side of the House, and perhaps as many on the other side, who are opposed to this bill, but how far they desire to be heard in opposition to it I have no means of knowing.

Mr. ADAMS. It would be a great favor to me if gentlemen who desire to oppose the bill would now indicate whether they desire to occupy time, because I wish to have a definite arrangement made.

The SPEAKER. The gentleman from Illinois [Mr. ADAMS] has the matter in his own hands, because he can move the previous question when he sees fit.

Mr. ADAMS. Certainly; and I intend, if no arrangement is made, to announce that I will move the previous question at a certain hour.

The SPEAKER. If the gentleman will make the announcement now it will save time. [Laughter.]

Mr. ADAMS. I prefer to make an arrangement if I can. I ask the gentleman from Texas [Mr. CULBERSON] to submit a proposition.

Mr. CULBERSON, of Texas. I think the opposition will not be content with less than an hour and a half.

Mr. ANDERSON, of Kansas. I want ten minutes in addition to that.

Mr. PAYSON. In whatever arrangement may be made there ought to be an understanding that amendments may be offered to be voted upon, if not debated.

Mr. ADAMS. I do not object to that, if the amendments can be offered early in the debate, so that they can be examined by those who are in favor of the bill. Mr. Speaker, I ask unanimous consent that the debate be closed in three hours from this time.

Mr. HOPKINS, of Illinois. Say three hours and a half.

Mr. DINGLEY. Three hours is long enough.

Mr. ADAMS. Say three hours and a half in all.

Mr. ANDERSON, of Kansas. I suggest to the gentleman that he make the time three hours and forty minutes, because I want ten minutes myself.

Mr. BRECKINRIDGE, of Kentucky. That the debate shall close three hours from now and that the previous question shall be considered as ordered.

Mr. CULBERSON, of Texas. Mr. Speaker, does all this come out of my time?

The SPEAKER. The gentleman has yielded and of course it comes out of his time.

Mr. CULBERSON, of Texas. Then I must object to any further discussion.

Mr. ADAMS. I ask unanimous consent that debate on this bill shall be closed at 4 o'clock this afternoon.

The SPEAKER. The gentleman from Illinois asks unanimous consent that debate upon this bill be closed at 4 o'clock this afternoon and that the previous question be considered as ordered.

Mr. ADAMS. And I desire the last thirty minutes to close the debate.

Mr. CULBERSON, of Texas. And that the time be equally divided between the friends and the opponents of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. ADAMS]?

Mr. ANDERSON, of Kansas. I object to that portion which applies the previous question, because that cuts off amendments, and the gentleman from Illinois [Mr. ADAMS] did not make that proposition.

The SPEAKER. Does the gentleman from Kansas object?

Mr. ANDERSON, of Kansas. I do.

The SPEAKER. The gentleman from Texas [Mr. CULBERSON] has the floor.

Mr. CULBERSON, of Texas. Will the Speaker be kind enough to indicate what agreement has been entered into?

The SPEAKER. There has been no agreement. The gentleman from Kansas [Mr. ANDERSON] objected.

Mr. CULBERSON, of Texas. I yield twenty minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. ADAMS. Mr. Speaker, I will ask whether an arrangement has in fact been made.

The SPEAKER. The gentleman from Illinois [Mr. ADAMS] asked unanimous consent that debate upon this bill be closed at 4 o'clock and that the previous question be considered as ordered. The gentleman from Texas [Mr. CULBERSON] then proposed that the time should be divided equally between the friends and the opponents of the bill, and thereupon the gentleman from Kansas [Mr. ANDERSON] objected.

Mr. ANDERSON, of Kansas. I objected to that portion of the order which would apply the previous question on the bill so that amendments could not be offered. I did not object to the length of time proposed.

The SPEAKER. The proposition was one, and had to be objected to or sustained as a whole.

Mr. ANDERSON, of Kansas. Certainly; but that was my point.

Mr. PAYSON. I desire to suggest to my colleague [Mr. ADAMS] that if he will couple with his proposition for unanimous consent the additional proposition that amendments may be offered after that hour, but not debated, I think there will be no objection to it; that is, that the previous question be considered as ordered upon the bill and pend-

ing amendments, with the right to offer other substantial amendments to be voted upon without debate.

Mr. ADAMS. It is understood the gentleman will submit his amendments long enough beforehand to have them understood.

Mr. PAYSON. Exactly; I will submit them to the gentleman now if he desires.

Mr. ADAMS. Then I have no objection.

Mr. DINGLEY. If the proceeding suggested by the gentleman from Illinois [Mr. PAYSON] be adopted we can not tell when we shall get through with the bill.

Mr. ADAMS. The amendments must be specified and be considered as pending now.

Mr. MCKINLEY. If the suggestion of the gentleman from Illinois [Mr. PAYSON] should be accepted it would simply mean an unlimited privilege of amendment—

Mr. DINGLEY. Certainly.

Mr. MCKINLEY. And 5 o'clock, the hour for the recess of the House, would come around before we would get through with this bill; and it might thus be defeated.

Mr. PAYSON. The statement of the gentleman from Ohio [Mr. MCKINLEY] presupposes that the amendments to be offered have a factious purpose, are for the purpose of defeating the bill.

Mr. MCKINLEY. Not at all.

Mr. PAYSON. I have upon my desk three amendments, substantial amendments, which I propose to offer in perfect good faith; and, as I have said, I am ready now to submit them to my colleague [Mr. ADAMS] for inspection.

Mr. MCKINLEY. I have no doubt the gentleman proposes to offer his amendments in good faith; but if he has this privilege of offering an indefinite number of amendments every other member of the House must have the same right.

Mr. PAYSON. If any member desires to offer a substantial amendment, he ought to have that right.

Mr. ADAMS. I will submit a new proposition, that I now send to the desk some amendments, merely verbal; that my colleague now send to the desk his substantial amendments; that my amendments be adopted by unanimous consent; that his amendments be considered as pending; and that the previous question be considered as ordered at 4 o'clock on the bill and those pending amendments.

Mr. PAYSON. I am content with that.

The SPEAKER. The Chair would suggest that if there should be more than one amendment pending and the yeas and nays should be called upon the amendments, the hour from 4 to 5 o'clock might not be sufficient to dispose of them. The gentleman from Illinois [Mr. ADAMS] submits the amendments, which will be read—

Mr. PAYSON. Was the proposition suggested by my colleague agreed to?

The SPEAKER. The gentleman from Illinois [Mr. ADAMS] asks unanimous consent that the previous question be considered as ordered at 4 o'clock with the understanding—

Mr. MULLS. Since the gentleman first made his proposition twenty minutes have elapsed.

The SPEAKER. With the understanding that his verbal amendments are to be voted upon and the amendments of the gentleman from Illinois [Mr. PAYSON] to be considered as pending. Is there objection?

Mr. CULBERSON, of Texas. I object to that unless the time is to be equally divided.

The SPEAKER. The time is always equally divided.

Mr. HOLMAN. Including the time already consumed?

The SPEAKER. Including the time already consumed.

Mr. PAYSON. That is right; I hope that may be done.

The SPEAKER. Is there objection? The Chair hears none.

Mr. ADAMS. Now, I will ask the Clerk to read my verbal amendments.

The Clerk read as follows:

Strike out lines 7 to 16, inclusive, in section 4, and insert the following:

"1. For recording the title or description of any copyright book or other article, 50 cents.

"2. For every copy under seal of such record actually given to the person claiming the copyright or his assigns 50 cents.

"3. For recording and certifying any instrument of writing for the assignment of a copyright, \$1.

"4. For every copy of an assignment, \$1."

In section 4, line 30, strike out "section 2 of."

In section 5, line 4, strike out the words "two of this act" and insert "4953 of the Revised Statutes."

In section 7, line 6, strike out the word "chapter" and insert the word "act."

In section 8, line 5, after the word "chart" insert the words "dramatic or," and in line 9 strike out the word "chapter" and insert the word "act."

Mr. ADAMS. These are all verbal amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will now read the amendments submitted by the gentleman from Illinois [Mr. PAYSON].

The Clerk read as follows:

In section 2, page 3, strike out from the word "during," inclusive, in the twenty-sixth line, to the word "permitted," inclusive, in the forty-sixth line, on page 4.

In section 4, page 6, strike out from line 39, inclusive, to line 44, inclusive.

After "United States," in line 33, page 4, insert the following:

"And except in the case of newspapers and periodicals, which are hereby exempted from prohibition of importation."

After section 11 insert the following:

"Sec. 12. That whenever any foreign country shall, by its laws, by convention, or by treaty, grant to citizens of the United States rights, properties, and privileges equal to those hereby granted to citizens of foreign countries, the President of the United States shall make public proclamation thereof; and from and after date of such proclamation the citizens of the foreign country or countries therein named shall be entitled to the rights, properties, and privileges hereby granted.

"Sec. 13. That the provisions of this act shall not apply to a citizen of any foreign country which shall not by its laws, by convention, or by treaty have granted to citizens of the United States rights, properties, and privileges equal to those hereby granted to citizens of foreign countries, nor until such foreign country shall have been named in a public proclamation by the President of the United States as provided in section 12 of this act.

"Sec. 14. That whenever any foreign country shall cease to grant the said rights, properties, and privileges to citizens of the United States, the citizens of such foreign country shall thereafter cease to enjoy the rights, properties, and privileges hereby granted.

Mr. CULBERSON, of Texas. I desire to inquire, in the event that I may be permitted to control the time for the debate in opposition to this bill, how much time there will be on each side.

The SPEAKER. If the gentleman will state how much time was occupied on either side on yesterday—

Mr. CULBERSON, of Texas. None on this.

Mr. PAYSON. Thirty minutes in support of the bill.

Mr. ADAMS. That is correct.

The SPEAKER. Then there will remain an hour and twenty-two minutes in favor of the bill and an hour and fifty-two minutes against it.

Mr. CULBERSON, of Texas. Of the time in opposition to the bill I yield twenty minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. ANDERSON, of Kansas. I ask unanimous consent that the gentleman from Texas be recognized to control the time against the bill.

The SPEAKER. The gentleman from Texas is recognized for an hour, of which time he yields twenty minutes to the gentleman from Illinois.

Mr. HOPKINS. And the gentleman in charge of the bill promised to yield me twenty minutes more, so that I have forty in all.

Mr. ADAMS. That was the understanding on yesterday, provided an agreement to limit debate could have been reached. I hardly think it fair, but still I will yield to my colleague twenty minutes more.

Mr. HOPKINS. Mr. Speaker, House bill No. 6941, which is now under consideration, is in my judgment one of the most important measures which can come before this body during this Congress. It is a bill ostensibly to extend the rights of American authors under existing copyright laws to all foreign authors. I shall show before I conclude that it means vastly more than this, and that the inevitable results will be, if it is enacted into a law, the creation of a gigantic publishers' monopoly which will raise the price upon every book, pamphlet, and periodical printed and circulated in this country, and will impose a tax upon every reader of books, from the school boy with his primer to the college professor with the latest scientific publications. It will reach the magazine reader; and even the publishers and readers of rural newspapers will not escape its far-reaching grasp.

The friends of the bill have pressed its consideration with a persistency worthy of a better cause and a plausibility remarkably clever. The rights of the author have been presented in a most captivating manner and the questions hurled at the doubter, "Would you steal the works of an author?" "Can Americans longer afford to indulge in literary piracy?" "Is it not about time to haul down the black flag?" And to such an extent has this been carried, Mr. Speaker, by the friends and advocates of this bill that the opponent has been made almost to feel by their arguments and innuendoes that his position is but little better than that of the chicken-thief caught in his neighbor's hen-coop.

This assumption on the part of friends of the bill has led me to more carefully examine this whole copyright question than I perhaps otherwise should. And with the indulgence of the House I will call the members' attention to the constitutional authority upon which all of these claims are based. It is found in section 8, Article I, of the Constitution, and is as follows:

The Congress shall have power \* \* \* to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

You will observe by this two propositions which I wish to emphasize: First, that the object of this exclusive right to the author is not so much for his especial benefit as it is for the people of this country by the promotion of the progress of science and the useful arts. The object of securing this exclusive right to the author was to spread intelligence among the people. The author by this clause in the Constitution was to gain no monopoly for his exclusive benefit or that of his publisher. The interests of the American people were regarded as too sacred by the framers of the Constitution to place such a power in the hands of any man or set of men. Secondly, whatever rights were guaranteed to the author by Congress should be for a "limited time."

At the time of the adoption of the Constitution there was no such thing known as an international copyright. The Constitution, including that part of section 8 to which I have just referred, was framed and adopted for the citizens of this country, not for foreigners. Its framers

were not working for humanity or mankind in general, but were seeking to form an instrument which should bind together the then thirteen separate States in one common Union and secure to their citizens rights, privileges, and immunities which were then unknown and unrecognized among civilized nations.

In framing this clause relating to the rights of authors the fathers of the Constitution had no more thought of protecting foreign authors than they did of foreign manufacturers and laborers when they granted Congress the power to lay and collect duties, imposts, etc., under which American manufacturers and laborers have been protected from unfair competition by the foreign manufacturers and laborers since the assembling of the first Congress under this great instrument. I grant the friends of the bill without argument that the language used in the Constitution may be broad and comprehensive enough to include foreign authors, but the burden of proof is upon them to show that by extending the copyright laws which secure certain privileges to the American author to foreign authors the rights and interests of the American people will be better subserved than under existing conditions.

If this constitutional provision is to be extended to a class not contemplated by the framers of the instrument, the argument which secures that must be one which demonstrates increased benefits to the great mass of American readers rather than protection to a man who owes no allegiance to this country and whose writings may ridicule our people or defame our institutions. No sentiment regarding authors in general ought to influence any member of the House upon this great question. We all recognize without statement or argument our great obligations to this most worthy class. They have been and are the benefactors of mankind; but if this sentiment shall be indulged in by the friends of the bill to secure its passage, my answer to them, in the language of Lord Camden, is: "Glory is the reward of science, and those who deserve it scorn all meaner views."

Does anybody believe that Gibbon wrote his immortal work, the Decline and Fall of the Roman Empire, for the pounds and shillings he could wring from the pockets of the unromantic workmen of England or that our own Emerson was only inspired by the dream of the golden eagles the works of his brain would command? The men who have written words worthy to live and who have added to the stock of human information have not been inspired by commercial considerations. Where is the author worthy of the name that does not find a wealth of compensation in the fact that his work is not only read and appreciated by his own countrymen, but that it has received the honorable distinction of being translated into foreign languages and read in countries other than his own?

But it is contended that this is a gross injustice to the author. Now, let us, Mr. Speaker, strip this question of the sentiment which seems to surround and pervade it and examine the rights of the author as dispassionately and with the same keen analysis that we do the pretensions of any other class of men. The argument that the foreign author is robbed of something that is his just due when his works are republished here without paying him a handsome sum for the privilege and that the American author is subjected to the same species of piracy abroad is based upon the idea that the author is indebted to the state or the people of his country and the world for nothing and that his works are the creation of his brain unaided by his surroundings and unbenefited by his associations. The most casual observer knows that this is not true.

The State and the people have done nearly or quite as much for the author as he has for them. Take the United States as an example. The founding of our common-school system, the establishing of academies, the creation of great universities, the collection of large libraries, and the general diffusion of intelligence among our people have created a condition of affairs for our authors that has placed them on a vantage ground as compared with many other callings and vocations. Their surroundings and associations first inspire and then develop their literary ability, and if they possess any originality or real merit they have a reading constituency in this country who are not slow to recognize their claims.

The American author is (as all foreign authors are in their respective countries) protected in the works of his brain under the copyright law for a period of forty-two years. During this time any work that he may create is controlled absolutely by him. He selects his publisher and fixes his price, and has a constituency of more than sixty millions of countrymen who rejoice in his success, if he deserves it, and pay him liberally and willingly, too, the price he puts upon his work. To any worthy the name of author I contend that this special privilege secured under the copyright law gives him a full compensation for that which is acquired by the public through his new literary creation.

Has not Harriet Beecher Stowe been as well compensated by her readers in America as her more gifted brother was by the same public for his great efforts in Plymouth pulpit and on the platform? Look at the extraordinary sums of money made for the authors and by the publishers of the memoirs of Generals Grant and Sheridan and Blaine's Twenty Years in Congress. Are not Howells, Frank Stockton, Aldrich, Bret Harte, and scores of others whom I might mention find-

ing ready readers for their works in this country, and that, too, at prices that pay them a handsome remuneration for the time and ability expended in their productions?

Does anybody believe that Mark Twain will go to the poor-house because of lack of readers in America, or that our own genial Dr. Eggleston will go to his grave unrecognized for his many eminent qualities or unrewarded for his contributions for the instruction and happiness and improvement of his countrymen? Look over the whole list of American authors and you will find, Mr. Speaker, that they are being as well recompensed by the American public as any other class engaged in intellectual efforts. The struggles of the young author are no more perplexing or discouraging than those of the young lawyer or the young doctor.

Literary merit will receive recognition and proper compensation by American readers and the American public quite as quickly as ability in the pulpit, at the bar, or in medicine and surgery. Gentlemen may talk about the hardships, struggles, and privations of the young author, but I contend, Mr. Speaker, that like the same experiences in the professions I have named, they only test the true metal of the man or woman who aspires to success, and that those who fail, like similar failures in the law, the ministry, and medicine, entail no loss upon the public. The time has gone by when true merit will go unrewarded in any of the great fields of intellectual effort.

The arguments which contend otherwise are based upon a state of facts and a condition of affairs which do not exist in the enlightenment of this century. This bill then, sir, can not be pressed to a passage in this House on behalf of the American authors. What argument, valid in itself and tenable under this clause of the Constitution which grants the power to secure for a limited time to authors the exclusive right to his writings, can be urged in favor of the foreign author? Can any man on this floor claim that a copyright granted to a foreign author will benefit the great mass of American readers?

Has any man here who favors this bill any facts and figures by which he can show that the farmers of Illinois and the great Northwest will be benefited by the enactment of this bill into a law, or that it will aid or benefit the hundreds and thousands of mechanics in our cities and towns? Will it, sir, cheapen literature, so that the poor whites, as well as the colored men of the South, may have intellectual food placed within their homes? When we consider, Mr. Speaker, that the perpetuity of our republican institutions depends upon the intelligence of our citizens, the sentiment for the foreign author should sink before the important fact that the American people, their rights and improvement, demand our first consideration.

English and other foreign reprints have made it possible to place before the poorest and most humble in our country all of the learning of foreign nations, ancient as well as modern. The benefits that have been derived from these reprints and cheap editions can not be too highly estimated. These cheap editions have gone everywhere. The result has been that America to-day is the greatest book market in the world. Intellectual food, unlike that which sustains the body, "creates an appetite for that it feeds on," and many a poor boy who has become a successful man of the world can trace his success to that longing for mental food and material improvement which the perusal of some of these cheap volumes of our English classics inspired. Had there been a copyright upon those works and the price fixed by the greed or avarice of the author or his publisher they would have been beyond his reach.

In how many homes would we find Shakespeare to-day if there had been a copyright which could have been perpetuated upon his works? How many would have read Macaulay's History of England as compared with the number of copies we now find in American homes had this great work been controlled by a copyright monopoly. I quote this author and use this language, Mr. Speaker, the more readily because Lord Macaulay himself, in speaking upon this subject, said that "a copyright was a tax on readers for the purpose of giving a bounty to writers." Can we afford, in the language of that illustrious man, to pass this bill and tax every American reader for the purpose of procuring a bounty for an English or other foreign writer?

I am aware, Mr. Speaker, that some will contend that there is a moral phase to this question and that this line of argument is to justify theft. I deny both statements in the sense, at least, in which they have been made by the friends of this bill. An author has a right to his creations when in his brain or in manuscript. In his brain they neither benefit him nor the public from a material standpoint. If he wishes to make money, he reduces them to manuscript and carries them to his publisher. The latter pays him a compensation for his property, which then becomes the publisher's. When printed and published they are given to the public, the publisher being compensated by the fact that he has the first edition in the field.

The House of Lords more than a hundred years ago decided that an author at common law had no property in his publications. After they were once published they became the property of the world. The first copyrights that were granted, as gentlemen who have investigated the subject well understand, were to printers, to protect them in the publication of their books, and not to authors. The granting of a copy-

right of itself is the best proof in the world that an author has no natural or common-law right in his works after they are published.

Now the English and other foreign authors produce their works with the full knowledge of the condition of our laws and the practice of our people. They procure copyrights at home; and through them are amply paid for their contributions to the world's stock of learning. As I have shown, the American author is amply protected and fully paid for his contributions under the laws of this country.

I hold in my hand the April number of the North American Review, which contains some valuable information in reference to the prices paid to authors for their various publications. This shows that George Eliot received for Romola the sum of \$35,000 and for another work, Middlemarch, \$75,000; that Lord Tennyson had a standing contract existing for many years with English publishers by which he received \$25,000 annually, whether he produced any new literary articles or not, and that Wilkie Collins received \$15,000 for many of his novels. It further shows that Bulwer received the sum of \$100,000 for the privilege of republishing a cheap edition of his works for a period of ten years. I simply cite these, Mr. Speaker, to show that these foreign authors are paid, I think, enough in other countries without offering them a further inducement to invade American soil and infringe upon the rights of American readers.

Authors prey upon the learning of Greece and Rome and ancient Egypt without any thought that they are violating some moral law; and indeed the earlier authors of their respective countries and of all climes are made to aid them in their work, without any thought or intention of dividing their profits with the heirs or descendants of the authors whose best thoughts and grandest conceptions they con over in preparing their literary children for entrance into the world. I can not better further illustrate this thought than by quoting from a statement made before the Committee on Patents of the Senate in the Forty-ninth Congress by Henry C. Lea, a book publisher of more than forty years' experience, and, as he admitted, largely interested in valuable copyrights. He said:

There is no copyright in ideas, but only in the form in which they are clothed. The man of science, the philosopher, the historian, the investigator in any branch of human knowledge may spend a lifetime in discovering principles which may profoundly affect the moral and material well-being of the race or in discovering facts of the highest interest to the progress of mankind, and as soon as he divulges them to the world they become the common property of his fellow-men.

Any author may at once seize upon them and embody them in his essay or his text-book without even an acknowledgment to the laborious originator or discoverer, and can then claim a copyright upon the dress in which he has clothed his borrowed ideas.

It is the phrase-maker who is protected by the copyright.

When we come to sum up this question, Mr. Speaker, its moral phase, which is so prominently presented by the advocates of this measure, has no foundation whatever.

Copyrights in literary productions are creations of law and are subject, of course, to such regulations and limitations as the needs of the country may demand. The higher and better education of our people and the general diffusion of intelligence claim the first consideration of our lawmakers. Is it wise now to cripple all efforts in behalf of education by increasing the prices of school-books, magazines, pamphlets, and periodicals? The wisest and most thoughtful in our midst apprehend danger to our Republican institutions from the increasing numbers of the ignorant and poor in our midst.

This is especially felt in our large cities and in that section of our country which has such a large colored population. Under these conditions, sir, I ask the members of this House, what is your plain duty in the premises? Yield to the social influences and the false sentiment which are urged in favor of this bill by its friends or take a broader view and see the needs of your countrymen and give such legislation as will best subserve the interest of the American citizen as against all the world? If this bill should become a law it will more than quadruple the price of every book copyrighted under its provisions. As was well said a few days ago by one of the great newspapers of the country, the publication in this country of Professor Bryce's work entitled "American Commonwealth" furnishes an instructive object-lesson upon this question.

You can not buy that book in any bookstore for less than \$6. The edition is of poor paper, poor print, and worse binding. Were it not copyrighted a better edition in every respect could be procured by the reader for \$3, and at that price the publisher and author would make a fair profit; but a monopoly is established by its being copyrighted, and the avarice of the author and the publisher is made at once manifest by this exorbitant price of \$6. Now, gentlemen on this floor may say that they can well afford to pay that, but how is it with the man who gains his livelihood by manual labor? How is it with the great mass of American readers? This price has made it a luxury for the average reader to possess a copy of this work. Intellectual food in America should not be so savored. It should be within the reach of the humblest mechanic or the plainest farmer.

As further illustrating the fact for which I have contended I append hereto a list of the prices of forty-two English publications in Great Britain, the price of the English publication in this country, and the

price of the American reprint submitted by Mr. Hubbard to the Committee on Patents of the Senate during the consideration of this subject by that committee in the Forty-ninth Congress. It is as follows:

Works.	English price.	American price.	American reprint.
Trollope, Life of Cicero, 2 volumes	s. d.	\$9.60	\$3.00
Fitzgerald's Life of George IV	24	12.00	2.00
Trevelyan, Life of C. J. Fox	18	7.20	2.50
Trevelyan, Life and Letters of Macaulay	36	14.40	1.75
Green's History of England, 4 volumes	64	25.60	10.00
Kinglake, Crimean War, 4 volumes	96	38.40	8.00
Mendelssohn Family, by Kinsel, 2 volumes	30	12.00	5.00
Ranke, Universal History, volume 1 now ready	16	6.40	2.50
McCarthy's History of Our Own Times, complete, 2 volumes	48	19.20	2.50
Reid, S. J., Life of Sydney Smith	21	8.40	3.00
Rémusat, Mme. de, Memoirs of, 1 volume	32	12.80	2.00
Robertson, F. W., Life and Letters of	12	4.80	2.00
Taylor, Sir H., Autobiography of, 2 volumes	32	12.80	3.00
Wallace, Russia	24	9.60	2.00
Allan, Flowers and their Pedigree	7 6	3.00	1.50
Bagehot, English Constitution	7 6	3.00	2.00
Bain, Poetical Essays	7 6	1.80	1.50
Greville, Memoirs of Reign of Queen Victoria, 2 volumes	42	16.80	4.00
D'Abrantes, Memoirs of Napoleon, 2 volumes	42	16.80	3.00
Hall, S. C., Retrospect of a Long Life	30	12.00	2.50
Kossuth, Memoirs of My Exile	10 6	4.20	2.00
Lecky, England in the Eighteenth Century, 4 volumes	72	28.80	9.00
Burnaby's Ride to Khiva	21	8.40	2.00
Brassey, In the Trades and Tropics	21	9.40	5.00
Guy, Enigmas of Life	10 6	4.20	2.00
Jackson, Old Régime	21	8.40	2.25
Kemble, Records of a Girlhood	31 6	12.60	2.50
Lewes on Actors and Acting	7 6	3.00	1.50
Maine, Popular Government	12	4.80	2.75
Swinburne, A Study of Shakespeare	8	3.20	1.75
Symonds, Renaissance in Italy, 5 volumes, at \$2	80	32.00	10.00
Memoirs of Mrs. Jamieson	12	5.00	2.50
Morris, Earthly Paradise, 3 volumes	40	16.00	4.50
Morris, Earthly Paradise, 4 volumes	40	16.00	5.00
Hamerton's Etchers and Etching	147	58.80	2.50
Metternich's Memoirs, per volume	30	36.00	.....
Metternich's Memoirs, 5 volumes	30	12.00	.....
Mitvart on the Cat	10	4.20	2.00
Pfleider, Infence of Apostle Paul	7 6	3.00	2.00
Rae, Contemporary Socialism	21	8.40	2.00
Gordon's Journal	42	16.80	10.00
The Congo, by Stanley, 2 volumes	21	8.40	3.50
Scherer's German Literature, 2 volumes	24	9.60	2.50
Stanley's Life of Arnold, 2 volumes (in one)	.....	.....	.....
Total	1,356 6	545.80	140.90
Average cost per copy	\$8.07	12.90	3.35

This list, Mr. Speaker, demonstrates with absolute clearness the fact that American readers are getting all of these English and other foreign reprints vastly cheaper than they could be acquired under any copyright legislation. And when we consider that by the very terms of the Constitution which grants the privilege of a copyright it can only be done to better subserve the interests of the American people, it requires nothing further to show that this bill, which extends the copyright laws of our country to foreign authors, is against the interests of American readers and in violation of the very provision which grants for limited periods these privileges to authors.

I include here a table which shows the number of books published in the United States from 1880 to 1888. It is as follows:

Books published in the United States from 1880 to 1888.

Works.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	Increase, 1880 to 1887.
Fiction	292	587	767	670	943	934	1,080	1,022	330
Juvenile books	270	334	278	331	603	388	458	467	80
Law	62	341	261	397	455	129	469	438	700
Theology and religion	239	76	325	375	380	435	377	353	50
Literary history and miscellany	106	128	155	158	186	148	382	251	250
Poetry and drama	111	169	182	184	222	171	220	221	200
Biography, memoirs	151	212	184	161	178	174	155	201	40
Description, travel	115	164	185	155	136	161	159	180	55
Fine art and illustrated books	44	57	91	75	81	140	151	175	400
Medical science, hygiene	114	190	188	211	209	188	177	171	50
History	72	108	118	119	115	137	182	157	100
Political and social science	99	86	112	106	168	163	174	143	45
Useful arts	63	78	87	146	154	100	112	123	100
Physical mathematical science	.....	.....	106	90	134	92	148	76	.....
Domestic and rural	43	38	20	22	43	30	46	61	45
Sports and amusements	32	21	28	22	51	70	70	48	50
Humor and satire	30	35	35	47	29	18	17	26	.....

Books published in the United States from 1880 to 1888—Continued.

Works.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	Increase, 1880 to 1887.
Mental and moral philosophy	22	27	21	15	19	25	18	21	.....
Music	24	23	21	.....	.....	.....	.....	.....	.....
Education and language	131	157	221	197	358	225	275	283	120
Natural sciences	56	89	7	.....	.....	.....	.....	.....	.....
Books of reference	75	86	.....	.....	.....	.....	.....	.....	.....
Art, sciences, and illustrated works	.....	.....	.....	.....	432	220	.....	.....	.....
Year-books and serials	.....	.....	.....	.....	324	347	.....	.....	.....
Totals	2,076	2,991	3,472	3,481	4,088	4,030	4,676	4,437	112

I commend its perusal to the members of this House. It shows the wonderful increase of 112 per cent. in the number of publications during that period. And if we allow what is regarded as a fair estimate of 1,000 copies to an edition, it makes the enormous number of 4,437,000 volumes, an increase, as you will see, on the estimate of 1,000 copies to an edition, of 2,361,000 volumes in eight years. These figures show the book market we have in America, and I suspect, sir, that it is to control this market that the foreign authors are so greatly interested in securing the passage of this bill.

That this vast number of books published are not mostly reprints and that our American authors are increasing in numbers and ability in proportion to the increased demand for such talent and the increased population of our country, is apparent from the fact that the number of books copyrighted here under existing laws has increased nearly 50 per cent. during the same period of time. Our magazines and similar publications, as you all know, are not only extensively circulated throughout every section of the country, but are largely read by a class of persons who would otherwise remain uninstructed upon the topics treated in their pages.

Look, for example, at such publications as Popular Science, Littell's Living Age, and others I might name. A copyright law of the character proposed in this bill would either wholly destroy or greatly cripple all such publications. So little regard, sir, for the rights of American readers has been had by the framers and advocates of this bill in the interest of foreign authors that even country newspapers would be seriously affected and subjected to the caprices or avarice of a "publishers' trust" if it should become a law. The value of these papers and the influence of their columns can not be overestimated. Their circulation is so widespread that as educators of the people country editors stand second to none. In the columns of their papers are inserted historical sketches, biographies, romances, and scientific articles copied from foreign publications.

These go to the home of the farmer, the mechanic, or the laboring man, who feels that he can not afford to take any of our great daily newspapers or monthly magazines. The perusal of these papers on Sunday in the households of these men furnishes them the intellectual food for the week. Can we afford, sir, from any sentiment we may have for the foreign author or for any consideration which may affect the American author, to enact this bill into a law containing such provisions which may either take from this class of citizens their literary food so acquired or greatly impair its value? As I have stated, all foreign authors under the bill can absolutely control the publication of their writings in this country.

With no allegiance to our Government, with none of the interests of our citizens in the perpetuity of Republican institutions, with no sympathy for the great mass of the toiling millions who form the bone and sinew of this great Republic, their object would be to form such a monopoly with their American publishers as would benefit them regardless of the rights of the readers. I confess, Mr. Speaker, that I feel that whatever their rights may be they should disappear when pitted against the rights or benefits which can be bestowed upon the humblest of our countrymen.

All familiar with the manner in which the works of foreign authors would be published under the provisions of this bill know that they would be monopolized by a few large publishing firms in this country, and that New York and Boston would control the book trade of America. The great West, and the South, as well, would have to pay tribute to them for all of the intellectual food for the people of those sections. Under existing conditions Minneapolis, Omaha, Kansas City, and other places in the West and Southwest will build up large book-publishing centers and will extend to these people and continue to them the series of cheap editions of all of the best publications. For more than fifty years now foreign authors have sought to procure the enactment of an international copyright law.

Thirteen separate and distinct bills have been prepared for the purpose of securing this object, and they have been presented to the attention of Congress twenty-three times, but never, sir, with success. Such

great men as Senator Howe, of Wisconsin; Senator SHERMAN, now representing the State of Ohio at the other end of the Capitol; Senator Morrill, of Maine, and Clayton, of Delaware, are among the number of legislators who in the past, after full investigation of the subject in committee, have recorded their judgments against the justness or expediency of such a measure.

The friends of this bill, however, learning wisdom by experiences, have endeavored to combine certain heretofore warring interests. They have prepared a bill by which they have endeavored to unite or combine the interests and influence of authors, the great publishing houses of the Atlantic coast, and printers who have formed themselves into various unions. This combination of interests has resulted in presenting to our consideration here one of the most remarkable bills, I venture to say, which has ever found its way upon the Calendar of this House.

To placate the printers the bill requires that the publications shall be printed in this country, and the still more remarkable requirement that "during the existence of such copyright the importation into the United States of any book so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set within the limits of the United States, shall be, and is hereby, prohibited, etc."

Think of a provision of that kind being seriously considered by a legislator whose duty it is to look after the interests of the entire people. The Secretary of the Treasury and the Postmaster-General are authorized to make and enforce such rules and regulations as will make this provision of the bill effective. This will be done by authorizing customs collectors, and postmasters who receive foreign mails, to seize and destroy all copies of such prohibited articles.

Authority will be given to an irresponsible postmaster which can not be exercised by the highest court in the land. One of the great principles upon which we pride ourselves as Americans is that life can not be jeopardized or property taken without due process of law. But in the eagerness of the advocates of an international copyright to secure the passage through the Senate and the House of such a measure, they have been willing to put provisions in this bill which are subversive of the very principles upon which the Republic is founded. They call this bill an international copyright act, but it is in fact just the reverse of international.

Instead of securing reciprocal rights for American authors abroad it will create in all foreign countries, and especially in England, a hostile feeling among printers and publishers, book-binders and book-makers, that will crystallize into legislation of a retaliatory character. American books printed in this country will be excluded from England and other foreign countries affected by the provisions of this bill. I have yet to find one among the advocates of the bill who can defend all of its provisions or who believes that in itself it is wise legislation. They admit that it contains provisions that are unjust and impolitic, but they think that if they can secure its passage in the House it will lead to the adoption of some measure which will give the foreign author the right to control the American market on all of his writings.

I here and now warn the gentlemen who favor this bill because they think that it is approved of by certain labor organizations that those very organizations will condemn them for their votes when they see the practical results that will follow if this bill shall become a law. It will create such discord and ill feeling between the various Governments whose subjects are affected by it that an international conference will inevitably be called and it will eventuate in an international treaty in which all of these provisions to which I have referred specifically, and others on account of which those labor organizations have been induced to give their support to the bill, will be stricken out.

In other words, Mr. Speaker, to use a homely but expressive phrase, the American printer is being used as a cat's-paw for the foreign author in securing favorable consideration of this bill; and I am pleased to learn that the more intelligent among this class of laboring men have discovered the purpose for which they have been taken into this combination I have spoken of, and are now endeavoring to undo what their less thoughtful and discerning co-laborers have done. I have taken more time, Mr. Speaker, than I intended when I rose to address the House. My only excuse is the importance of the measure now before us. In what I have said I do not wish to be understood as disparaging in any manner the claims of a great author.

There is no consolation greater afforded a lover of books than communion with his favorite authors. But it has been well said that "literature is valuable only as it tends to improve and bless mankind." This only can be done by bringing it within the reach of the humblest. Any measure that will better protect authors and still accomplish this will receive my hearty support. Anything less than this, while I am honored with a seat in this House as a Representative of the people, shall receive my opposition.

Mr. CULBERSON, of Texas. I now yield to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. I wish to say that my friend from Kentucky [Mr. BRECKINRIDGE] is absent, and that it was his desire to reply to the gentleman from Illinois, as I understood him. If I can get the attention of the gentleman from Illinois [Mr. ADAMS] I was about to suggest that we alternate the debate, one on each side, and that he now

take the floor and yield to the gentleman from Kentucky, who I understand was to speak in favor of the bill.

Mr. CULBERSON, of Texas. I am willing to make that arrangement.

Mr. ADAMS. I did not understand the proposition.

The SPEAKER. The proposition is that the debate alternate between the friends and opponents of the bill.

Mr. ADAMS. I have no objection to that. Then I will yield to the gentleman from Connecticut [Mr. SIMONDS], a member of the Committee on Patents.

Mr. SIMONDS. There are so many things to be said of this bill that I have to make a selection from among those I had hoped to be able to speak upon, and there is one question which first of all I will refer to.

An amendment has been offered here by the gentleman from Illinois [Mr. PAYSON] providing that this law shall not become operative, if it becomes a law at all, until foreign Governments shall give the same privileges in substance to American authors. Now we have this matter entirely under our own control. There was an international convention held at Berne, in 1886, at which a treaty was made which was signed by nine of the powers of the earth, Germany, Spain, France, Great Britain, Hayti, Italy, Liberia, Switzerland, and Tunis, and they have become an International Copyright Union. An article of that international agreement is as follows:

Countries which have not taken part in the present convention and which assure legal protection to authors at home will be admitted upon their request.

The whole matter of our going into an International Copyright Union is entirely in our own hands, and it is not wise or discreet to attack any provision such as the gentleman has suggested, as it is liable to ambiguity, liable to misunderstanding, and liable to neutralize the whole effect of the law.

Now, I will devote myself to the development of a single idea. The gentleman who has just taken his seat [Mr. HOPKINS] has said, and he has repeated it, that there is no way of justifying this internal copyright upon the ground of simple justice to authors. That is the idea upon which I shall speak, and I shall leave the practical arguments in favor of the bill, which are very many and very great, for other gentlemen to state.

This question, as I look at it, is first of all a question of right and wrong, and it is perfectly apparent that the American people are beginning to comprehend how real the wrong is, and dimly, at least, how great the wrong is, and they are determined that there shall be a stop put to that wrongdoing. Sir, there are such things as natural rights—rights which exist outside of all statute law; self-evident rights which pertain to a man because he is a man, and they are the most dignified of all rights. Our Declaration of Independence, with all its far-reaching consequences, is expressly based upon an enumeration of certain of these self-evident natural rights. The second clause begins:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that among these are life, liberty, and the pursuit of happiness.

Now, sir, these are not the only natural rights which men possess. Another of the self-evident natural rights of a man is the right of property, the right to hold, and own, and exclusively possess whatever in the nature of property he rightfully acquires. So thoroughly is this right self-evident that it is recognized not only by all the civilized peoples of the world, but by the uncivilized peoples as well. Indians who have never seen the face of a white man recognize this right after their fashion as thoroughly as the most civilized people upon earth. If an Indian makes an arrow for his bow, a saddle for his pony, or a garment of skins for himself, his fellows instinctively concede and know that those things are his to hold and own and exclusively possess. No form of social union is possible without the recognition of this natural right of property, and there is no room for doubt as to the truth of the proposition that it is one of the natural rights of a man to hold, and own, and exclusively possess whatever in the nature of property he rightfully acquires.

Now, disregarding a certain artificial distinction, there are just four modes of acquiring title to an article of property. One is by making it, another is by its original discovery, a third is by gift, and the last is by purchase. The best and highest title of any is conferred by the creation of a thing. It is not possible to conceive of a higher title to an article of property than that which is conferred by its creation. It is by this title of high degree that an author has the right to hold and own and exclusively possess. The thing is his because he has made it, because he has created it. What is the thing which the author creates? I suspect that it is a confusion of ideas upon this point which has been the cause of all the doubt which has ever entered into the minds of men who are thoroughly intelligent and thoroughly honest as to the rightfulness and propriety of international copyright.

The thing which the author of a book creates is not the paper or the binding, or, in a broad sense, the printed words. Those are made by the artisans. Let me illustrate what I mean. Suppose we have a volume of Shakespeare printed from stereotyped plates and we carefully cut up those plates until each little metallic word is a piece by itself.

Then we set up the pages again just as the words happen to come to hand; now we have then a book with as many pages as before, printed and bound exactly as before. We have all the paper, all the binding, and all the printed words of the original book, but it does not contain the thing which William Shakespeare created. The thing which it fails to contain is Shakespeare's conception and its visible expression. I am aware that the mental conception may be a higher thing, in a certain philosophic sense, than the visible expression, but not so in the domain of practical affairs; for it is only through this visible expression that the mental conception can amuse or delight or instruct the world. The mental conception inheres in the visible expression. The visible expression has the essential element of property. It has a value in exchange. The author can not enjoy that value in exchange if other persons may reproduce this visible expression without his permission, and therefore it is that he who, without the author's permission, reproduces that visible expression of his mental conception is as much a thief of the author's right as is the sneak who takes the author's coat off his hat-rack or filches the author's money from his pocket. It is only because this right is incorporeal rather than a tangible thing that the whole world does not voluntarily see that this unauthorized reproduction is a theft pure and simple. But it does not detract from the dignity of the thing to say that it is incorporeal. Its production may have required larger abilities and greater endeavor than the building of a railroad across our continent. If any man doubts the truth of this proposition let him undertake to produce that thing which shall be the peer of Shakespeare's Hamlet or of Hawthorne's Scarlet Letter. And incorporeal rights are no new thing under the sun. Thousands of millions of dollars of the wealth of the world are incorporeal. Patents, trade-marks, the franchises of ferries, railways, telegraph and telephone companies, are familiar instances of incorporeal property which we all recognize. This kind of incorporeal property now under discussion is the only kind of property under the sun that is subject to theft without punishment. Take the case of the incorporeal property in a trade-mark. Our courts have always and voluntarily given exactly the same measure of protection to an alien owner of a trade-mark as they have given to a citizen owner, and they have scorned the idea, as a relic of barbarism, that they should despoil the alien owner of his trade-mark right because he is an alien.

The sad truth is that it is a "relic of barbarism" for us to despoil the alien author of his copyright simply because he is an alien.

Perhaps it is a still sadder truth that this great Republic, boastful of its freedom, of its fairness, and of its love of equal rights, should be substantially the only one of the civilized nations of the earth to play this part of the "robber baron" of the middle ages. The truth, sir, is that we fail of being wholly civilized by a certain definite interval, so long as this wrong continues; and every American, according to my idea, who is thoroughly patriotic, thoroughly intelligent, and thoroughly honest ought to long for the coming of the day in which this shame shall be wiped off from the national honor.

Now, I wish to give attention to another point in this matter. As the gentleman from Illinois [Mr. HOPKINS] has truly said, our Constitution authorizes the grant of copyright in order—I quote its words—"to promote the progress of science and useful arts."

I would like to stop right there and state why that language is in the Constitution, but I have not the time. This I do say, however: that our present practice, so far from promoting the progress of science and useful arts, is an actual hinderance to that progress. It thus operates in different ways. One way in which it does so is by the repression of the development of our American intellectual life. By the repression of American authorship in its production of literary and scientific works we subject our American authors to a ruinous competition to which we would not permit any other class of our workers to be subjected for a single instant. Those of us who believe in protection for American industries are not willing that our artisans shall be subjected to untrammelled competition even with artisans paid as well as those of England, who receive about half the American rate of wages. But whether or not a man believes in protection for American industries, what shall be said of subjecting a meritorious class of our workers to untrammelled competition with a class of workers abroad who receive absolutely nothing for their labor?

This is precisely the present condition of affairs. Things are at such a pass among American publishers that there are those among them who appropriate the labor of foreign authors without remuneration; and so long as there are some American publishers who are willing thus to appropriate the labor of foreign authors without money and without price there is no American publisher who can afford to pay an American author for his work, save in those exceptional instances where through some fortunate circumstance—usually by the aid of magazines—the American author has already acquired a towering reputation.

At the hearing before the Senate Committee on Patents in 1886 Mr. Henry Holt, a New York publisher of wide reputation, speaking on this subject, said:

The effect of this state of affairs on the opportunities of American authors to get into print or stay in print is very disastrous. I have unused manuscripts in my safe and have lately sent back manuscripts which ought to have been published, but I was afraid to undertake the publication; the market will not sup-

port them. I lately published, I think, the most important American work of fiction, with a single exception, that I ever published. The critics received it with praise. I had to write the author the other day that it had been a financial failure. She is a poor girl of great talent. Her old parents are living and she has to support them and an old family servant.

Mr. Dana Estes, a well known Boston publisher, said at the same hearing:

It has been said by some gentlemen that the flood of British reprints has a discouraging effect upon American authorship. I will add my mite to that statement. For two years past, though I belong to a publishing house that emits nearly a million dollars' worth of books per year, I have absolutely refused to entertain the idea of publishing an American manuscript. I have returned many scores, if not hundreds, of manuscripts of American authors, unopened even, simply from the fact that it is impossible to make the books of most American authors pay, unless they are first published and acquire recognition through the columns of the magazines. Were it not for that one saving opportunity of the great American magazines, which are now the leading ones of the world and have an international reputation and circulation, American authorship would be at a still lower ebb than it is at present.

Take, for instance, an author of eminent genius, who has just arisen. I refer to Charles Egbert Craddock—Miss Murfree. Had her manuscript been offered to any one of half a dozen American publishers it is probable it would have been refused. She got an entering wedge by having her articles published in a magazine, and sprang into a world-wide reputation at once. How many of these "mute, inglorious Miltons" there are in the manuscripts, tons of manuscripts, scattered about the country I do not know, but I venture to say there are a good many.

Sir Henry Maine, in his book on popular government, says that the American people's "neglect to exercise their power for the advantage of foreign writers has condemned the whole American people to a literary servitude unparalleled in the history of thought."

The mischief which has already been wrought to American authorship in this way is very great. Perhaps it is not too much to say it is incalculable.

Does any American who is at once thoroughly intelligent and thoroughly patriotic desire to perpetuate this repression of American authorship, this repression of the development of American intellectual life?

[Here the hammer fell.]

Mr. CULBERSON, of Texas. I now yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, monopoly always assumes an honest garb and pretends to be in the interest of the laboring man of this country and of the people, and against all frauds, all cheats, all humbugs. It always comes to us, Mr. Speaker, as the great defender of the people's rights; but usually in the bills presented we can find a loop-hole by which these professions may be avoided, showing that the measure, instead of being in the interest of labor and of the great mass of the people, is simply a scheme for monopoly. And that is what this bill means.

Yesterday we passed a law for the express purpose of abolishing "trusts," and monopolies, and "combines" in this country; but I suppose, as this will be a later statute and a special statute, giving special privileges to certain gentlemen, that bill will not reach the matters covered by this. Now, what is this bill? I want to read one proviso in it, which explains the whole scheme of the bill:

*Provided*, That in the case of a book the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States or from plates made therefrom. During the existence of such copyright the importation into the United States of any book so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set within the limits of the United States, shall be, and it is hereby, prohibited, etc.

Here is an absolute prohibition of the importation into this country of any book that is copyrighted by a foreign author.

What is the effect of this law? The first provision of the law, it will be noted, provides that such book shall not be copyrighted here until it is printed in the United States, and the two volumes required to be deposited with the Library of Congress are to be printed in the United States, and not in a foreign country. No book can be imported if it is printed in a foreign country and copyrighted here. Why is this? It is simply to give the monopoly to the publishing houses of this country; that and that alone. What benefit is it, I would like to ask, to the foreign author? He may derive some benefit, not a great deal, because he is compelled to print his book here before he can get his copyright, and as a consequence he must sell the copyright to an American publisher before he can get anything from his work. The publisher who purchases the work must print two volumes of it to be deposited in the Congressional Library before the copyright can issue.

In other words, then, the foreign author must sell the copyright for what he can get. And how, then, does it fare with the poor laboring man who is dependent upon his work in the publishing houses? Where does the benefit of which we hear so much to him come in? Are not the laboring men of this country to-day receiving wages for the printing of these books, reprints of foreign authors, the cheaper volumes, that go into general circulation in this country? To-day they are getting the benefit of that class of work; and it is a much larger job and better pay than the monopoly printing will be when it gets into the hands of a few publishers under this provision of law. Then I ask again, how is the laboring man to be benefited? Where does the justice to him come in?

No, Mr. Speaker, this bill is not intended for any purpose of that sort. It is intended as a monopoly pure and simple.

It is for the purpose of taking the wages of the laboring men now in this country getting out these foreign works by a few of the larger publishing houses at remunerative prices to themselves and putting them upon the market so as to bring money into their own pockets, and not for the benefit of the laboring men. The laborer will not get better wages under this system than he gets to-day. The monopoly will control that. And yet I understand that that is the great claim of merit for this bill, that it will give to our publishers a monopoly in the reprinting of foreign authors. It may do that, but at the same time it will do a serious injury to the laboring men engaged in this business, as well as prevent cheap literature from going to the homes of the people. The home publisher will be allowed by this law to steal all the profits from the foreign author that it is claimed the common people now get.

[Here the hammer fell.]

Mr. CULBERSON, of Texas. Mr. Speaker, I desire very briefly to submit some of the reasons which induce me to oppose this measure.

I think that the duty imposed upon Congress by the Constitution to secure for limited times to authors the exclusive right to their writings has long since been fully discharged by the passage of the copyright law.

That act secures to the authors who are citizens of the United States, or residents therein, the exclusive right to their writings for forty-two years with ample protection against any invasion. Besides this proper and just recognition of the property rights of authors in their work, they are further protected by an import duty on foreign books, which, I think, yields to the Government annually nearly \$1,000,000.

This tax, as a matter of course, enables American authors to enhance the profits of their labor \$1,000,000 annually at the expense of the people of the United States, who may desire to read foreign books.

By reference to some of the sections of this bill, it will be observed that importation of foreign books is practically absolutely prohibited.

This measure, therefore, is distinguished by the vice prevalent in almost all our legislation. The Government is appealed to to enhance and increase the profits of a business interest under the forms of law, at the expense of the public.

This bill is not inspired by the love of even and exact justice to the property rights of alien or foreign authors, of which we have heard so much during its pendency in Congress, but it is the old cry for protection against competition. American authors seek by this method of destroying competition—against which they are now reasonably protected—to increase the receipt of their work at the expense of the people.

They do not seem to be content with an exclusive right to their writings for nearly a half-century, but they propose to force their own products upon the public by enormously increasing the price of foreign literature.

Whatever sum a copyright issued under the provisions of this bill will be worth to an alien author will be added to the price of his book. If the increase of the cost of literature stopped there it would not be perhaps an onerous burden, but the native author would avail himself of the opportunity to increase the price of his product.

The logical and inevitable result of this measure will be, not only to increase the price of foreign literature, but native production as well.

The fact that for more than one hundred years Congress has failed (though often appealed to) to enact a law like the one proposed, is very significant. It would seem from this that the legislative construction of that provision of the Constitution which provides for securing for limited times to authors the exclusive right to their writings limits the right of protection or the duty of Congress to authors who are citizens of the United States or residents therein.

Under the present system we have just cause to be proud of the rank which American literature has attained, and, while perhaps the lower grades of American authorship may have suffered somewhat from competition with cheap foreign literature, there certainly can be no complaint of that sort from the higher grades.

I suppose, Mr. Speaker, that, notwithstanding any argument that may be made or any appeal that may come from the people against the passage of this bill, it will be passed. There seems to be a mania for that kind of legislation which will burden the people for the benefit of classes. It appears that no industry, no business, no association, is content to depend upon its own merits for success, but under color of law the people must be robbed to swell its profits.

I now yield ten minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, it seems to me that the gentleman from Connecticut has based the support of this bill upon the only foundation upon which it can stand, which is that a man has a natural right of property in his ideas. Now, if that be true neither Congress nor any State Legislature has any right to fix any limitation upon the period when that right shall expire. If a man has a natural right of property in an idea, just as he has in a horse, or in a house, or in a tract of land, or any other species of visible property, he possesses that right until he alienates it. My friend, however, quoted the Declaration of Independence to show that according to our creed every man has certain inalienable rights as well as certain alienable rights, which rights governments are ordained to secure. Among the inalienable rights mentioned in the Declaration are the right of life, liberty, and the pursuit of happiness. These we can not sell. We can not alienate them.

But there are rights which a man can alienate, which are his rights to property and the product of his labor. If, then, an idea is a natural right which belongs to the man who announces the idea, Congress can not undertake to limit the possession of that right for seventeen years, as it does the copyright. That right goes with him until he parts with it for a consideration; and if he does not part with it it descends to his heirs. If that be true, Copernicus or his heirs have a right to the ideas enunciated by him; and if that doctrine be correct they could enjoy any man from teaching in this country that the earth revolves around the sun, instead of the sun revolving around the earth. This is his property, his natural right. The descendants of Sir Isaac Newton would have the right to enjoy any man from teaching the science of gravitation, which he discovered and enunciated, because it was his by natural right. His heirs can stop any man from talking it or teaching it without buying it from them.

But, Mr. Speaker, it seems to me that this doctrine carries its refutation upon its own face. When a man announces an idea to the public he dedicates it to the public and it is public property, and he has no right over it except the right that may be given by the favor of the state. Now, it was part of the policy of our fathers when they established this Government to encourage learning and invention. They gave a monopoly, not that they would protect any right for a given term of years and then withdraw that protection and permit it to be plundered by robbers and taken from the citizen. They did not say that; but they said to encourage these things they would grant a monopoly for a given time as compensation, and that is all there is to this thing.

Now, should we do that? Should we give a monopoly to the foreign author? What is to be gained in giving it? For what purpose is it to be given? Of course it is to increase the price of the author's book, and that seems to be to inaugurate a policy to arrest the progress of our civilization, to stop the education of our masses, and to turn back the car of progress, and depart from the policy of the American people, whose Government differs from the government of all the peoples of the earth. Our Government rests on the intelligence and virtue of its people. This is to turn it back and run it the other way. Now, is it wise to do this thing? It is said by the great philosophers and scholars of the world that while Europe has many men who are greater and more learned than those of our country, yet in the diffusion of intelligence among the masses we stand far above all other people in the world, and it is because our common people have cheap literature and are a reading people. Now, in the interest of foreign authors we are asked in this Congress to enable them by a copyright law to double, perhaps treble, the price of this literature and dry it up as a source of education. What is the benefit to be derived by doing so? Simply if we grant this boon to foreign authors foreign governments will grant it to our authors. The price is too high for us to pay. [Applause.]

Mr. CULBERSON, of Texas. How much time did the gentleman consume?

The SPEAKER *pro tempore* (Mr. LODGE). Six minutes.

Mr. CULBERSON, of Texas. I now yield to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, there are four parties directly interested in this legislation. Those four parties are the foreign reader, the foreign author, the American reader, and the American author. It seems to me, in the consideration of this legislation, we should apply the crucial test applicable to all legislation. We are a Government of the governed, a Government of the people, and the object of all legislation should be to secure the greatest good to the greatest number. If this legislation secures the greatest good to the greatest number, then, according to all political economic rules, it is right; if it does not secure the greatest good to the greatest number, it is wrong.

Now, I apply this test to this proposed legislation, and I inquire, first, where is the good to the greatest number to come from? I leave out of consideration the foreign reader and the foreign author, because we are legislating for the American people. Our doors are open wide to the people of all nations to come here and enjoy the benefits of our Government, but they must come here and assimilate themselves with our civilization and our citizenship. We do not legislate for a foreign person, a foreign author, or a foreign reader. Our charity begins at home. There is a certain amount of selfishness in this, but it is that very selfishness which is the foundation of the home, and that is fostered by love, the grandest attribute of humanity. Then we pass to the right of the other two parties that are to be considered in this legislation, the American author and the American reader.

The gentlemen who advocate this bill claim that it will be a benefit to the American author; concede this. Will it benefit the American reader?

This, then, is the important question. Is this legislation for the benefit of the American reader, because it will be conceded without argument that American readers number more than American authors. It has been stated by the gentleman who opened this argument on yesterday that this bill would tend to cheapen the literature of this country. I think that is antagonistic to the logic of the situation. If it cheapens the literature to the masses of the people, then in what manner can it benefit the foreign author or the American author? What is the ob-

ject of this legislation confessedly? It is for the benefit of the American author and for the benefit of the foreign author.

If the protection of the American author calls for the repression or oppression of the American reader, then as a proposition it is wrong, because it does not produce the greatest good to the greatest number. The object of this bill confessedly being to increase the value of his literary production to the foreign author and to the American author, it must of necessity increase the price to the American reader or consumer. There is no argument, it seems to me, that can change this conclusion.

Mr. DOCKERY. "The duty is added to the cost of the article." [Laughter].

Mr. PETERS. I will not enter into the tariff question, Mr. Speaker. It has not anything to do with this case. I am simply arguing that, in order to secure the greatest good to the greatest number the greatest number and their interests must be taken into consideration, and in taking them into consideration, if the rights of a certain few must be infringed, then that is within the scope of legislation.

Mr. BRECKINRIDGE, of Kentucky. Is not that a first-rate argument for taking the two hundred millions which Mr. Jay Gould is credited with possessing and distributing them among you and me and other worthy gentlemen who have not so much money?

Mr. PETERS. It is a very strong argument in favor of prohibiting just that kind of accumulation, and if there is anything in this bill one of its objects is to facilitate such accumulations. In other words, if the gentleman's question means anything, it means that the American author shall be allowed to accumulate wealth at the expense of the American public, and I wish to utter my protest against any legislation of that kind.

Mr. BRECKINRIDGE, of Kentucky. If I understood the gentleman, I understood him to say that, if the right of a few had to give way in order to secure the benefit of the many, then the rights of the few ought to give way. I am not speaking of privileges now, but of rights. That is the merest socialism, it seems to me.

Mr. PETERS. The idea advanced by me was that in bringing about legislation which would secure the greatest good to the greatest number, even if the rights of the few were necessarily infringed, it was right to pass that kind of legislation.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CULBERSON, of Texas. I yield five minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. PAYSON. Mr. Speaker, in order that the gentleman from Kansas may have an opportunity to conclude what he desires to say, I will state that the understanding between myself and the Speaker of the House is that I am to be recognized when the time of the gentleman from Texas [Mr. CULBERSON] shall be exhausted, and out of my time I will yield the gentleman from Kansas five minutes, so that he may occupy ten minutes now.

The SPEAKER *pro tempore*. The Chair only knows that there is twenty-three minutes remaining in opposition to the bill and forty-seven in favor of it. He does not know what arrangement has been made with the gentleman from Illinois.

Mr. ANDERSON, of Kansas. How much time have I, then, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman is recognized for five minutes, yielded to him by the gentleman from Texas [Mr. CULBERSON], who, the Chair understands, has control of the time in opposition to the bill.

Mr. ANDERSON, of Kansas. Mr. Speaker, in five minutes I can only say that this bill is for the express purpose and will certainly have the effect of absolutely prohibiting the bringing into America of any foreign publications. It goes to the extreme extent that even a passenger on shipboard, having in his possession a book printed and bought in England, can not bring that book ashore at New York unless he can produce at the time the certified permission of the holder of the American copyright, attested by two witnesses. Such rigidity of the prohibition of importation can not be exceeded. What will be the effect of such legislation upon the American people?

The effect will be that the American publisher will have a complete monopoly of all publication. To-day he is checked by the competition created by the cheap reprints of foreign literature. None of us will pay a dollar and a quarter for a book when we can go to the news stand and buy an equally good one for 20 cents, and this fact is a powerful brake on the rapacity of American publishers. The whole American reading public will take the cheaper book, and the result is that the American people obtain a cheaper and greater variety of books and magazines than any in the world. This bill is to enable our great publishers to control not only the writings of American authors, as they now do under existing law, but in addition the writings of all foreign authors of every nationality, so far as their circulation in this country is concerned.

What will be the effect of that upon the American press, upon the country newspapers in our several districts, from which the great body of the American people derive their information and amusement? The effect will be simply this. What are known as the "patent in-

sides" are published by syndicates. The people want some stories, some fun, some historic facts, and these are furnished how? Largely by making extracts from foreign works, by reprinting the best short stories in the English magazines, or, as serials, the novels of the best current writers, such as Rider Haggard and others; but should this bill become a law our papers can not make such publications at all, any more than they can, without permission, publish Mark Twain's works or The Hoosier Schoolmaster.

Therefore, solely for the benefit of the American publisher and for the benefit of the English author, you propose by this bill to strike a deadly blow at every man, woman, and child in the country who reads our papers. Now, we are ready to tax ourselves under the present copyright law for the benefit of the American author. Why? Because he is one of us. But here it is proposed to tax the American reading public for the benefit of whom? Of an American, of a man paying taxes with us, of a man loyal to our flag? Oh, no. You propose to tax the American public for the benefit of the English author.

The American people are liberal, just, and generous, and are ready to go to the extent of existing law; but when you ask us to go to the extent of enabling American publishers, a few great houses, to form monopolies and trusts (like the school-book trust of which we read in the newspapers but the other day), at the expense of the country press and of the reading public, you are going very much further than I, for one, am willing to go.

Gentlemen say this bill will benefit the Typographical Union, and therefore the Typographical Union is for it. If it will do so at all it will have that effect simply in the few great cities where foreign works are published. It would take work away from the members of the Typographical Union on the country paper and in that region of country where foreign books are not published.

The number of compositors engaged in setting up foreign books, as compared with those at work on the daily and weekly papers and other domestic work, is relatively very small indeed, and just to the extent that this bill, if enacted, would concentrate type-setting in a few Eastern publishing houses it would detrimentally affect Western and Southern printers.

And, too, there is another fact which American compositors will not overlook. To-day a large number of them obtain employment in those establishments which reprint foreign works in cheap editions, such as the Seaside, Harper, and other libraries, selling at from 10 to 20 cents a number, and containing the works of Dickens, Thackeray, Macaulay, and other standard authors. This bill would throw them out of work, and, because of the higher prices the American publisher would ask for these books if he alone held the copyright, fewer books would be published and fewer printers employed. So that, so far from increasing type-setting, this bill would garrote the present business.

These compositors would not find work in those houses which alone could publish foreign works, because these establishments would not have an increase of business equal to the whole business of to-day. The effect of the bill on compositors would be, first, to decrease the demand for their skill and, second, to transfer that demand from the whole country and from every interior city, town, and village to New York, Philadelphia, Boston, and Chicago. No class of men are more intelligent than American compositors and no men anywhere are less apt to suffer themselves to be used for the exclusive benefit of Eastern publishers.

Mr. Speaker, I have been here long enough to ascertain this general fact, namely, whatever may be the reasons for the passage of a bill and however proper and cogent those reasons may be, they are never the reasons which are assigned for its passage; the true reason is always different from the one alleged. The allegation here is that this measure is for the benefit of the American author and for the benefit of the American typesetter. It is for the benefit of neither the one nor the other; it is chiefly, if not solely, for the benefit of the publisher. The author and the typesetter are brought in simply as cat's-paws; that is the inside truth of the case.

There is no man on this floor who will go further than myself in awarding not only praise but sterling profit to every American author, but I can not go to the extent of taxing American citizens for the benefit of English, French, and German authors. If foreign writers want the benefit of our customs, let them come here and become American citizens. Certainly, in order to serve their ends, I will not go to the extent of absolutely prohibiting the importation of any foreign book.

[Here the hammer fell.]

Mr. CULBERSON, of Texas. I believe I have now nine minutes remaining?

The SPEAKER *pro tempore*. Six minutes.

Mr. ADAMS. How much time remains on each side?

The SPEAKER *pro tempore*. The gentleman from Texas has six minutes, and the gentleman from Illinois [Mr. PAYSON] fifty-two minutes.

Mr. CULBERSON, of Texas. I yield the remainder of my time to the gentleman from Mississippi [Mr. STOCKDALE].

[Mr. STOCKDALE withholds his remarks for revision. [See Appendix.]

Mr. ADAMS. If it is the desire of my colleague, I will yield ten minutes to the gentleman from New Jersey [Mr. McADOO].

Mr. PAYSON. That is entirely satisfactory to me.

Mr. McADOO. Mr. Speaker, the first copyright law was written on the tablets of stone on the blazing mount in the refulgent presence of God by Moses and was contained in these words: "Thou shalt not steal," and the first opposition by the first thief to this part of the moral law was contained in the cry of monopoly as against exclusive property in anything.

Now, Mr. Speaker, this question ought to be presented on broad and general grounds. If a man in any part of the world takes his skill and his talents and devotes himself with labor and patience to the making of a delicate piece of mechanism, like a watch, that work becomes his property and the whole civilized world within and without the country where it is made at once, when he makes it, stands up and says to every other man, "Hands off; that is his property; it was made by him, and the work belongs to the maker." But if that man turns his skill and talents and labor and patience to making a book and implanting in it his ideas and thoughts, the moment it goes beyond the narrow confines of his own country the whole world is at once in chase and larceny of the book becomes respectable. [Applause.]

Mr. Bryce, in his American Commonwealth, devoted, I suppose, many years—I do not know how long—to the collection of facts and statistics for the most remarkable and interesting analysis of our Government and people that has ever been put in print, a great work of a man of marked ability and scholarship, involving immense labor and thought, in some respects the leading book of our times; to-day, gentlemen in the Congress of a free and civilized people cry out because through a technicality of existing law it is beyond the hand of larceny.

Under the moral law and in all honesty, there is not a scintilla of ground upon which any opposition can be made to this bill. Charity, says the gentleman from Kansas, begins at home. Well, charity may begin at home, but charity does not consist in stealing all you can to support your family. [Laughter.] We talk of literature as the republic of letters, but under the law as it prevails to-day it is only the domain of pirates, in which larceny is legalized and theft made respectable. [Applause.]

In the brief time that is allotted to me in this discussion I can not go into the details of this question, but I wish to say a word to gentlemen insisting that we are going to rob the American youth of this country on the farms and in the workshops throughout the land of much mental food. Why, they say the poor boys out on the farms of the West will have the cost of good books and the kind of literature they get increased to them. All the good books and all the English classics, all the works worthy of reproduction up to this time, have long since passed out of the range of copyright, and every publisher in the United States, as gentlemen must know, is at liberty to print any one of them from Shakespeare right on down to the present time, almost without exception, for this law is not intended to be and can not be retroactive.

But what are the splendid specimens of foreign literature, mostly English and French, that you are going to rob the young men on the farms of by making them more expensive to them, if this copyright law shall pass? I have in my hand a catalogue of one of the Stealside Libraries, and I desire briefly to call your attention to a few of these productions: A Willful Woman; Ladybird's Penitence; Her Own Deception; We Kissed Again with Tears; The Man with the Broken Ear; The Black Poodle; The Mother's Secret, or Whose Child was She? [Laughter.]

We are told that all the poor boys of Kansas can not get this foreign literature; that they are absolutely going with that enigma unsolved, unless the copyright law can be defeated. [Laughter.]

The King of the Gamblers; Exchange no Robbery, or Fated by a Jest.

Mr. CANNON. That is the kind of literature that you are anxious to get a copyright for? [Laughter.]

Mr. McADOO. Here are a few more of these prized foreign works:

Only a Woman; Lord Lynne's Choice; Lady Gwendoline's Dream; A Bridge of Love; The Fatal Lilies; Wedded and Parted; A Bride from the Sea; Fair but False, and the Heiress of Arne; The Earl's Atonement; A Struggle for a Ring; Lady Damer's Secret; Put Asunder, or Lady Castlemare's Divorce; For Another's Sin, or a Struggle for Love; The Golden Pig; Satan's Coach; Zig-Zag the Clown, or the Steel Gauntlets; How Snooks Got Out of It; Portia, or by Passions Rocked; Lady Brankmere; Lady Valworth's Diamonds; Bread and Cheese and Kisses; Lil Fair With Golden Hair; Destiny, or the Chief's Daughter; Led Astray, or La Petite Comtesse; From Olympus to Hades; The Man With Three Eyes; The Emperor's Picture; The Sorrow of a Secret, or Lady Carmichael's Will; My Own Child; A Harvest of Wild Oats; Lady Beauty, or Charming to Her Latest Day; The Lady's Walk; The Laird of Norlan; Lady Marabout's Troubles; The Little Earl; Wanda, Countess von Szairas; Princess Napraxine; The Prince of Wales's Garden Party and Other Stories; The Bar-Maid of Battleton; The Head Waiter; Mr. Waasez's Great Trouble; Milly's Hero; The Man She Cared For; The Heir to Ashley; The Lost Bank Note; The Nobleman's Wife; The

Haunted Tower; Lord Oakburn's Daughters; Johnny Ludlow; Anne, or the Doctor's Daughter; The Mail Car Robbery; The Princess of Brunswick-Wolfenbüttel; The Ballet Dancer's Husband; A Shadowed Love; She Would be a Lady; Wedded and Parted; Jessie's Flirtations; The Flirt, or the Life of a Young Lady of Fashion; Pique, a Tale of English Aristocracy; Lover and Lord; One False, Both Fair, or a Hard Knot; Venus's Doves; The Gambler's Wife; The White Witch; Madolin Rivers; A Mad Love; The Mysterious Hunter, or the Man of Death; Just as I Am, or a Living Lie; The Wife's Secret and Fair but False; The Sin of a Lifetime, or Vivian's Atonement; The Shadow of a Sin; Hillary's Folly, or her Marriage Vow; A Gilded Sin and a Bridge of Love; A Dead Heart; Two Kisses; Like no Other Love; My Sister Kate; Between Two Sins, or Married in Haste; The Belle of Lynn, or the Miller's Daughter; The Earl's Error and Arnold's Promise; An Unnatural Bondage and That Beautiful Lady; A Nameless Sin; A Ball-Room Repentance; My Lord and My Lady; The Mystery; Lady Adelaide's Oath; or, The Castle's Heir; A Hidden Terror; The Woman I Loved and the Woman who Loved Me.

Mr. BLAND. Is that the literature you want to copyright?

Mr. McADOO. These are the books, the cheap reprints of which are now scattered all around the country, which under a proper copyright law would be replaced by wholesome American and foreign works. Every vote against this bill is a vote to continue among our young people this kind of foreign literature. With a proper system of copyright we will produce a literature in the United States which will be racy of the soil and in keeping with our institutions. [Applause.]

Mr. PAYSON. Will the gentleman yield for a question?

Mr. McADOO. I have but a few moments. If you will yield me five minutes more I will answer any questions.

Now, I make another charge against this system, that instead of helping the American youth by making cheap good literature you are absolutely undermining American institutions by a literature that is insidiously and in spirit against our system and against our institutions. [Applause.] I have in my mind at this time a popular foreign authoress whose books in this cheap library style are scattered all over the United States, including Kansas, and the whole scope of her philosophy is exemplified in the idea that no man can be a hero unless he is "Lord" John and no woman can be a heroine unless she is "Lady" Mary. John Jones and Mary Smith are common, ordinary, nasty people, suffered only to exist by the largeness of christian charity. [Applause.] Every popular movement for freedom and against feudalism is wicked, vicious, and savage. Nice doctrine for American homes! That is the literature to be protected; these are the cheap books that find their way to the farms, workshops, and homes of the people.

Is it any wonder that after you have educated, to misuse the word, the American youth with this vast sea of cheap, nasty, trashy literature which this country under the existing state of affairs is polluted with, when an American junkman or a man who has stolen railroads by the legerdemain of speculation retires from active pursuits with some millions of dollars gained, may be in handling old bottles or rags or more questionable means, and goes over the sea, there is a placard upon the shoulders of his daughter educated in this literature that she is for sale, and she is sold in open market to some wretched titled *roué*, some worthless debauchee of an alleged nobleman with only a coronet worked on his handkerchief and a pocketful of bad debts? [Applause.] That is the result of that class of literature; that is the literature that gentlemen want disseminated in Kansas and elsewhere throughout the United States; the literature they would have made cheaper, if possible, by voting against this bill.

But, Mr. Speaker, instead of that, if we can have a copyright in the United States such as this bill proposes, we can get a class of literature adapted to American spirit and soil and in harmony with our institutions; in other words, a literature for our people, about our people, and which will be American in the full meaning of the word. Heaven pity the country whose literature is foreign in motive and spirit. Good books photograph the thoughts of great minds; splendid thoughts start the whole machinery of civilization. American ideas are revolutionizing the world, why not American books with American spirit for American readers? Do Kansas and Illinois want only foreign books with anti-republican principles? The English classics you admit are safe and can not be reached by any copyright law.

Then, in the name of American genius, let us depend for the future, somewhat at least, upon American Carlyles, Ruskins, Balzacs, Tennysons, Brownings, Goethes, Spencers, and Mrs. Craiks. A vote against this bill is for the arch enemies of republican government and in favor of its tory enemies. Is it any wonder that the great heart of that good man and splendid leader of higher civilization, Gladstone, favors this law? Every vote against this law says to struggling American genius, "We do not want your productions, because under existing conditions we can steal foreign works and no questions asked." You laud Dickens and kindred authors, but you can not get them here if their works must compete with legalized larceny.

Even at the worst to those patriots and everlasting friends of the people who clamor for foreign works of the latest issue the increased cost of their darling publications, I am credibly informed, will only be increased 10 per cent.; that is, a 20 cent foreign novel will then cost

22 cents. It is too bad, I am sure, that our youth should be fined 2 cents for the mental nutriment contained in "Lord Blast-me-eyes's adventures in American society, or a cruel crisis in the deepest dungeon beneath the castle's moat."

Hear a few words from that splendid body, the International Typographical Union:

These gentlemen talk of the "monopoly" that would be exercised by authors and of "syndicates of the great publishers" controlling the literature. These are large and obnoxious terms, but they are absurdly inapplicable to the conditions and possibilities of literary production. The author to whom is given under a copyright the privilege (enjoyed by every other producer) to control the property he has produced doubtless possesses, in the dictionary sense of the term, a "monopoly" (that is, the sole right to sell), but he has no "monopoly" in the generally accepted use of the term. He has no control over his subjects or even over the facts collected by his labors.

If you give to Mr. Bryce an American copyright for the great work through which he has conferred so exceptional a service upon our people, you give him no monopoly over his subject or over his facts, no such practical monopoly, for instance, as has been given to the owners of the Bell patents in the article of telephones. The subject of the history and the character of the American Government is as available for other writers since Bryce has written as it was before. In fact, it is more available, for later writers may now have the advantage of the facts and information collected by Bryce's labors.

A copyright would give him the control simply of the form of words in which he presents those facts.

On the other point it is only necessary to say that literary production can not be, and never, in the history of copyrights and of publishing, has been controlled by syndicates. If ever any publisher or group of publishers attempted to "corner the market" on any particular class of books, the incentive to further literary production would promptly swamp them and their "corner." Under sufficient incentive of ownership and compensation, the supply of literary activity is practically limitless and could never be restricted. As a result, in all the history of copyrights, domestic and international, the thing has never been done, and has, in fact, never been attempted. During the century in which American authors and publishers have had such a monopoly over the production of American books they have supplied these books in cheap editions for their readers simply because it has paid them to do so, and it has already been pointed out how much the production of cheap books in Europe has been facilitated by the international copyright obtaining between the states of Europe.

The gentlemen tell us they are in favor of international copyright, but not of this particular measure. We can only say that in all the previous attempts to secure an international copyright, attempts represented by bills of varying kinds, we do not find any record of the co-operation either of these eminent counsel or of their client. We may be pardoned for remembering that it is a very old method of delaying reform, and of postponing the remedying of injustice, to claim to be in favor of a principle and at the same time to oppose any practical measure for carrying such principle into effect. The pending bill is, as we claim, a practical measure, and it is the first measure for copyright ever presented in Congress that has come with a large public opinion to back it, and that has secured the favorable attention of Congress.

Our opponents, with a noteworthy interest in the welfare of the book-trade, contend that the effect of the proposed copyright must be to concentrate the publishing business in the hands of a few Eastern houses and to crush out the beginnings of publishing in the West. The Western publishers and book-sellers, who are cordially supporting this measure, will tell you a different story. They can explain that under the present "scramble" system they are not in a position to compete with Eastern houses, but that with a system under which they can at their leisure purchase or arrange for copyrights of foreign books, they look forward to an active and wholesome development of publishing centers throughout the West.

To sum up, we ask for a favorable report for this bill:

1. For the sake of the wholesome development of American literature, which is seriously hampered by the present anomalous condition of literary property.
2. As a matter of justice to American authors, a class of American producers who have been placed at a peculiar and iniquitous disadvantage in competition with unpaid-for foreign productions.
3. As a matter of justice to foreign authors, who are entitled to compensation from American readers benefited by their labors.
4. For the sake of the American reading public, who, under an international copyright (and in no other way), will have provided for them at lower prices than are now practicable the best literature in the world, in decently printed and correct texts, and who will secure much better "value" for each dollar expended in literature than can be given to them under the present wasteful "scramble" system.
5. For the wholesome development in this country of all the trades connected with book manufacturing.
6. For the sake of the good name of the American people, who are, we are convinced, no longer willing to stand alone among the civilized nations of the world in declining to recognize literature as property or to do justice to its producer.

Yesterday the gentleman from Illinois asked why we could not go and buy Professor Bryce's book for less than \$6. Now, mark you, I do not want to make the charge that every foreign book is a bad book. That would be ridiculous; but you are driving out the American author. Why, you write a book to-day—one of our Senators, I understand, is preparing a novel which is to revolutionize the literature of fiction—and you go to an American publishing house and say to the publisher: "Take this manuscript and read it and give me a price on it." He will point you to the presses that are standing ready, to the fonts of type, to the compositors at their places, and will say: "Why, I have not time to look at your manuscript. My messenger is now down at the post-office to get the advance copies of the last English novel. I get that for nothing. I can steal it and get it free, and why should I pay you?"

So you drive the best class of American writers out of the field and you get the worst class of literature by American writers willing to prostitute themselves to base and immoral sensationalism, depicting coarse, animal passions and physiological dissections, who, in order to get into the market, are out-zolaing Zola in the foul imaginings they are pouring into our homes.

Give us honest literature, moral literature, the literature of truth, patriotic literature, but do not steal any man's property, whether he lives in England, Ireland, Afghanistan, France, or the United States.

[Applause.] Why should we not pay \$6 for Mr. Bryce's book? In our day of rapid land and sea transit the moment a book comes from the press in any language it has the world for a market. What right, in the name of honesty, religion, or good morals, have you by force of statute law made to repeal those stone tables, deep indented, indited by God and written by Moses, and observed even among the savages, to steal this man's property.

Heaven knows no poor man can prize cheap books for his little store of knowledge more than I do. But, thank God, I have not gotten so low in the sense of right or wrong that I can stand and rub my hands complacently before shelves of stolen copyrights and say, "Ah, ha! Mr. Author, how cleverly I have robbed you under the form of law!" When I go to a publishing house to buy that book (Mr. Bryce's) I am told that its price is \$6. I say, "That is horrible; why do you sell it at such a price?" "Oh, well," he says, "it is an outrage caused by a weakness in the present laws. We tried to steal it, but we could not, because they have put into it some portions which are American property (a few pages were written by Americans), and our laws do not permit us to use it without an infringement of the copyright; and therefore we have to charge a fair price, \$6." Why should I not have to pay \$6 for it if it is worth \$6? What law would compel Professor Bryce to sell me a \$20 overcoat, made anywhere from the Ganges to the Potomac, for less than its value? What right in good morals or in honest government have I to rob Professor Bryce of the result of his labors? If I can legally steal Mr. Bryce's work in book form, why can I not compel him to write my letters or take his pocket-book?

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

Mr. MCADOO. I have only a few minutes. I have not got time enough. I am trying to crowd into five or ten minutes what I should have half an hour to state.

Mr. CRAIN. I will give you five minutes of my time.

Mr. MCADOO. You have not got any time. [Laughter.]

Now, Mr. Speaker, in conclusion, a copyright was not needed in the old days. Men lived in narrow provincial confines in the early days. The genius of the human mind was striving "even unto blood" against rocks, gibbets, and barbarism. Brute force frowned on mind. John Milton wrote his poems and Paradise Lost and John Milton's Works and got but \$50 in installments for it. But we are broadening now. Slowly and painfully but surely justice and intelligence are spreading throughout the world. Gross materialism still sneers or frowns on mind and soul, but victory is for the noble and the good against baseness and selfishness. We have the telegraphs and the ocean steamships and quick transit by which we can get the books of the world transferred to our shores in a short space of time. The property in ideas contained in a book within a few days from the time that it is taken out of the press in any country now by quick transit is transmitted around the whole circuit of the world; and the property of a man who writes ought to be respected everywhere. [Applause.]

Mr. ADAMS. I now yield to the gentleman from New Hampshire [Mr. MOORE].

Mr. MOORE, of New Hampshire. There are one or two points in this debate to which I desire to direct the especial attention of the House. It has been charged by the gentleman from Illinois and also by several other gentlemen upon the floor who are opposed to this bill that it will injuriously affect what is known in typographical parlance as the "patent inside" or ready-set newspaper. Now, I am a newspaper publisher from boyhood up. I know all about insides, and I undertake to say that this bill neither directly nor indirectly affects the patent inside in any respect whatever. Patent insides are made up first from the American newspaper, of miscellaneous matter, political, literary, and general. They are made up in the second place from stolen English stories, and every story that is stolen simply takes the place of a story that might have been written and reasonably paid for by some American author. I hold in my hand here a letter from a lady of the city of Washington who is engaged in furnishing short stories for the American press at \$15 per column per week. Now, that lady is deprived of the market, and so is every lady like her engaged in American authorship, by every story stolen from the English newspapers or from the English magazines.

But, in the second place, the bill does not prohibit the importation and use in this country of English magazines. Any American newspaper is at liberty under this bill to secure and use any English periodical of a magazine character. So that the charge made out by these gentlemen against this bill as affecting patent insides, or ready-set newspapers, has no foundation whatever.

Now, what are the general merits of this bill? There are two that demand our consideration. Every American author of note, either at home or abroad, every American author who has helped to build up American literature and give it standing, not only in this country, but in other countries, has pleaded that the American Congress should treat foreign authors just as every other country treats American authors.

And that is the issue here.

Every other country on the earth that is civilized gives a copyright to the American author, and the American author, from a sense of justice and gratitude, asks that the American Congress shall extend to

foreign authors the same privilege that foreign Governments extend to us. Is not that just? Is not that right? In the second place, the great typographical fraternity of this country, the men who do the work of printing the literature of the entire country, ask the American Congress to grant this copyright. They ask it why? Because every foreign work reprinted in this country must be reprinted by American printers. It helps to fill up a market here, and thus the bill is on the true line of American protection to home industry. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMS. Mr. Speaker, I intend to reserve the remainder of my time. I understand that there are but thirty-two minutes left on this side, while there are nearly fifty minutes left upon the other side.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] is recognized.

Mr. PAYSON. I wish my colleague could utilize five minutes of his time now, until I can have an opportunity to look over this list that has been furnished by the gentleman from New Jersey [Mr. MCADOO].

Mr. ADAMS. I can not conveniently do that. I have only half an hour left to close the debate, and I prefer to reserve my time.

Mr. CARLISLE. If the gentleman from Illinois [Mr. PAYSON] does not desire to proceed at this moment and if the other gentleman from Illinois [Mr. ADAMS] will yield me two or three minutes I will say a word upon this bill.

Mr. ADAMS. I will yield the gentleman as much time as he desires. Mr. PAYSON. I shall be glad to have the gentleman from Kentucky [Mr. CARLISLE] proceed now.

Mr. CARLISLE. Mr. Speaker, in the very few minutes that I shall occupy it is not my purpose to discuss the details of this measure, because I have not had the time or opportunity to give them that investigation which would be necessary in order to justify me in attempting to do so. I shall support this bill, not on account of the particular provisions contained in it, but on account of the general principle involved. I have never been able to see why a man is not just as much entitled to protection in the ownership and control of the product of his genius and intellectual labor as in the product of his manual labor, and, in fact, every literary work involves to a large extent manual labor. There may be, indeed I know there are, one or two provisions in this bill which do not meet my approval, and if amendments are offered to strike them out I shall vote in favor of those amendments; but, on the general principle involved, which is to protect authors for a limited time in the control of their own property, I can not refrain from giving this bill my support.

Moreover, Mr. Speaker, this is to a large extent a measure of reciprocity. Other countries have granted the same rights or even greater rights to our authors than this bill proposes to grant to theirs. Mexico, Guatemala, Venezuela, and perhaps other countries south of us, not so far advanced, it is ordinarily supposed, as we are in many important matters, have laws which provide for the granting of copyright in perpetuity to foreign authors. European governments, many of them, have passed laws and established regulations under which our authors can enjoy certain rights which theirs can not enjoy in this country, and we ought to meet these nations, it seems to me, something like half way, and show a disposition upon our part to do justice to their people while they are trying to do justice to ours.

There is one provision in particular in this bill to which I do not agree and which I understand the gentleman from Illinois [Mr. PAYSON] has moved to strike out. That is the provision which absolutely prohibits the importation of these copyrighted books from other countries into this country during the existence of the copyright. I do not see the justice of that provision. It is certainly not a provision for the benefit of the author of the work, the man who really owns and ought to own and enjoy the property rights in it, because the imported copies will be protected by his copyright here and in his own country as well as the copies published here. It is simply, therefore, a provision to restrict trade in this literature, and I think it ought to be stricken out. But, without detaining the House further, I repeat that my support is given to the bill, not on account of its particular provisions, which even if they be wrong may be amended hereafter if they can not be amended now, but upon the ground of the general principle which it contains.

Mr. CRAIN. Before the gentleman takes his seat I would like, with his permission, to propound a question.

Mr. ADAMS. I would rather that the gentleman from Kentucky would occupy the time himself. The gentleman from Texas [Mr. CRAIN] will understand that my time is very limited.

Mr. CRAIN. I ask the gentleman from Kentucky to extend to me the time necessary for a question.

Mr. CARLISLE. If the gentleman from Illinois [Mr. ADAMS] does not object, I will hear the gentleman's question if it is not long, and answer it as briefly as possible.

Mr. CRAIN. I understood the gentleman from Kentucky to say that he favored this bill because of the general idea that it protected the intellectual product of individuals in this country. I want to ask him if he is not opposed to the idea of protection to the physical products of the American individual, whether he be a manufacturer or not, and I ask him, therefore, how he can consistently maintain the position he takes upon this subject.

Mr. CARLISLE. I am surprised that my friend from Texas should propound such a question. If I have ever, here or elsewhere, said one word in opposition to the protection of the American citizen in the enjoyment and control of his own property, I am not aware of it. What I have said often is that I am opposed to a system which undertakes to protect him against fair and legitimate competition from other quarters. [Laughter and applause on the Democratic side].

Mr. PAYSON. Mr. Speaker, I am opposed to the passage of this bill. I have not prepared a formal written speech to be read in this body, but I have jotted down some head-notes of ideas that have occurred to me in a general way during the progress of the debate, and have collected some facts bearing upon the material questions which I regard as involved in this bill and to which I invite the attention of the House.

The questions involved here, Mr. Speaker, practically affect only the relations between the United States and the Empire of Great Britain and its dependencies. The English-speaking people alone are practically interested in the operation of this bill, we having a majority of that people in the United States.

The proposed legislation is not required as a matter of justice, and in my judgment is inexpedient as a matter of public policy.

These two conclusions I hope to demonstrate. Mr. Speaker, much time has been consumed in the debate over constitutional questions as well as the right, a natural right, as asserted by the gentleman from Connecticut [Mr. SIMONDS], which an author has in the production of his brain. It is not my purpose to discuss any of these questions, because I think a short sentence or two will cover the whole question of right.

Therefore, I assert that there is no abstract right of property in an idea after it has been expressed. The expression of an idea, verbally or in manuscript, is a dedication of it to the hearer or the public to whom it may be addressed; and the protection which shall be afforded the author of the idea is purely a matter of legislative policy in the country where protection is sought, and that alone.

There is no natural right in it or to it; if the law in any way gives protection, to that extent and that only does the right obtain; so the question of protection to literary production is always one of written statute law, and if there is no law there is no right of property.

A natural right of property in ideas is recognized in no country in the world, so far as I know.

But copyright laws are enacted in different countries because of notions of policy, that it is desirable to extend more or less protection in that regard, and upon the principle I have asserted the Constitution provides that Congress shall have power "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

It will be noticed, Mr. Speaker, that the framers of the Constitution did not recognize any natural right of property in a writing by an author or any right in him to an indefinite use of it, but empowered Congress to secure to each author, for a limited time only, the exclusive right to his production.

Under this provision we have had since the formation of the Government copyright laws, substantially as they are now, as to right, by which any citizen of or resident in the United States, the author of a book, etc., upon complying with the requirements of the act, may secure the exclusive right of publication in the Union for twenty-eight years in the first instance, and a continuation of the term for fourteen years if desired; in all, forty-two years.

By our statutes our authors are fully protected; the laws as to them are and have been perfectly satisfactory.

No complaint has come from them, nor should it. The best reading market in the world is tendered to them, and over their productions in it they have absolute control.

The protection of our statute is restricted to citizens and bona fide residents.

Now comes this bill, an anomaly in legislation.

For the first time in the history of American legislation the Congress of the United States is asked to debate and consider a bill which has for its sole purpose, so far as the principle goes, the benefiting of aliens and foreigners at the expense of the American reading public.

On the face of the bill, excepting some matter of detail as to how the rights proposed to be given shall be exercised in printing and other details, the bill has for its object, sole and only by its terms, to give a monopoly of all books of foreign authorship to the foreign author and his publisher, to open to these aliens the vast market of American readers, and without exacting any reciprocal benefits from the country whose authors are thus so vastly aided.

We are asked to give everything, and to foreigners who have nothing in common with us, and who care nothing for us except as we are a source of profit to them.

Nothing like this was ever proposed, and I hope and predict this will fail. Because of what I have said this legislation is not required as a matter of natural justice, and, as I observed at the outset, it is inexpedient as a matter of public policy. To this phase of the discussion I address myself.

The question here presented, Mr. Speaker, is whether the House of

Representatives as a matter of national policy, as a matter of proper performance of public duty, as between ourselves and the people whom we represent, shall permit a change in existing conditions as between American readers and foreigners; whether we shall embark upon a new course in the line of monopolistic legislation, by which the American reading public shall be subjected to the additional charges in the cost of foreign books which will be imposed upon them by reason of the passage of this bill.

What is our condition as a reading people? We are a nation of readers; estimated by a statistician of reputation, we have twenty millions of readers of books in the Union.

We are an educated people; by reason of our excellent system of public and private schools, education is the rule and illiteracy the exception among our people.

No taxes are so cheerfully paid as those levied to support common schools, and this pleasing condition of affairs has caused a demand for a vast supply of standard literary matter, the extent of which is simply overwhelming.

Mr. Andrew Carnegie, in *Triumphant Democracy*, says:

It is estimated there are twenty-three thousand school libraries in America, containing forty-five million books, twelve million more than all the public libraries of Europe combined. Other educational establishments increase this number by two and a half million volumes, and thirty-eight State libraries contribute over a million more. The Congressional Library, the Astor, the Boston City, the Philadelphia, the various mercantile libraries, the Watkinson reference at Hartford, and many others will raise the grand total to much more than fifty million volumes—a book, almost, for every man, woman, and child in the United States.

More than three hundred libraries contain ten thousand volumes each, twelve contain more than a hundred thousand volumes each, and two contain four hundred thousand volumes each. Even this statement but feebly shadows forth the truth as to the books and periodicals of the country as compared with those of other lands, for the American is not only a reader, but he is above all other men a buyer of books. Circulating libraries are not so generally used as in Europe. It is when you enter the home of the American farmer or artisan that you are struck with the number of books and magazines you see, the two or three shelves and often far greater number filled with them.

The universal propensity of the American, young and old, for reading and writing has sometimes seemed to me to lend countenance to Dogberry's dictum that, while a good name was the gift of God, "reading and writing came by nature." These do seem to be part of the nature of the American. Triumphant democracy is triumphant in nothing more than in this: that her members are readers and buyers of books and reading matter beyond the members of any government of a class, but in this particular each system is only seen to be true to its nature. The monarchist boasts more bayonets, the republican more books.

Cheap literature, so that it is good, is an important factor in an economical education; it is of vast importance to the people at large in our country who are workers, wage-earners, supported as well as educated by their manual labor.

Cheap standard books are therefore a necessity, and our people are accustomed to it.

Under existing law, which we have had without change for fifty years, our publishers have filled the land with the choicest books and magazines at the very lowest prices.

By the system of reprinting standard works, not protected by American copyright, our people have been furnished with the best of foreign literature and at marvelously low prices.

I have at hand some statements of prices of foreign books, abroad and here, which I call especial attention to as showing, not only what the foreign prices are, but our domestic prices, and showing the advantage the American reader has in cost, by the enterprise of the American publisher of the reprints.

This list, taken from the testimony given before the committee in 1886, will illustrate practically the relative prices of books in Europe and America which have been reprinted. The correctness of this statement has never been impeached to my knowledge.

Works.	English price.	American price.	American reprint.
Trollope, <i>Life of Cicero</i> , 2 volumes.....	s. d.	\$9.00	\$3.00
Fitzgerald's <i>Life of George IV.</i> .....	24	12.00	2.00
Trevelyan, <i>Life of C. J. Fox</i> .....	18	7.20	2.50
Trevelyan, <i>Life and Letters of Macaulay</i> .....	36	14.40	1.75
Green's <i>History of England</i> , 4 volumes.....	64	25.60	10.00
Kinglake, <i>Crimean War</i> , 4 volumes.....	96	38.40	8.00
Mendelssohn Family, by Kinsel, 2 volumes.....	30	12.00	5.00
Banke, <i>Universal History</i> , volume 1 now ready.....	16	6.40	2.50
McCarthy's <i>History of Our Own Times</i> , complete, 2 volumes.....	48	19.20	2.50
Reid, S. J., <i>Life of Sydney Smith</i> .....	21	8.40	3.00
Rémusat, <i>Mme. de</i> , <i>Memoirs of</i> , 1 volume.....	32	12.80	2.00
Robertson, F. W., <i>Life and Letters of</i> .....	12	4.80	2.00
Taylor, Sir H., <i>Autobiography of</i> , 2 volumes.....	32	12.80	3.00
Wallace, <i>Russia</i> .....	24	9.60	2.00
Allan, <i>Flowers and their Pedigree</i> .....	7 6	3.00	1.50
Bagehot, <i>English Constitution</i> .....	7 6	3.00	2.00
Bain, <i>Poetical Essays</i> .....	4 6	1.80	1.50
Greville, <i>Memoirs of Reign of Queen Victoria</i> , 2 volumes.....	42	16.80	4.00
D'Abrantes, <i>Memoirs of Napoleon</i> , 2 volumes.....	42	16.80	3.00
Hall, S. C., <i>Retrospect of a Long Life</i> .....	30	12.00	2.50
Kossuth, <i>Memoirs of My Exile</i> .....	10 6	4.20	2.00
Lecky, <i>England in the Eighteenth Century</i> , 4 volumes.....	72	28.80	9.00

Works.	English price.	American price.	American reprint.
Burnaby's <i>Ride to Khiva</i> .....	s. d.	\$8.40	\$2.00
Brassey, <i>In the Trades and Tropics</i> .....	21	9.40	5.00
Guy, <i>Enigmas of Life</i> .....	10 6	4.20	2.00
Jackson, <i>Old Régime</i> .....	21	8.40	2.25
Kemble, <i>Records of a Girlhood</i> .....	31 6	12.60	2.50
Lewes on Actors and Acting.....	7 6	3.00	1.50
Maine, <i>Popular Government</i> .....	12	4.80	2.75
Swinburne, <i>Study of Shakespeare</i> .....	8	3.20	1.75
Symond, <i>Renaissance in Italy</i> , 5 volumes, at \$2.....	80	32.00	10.00
<i>Memoirs of Mrs. Jamieson</i> .....	12	5.00	2.50
Morris, <i>Earthly Paradise</i> , 3 volumes.....	40	16.00	4.50
Morris, <i>Earthly Paradise</i> , 4 volumes.....	147	58.80	5.00
Hamerton's <i>Etchers and Etching</i> .....	147	58.80	2.50
Metternich's <i>Memoirs</i> , per volume.....	90	36.00	
Metternich's <i>Memoirs</i> , 5 volumes.....	30	12.00	
Mivart on the Cat.....	10	4.20	2.00
Pfleidem, <i>Influence of Apostle Paul</i> .....	10	4.20	2.00
Rae, <i>Contemporary Socialism</i> .....	7 6	3.00	2.00
Gordon's <i>Journal</i> .....	21	8.40	2.00
The Congo, by Stanley, 2 volumes.....	42	16.80	10.00
Scherer's <i>German Literature</i> , 2 volumes.....	21	8.40	3.50
Stanley's <i>Life of Arnold</i> , 2 volumes (in one).....	24	9.60	2.50
Total.....	1,358 6	545 80	140 90
Average cost per copy.....	\$8.07	12.90	3.35

I add another which I deem of value, and the accuracy of which has not been questioned:

Publications.	Price of cheapest English edition.	Equivalent to 25 cents to the shilling.	Price of cheapest American reprint.
HISTORY.			
Carlyle's <i>Frederick the Great</i> .....	£ 4 10 0	\$22.50	\$7.50
Carlyle's <i>Oliver Cromwell</i> .....	2 5 0	11.25	2.50
Carlyle's <i>The French Revolution</i> .....	1 7 0	6.75	2.50
Carlyle's <i>Past and Present</i> .....	0 9 0	2.25	1.25
Green's <i>History of the English People</i> .....	3 4 0	16.00	.80
Green's <i>The Making of England</i> .....	0 16 0	4.00	.20
Macaulay's <i>History of England</i> .....	0 12 0	3.00	1.25
McCarthy's <i>History of Our Own Times</i> .....	2 8 0	12.00	.40
Lady Jackson's <i>French Court and Society</i> .....	1 4 0	6.00	.40
BIOGRAPHY.			
<i>Memoirs of Madame de Rémusat</i> .....	1 12 0	8.00	.30
<i>Memoirs of Prince Metternich</i> .....	3 12 0	18.00	.80
<i>Froude's Life of Carlyle</i> .....	1 12 0	8.00	.40
<i>Martin's Life of Prince Albert</i> .....	4 10 0	22.50	.20
<i>Caroline Fox's Memories of Old Friends</i> .....	0 18 0	4.50	.20
<i>Mrs. Carlyle's Letters and Memorials</i> .....	1 8 6	7.12	.40
<i>Trollope's Autobiography</i> .....	1 1 0	5.25	.20
<i>Jeffreson's Real Lord Byron</i> .....	1 10 0	7.50	.20
<i>Lord Lytton's Life of Edward Bulwer</i> .....	1 12 0	8.00	.40
RELIGIOUS.			
<i>Life and Epistles of the Apostle Paul</i> , by Conybeare and Howson.....	1 10 0	7.50	.40
<i>Farrar's Life and Works of St. Paul</i> .....	1 4 0	6.00	.40
<i>Farrar's Life of Christ</i> .....	1 4 0	6.00	.20
<i>Geikie's Life and Words of Christ</i> .....	1 10 0	7.50	.40

This list might be extended almost indefinitely. It has been, moreover, confined to books of general culture and of more or less permanent value. The immense mass of novels which form so large a portion of the intellectual amusement of all classes, has been purposely omitted. It is sufficient to state that these are furnished here at from 10 to 20 cents, while in England the standard price of new novels is a guinea and a half, equivalent to \$7.87. Even when novels in England are found to have more than a temporary sale and are furnished to the public at large in a cheap form, after the first demand at high prices is over, such as those of Lever, Bulwer, Dickens, Thackeray, Trollope, Black, and other enduring favorites, the wants of the most economical readers are supposed to be fully met by placing them at prices ranging from 2 to 6 shillings, equivalent to from 50 cents to \$1.50.

Look at this list also:

Publication.	English price.	American price.
Green's <i>History of the English People</i> .....	\$16.00	Cents. 80
Green's <i>Making of England</i> .....	4.00	20
McCarthy's <i>History of Our Own Times</i> .....	12.00	40
<i>Memoirs of Prince Metternich</i> .....	18.00	80
<i>Froude's Life of Carlyle</i> .....	8.00	40
<i>Conybeare and Howson's St. Paul</i> .....	7.50	40
<i>Farrar's Life of Christ</i> .....	9.00	20
<i>Geikie's Life and Words of Christ</i> .....	7.50	40

Look, Mr. Speaker, at the cheapness of the books furnished, as shown by advertisements in our daily papers.

I take one at random from a list on my table sent to the purchaser, postage paid, to any part of the Union.

The books of "The Standard Series" are clearly printed on good paper wholly without abridgment (except Nos. 6-7, 9-10), and are bound in postal card manila. The series contains talks, stories, novels, essays, popular science, self-help, hygiene, history, also commentaries.

We pay the postage.

No.	Title	Price.
1.	John Ploughman's Talks. Spurgeon—Choice of Books. Carlyle.....	\$0.12
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6, 7.	Life of Christ. Farrar.....	.50
8.	Carlyle's Essays.....	.20
9, 10.	Life and Work of St. Paul. Farrar.....	.50
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27.	Calamities of Authors. D'Israeli.....	.20
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45.	America Revisited. Sala.....	.20
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74.	Opium—England's Policy. Liggins.....	.10
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80.	Life of Cromwell. Paxton Hood.....	.25
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82.	American Humorists. Haweis.....	.15
83.	Lives of Illustrious Shoemakers. Winks.....	.25
85.	Highways of Literature. Pryde.....	.15
87.	Essays of George Eliot. Sheppard.....	.25
88.	Charlotte Brontë. Holloway.....	.15
90.	Successful Men of To-Day. Crafts.....	.25
91.	Nature Studies. Procter.....	.25
92.	India: What Can It Teach Us? Fuller.....	.25
93.	A Winter in India. Baxter.....	.15
94.	Scottish Characteristics. Paxton Hood.....	.25
95.	Historical and Other Sketches. Froude.....	.25
96.	Jewish Artisan Life. Delitzsch.....	.25
97.	Scientific Sophisms. Wainwright.....	.25
98.	Illustrations and Meditations. Spurgeon.....	.25
100.	By-ways of Literature. Wheeler.....	.25
101.	Life of Martin Luther. Köstlin.....	.25
103.	Christmas in a Palace. Hale.....	.25
104.	With the Poets. Canon Farrar.....	.25
105.	Life of Zwingli. Grob.....	.25
106.	Story of the Merv. O'Donovan.....	.25
108.	Memorie and Rime. Joaquin Miller.....	.25
109.	Christianity Triumphant. Newman.....	.15
111.	My Musical Memories. Haweis.....	.25
113.	In the Heart of Africa. Baker.....	.25
114.	The Clew of the Maze. Spurgeon.....	.15
115.	The Fortunes of Rachel. Hale.....	.25
116.	Chinese Gordon. Forbes.....	.15
117.	Wit, Wisdom, and Philosophy. Richter.....	.25
119.	The Home in Poetry. Holloway.....	.25
120.	Number One; How to Take Care of Him.....	.15
123.	'49—Gold Seeker of the Sierras. Miller.....	.15
124.	A Yankee School Teacher. Baldwin.....	.25
126.	Life of Wycliffe. Wilson.....	.25
130.	Christmas in Narragansett. Hale.....	.25
131.	Edwin Arnold as Poetizer and Paganizer.....	.15
134.	Howard, the Christian Hero. Holloway.....	.25
138.	The Timid Brave. Harsha.....	.15
143.	Talks to Boys and Girls about Jesus. Rev. Wilbur F. Crafts.....	.50
144.	Finch's Speeches. John B. Finch.....	.30
146.	The Drink Problem. Axel Gustafson.....	.15
147.	Back Streets and London Slums. Hastings.....	.20

It has been intimated more than once in this debate that the cheap reprints of books are in the main trash, worthless stuff, not to mention that lower order of literature which should be proscribed. Mr. Speaker, nothing could be further from the truth. I assert upon the very best authority that the proportion of trashy, worthless books is vastly less in the reprints than in copyrighted American books; that as a whole the reprints are of a higher and preferable class of literature, and an inspection of the catalogues will show it.

Of this I challenge contradiction, but I shall not hear it.

I quote from a recent paper on this subject of reprints:

Under this régime an entirely new industry was created. Not only novels and a vast mass of cheap literature, morally cheap, but vast numbers of scientific and historical works are printed in pamphlet form for a price within the reach of any laborer in the farthest village on the frontiers of civilization. Dickens and Spencer, Darwin, Tennyson, Thackeray, and in a word the works of the best writers issued in 20-cent editions find their way into every nook and corner of the continent, into workshops, farmers' houses, and ministers' libraries. A perfect shower of honest, stimulating, and priceless literature falls upon the land, and in order to meet the demand thousands of wage earners are employed, and, it is estimated, upward of five millions of dollars invested. It is perhaps one of the best things that ever happened in this country, for it helps to make us a reading people.

Have members a clear idea as to the ruling prices of standard books—reprints—in this city?

I have some illustrations. I took occasion to go down to a bookstore in the city here to see what the price of books was, books in common use to-day; and I found—and I give the proprietor of the store the benefit of this advertisement, because I want to show where I got the information—I found at Baum's store, on Seventh street, an immense stock of these books, a whole basement filled with them. What do I find there? I ask your attention to this:

Dickens's works, fifteen volumes, bound in cloth, illustrated, of a character of binding that I would be satisfied with in my own library as well as the people about me, \$5, or 33½ cents per volume.

Thackeray's works—trash? No, sir; at the same price.

An elegant set of the British authors at 33 cents per volume.

The Waverly novels at 33 cents per volume.

Guizot's History of France, 63 cents per volume.

And on the same shelf, side by side, some books published under the copyright system. I find the works of Miss Louisa Alcott, \$1.50 per volume; Ben Hur, by General Wallace, of Indiana, \$1.50. And I make a statement, Mr. Speaker, and I challenge its contradiction, that books of that style, and in fair cloth binding, selling under our copyright system for \$1.50 per volume, can be furnished to the American reading public by American publishers if the copyright were not in existence at not exceeding 40 cents per volume. Pass this bill, and that increased price would be the result as to the literature of the future.

I found there, also, a large supply of 12mo books neatly, strongly bound in cloth, good paper and type, at 29 cents a volume, and as so much has been said of the "cheap and nasty" authors I present this list, reading only a few, but will print the list:

BEST EDITION OF CAXTON 12mos.

[129 volumes. 1887 edition.]

The largest and best assortment published. Printed on good paper, from new plates, large, clear type, and handsomely bound in cloth, black and gold. Price per volume, 75 cents.

1. Adam Bede. George Eliot.
2. Adventures among the Indians. Kingston.
3. Admiral's Ward. Mrs. Alexander.
4. Esop's Fables. Over 100 illustrations.
5. Airy Fairy Lillian. "The Duchess."
6. All in a Garden Fair. Besant and Rice.
7. Andersen's Fairy Tales.
8. Arabian Nights Entertainment.
9. Arundel Motto (The). Mary Cecil Hay.
10. Belinda. Broughton.
11. Beyond Pardon. Bertha M. Clay.
12. Called Back and Dark Days. Hugh Conway.
13. Cardinal Sin (A). Hugh Conway.
14. Cast up by the Sea. Baker.
- 14½. Charles O'Malley. Lever.
15. Christmas Stories. Dickens-Collins.
16. Children of the Abbey. Roche.
17. Complete Letter Writer. Handford.
18. Cruise of the Black Prince. Cameron.
19. Daughter of Heth (A). Black.
20. Deep Down. Ballantyne.
21. Deerslayer. Cooper.
22. Dickens's Child's History of England.
23. Dickens's Shorter Stories.
24. Dickens's Story Teller.
25. Doris. "The Duchess."
26. Don Quixote. Cervantes.
27. Dora Thorne. Bertha M. Clay.
28. East Lynne. Wood.
29. Eight Years' Wanderings in Ceylon.
30. Erling, the Bold. Ballantyne.
31. Ethan Brand. Hawthorne.
32. Felix Holt. George Eliot.
33. Fern Leaves. Fanny Fern.
34. Fire Brigade. Ballantyne.
35. Five Years Before the Mast. Hazen.
36. File 113. Emile Gaboriau.
37. For Lillias. Rosa N. Curry.
38. Guy Rivers. Simms.
39. Guy Mannering. Scott.
40. Green Pastures and Piccadilly. Black.
41. Grimm's Popular Tales. Grimm.
42. Gulliver's Travels and Baron Munchausen. Swift and Raspe.
43. Half Hours with Great Authors.
44. Half Hours with Great Humorists.
45. Half Hours with Great Novelists.
46. Half Hours with Great Story Tellers.
47. Her Mother's Sin. Bertha M. Clay.
- 47½. Handy Andy. Lever.
- 47½. Harry Lorrequer. Lever.
48. Hunting in the Great West. Shields.
49. Hyperion. Longfellow.
50. Imitation of Christ. Thomas à Kempis.
51. Tone Stewart. Linton.
52. Ishmaelite. Braddon.

53. Ivanhoe. Scott.
54. Jane Eyre. Brontë.
55. John Halifax, Gentleman. Mulock.
56. King Arthur. By the author of John Halifax.
57. King Solomon's Mines. Haggard.
58. Ladies' Etiquette.
59. Ladies' Family Physician. Chavasse.
60. Last Days of Pompeii. Bulwer.
61. Ladies Lindores. Oliphant.
62. Lady Audley's Secret. Miss M. E. Braddon.
63. Last of the Mohicans. Cooper.
64. Madcap Violet. Black.
65. Mark Seaworth. Kingston.
66. Macleod of Dare. Black.
67. Margaret and Her Bridesmaids. Julia Stratton.
68. Maid of Athens. McCarthy.
69. Midshipman. Kingston.
70. Mill on the Floss. George Eliot.
71. Molly Bawn. "The Duchess."
72. Mrs. Geoffrey. "The Duchess."
73. Murders of the Rue Morgue. Poe.
74. Mysterious Island. Verne.
75. Old Myddleton's Money. Mary Cecil Hay.
76. Oliver Twist. Dickens.
77. Our Mutual Friend. Dickens.
78. Outre Mer. Longfellow.
79. Other People's Money. Emile Gaboriau.
80. Paul and Virginia, Rasselas, and Vicar of Wakefield. St. Pierre, Johnson, and Goldsmith.
81. Partisan (The). Simms.
82. Peter, the Whaler. Kingston.
83. Phantom Fortune. Braddon.
84. Phyllis. "The Duchess."
85. Pilgrim's Progress. Bunyan.
86. Pilot. Cooper.
87. Red Eric. Ballantyne.
88. Rifle and Hound in Ceylon. Baker.
89. Robinson Crusoe. De Foe.
90. Romola. George Eliot.
91. Round the World. Kingston.
92. Rob Roy. Scott.
93. Rory O'More. Lover.
94. Salt Water. Kingston.
95. Sartor Resartus. Carlyle.
96. Scottish Chiefs. Porter.
97. Scout (The). Simms.
98. Shadows and Sunbeams. Fanny Fern.
99. Shandon Bells. Black.
100. She. Haggard.
101. Sketch Book. Irving.
102. Spy. Cooper.
103. Stoddard's Readings and Recitations. Stoddard.
104. Strange Adventures of a Phaeton. Black.
105. Sunrise. Black.
106. Swiss Family Robinson. Wyss and Montolieu.
107. Thaddeus of Warsaw. Porter.
108. That Beautiful Wretch. Black.
109. Three Feathers. Black.
- 109a. Tom Brown at Oxford. Hughes.
110. Tom Brown's School Days at Rugby. Hughes.
111. Tom Cringle's Log. Scott.
112. Tour of the World in Eighty Days. Verne.
113. Twenty Thousand Leagues Under the Sea. Verne.
114. Two on a Tower. Hardy.
115. To the Bitter End. Braddon.
116. Under Two Flags. Ouida.
117. Vanity Fair. Thackeray.
118. Waverly. Scott.
119. Wanda. Ouida.
120. Willy Reilly. Carleton.
121. Washington and Marion (Life of).
122. Webster (Life of). Banvard.
123. Woman's Temptation (A). Bertha M. Clay.
124. Young Foresters (The). Kingston.
125. Yolande. Black.

Not a "cheap and nasty" book by a foreign author among them.

I found a copyrighted translation of Balzac's works, Roberts Bros' edition, at \$1.50 per volume, and on the shelf under these a reprint of a non-copyrighted translation in similar and only slightly inferior binding, at 30 cents per volume.

The World's Library, a large number of reprints by Worthington & Co., all standard works, in excellent cloth, at 25 cents per volume.

Ruskin, all works, stiff paper covers, 20 cents; cloth, 39 cents.

I have shown a large amount of price-lists, Mr. Speaker, because I desire that the House shall be correctly advised, not only as to the character of the reprints, but the prices our people are accustomed to under existing law, and also what foreigners charge when they control the market.

But I have some other information upon this subject. I have in my hand some Kindergarten illustrations. No mistake of fact about these. They are object lessons, as against certain statements made in this debate as to the prices fixed by foreigners.

I am trying to make some practical, rather than fanciful, observations on this bill. Here is an imported book [exhibiting it], entitled Paradox. The cheapest foreign edition sold at \$2.46 in paper covers; the reprint here in cloth is \$1.50. The Admiral's Ward, cheapest edition abroad, \$1.50; the reprint (I have it here) is 20 cents. This book, Germany, foreign price, \$7.20; the American reprint \$3.50.

So of the standard magazines; here they are: Nineteenth Century, Edinburgh Review, and others; the reprint price just one-half the foreign price.

Bryce's Commonwealth, poorly bound and poorly printed, \$6; if it could be reprinted, it could be furnished, a better book, for \$3.

Mr. BOATNER. How much of that is stolen property?

Mr. PAYSON. If the gentleman chooses to call it robbery, he can do so; but if the gentleman had listened to me he would have understood my position. I stated in the outset, and I will repeat myself, that there is no property in literary matter, except that given by the law, and when there is no law on the subject there is no legal wrong in a reprint. But gentlemen can not, by jocular remarks, divert me from the line of argument that I have made on that point. I shall listen to any attempt to refute it.

And so I say that he can not find in any court a decision that holds other than as I have stated; that the right to a literary production depends entirely upon the policy of the Government where that right is affected, and is determined by the statute, and it alone.

Mr. LANSING. What as to inventions?

Mr. PAYSON. Also as to inventions; but a different reason applies there. I am addressing myself now to the question of books.

Mr. FLOWER. You would not touch a mouse-trap.

Mr. PAYSON. Oh, the gentleman from New York ought to be above that, and ought not to interrupt or try to disconcert me, except by my consent. He is an old member.

Mr. FLOWER. Take the steam-engine then.

Mr. PAYSON. If the gentleman from New York desires to interrupt me, and persists in it, contrary to the rules, as he knows, I hope he will do so in a sensible way, in a spirit of seriousness at least, so that he will be entitled to respect. A jeer is no argument.

Mr. FLOWER. I think it is serious.

Mr. PAYSON. The gentleman persists in interrupting me. I want to say that the gentleman from New York is not in the condition that constituents of mine are in, for whom I am speaking. I am not arguing for him or those like him in wealth. I have no doubt that if I could go into the library of the gentleman from New York every book that I would find there would be bound in morocco, sumptuous books, and shelves crowded with them; every engraving upon his walls would have a mammoth gilt frame about it; all that great wealth could buy would be there without regard to expense, except the gentleman from New York is in favor of putting art upon the free-list, as I have understood, so his pictures would come in free of duty.

Mr. FLOWER. Certainly.

Mr. PAYSON. Certainly; men who are millionaires and have no end to their money are in favor of this thing: free pictures for themselves and high-priced books for the poor; but the poor man who handles a dollar only when it bears upon it the impress of a hand that is calloused with toil and which is moistened by sweat that comes from his brow, if he wants to read a copy of the Nineteenth Century, possibly even in his lowly station, having more delight in literary matters than the gentleman from New York may have [applause], and yet, by the legislation which the gentleman from New York is strenuously endeavoring to pass here, he is asked to pay 75 cents for that when the American publisher will furnish it to him for 40 cents. I say to the gentleman from New York, I am for legislation for the benefit of the poor, and for the man who is at the bottom of the ladder of life rather than the man who lives in a palace and counts his wealth by the millions and has nothing better than a sneer for an argument. [Applause.] I hope the gentleman from New York understands me.

Mr. FLOWER. Yes. But one thing I will state: That the artists of this country have petitioned this House, and it has been referred to the Committee on Ways and Means, to take the tariff off arts; and it is in your Republican bill.

Mr. PAYSON. I am not discussing the tariff bill. I am speaking of what effect this bill will have on the comforts and means of improvement for laboring people of this country. The gentleman is for putting "art" upon the free-list. I am not. But I am discussing this bill, and I hope the gentleman will not interrupt me. I will talk to the gentleman about "art on the free-list" at the proper time, and to his satisfaction, I hope.

Mr. FLOWER. You alluded to "free art," and your Republican bill has it in there.

Mr. PAYSON. Following up the line, Mr. Speaker, of these remarks that I was making when interrupted, I will state that I hold in my hand a copy of the Edinburgh Review. Now, the publication price of that is \$1.80. The American reprint of identically the same thing is 90 cents, and so on; but I will not burden the House by taking up the time in reading the list of these which I have in my hand, but will be content to insert them in my remarks and will couple it with this statement: That in the broad field of literature, covering every possible question—science, fiction, poetry, and all the branches of literature—there are reprints which are sold in the book-stores of this country at less than 40 per cent. of what they would be charged for if they were copyrighted. That will not be disputed; and at least nine-tenths of it embraces substantial works that every gentleman here would feel content to have upon the shelves of his own library.

Mr. CRAIN. Will the gentleman pardon me a question?

Mr. PAYSON. Certainly.

Mr. CRAIN. Will not the effect of this bill be to increase the price of those works?

Mr. PAYSON. I am coming to that.

I quote from a distinguished publisher, Mr. Lea, of Philadelphia, on that point:

As this, moreover, is a matter of practical legislation, to be investigated in the light of experience, and not from mere *a priori* assumptions, I must premise that a monopoly, such as is contemplated in this bill, unlimited, except as to duration, must of necessity, under the conditions of business which exist, and which will continue to exist, render the American consumer virtually dependent upon the English producer for the supply of English literature. To explain this, it is requisite to state that, except when books are published "on commission," *i. e.*, at the author's expense and risk, it is almost the universal rule in England for the author to sell his copyright to the publisher, who thus becomes its owner and controls the monopoly of its production. The interest of the publisher is, of course, to extend his market.

The principal outlay in the manufacture of a book is the setting of the type or the making of stereotyped plates, from which, or from the type while standing, an indefinite multiplication of copies can be made without corresponding increase of expenditure. Unlike patents, of which foreign rights or licenses are usually sold, copyrights would therefore be held strictly by the English assignee, who would expect to supply the demand from the American market himself and would refuse to license the appearance of an American edition. That such will be the course of trade should this bill become a law, no one who has even a moderate experience in business can for a moment doubt.

As an illustration of the mode in which this principle of trade works, I may cite the case of the very valuable new edition of the *Encyclopædia Britannica*. At first the successive volumes, of which the English price is 30s. (\$7.50), were placed on the American market at \$9, the size and cost of the work being such as apparently to preclude the idea of an American reprint. The sale in this country, however, was so unexpectedly large that an American edition was brought out at \$5 per volume, when a special English edition was promptly prepared and put upon our market at the same price, and enormous sales of both editions have been made.

A scientific work of the same class, Reynolds's *System of Medicine*, was sold at \$12 per volume until the mere announcement of an American edition caused its reduction to \$5. It is self-evident that under an international copyright no license to reproduce these works would have been granted, and that the American market would have been worked at the high prices by the English houses.

When, finally, we come to consider the effect of the measure upon the great reading public and its influence on the diffusion of knowledge, we are compelled to admit that the result must necessarily be an advance in the price of current English literature even greater than that of American books, and a corresponding diminution in the volume of its circulation and dissemination. It will not be simply the addition of a moderate and proper remuneration to the author, to which all readers would gladly contribute their proportion.

The substitution of monopoly for competition, and the absolute control of the business thereby given to the English publishing houses, would work a revolution, the extent of which no one not practically acquainted with the subject is likely to realize in advance. In England, new books are the luxury of the rich; in the United States they are a necessity with all classes. General education at the expense of the public has made us a nation of readers; long habit has accustomed us to low prices for books; strong competition and the necessity of catering to the wants of a wide circle of readers in moderate circumstances have led to forms and methods of publication which bring the masterpieces of literature within the means of all. Take away that competition, and the resultant increase of price will not be merely the sum paid to the author, but in addition the utmost profit which the holder of the copyright can exact without destroying his market, and he will naturally prefer a small circulation at a heavy price to a large sale at an almost infinitesimal percentage as at present.

Mr. Speaker, the suggestion as to the encyclopedia recalls a familiar instance. The gentlemen about me will remember when that great publication, the *Encyclopædia Britannica*, first came out—and I might as well give my own personal experience. When it was first published and canvass was made, the price asked for it in the section of the Union where I live was \$9 a volume. I wanted it, subscribed for it, and paid \$9 a volume for the entire edition. Last fall before coming here I paid a visit to a farm that I have in my county, and staid all night with a neighbor near my farm.

I saw the *Encyclopædia Britannica* upon a long pine shelf in his sitting-room, and I asked my neighbor how he had gotten it. He said that he had recently bought it. I said, "How do you happen to have this?" He said, "It does not cost much." I said, "How much?" He answered me, "I paid \$2.25 a volume." It was a reprint, gotten up somewhere. It was not the Stoddard reprint, but one gotten up somewhere here on the Atlantic coast. I do not remember who it was that furnished it, but he had gotten it for \$2.25 a volume.

I made inquiry about the matter and found that shortly after the publication of that great work an enterprising individual in Philadelphia, Mr. Stoddard, brought out a reprint which he sold at \$5 a volume, and I am told by those who say they know that upwards of 250,000 sets of that reprint have been furnished to the reading people of this country; how many sets of this cheaper edition at \$2.25 I do not know. But there, sir, in a humble home in my county, in the sitting-room of a humble farmer, is a library in itself, made possible by the laws under which you and I live, and I am content with them. [Applause.] I am just now advised that a reprint of that work is out at \$1.25 per volume. And so with other books.

Now, Mr. Speaker, does it need any argument to show to this body or any other that if this bill shall become operative as to literature which shall be issued *in futuro*, the control of that literature being under the author himself and such publisher as he may select, the price of it will be whatever they choose to put upon it? Everybody knows that as well as he knows that we are sitting here. Where can any competition in a work of genius, in a work that people will have the ambition to read, where can any competition in such work arise under this bill? I say here in a sentence that there has never before emanated from any committee of this House a bill as thoroughly monopolistic, as thoroughly in the interest of those who controlled the subject-matter of the legislation, as this bill.

Why? First, every book which is copyrighted under the provis-

ions of this bill is to be under the control of the author and the publisher of it. Second (something that was never heard of so far as I know), while the control of the article is placed in the hands of two men, there is an absolute prohibition in the bill as against any importation of the same article from abroad, even of the authorized edition.

Mr. CRAIN. A regular "combine."

Mr. PAYSON. It is worse than a "combine;" it is legalized extortion; and, Mr. Speaker, so patent is the outrage here attempted to be perpetrated that the gentleman from Kentucky [Mr. CARLISLE], who favors this bill, has served notice upon those who advocate it that he will not support that provision of the bill, but will vote for the amendment which I have offered in reference to it. This bill, as I have said, is for the benefit of the alien foreigner. Worse than that, it is proposed to pass this bill without exacting from the nation which it is intended to benefit any reciprocal benefit for our own people.

Gentlemen will remember that if this bill becomes a law an American author will have no more rights in England the day it is signed than he has now, and under the law of England as it was read here by the gentleman from Illinois [Mr. ADAMS] yesterday, no American citizen can secure copyright in the British dominions without committing a moral perjury. The law of that country is that a copyright may be secured upon a book which is printed in the British dominions in one of three cases: First, that the author or publisher is a natural-born citizen; second, that he is a naturalized citizen; and, third, that he is at the time a resident of the United Kingdom or some of its dependencies and owing allegiance to the Government.

That is the requirement of the English law. Where is the principle of international law under which it can be asserted that a mere temporary sojourner in a foreign land owes any allegiance to the sovereignty of that land?

Mr. ADAMS. Will my colleague repeat that? I understood him to say that a person staying in the British dominions does not, under the common law, owe temporary allegiance to the Government.

Mr. PAYSON. A temporary sojourner does not owe allegiance to the Government; but he is bound to obey the laws as a matter of police regulation.

Mr. ADAMS. But he can get his copyright?

Mr. PAYSON. I admit that he can get his copyright by a strained construction of some kind, but the language of the law which was read here yesterday by my colleague is that a party, to obtain a copyright, must at the time owe allegiance to the British Government; and it is a strange condition of affairs which requires us to assume that if Mr. Lowell, for instance, desired to get an English copyright he could put himself temporarily in any dependency of the British dominion and say, in good faith, that he was at that time owing and giving allegiance to the British Government. It is only by a play upon words that any such assumption can be made.

Mr. MILLS. He would first have to renounce allegiance to his own Government.

Mr. PAYSON. Of course. There can not be two allegiances at the same time. It is idle to debate that proposition, Mr. Speaker.

Gentlemen who present this bill confess that without its operation British authors can not have any such rights here, and they urge its passage because, in the terse language of my colleague [Mr. ADAMS], England will probably recognize the rights of our authors and give them the same privileges that this bill gives her authors here.

Mr. ADAMS. Greater privileges.

Mr. PAYSON. I will come in a few moments to the question of how much greater the privileges will be. It is enough for the purposes of my argument now to say that it is a sad time in the history of the United States of America, this nation with its power and its prestige, that it must perform an act of generosity and magnanimity not equaled in the history of legislation, in the hope that a monarchy across the sea will do the decent thing by American citizens. [Applause.] I am opposed to this bill on the mere ground of pride, if on no other ground.

The idea that the American Congress, that we the representatives of 60,000,000 of people, should get down upon our knees to beg for 200 American authors the rights in a country of 37,000,000, which we are giving to their authors here in this land with 60,000,000 of people! And as suggested to me by the gentleman from Missouri [Mr. HEARD] with no assurance that we will get it.

I do not take time to read documents which I have under my hand from men prominent in public life in Great Britain saying as to this very bill that no matter if it shall be passed no recognition will, in their judgment, be given to American authors because of its passage. In the mean time, what? We have opened up this market of ours with—I do not remember the estimate—something like 30,000,000 of reading people; we have surrendered this market, as to the literature which our people choose to read, without any benefit to them whatever.

But gentlemen complain that there is a class of American writers who are crowded out of the market. Mr. Speaker, in my judgment there is nothing too good for an American. If an American can find in the field of foreign literature something better, something higher, something that shows more genius than some of the writings that might be presented to him at home, I am in favor of giving him that opportu-

nity. This world will be made better in an intellectual sense by broadening the horizon of intellectual opportunity. There can be no healthy national growth if we undertake to restrict our people to just the pabulum that shall be furnished by writers whose works can not command attention except because all others are excluded.

The race ought to be free for all. I have seen in my own profession lawyers having good dockets in the courts when others who had a diploma of equal size and costing about the same amount of money had not very many cases. The intellect was better; so with books. Ability will command attention; mediocrity and below it does not deserve it, whether American or foreign.

Americans buy what they choose, and they ought to have the right to do so. When ideas are put in print abroad and scattered and sold, as suggested by the gentleman from Texas [Mr. MILLS], the author has received his price. Notions of public policy compel me to insist on the continuance of existing conditions which furnish to the American reader, and will continue to furnish to him as long as the existing conditions remain, the best literature in the world and at the lowest possible price. This field ought not to be turned over to a monopoly such as would grow out of the passage of this bill.

Authors and a few great publishing houses would control the entire market; and who that has sat in this House for a year and had occasion to study current events as they have transpired does not know that combination whenever practicable is always entered into by those who control the supply of products needed by the people? At this very hour, Mr. Speaker, there exists a "combine" with reference to these cheap reprints.

I have here a list of books—standard books—nine-tenths of them furnished in excellent cloth bindings, the price of which is now 29 cents a volume. Four days ago they could have been bought for 23 cents a volume, and some of them for 18 cents. Why is the price 29 cents to-day? James F. Lovell & Co., a prominent publishing house in New York, in view of the probable passage of this bill, as is reported in the daily press and not denied, have succeeded in securing the plates of upwards of four hundred of these publications, and by reason of this monopoly the price has gone up nearly 30 per cent. in the last four days. This is only an evidence of what will come if this bill should become a law.

I would be glad to commend to the attention of the gentleman from New Jersey this inquiry: Suppose this copyright bill had been a law for the last twenty, thirty, or forty years, what would have been the prices of the volumes of reprints which are found on this list—standard books, none of your "blood and thunder" stuff to which the gentleman from New Jersey calls attention—what would have been the prices of these books? One dollar and fifty cents and one dollar and seventy-five cents a volume would have been the price this country over. And do gentlemen know—they do not know unless they have taken the pains to inquire—the extent to which this standard literature has been sold in this country? I am told, Mr. Speaker, by an agent of a prominent publishing house, that over 100,000,000 volumes of standard books—first-class literature—have been sold at these reduced prices in this country since the practice of "pirating," as it is called by the gentleman from New Jersey, began.

I give an authority. Mr. Pearsall Smith says:

In America "cheap books have become a necessity." Were a copyright granted, "the works which are now purchased in the United States at 10 or 20 cents would cost \$1 or \$2 at least during the first year of their issue, and in some cases even 31 shillings and 6 pence, or \$7.50. American readers could no longer buy them almost as they buy newspapers. The Chicago man would take up arms before he would pay ten prices (*sic*) for his newspaper, and his feelings would partake of the same character under a similar advance in the price of his books. \* \* \* "If a monopoly system had been enacted it would have reduced the 100,000,000 of cheap reprints of British copyright works which have been sold within the last few years to 10,000,000 or less. \* \* \* Who can estimate what would have been the loss to the American people from the suppression by monopoly prices of the 90,000,000, which have certainly, for the most part, conveyed the teaching of the Anglo-Saxon high standard of social life?"

Upwards of 100,000,000 volumes, many at 25 and 30 cents a volume, some as low as 10 cents, just such books in appearance, many just such books so far as literature is concerned, as the highest type of books produced by American authors to-day. What does it mean? A spread of intelligence and an economy in the gratification of a high taste, such as this world has never before seen. And I confess to a degree of impatience when in a body of 330 men, representing the intelligence, the brains of this country, I find a proposition urged to shackle this method of disseminating knowledge, and that, for the benefit of probably less than one hundred authors, the price of every article of reading matter which shall be furnished hereafter from abroad shall have added to it from one to three hundred per cent. I am impatient as to that proposition; there is no sense in it. And some of the arguments that we have listened to here—I trust the language is not unparliamentary—do not rise above the character of "rot."

A MEMBER. That is parliamentary. [Laughter.]

Mr. PAYSON. I desire to notice in this connection the remarkable address of the gentleman from New Jersey [Mr. McADOO].

The gentleman from New Jersey [Mr. McADOO], in a vehement address of ten minutes, referred to a book which I hold in my hand—a catalogue of the Seaside Library of reprints of foreign books, as well as

domestic books, the ordinary edition. The gentleman assumed to read to the audience before him, the House of Representatives, extracts from this catalogue; and from the manner in which his statements were applauded by some gentlemen on the other side they evidently assumed that the gentleman from New Jersey was making a fair statement of what these reprints which have been alluded to embrace. Every book he noticed was apparently trash; every one. And he inquired in a tone apparently of triumph if my friend from Kansas [Mr. ANDERSON] desired that the prairies of the West, where his constituents reside, should be flooded with the class of literature embraced in those publications and at the prices named.

Speaking for myself and speaking for a constituency the equal in intelligence of that which the gentleman from New Jersey represents on this floor, I will read him some things from that catalogue that I do want continued and which the constituency I represent want to have continued, and which I commend to the people who are behind the gentleman that they will want continued. I do not regard it as a misfortune, Mr. Speaker, that there can be furnished to the constituency which I represent the works of James A. Froude at the prices stated in this catalogue; that I can buy, and every constituent of mine can buy, the *Life of John Bunyan* for 10 cents (I am reading now from the catalogue furnished by the gentleman from New Jersey). I do not regard it as a misfortune that the essays which Mr. Froude has published upon Carlyle can be purchased for 20 cents a volume.

I do not regard it as a misfortune, Mr. Speaker, that every word which has emanated from the pen of the great historian Froude, and published by a reprint in this country, can be furnished my constituents, postage paid, at a price not exceeding 20 cents per volume. Again, the works of Wilkie Collins I find in this same catalogue, all not exceeding a price of 20 cents per volume. Hugh Conway's works, all at the same rate. My eye falls now upon another list, a writer of fiction whose name will endure as long as English literature is read, the works of Charles Dickens, in the same catalogue, and every publication of that great author can be furnished at 20 cents a volume. Again I find Canon Farrar's works?

Mr. McADOO. Will the gentleman yield?

Mr. PAYSON. I must decline to yield. The gentleman refused to allow me a question.

Mr. McADOO. I only want to say this, that with the exception—

Mr. PAYSON. Very well, I will be more generous than you were, and will let you ask a question.

Mr. McADOO. I should have been glad to yield to the gentleman, but had not so much time as he has. I only want to say that, with the exception of Froude and Wilkie Collins, the books to which he has referred are out of copyright.

Mr. PAYSON. Oh, I understand that. That is not the point.

Mr. McADOO. The English classics are as free as air, and what we are getting now is the tailings of English literature, nothing else.

Mr. PAYSON. Certainly; but I beg the gentleman from New Jersey to remember, and the members of this House to keep in mind when they are passing this legislation, that I do not forget so far as this is concerned that we are not dealing with the past, but we are legislating for the future; and it is only fair to assume that the literature of the era we are entering upon and the writers who will come after us, and who will be subject to the provisions of this law if it shall be enacted into law, in the future will look back upon this history just as we are looking back upon the history of literature to which I have just referred.

But the point I am making does not seem to be apprehended yet by the gentleman from New Jersey, namely, that his criticism upon the system of reprinting books in this country was not fair, was unworthy of the ingenuousness which the gentleman from New Jersey has ordinarily exhibited in the debates on the floor of this House. He gave us to understand that the reprints issued in cheap form by the publishers and book-sellers of this country were trashy literature, and that this great nation of ours is made the barn-yard, the dumping-ground, the cesspool for literature which ought to be condemned before it is issued. He gave the House to understand that the trashy volumes he noticed were fair samples of the catalogue he had in his hand.

I say to the gentleman, and speaking by authority, that nine-tenths of all the reprinting in this country by the great publishing houses of Belford, Clark & Co. and the Lakeside Company, as well as others, is of standard literature that the gentleman and myself would equally be glad to have in our libraries; and, further, I say that the list the gentleman himself had in hand before the House, nine-tenths of it is literature which your sons and mine would have our permission to read. I look it over; I do not take time to refer to the long list of publications. I see the works of all the great authors of the age. The trash is a small percentage, less than under copyright; and yet the gentleman from New Jersey uses the trash as a sample of the whole. I repeat, Mr. Speaker, that method is not worthy of the gentleman, and no one is now misled by his effort.

Mr. LODGE. Will the gentleman from Illinois permit an interruption?

Mr. PAYSON. I do not care to be interrupted. If the gentleman will permit me to pursue the line of thought I was following for a

while further I would prefer it, and will then yield for questions with pleasure.

Now, Mr. Speaker, I say if, under the present system, the works of Charles Dickens can be furnished—

Mr. McADOO. Out of copyright.

Mr. PAYSON. I understand that; but the literature to come hereafter is the same. I say if these works, standard works of literature, of that class can be furnished at 20 cents a volume, if the works of Canon Farrar can be furnished at 20 cents a volume, and so on down page after page of this catalogue, where is the basis of the objection urged by the gentleman from New Jersey?

But now what I propose to address myself to is the practical question. For whom are we legislating here? I represent a constituency of 165,000 people, not a publisher among them. But there is in the Ninth Congressional district of Illinois a population of 40,000 people who read and write, and I represent them. They come from the school-houses of the district; they have been educated as a reading people and are in favor of cheap books, and I, as their representative, am in favor of giving it to them. [Applause.]

And when my colleague, the gentleman from Illinois [Mr. ADAMS], says that in his judgment the price of books will be cheaper—of the better class of literature perhaps he restricted himself to, I should say—that they would be cheaper under a copyright than without it, it presented a singular phase of the question to my mind, a remarkable piece of reasoning. The experience of the world is contrary to the judgment of my colleague. If the books are going to be cheaper, if the publishers and the authors are going to make less money under the proposed system, then I ask why are they here asking for copyright? Only one answer can be made: they want the monopoly and higher prices.

I am opposed to this bill also because it prohibits importation.

What the monopoly desired shall be established—an excessive price—might be corrected by an importation of an authorized edition published abroad, but by this bill that is prohibited, and a monopoly, absolute over the book, indefinite in duration during the pleasure of the publisher, and without any means of correction, is provided for and legalized by this bill.

I am opposed to this.

I believe the sentiment of the country is reflected in an editorial in the Chicago Tribune of a late date, a part of which I will insert:

THE COPYRIGHT CONSPIRACY AGAINST BOOK-BUYERS.

An organization composed of very pleasant ladies and gentlemen, not remarkably conspicuous as authors and mostly including amateurs, who are lightly skirmishing round the edges of literature, has been formed in this city as an auxiliary to the "American Copyright League," and has stated its convictions in a circular, said convictions being mainly those of universal brotherhood among writers, devoted attachment to members of the guild in this country, and gushing sympathy for oppressed authors abroad.

As a display of professional philanthropy this circular is touching, and it is possible its author imagines the public will be moved by the tale of woe and extend its sympathies to the foreign writers who are so greatly oppressed and persecuted by so-called "pirates." The public, however, which thinks for itself, will be apt to suspect this philanthropy which is so loud in profession, and to doubt whether this overweening anxiety for their British brethren is altogether unselfish. This is about the way the public will estimate it when it comes to search for the real motives of all this display of benevolence, which are not explained by the author of the circular, and possibly not at all understood by the society people who have signed it. If English authors had the monopoly, as they would have in case the international copyright bill (which is not international in any sense) became a law, and English authors and their pet American publishers could charge what they pleased for their books, it would enable American authors and publishers to do the same. The English books, which are now so cheap by reprinting, would be advanced to a fixed price, twice or three times current rates, and Americans would sell as near this price as possible, and the only escape for American readers would be in refusing to read them.

The high-toned circular is only remarkable for what it does not tell. It does not explain the real motives for all this benevolence of Eastern authors and publishers for British authors. It does not tell the public that this is a copartnership between English and American authors to put up their prices on the American people by cornering the market and grabbing literary productions through the agency of a cut-throat trust. It does not inform the reading public that the underlying motive of all this amateur gushing is simply based on the hope that, as the price of English literature, reprints included, is pushed up in this country under the proposed law, it will enable Eastern publishers to push up correspondingly the price of American literature on the people, and that they would rather sell 1,000 volumes each at a dollar profit than 5,000 volumes at 15 cents profit. It does not tell the public that the copyright is not international, as it makes no provision for foreign reciprocity, and that it does not extend any greater protection to the works of the American author abroad than he has now. They assume that Great Britain will voluntarily extend reciprocity back to American authors; but John Bull never does business that way. He follows his interests only. If they (Congressmen) shall pass the bill, however, and become responsible for expensive books by voting the prices up, they will be likely to hear from their constituents in such a manner that they will easily understand it all the rest of their lives.

Mr. Speaker, in February, 1873, the Joint Committee of the Senate and House of Representatives on the Library, consisting of Senators Morrill of Maine, SHERMAN of Ohio, and Howe of Wisconsin, and Representatives Peters of Maine, Wheeler of New York, and Campbell of Ohio, made an adverse report upon the international copyright bill then in Congress, in which they said:

Your committee are satisfied that no form of international copyright can fairly be urged upon Congress upon reasons of general equity or of constitutional law; that the adoption of any plans for the purpose which have been laid before us would be of very doubtful advantage to American authors, as a class, and would be not only an unquestionable and permanent injury to manufacturing interests concerned in producing books, but a hindrance to the diffusion of knowledge among the people and the cause of universal education; that no

plan for the protection of foreign authors has yet been devised which can unite the support of all or nearly all who profess to be favorable to the general object in view, and that in the opinion of your committee any project for an international copyright will be found upon mature deliberation to be inexpedient.

This report was made after the subject had been discussed by parties representing both sides of the question, and after very careful examination by the committee.

The condition presented by this bill is, then, an absolute monopoly of this class of literature, to be placed in the hands of a few great publishing houses along the line of the Atlantic coast. Who is to be benefited by it? Not the author as much as he supposes. He is bound to make terms with his publisher. When he parts with his manuscript that ends the matter with him. The great publishing houses in Philadelphia, New York, and Boston will control the literature of this country, and firms like Belford, Clark & Co., the Lakeside Printing Company, and scores of others that I could name that have been furnishing good books cheaply to this country, will be ruled out of existence. And for what purpose?

To build up accumulated fortunes and put it in the power of men to place their hands on the throat of the reading public by exacting greater charges for books which our people will have, to enhance and build up colossal wealth that is, in my judgment, largely in excess of what they would be entitled to. The copyright law is too liberal now. If I had my way even as to American authors I would make the time shorter. And, gentlemen, you deceive yourselves if you think that you impose upon the people with the idea that the works which are mainly worth reading are to-day the works of impoverished authors. Looking over the works which are worthy of consideration, as a rule you will find that the authors are men opulent in the localities in which they live. Worthy literature is profitable, justly so.

I yield the balance of my time to the gentleman from Minnesota [Mr. LIND] and say in conclusion that I am opposed to the initiation and consummation of a new American policy that, on sentimental grounds only, will take millions of dollars from the pockets of the masses of the people, from my constituents and yours, sir, and pass it over to aliens and foreigners who have nothing in common with us except so far as they can profit by their transactions with us. I do hope this bill will be defeated. [Applause.]

Mr. LIND. Mr. Speaker, in the two minutes allotted to me I can barely say that I propose to vote against this bill in its present form. While I am not led to do this out of hostility to the just demands of our authors, I deem it proper to say that so far as my observation goes the sentiments that have left a permanent impression on the human mind, the truths that have appealed to mankind and made succeeding generations wiser and better have not been called forth by the prospective gains under copyright legislation. On the contrary, they have come from the heart and brain of the struggling and poverty-stricken laborers in the world's great workshop, whose experience and trials have taught them to see, feel, and sympathize with the wants and woes of mankind. But the object of this bill is not to protect our American authors, for they are already protected, but under the guise of protecting our authors it seeks to confer an absolute monopoly on the American publisher of every foreign literary production written in our language which is copyrighted here.

For instance, if Gladstone should write and publish a new book and have it copyrighted under the provision of this bill, from that time on not a single copy of the English edition could be imported except by the written consent of the American publisher, notwithstanding that the American edition might be greatly inferior or even exhausted. No law which undertakes to say to me that I shall be compelled to dump into New York Harbor, on reaching our shores, a book which I have lawfully obtained in England, and paid the author his royalty thereon, will have my vote. The text-book trust is strong enough now. This bill will make it stronger. Free schools and cheap books made it possible for me to occupy a seat on this floor. I will vote for no law which attacks or abridges the benefits of either.

Mr. PAYSON. Mr. Speaker, I now yield the remaining time, if he desires to consume it, to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. Mr. Speaker, I only want a minute to say that I did not hear the observations made by my friend from New Jersey [Mr. McADOO], and did not know in regard to them until the gentleman from Illinois made his reply, which reply was so complete as to the facts in regard to the publication of these standard works, that I need simply indorse what my friend has said without making further reply.

So far as the intelligence of the district I represent is concerned, I will risk the statement that there are as many people who read as much good literature and less bad literature in that district as in any district in the State of New Jersey.

Mr. PAYSON. I do not care to occupy the remaining time.

The SPEAKER. The gentleman from Illinois [Mr. ADAMS] is recognized to control the rest of the time in favor of the bill.

Mr. ADAMS. Has all the time in opposition been occupied?

The SPEAKER. The gentleman from Illinois declines to occupy the remaining four minutes.

Mr. ADAMS. Then I yield ten minutes to the gentleman from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. Speaker, all property is the creation of law.

The good old rule,  
\* \* \* \* \* the simple plan,  
That they should take who have the power,  
And they should keep who can,

has been replaced in the progress of civilization by law. The title deed of the sword has given way to the title deed of the pen. From one kind of possession to another the law has marched on, extending at the same time its protection from the native of the land to the stranger within his gates.

The most recent advance is that which recognized property in the creations of the mind, in inventions or in books, the latter of which is known as literary property. This formal recognition dates back with the English-speaking race to the statute of Anne; and for two hundred and fifty years all who use "that ample speech, that subtle speech," have maintained the wisdom of the ancient legislation. Literary property is recognized also in the Constitution of the United States, and the justice of copyright has never been questioned in this country.

The next step, as in the case of other property, is to accord to the stranger and the outsider the same property rights that our laws accord to the native of the country. In all cases of ordinary property this has been fully and amply done, but the last step in this path, that which most conspicuously separates the civilized from the half-civilized or barbarous nation, has not yet been taken by the United States.

We do not recognize yet the right of the foreigner in the property of his mind, or, in other words, in his book. To my thinking this is simple dishonesty, and the fact that a whole nation engages in it makes it no less dishonesty. I do not propose, sir, to argue here and now on that point. In the first place it is too plain a proposition to invite argument, and in the second place national honor does not seem to be the subject of the story with those who speak in opposition to this bill. The opponents of the bill argue their case on simpler grounds and seem only anxious to show that what is stolen is cheap. There is some foundation for this view if we are short-sighted. I have no doubt that when Rob Roy lifted cattle were cheaper among the MacGregors than they were after the death of that lamented chieftain. But I do not think that that fact alters the ethics of the question. [Laughter.]

In vain we call old notions fudge  
And bend our conscience to our dealing;  
The ten commandments will not budge,  
And stealing will continue stealing.

The great argument that is made here in opposition to international copyright is that this bill, if it passes, is going to make literature dear to the American public. Mr. Speaker, it will do nothing of the kind. The assertion that it will do so is the barest assumption ever made. Take France, which has an international copyright and has had for years. They issue there these popular series, well printed, perfectly readable, at 5 cents and even 2 cents a number; and these series contain the best literature of France and of the world, not the offscourings of the literary gutters of other countries. The same is true in Germany; and the effect of the law here will not be to make literature dear, but in these cheap books simply to substitute for the works of foreigners the works of American authors. In France and Germany the best literature is the cheapest; with us the exact reverse is the case, and we tempt our people to read what is worst and we assist by making it cheap. In one word, cheapness is determined by the conditions of your market and by the demands of your reading public, and not by copyright laws.

The gentleman from Illinois [Mr. PAYSON] produced the catalogue of the Seaside Library and declared that nine-tenths of it was standard literature. He read the names of some standard authors, of Carlyle and others, as if they and those like them filled the list. Now, see how plain a tale will put him down. Of the 1,073 books in the Seaside Library, 92 per cent. are novels and 97 per cent. are written by foreigners. The same proportion holds true in other cases, as any one can see who will read the careful analysis of Mr. Brander Matthews in his admirable essay on Cheap Books and Good Books. Instead of nine-tenths being standard literature in such series as these, nine-tenths are fiction, of which the greater part is at the best foolish and enervating and at the worst positively vicious.

In this connection allusion was made to Dickens. No book, let me say in passing, which was written before the passage of this act is affected by it. But the gentleman says that if that is true we must look to the Dickens that is still to come. Suppose another Dickens does come or any man of equal genius writing in the English tongue, would the American people grudge to him who ministered so to their pleasure, with whom they have wept and laughed, who has lightened their sorrow and softened their labors, the small royalty that an author receives on his work? Would they grudge to-day to the creator of all that marvelous fiction, from the Pickwick Papers to Edwin Drood, a share in the profits which are now reaped exclusively by the publisher? Mr. Speaker, I do not believe it for one moment. Such meanness would be impossible to the American people, the most generous people in the world.

But, sir, in the brief time allowed me I wish to speak chiefly in be-

half of the writers of America, in behalf of those who write and make books, of the men who wield the pen, the journalists and essayists, the writers of fiction and the writers of history, and of the printers who add them in the mechanical part of their task. They do not come here and ask you for subventions or subsidies or bounties or protection. They do not ask you to take their property as security and issue to them a large amount of money upon it or to build them warehouses in every county. They ask you simply for justice; that you shall not discriminate against them and make still smaller and harder opportunities and earnings which are never either large or easy. That is all they ask; nothing else.

You now take the foreign author's works and pay him nothing. You save on these the copyright, which on an average is 10 per cent. royalty, and by this discrimination you drive the American author out of his own market. Speaking as one who has followed in a humble way the career of literature, I say to this House that I do not understand how any one in his senses can imagine that the American author would not desire the great circulation and the corresponding profit of cheap editions. That is what we all ask for, and yet no American publisher can undertake to print an American book, with rare exceptions, in one of these cheap editions for the simple reason that he has to pay the American author a royalty, while he pays the foreign author none.

That is a direct discrimination against the American author, and the combinations that are talked of, the monopolies that are used here as a bugbear, where are they? There is one lying dormant now in the cheap reprints, and if this bill is defeated that trust in the cheap reprints will spring into life. International copyright is free copyright, and that is the way to stop that trust. The present system is the way to make trusts and combinations possible, and nothing else.

There is one other point I want to make to the House more important than any other, and that is that we furnish to our reading public, to our girls and boys, our young men and women at the most impressionable age, when their ideas and habits of thought are forming, the very books that we ought not to furnish them. We should furnish them with a high order of books, not foreign books, not cheap books, not translations by the myriad of French novels dedicated, as Matthew Arnold said, to the goddess Lubricity, not second-class English novels, the novels of the snob and the tuft-hunter, written about dukes and duchesses, and lords and ladies from the point of view of a lackey which hold up ideals utterly hostile to ours. Not such stuff as this should we encourage and force our youths to read, but the best books of all ages and above all wholesome American books, which will bring them up to love America, which will bring them up with American ideas, and with a reverence and admiration of the American system of government and society, and not a system of government and society wholly alien to it. Nothing is cheap that is false. Let us be true to ourselves and to the youth of the Republic.

In their name I ask for a favorable vote on this bill. I ask for it in the name of the printers, 40,000 of whom stand behind this bill, because they see that it will increase the work and the wages of the American workmen. I hold in my hand a telegram from a man who once stood at the case and who now holds an honorable place among you here, in which he says:

Ask for leave to print on the copyright bill. I hope it will pass.  
AMOS J. CUMMINGS.

I ask for it in the name of every man who uses a pen, whether on the daily press or in a book, of the men who minister to your information, to your amusement, and to your instruction. Think what we owe to literature, a debt which never can be paid. "Books," says Dr. Johnson, "help us to enjoy life or teach us to endure it." What a service is this. Be just, at least, to those who help us to enjoy and teach us to endure. I ask it most of all in the name of the national honor. As an American I deplore the spectacle of the United States alone among the civilized nations taking the highwayman's attitude, robbing the foreigner and our own authors alike, and injuring our own readers beyond the power of words to describe. In the name of all these, of printers, writers, and readers, and of the good name of the Republic itself, I hope that the bill will pass. [Applause.]

Mr. ADAMS. I yield now to the gentleman from New York [Mr. COVERT].

Mr. COVERT. Mr. Speaker, I am for this bill emphatically and earnestly. I am for it because it proposes to remove from the statute-book a narrow and unjust discrimination against foreign authors and because in its scope and purpose it is a measure of abstract right and justice.

I am for this bill because, while I sincerely believe its enactment will benefit the whole American people, it will perhaps primarily benefit a class of workers who, by reason of the very nature of their employment, are to a great extent unfitted for the conduct of purely business concerns and who need all the encouragement and protection the laws of the land can throw about them.

Our present copyright law is narrow and selfish, for it limits its benefits to the citizens or residents of this country alone. No other civilized nation on earth has so restricted a policy; and the intelligence and strong sense of justice of the American people should place us in this respect upon the broad plane occupied by every nation of Europe.

The publication and sale in this country of foreign books without compensation to the author is robbery pure and simple, disguise it as you may, and in this connection I believe with Dr. Lyman Abbott that America is too rich to be a pauper and should be too honorable to be a robber.

All through this discussion very little has been said in criticism of the principle involved here, while the great bulk of the time of the gentleman from Illinois [Mr. PAYSON] and of other gentlemen who have spoken in opposition has been directed against the policy of the measure.

In matters of this character, Mr. Speaker, when the principle is so clear and plain, the mere question of policy should be left to adjust itself to the correct principle involved. But looked at from the standpoint of policy alone, what are the conditions? The gentleman from Texas [Mr. CULBERSON] and the gentleman from Kansas [Mr. PETERS] have argued that the passage of this bill will increase the cost of books in this country. It occurs to me, sir, that these statements are too broad and general to be of value.

This special matter was carefully inquired into by the Committee on the Judiciary of the Fiftieth Congress, and I have read very carefully the testimony taken in this connection before the Judiciary Committee of this House. It seems to me that but one conclusion can be drawn from this testimony: I think it establishes the fact that, so far as the better class of books is concerned, the passage of this bill will make this kind of literature cheaper instead of dearer to the American public. Let me quote from the report of the committee of the last Congress:

But will the price of books be increased? This question, as well as the moral aspects of the case, must be fairly met. It is certain that the best books written by men and women all over the world will, under international copyright, be sold in the United States for less than they are sold now, and the general consensus of opinion, the argument pushed almost to a demonstration, is that all other books will be sold for as low a price as they are now. The experience of the countries on the continent of Europe before and after the adoption of international copyright may be cited as conclusive on this point.

And in the same connection I quote the testimony of Mr. Kennedy, representing the International Typographical Union, before the Judiciary Committee which reported the present bill:

Mr. STEWART, of Vermont. Will the proposed law have the effect of increasing the cost of literature to the people?

Mr. KENNEDY. I think not, sir; as you know, we have had a domestic copyright law for many years, and we have not heard that the American people are groaning under the exorbitant prices charged for American books. \* \* \* Competition among the publishers to meet with public favor and patronage will be an efficient check to exorbitant prices for books. The American people are accustomed to cheap literature, and they will continue to have it. The publishers must cater to this state of things. It is obviously to their interest to encourage the people in book-reading and book-buying, and exorbitant charges for books would not be a step in that direction.

I prefer, Mr. Speaker, and I think this House will prefer, to take the carefully formed and conservatively expressed judgment of men who have closely examined into this matter—to take the established results of international copyright abroad—rather than the vague and general statements of opinion, no matter how honestly made, of gentlemen of the opposition as controlling upon this question.

My friend from Missouri [Mr. BLAND] says that this measure will be harmful to the interests of labor, to the men engaged in the issuing of the cheap reprints of foreign works. But this, like the statements as to the possible increased price of books, is rather the expression of an opinion than the recital of a fact. We are told that nearly forty thousand printers, representing quite every State in the Union, have warmly indorsed the terms of the present bill and have earnestly asked for its passage.

Labor ought not to be opposed to this measure, nor do I think it is arrayed against it.

Does not my friend from Missouri know that the primal aim and object of the various labor organizations of the country is to secure fair pay and proper recognition to workmen in whatever field of labor they may be engaged? The rights of labor are the same the whole land over. The man who toils at the anvil ought to stand and will stand side by side with his fellow-worker who toils with the pen in demanding for each fair compensation for the work which each honestly and manfully performs.

The American workman of to-day does not believe in the policy of defrauding any fellow-worker, whether with the plane or the pen, of honest pay for the honest work he does. You can not by any sophistry induce him to believe but that the deliberate taking of the fruits of another's toil without compensation is larceny, plain and unadulterated robbery.

My friend from Kansas [Mr. ANDERSON] has said we propose to tax the American public for the benefit of the English author. I have tried to show very briefly, Mr. Speaker, that the benefits of this measure would be fourfold; that, while its enactment would be a measure of reciprocal justice to the nations of Europe where international copyright prevails, it would elevate the standard of literature in this country; that the American public would get better books at cheaper rates, and that it would be a direct benefit to the American author.

It would benefit the English author only in the same direction that its passage would benefit the authors of our own country. England's international copyright law excludes American authors alone of all the

writers of the civilized world. She stands ready to-day to give to our native authors the same benefits we are willing to grant to English writers. And why not accord to our native authors the measure of protection, direct or incidental, which this bill may afford?

My colleague [Mr. FARQUHAR] has to-day in his committee a bill providing a bounty for the encouragement of our home shipping interests. By various acts of legislation, past and pending, we have tried and are trying to protect the interests of our farmers. Why should the American Congress hesitate to do an act of simple justice to American authors, an act of justice which would strengthen and encourage American literature?

If any class of workers demand our sympathy and the benefit of our protective laws, it is this body of contemporaneous native writers, who by their work have added to the fame and glory of the Republic. This proposed act is not primarily for the benefit of the English author. By its passage we say to all Europe that we dare place our own bright body of American authors in competition on equal terms with the best writers of the civilized world. Without "protection" American authorship has made vast advancement within a few years.

Not very long ago all England laughed at the idea of an American romance. The country was too new, our people too practical for romance or sentiment, they said. They are not laughing at the idea now. Bret Harte and Frank R. Stockton and a long line of American writers are watched and waited for and read with as much interest on the other side as here. And yet these American authors, in whose names and in whose work we take a just and national pride, can not copyright or reap the benefits of their work in England, because the American Congress hesitates to pass an international copyright law.

Mr. Speaker, I am for this bill in the interests of American authors and of American literature. I am for it as a matter of national honor and as a measure of international justice. [Applause.]

Mr. ADAMS. I now yield five minutes to the gentleman from New York [Mr. FARQUHAR].

Mr. FARQUHAR. Mr. Speaker, for the first time in the history of American copyright the men who invent books, the men who print books, and the men who sell books have come onto the same platform. The gentleman from Illinois this morning said that the national labor organizations had totally misapprehended the trend and scope of this bill. I have only to say to this House that one organization, the International Typographical Union, first commenced the discussion of copyright in 1852, and during all these long years that question has never been lost sight of by the printers of this country. They have now a bill which at the session of their body held at Denver, Colo., in June last they practically adopted unanimously as their bill.

Now, why are the American printers interested? First of all, to my mind the greatest trouble that stands in the way of the adoption of this bill is the fact that by its passage the business of book publishing will change from England to New York City. The given opinion of every man who has handled a sheet, who has printed it, who has bound it, is: "Give us this bill and you will have better books, and cheaper books, and you will have American books." The trouble with the American author to-day is that, through piracy, through open stealing, through dishonesty, through the dirtiest tricks known to the book-publishing trade, he is side-tracked for foreign publication. This bill puts up the bars, and they ought to stay there. The argument of the gentleman from Illinois [Mr. PAYSON] is Simon Pure socialism! Steal what you can and print it and publish it as cheap as you can! It is the Cheap John argument. It is cheapness, and dirt, and dishonesty. [Laughter.] I say that as an American printer. I say it as an American workman. Let us stand by our own people first, and then, reciprocally, take care of the foreigner. But the American author, and the American printer, and the American book-binder, and the American book-seller are coming to our doors now, not for protection, but for the regulation of trade as against thieves.

Righteousness exalteth a nation. Do not steal nor pilfer. Every word of the Good Book says to you, deal honestly by your neighbor. But in producing these cheap publications they put on men and boys and girls, who earn only from \$5 to \$9 a week, and they set aside the American journeyman printer, so that the Grangers, and the Alliance, and all the other cognate elements that are now in the crank world shall have cheap literature at the expense of the men who pay taxes in this land and stand up for its honor. Give us honesty to begin with, and this bill will take care of all details.

Mr. ADAMS. I yield two minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN, of New Jersey. Happening to be a member of the Committee on the Judiciary which reported this bill, I deem it but proper to submit a few observations as to the character and effect of the bill.

This bill does not compel any foreign author to take out a copyright here. It only provides that he may do so if he wishes, but it provides that if he does so he must assent to the provision that the book thus protected must be printed in this country from type set in this country. In other words, if he asks protection from our hands for his intellectual property here he must consent to the condition that the whole of the work must be done here.

This, it is said, will raise the price of books. Is this true? In the first place, a large number of the foreign reprints are those upon which all copyright has long since expired, such as the works of Shakespeare, Scott, and Dickens (with the exception of one or two of his later volumes). Whatever law we may pass, these reprints will continue as they are.

And right here I want to say to the honorable gentleman from Illinois [Mr. PAYSON] that, strongly as he pleads for cheap books, there are other things to be borne in mind. I want cheap books, too, but I want honestly obtained books.

I will say to him further that if he wants books still cheaper he can get them still cheaper. I will not say if he wants to steal the ideas of others—no, I will not use that term—but if he wants to appropriate without compensation the ideas of others, he can go still deeper, he can appropriate without compensation the labors of the paper-maker, and he can appropriate without compensation the labors of the typesetter, and he can appropriate without compensation the labors of the binder, and when he has done all that he will have, as the result, something very cheap, but awfully dishonest. [Laughter and applause.]

Mr. PAYSON. Will the gentleman yield for a question?

Mr. BUCHANAN, of New Jersey. I can not; I have only two minutes.

Mr. PAYSON. I wish to ask the gentleman if he thinks that is a fair argument. It is about on a par with the rest of the arguments for this bill.

Mr. BUCHANAN, of New Jersey. But you are taking the intellectual property of others without compensation, and you justify it on the score of cheapness. You might just as well take the material property. You take the mental labor and glory in it. You might just as well take the physical labor. Yes, you take even the physical labor; it takes labor to incarnate an idea upon the written page.

But will it make books dearer? Why, sir, under our present copyright laws the domestic author, as is well known, is given full protection. I have here samples of copyrighted books, in which the authors are protected to the full extent. Here is one of 258 pages, printed on good paper, in clear, clean type, and bound in paper. I bought it this morning in a bookstore in this city for 25 cents. Here is another of 192 pages, but on better paper, for the same price. Here is still another of 112 pages, double column, with good photogravure illustrations, for the same price. And here is another, the famous Barriers Burned Away, by E. P. Roe; it has 140 pages, double column, excellent print, on good paper. And so I could go on through a long list I have here.

Why, this morning I saw in a store on Pennsylvania avenue a paper-bound copy of Henry George's Progress and Poverty, a book of over five hundred pages. The price is 35 cents, and the book bears a copyright. If books bearing a copyright by an American author can be sold thus cheaply and are sold thus cheaply can any reason exist for their bearing a higher price when covered by a copyright in the hands of a foreign author?

But it is said that this bill is solely in the interest of the foreign author. I deny it. The condition, as I have said, upon which he is granted the copyright here is that he must have his book printed here. This will give employment to our paper-makers, our typesetters, our pressmen, our binders.

These men understand this question. The committee of the International Typographical Union appeared before our committee and argued earnestly and intelligently for the bill. They were practical mechanics, not millionaires, not wealthy publishers, but men who stand at the case and handle the type. They understood their wants, and in clear, forcible language made them known. They produced the action of their last international convention, which is as follows:

INDIANAPOLIS, IND., October 4, 1889.

To whom it may concern:

This is to certify that the following preamble and resolutions were, by a practically unanimous vote, adopted by the International Typographical Union in convention assembled at Denver, Colo., June, 1889:

Whereas the measure known as the "Chace international copyright bill" failed to become a law through lack of consideration in the House of Representatives of the Fiftieth Congress; and

Whereas said bill will be reintroduced in both Houses of the Fifty-first Congress and put upon its passage at an early date; and

Whereas said bill contains a clause which guarantees absolutely that all books copyrighted in this country shall be printed from type set within the limits of the United States: Therefore,

Resolved, That the International Typographical Union heartily indorses the "Chace international copyright bill," and urges it as a duty upon subordinate unions and union printers everywhere to use all honorable means to further the passage of said bill.

Resolved, That Columbia Union, No. 101, be requested by this body to urge the passage of this bill at the next session of Congress.

Attest: EDWARD T. PLANK, *President*.

[SEAL.] W. S. McCLEVEY, *Secretary*.

This union comprises over three hundred subordinate unions, with an aggregate membership of 40,000. Believing that this bill will give additional work to American workmen, I shall vote against the proposed amendment striking this feature out, and if the bill remains unamended in this particular shall give it my support.

Now I ask leave to extend my remarks in the RECORD.

Mr. ADAMS. I ask unanimous consent to make the leave general.

There was no objection, and it was so ordered.

Mr. ADAMS. I yield the remainder of my time to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Speaker, it is very seldom I differ with my honored friend from Illinois [Mr. PAYSON], but I am compelled to do so on this occasion. The difference between us is radical as to what is and may be the subject of personal property. He starts out by asserting that there is no property-right in ideas or conceptions of the mind, except as the same is conferred or secured by statute. I think that is true; and equally true of other kinds of property, but he seems to forget one thing. Our eye does not rest in this Hall upon anything that has been manufactured—book, clock, wall-paper, gas-fixture, or anything else—that is any other thing than a materialized idea, thought, or conceptions. We have no natural right, that is, special personal right, in anything that we possess except that which is secured and fenced about by statute law. Our rights in that which we produce and enjoy are secured to us by law, common or statute law.

Now, the proposition that there can be no property-right that we should recognize in ideas, that is, in ideas or conceptions, coined, printed, and presented by the authors for our use and enjoyment, is a strange and a new one. Such property-right in the fruit and coinage of the brain is recognized by every civilized nation on earth, and by none more fully than by our own. Why, Mr. Speaker, if we will but reflect a moment it will occur to us that the sewing-machine, steam-engine, printing-press, and harvester, in fact everything that is the product of the hand and the coinage of the brain is but a materialized idea, a conception of the mind applied to practical use. Your telephone, your telegraph, your steam-boat, first originated, existed, and operated in the brain of the inventor and the producer. Ideas which are the product or result of study, investigation, and reflection, mental labor, materialize and are adapted to use and enjoyment in different ways, some in the form of an engine, a knitting-machine, a power-press, or dynamo, or printed on the pages of a book, and the latter may be of the greater benefit to mankind. The one we can grasp with the hand, the other with the mind. Sir Isaac Newton disclosed the discovery of the law of gravitation, and my friend from Texas [Mr. MILLS] asks, could he have any property-right in that discovery? No; certainly not. But having pursued his study and investigation and as a result of mental toil produced a work on philosophy, giving the result of his labors to the world, so that the knowledge of men touching the laws of nature was enlarged with attending uses, enjoyment, and benefits, his discovery and the lessons deduced therefrom adapted to the use of mankind, put in form for such use, constitutes a thing of value, a property-right which the civilized world has recognized and protected since long before the foundation of this Republic. And in the United States today this species of property is as fully and thoroughly recognized as the property-right in a horse or plow.

One conception becomes tangible, materializing in the form of a moving-machine. Another conception remains intangible, but may find expression in the Declaration of Independence, or in the method of treating disease, or in determining the course of the Gulf Stream, or may reveal to the world a lost art and the means of restoring it. It was so with Sir Isaac Newton, his discoveries, followed by conceptions which found expression in the pages of his philosophy, were valuable contributions to the world's knowledge, and of more importance and of greater value to mankind than any physical machine produced in the decade in which he announced that discovery. All that is formed or fashioned by men's hands is but the fruit of the brain, no matter how intricate or simple the implement or machine. This is a world of ideas; and the man who gives to mankind the greatest and the best idea, the most valuable conception or thought, is the world's greatest and best benefactor. There are certain things that are not susceptible of patents or copyrights; these the world gets gratuitously; these the world can take and appropriate because there is no statute law for protecting a property-right in them. Much is said, and with evident satisfaction, of the ability of certain American publishers to reprint English and other foreign publications at low prices.

I want to call the attention of my friend to the reason why these great publishers in this country can give to our people cheap literature. It is because the thing of value which they sell costs them nothing. They have appropriated the product of the sweat and toil of authors, and so have merely furnished the printing and binding. By the same token our merchant tailors could give us cheap clothes. If they could pillage their cloth from the manufacturer who produced it and be at no cost except to fashion and make the garments, the price of our clothing could be reduced one-half at least. What is the thing of value in the book? It is the product of the mental labor, it is the thoughts and ideas, the history contained in its pages. Gentlemen would punish the man who would purloin the husk, but the thing of value may be appropriated without rebuke. To my mind we are unjust, judged by a proper moral standard, in permitting publishers to convert this species of property and appropriate it and say to our people, "Behold this volume, rich in thought, rich in the product of years of mental labor, and given to you cheap because we obtained it from the laborer without paying him for it;" yes, from the man whose brain was the workshop which produced it after months and years of toil and trouble.

If the conception, instead of coming to us in the shape of a printed book, had come in the shape of an improved grindstone, we would have granted a patent for the improvement, and all the power of the Government would have been brought to bear, if necessary, to protect inventor and assigns in the enjoyment of the property right expressed in the improved grindstone.

Why, sir, the first sewing-machine was invented in France nearly two centuries ago. In the first place it was a mere idea, a conception. It first clicked in the brain of the inventor. What next? He gave it physical expression, not in a book, but by fashioning a machine. That was the fruit and coinage of his brain, the idea finding expression in materialization. The wisdom and sense of justice of our people fifty years ago authorized the patenting of that materialized conception in this country. Was it the physical thing that was patented? Not at all; it was the conception of the inventor finding expression in a manner to be useful to our people. And this conception, although it never existed except in the brain of the inventor and in drawings on paper, with a full and accurate description of the machine, would have been the subject of a patent.

My honored friend from Illinois says that this bill is designed to protect only two hundred authors whose writings our enterprising publishers now pillage. How long since and under what system of ethics have we discovered that to purloin the property of two hundred individuals is not a violation of the moral law, while to practice the same thing on 60,000,000 of people would be wrong? When did my friend discover that because the property purloined can be used and enjoyed by 60,000,000 of people the act of appropriation without compensation becomes sanctified? Is the act less a wrong than if the product were used by the pillager alone?

Sir, the American people do want cheap literature and they will have it, but they want it acquired by means consonant with common honesty. All the nations of the world have offered to protect every American inventor and American author in the enjoyment of the fruits of his labor and they have asked that we do the same. Talk about ideas printed in books not being the subject of protection by the law! This is a world of thought and ideas; all that is grand and useful is but the embodiment of an idea originating in the brains of some great thinker. If it materializes in a shape to be handled with the hands it represents a sacred property-right. But if, still greater value, it yet appeals to the higher and nobler faculties, it finds no protection in the law, but becomes a proper subject for plunder and the plundering is sanctified by the fact that the nation may participate in enjoying the "swag." Sir, we have stood up on this side of the House and labored in season and out of season, as my honored friend from New York [Mr. FARQUHAR] has suggested, to protect the producers of this country, the men who work with their hands.

But, sir, who is it that has lightened the labors of all the toilers of this country, of all the men who gather around the forge or stand at the anvil or drive the engine, that does most for his fellows? It is the thinking man, the man who thinks and gives expression to his conceptions in book or machine. It is by the workman who gives the world the coinage of his brain that the labors of men are lightened. He furnishes the grand conceptions which find materialization either in book to instruct us how, or in engine or contrivance to perform, the tiresome work that devolves upon us. Such a workman was Jacquard; such a workman was George Stevenson; such a workman was Arkwright; such workmen were Newton, Franklin, Morse, Edison; and, in another field, Harvey, Priestly, Davy, Gibbon, Macaulay, Bancroft, Motley, Emerson, Darwin, and Spencer. Sir, do we intend to discriminate against the thinkers, the mental toilers of this country, the men who have made it what it is?

It was not Thomas Jefferson's physical capabilities that enabled him to trace the Declaration of Independence. Great ideas found expression in that immortal instrument; and we believe that the men who give to the world grand ideas, great thoughts, opening up the highway of advancement, should be protected as well as the man who can turn a grindstone. And, above all, I protest in the name of the American people that they do not desire to acquire either literature or invention except by honest methods. They are able and willing to pay for the work of men's brains as well as for the work of their hands.

It is not our custom to take the labor of another, whether of brain or hand, without an adequate consideration. Why, sir, in what part of this Republic have they discovered that to appropriate the coinage of a man's brain is less immoral than to appropriate that which is the work of his hand? My friend would protect one; he refuses to protect the other. And how can so just a man agree that my right to my personal property may be determined by mere policy.

Piracy upon the high sea has long been condemned by the nations. Shall the American Republic be the last to condemn piracy upon the land?

It is truthfully urged that our people are the greatest readers on earth. I regret if it shall occur that with all their reading they have failed to learn that there is a moral obligation resting upon us to pay for the books we buy. My honored friend says no, unless the author is an American citizen. Is that the moral standard in Illinois? Out in our Quaker neighborhood a great thought, expressed in a book for our in-

struction and illuminating the way of our people, is as much the property of the man whose labor produced it as that which is fashioned by the hands. If we protect the one, shall we not protect the other? [Applause.]

Mr. ADAMS. Mr. Speaker, on behalf of the gentleman from New York [Mr. CUMMINGS] I ask unanimous consent that the remarks he had desired to submit on this question may be printed hereafter in the RECORD.

There was no objection.

The SPEAKER. By unanimous consent, the time has now arrived when the previous question is ordered, and the first question is on the first amendment of the gentleman from Illinois.

Mr. PAYSON. Let the first amendment be read, Mr. Speaker.

The amendment was read as follows:

After section 11 insert the following:

"SEC. 12. That whenever any foreign country shall, by its laws, by convention, or by treaty, grant to citizens of the United States rights, properties, and privileges equal to those hereby granted to citizens of foreign countries, the President of the United States shall make public proclamation thereof, and from and after date of such proclamation the citizens of the foreign country or countries therein named shall be entitled to the rights, properties, and privileges hereby granted.

"SEC. 13. That the provisions of this act shall not apply to a citizen of any foreign country which shall not by its laws, by convention, or by treaty have granted to citizens of the United States rights, properties, and privileges equal to those hereby granted to citizens of foreign countries, nor until such foreign country shall have been named in a public proclamation by the President of the United States, as provided in section 12 of this act.

"SEC. 14. That whenever any foreign country shall cease to grant the said rights, properties, and privileges to citizens of the United States, the citizens of such foreign country shall thereafter cease to enjoy the rights, properties, and privileges hereby granted."

The amendment was adopted.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In section 2, page 3, strike out from the word "during," inclusive, in the twenty-sixth line, to the word "permitted," inclusive, in the forty-sixth line, on page 4; and in section 4, page 6, strike out from line 39, inclusive, to line 44, inclusive.

Mr. PAYSON. I rise to a parliamentary inquiry. Would it be in order, so that the House might understand the effect of the amendment, to have the words proposed to be stricken out read? Or, if permitted, I will make a brief statement.

The amendment simply removes the prohibition as to importation. If the amendment shall be agreed to, importation of books will be allowed.

The question was taken; and on a division there were—ayes 117, noes 56.

So the amendment was adopted.

The question recurred on the engrossment and third reading of the bill as amended.

The question was taken; and there were—ayes 89, noes 99.

Mr. ADAMS. I ask for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 126, not voting 103; as follows:

## YEAS—99.

Adams,	Cothran,	Lodge,	Simonds,
Allen, Mich.	Covert,	Magner,	Spindola,
Andrew,	Craig,	McAdoo,	Spooner,
Arnold,	Culbertson, Pa.	McKenna,	Stewart, Ga.
Baker,	Cutcheon,	McKinley,	Stivers,
Banks,	Dalzell,	Moore, N. H.	Stockbridge,
Bartine,	Dargan,	Nute,	Tarsney,
Bayne,	Dingley,	O'Donnell,	Taylor, E. B.
Belden,	Dunnell,	O'Neil, Mass.	Tillman,
Boatner,	Dunphy,	O'Neil, Pa.	Townsend, Colo.
Boothman,	Farquhar,	Osborne,	Townsend, Pa.
Boutelle,	Fitch,	Outwaite,	Tracey,
Burton,	Flower,	Payne,	Tucker,
Butterworth,	Greenhalge,	Pennington,	Turner, N. Y.
Bynum,	Harmer,	Post,	Venable,
Caldwell,	Hitt,	Price,	Wade,
Carliste,	Kerr, Pa.	Randall,	Walker, Mass.
Carter,	Ketcham,	Reilly,	Wallace, Mass.
Caruth,	La Follette,	Reyburn,	Wallace, N. Y.
Cheadle,	Laidlaw,	Rusk,	Willcox,
Claney,	Lansing,	Russell,	Williams, Ohio
Clarke, Ala.	Laws,	Sanford,	Wilson, W. Va.
Cogswell,	Lee,	Sawyer,	Wright,
Coleman,	Lehlbach,	Scul,	Yardley.
Comstock,	Lester, Ga.	Sherman,	

## NAYS—125.

Abbott,	Bullock,	Dolliver,	Haynes,
Anderson, Kans.	Burrows,	Edmunds,	Heard,
Anderson, Miss.	Candler, Ga.	Elliott,	Henderson, Ill.
Atkinson, Pa.	Cannon,	Ellis,	Henderson, Iowa
Barnes,	Carlton,	Enloe,	Henderson, N. C.
Barwig,	Cheatham,	Fithian,	Hill,
Belknap,	Chipman,	Forman,	Holman,
Blanchard,	Clements,	Forney,	Hooker,
Bland,	Cobb,	Fowler,	Hopkins,
Blount,	Conger,	Funston,	Kelley,
Breckinridge, Ky.	Connell,	Gear,	Kerr, Iowa
Brewer,	Cooper, Ind.	Gest,	Kilgore,
Brickner,	Cowles,	Gibson,	Kinsey,
Brookshire,	Crain,	Goodnight,	Lanham,
Brosius,	Crisp,	Grimes,	Lewis,
Brower,	Culbertson, Tex.	Hansbrough,	Lind,
Buchanan, Va.	De Lano,	Hare,	Martin, Ind.
Buckalew,	Dockery,	Haugen,	Martin, Tex.

McClammy, McClellan, McCreary, McRae, Milliken, Mills, Montgomery, Moore, Tex. Morgan, Morrill, Mudd, Norton, O'Neill, Ind. Owen, Ind.	Owens, Ohio Parrett, Paynter, Payson, Peel, Perkins, Peters, Pickler, Pierce, Quackenbush, Ray, Reed, Iowa Robertson, Rockwell,	Rowell, Rowland, Sayers, Scranton, Seney, Smith, Ill. Smith, W. Va. Stephenson, Stewart, Tex. Stockdale, Stone, Ky. Sweeney, Taylor, Tenn. Thomas,	Turner, Ga. Turner, Kans. Vandever, Van Schaick, Walker, Mo. Whiting, Wickham, Wike, Williams, Ill. Wilson, Ky. Wilson, Wash.
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NOT VOTING—103.

Alderson, Allen, Miss. Atkinson, W. Va. Bankhead, Beck with, Bergen, Biggs, Bingham, Bliss, Bowden, Breckinridge, Ark. Brown, J. B. Browne, T. M. Browne, Va. Brunner, Buchanan, N. J. Bunn, Campbell, Candler, Mass. Caswell, Catching, Clark, Wis. Clunie, Cooper, Ohio Cummings, Darlington,	Davidson, De Haven, Dibble, Dorsey, Evans, Ewart, Featherston, Finley, Flick, Flood, Frank, Geissenhainer, Gifford, Grosvenor, Groat, Hall, Hatch, Hayes, Hemphill, Herbert, Hermann, Houk, Kennedy, Knapp, Lacey, Lane,	Lawler, Lester, Va. Maish, Mansur, Mason, McCarthy, McComas, McCord, McCormick, McMillin, Miles, Moffitt, Morey, Morrow, Morse, Mutchler, Niedringhaus, Oates, O'Ferrall, Perry, Phelan, Pugsley, Quinn, Raines, Richardson, Rife,	Rogers, Shively, Skinner, Smyser, Snider, Springer, Stahlnecker, Stewart, Vt. Stone, Mo. Struble, Stump, Taylor, Ill. Taylor, J. D. Thompson, Turpin, Waddill, Washington, Watson, Wheeler, Ala. Whitthorne, Wiley, Wilkinson, Wilson, Mo. Yoder.
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So the House refused to order the bill to be engrossed for a third reading.

The following-named members were announced as paired until further notice:

Mr. THOMAS M. BROWNE with Mr. JASON B. BROWN.  
Mr. LACEY with Mr. WILSON, of Missouri.  
Mr. GROSVENOR with Mr. CUMMINGS.  
Mr. GROUT with Mr. CAMPBELL.  
Mr. CLARK, of Wisconsin, with Mr. CATCHINGS.  
Mr. THOMPSON with Mr. OATES.  
Mr. DORSEY with Mr. BANKHEAD.  
Mr. STRUBLE with Mr. WILKINSON.  
Mr. GIFFORD with Mr. WHITTHORNE.  
Mr. FINLEY with Mr. CANDLER, of Georgia.  
Mr. BLISS with Mr. STONE, of Missouri.  
Mr. BERGEN with Mr. BRECKINRIDGE, of Arkansas.  
Mr. KNAPP with Mr. MCCARTHY.  
Mr. WHEELER, of Michigan, with Mr. PHELAN.  
Mr. COOPER, of Ohio, with Mr. MAISH.  
Mr. MOFFITT with Mr. O'FERRALL.  
Mr. CASWELL with Mr. LANE.  
Mr. JOSEPH D. TAYLOR with Mr. ALLEN, of Mississippi.  
Mr. MCCORMICK and Mr. KERR, of Pennsylvania, were announced as paired until further notice, except on the bankrupt bill and the silver bill.

Mr. BOWDEN and Mr. LESTER, of Virginia, were announced as paired until further notice, except on the river and harbor bill.

Mr. HALL and Mr. SKINNER, until further notice, with right of substitution.

Mr. CANDLER, of Massachusetts, with Mr. McMILLIN, except on the silver bill.

Mr. KENNEDY with Mr. YODER. (Not transferable.)

Mr. MCCOMAS with Mr. PERRY.  
Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.  
Mr. TAYLOR, of Illinois, with Mr. LAWLER.  
Mr. SMYSER with Mr. STUMP.

On this bill:  
Mr. MORROW with Mr. HATCH. Mr. MORROW if present would vote for the bill and Mr. HATCH against it.

Mr. MORSE with Mr. ROGERS. Mr. MORSE would vote for it and Mr. ROGERS against it.

Mr. MASON with Mr. FRANK.

Mr. HEMPHILL with Mr. WHEELER, of Alabama.

Mr. BINGHAM with Mr. SHIVELY. Mr. BINGHAM would vote for it, Mr. SHIVELY against it.

Mr. MCCORD with Mr. CLUNIE, on the copyright and bankruptcy bills.

For the rest of this day:  
Mr. DARLINGTON with Mr. DAVIDSON.  
Mr. BROWNE, of Virginia, with Mr. STAHLNECKER.  
Mr. EVANS with Mr. TURPIN.

For this day:  
Mr. PUGSLEY with Mr. BRUNNER.  
Mr. MOREY with Mr. MUTCHLER.

Mr. STEWART, of Vermont, with Mr. TRACEY.  
Mr. WATSON with Mr. SPRINGER.  
Mr. FLICK with Mr. HAYES, on the copyright bill. Mr. HAYES would vote for it and Mr. FLICK against it.

On this vote:  
Mr. WASHINGTON with Mr. BUNN.  
Mr. RAINES with Mr. MANSUR.

Mr. DE HAVEN with Mr. HERBERT, until the end of this week.  
Mr. MILLIKEN with Mr. DIBBLE, until Monday next.

Mr. BECKWITH with Mr. GEISSENHAINER, until Monday morning.  
Mr. HOUK with Mr. RICHARDSON, for Friday.

Mr. PAYSON. I ask unanimous consent to dispense with the recapitulation of the vote.

Mr. BRECKINRIDGE, of Kentucky. I object. I desire to change my vote.

The name of Mr. BRECKINRIDGE, of Kentucky, was called and he voted "nay."

The result of the vote was then announced as above recorded.

Mr. BRECKINRIDGE, of Kentucky. I move to reconsider the vote by which the House has declined to order the bill to be engrossed for a third reading.

Mr. HOPKINS, Mr. PAYSON, and Mr. CRAIN moved to lay the motion to reconsider on the table.

Mr. ADAMS. I move that the House take a recess until 8 o'clock.

Mr. CULBERSON, of Texas. I rise to a question of order.

The SPEAKER *pro tempore* [Mr. PETERS]. The gentleman will state it.

Mr. CULBERSON, of Texas. Is not that in the nature of filibustering, and a dilatory motion?

Several MEMBERS. That is for the evening session.

The SPEAKER *pro tempore*. The Chair does not think that is a dilatory motion.

The question was put on Mr. ADAMS's motion for a recess, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. ADAMS and others. Division.  
Mr. HOPKINS. Yeas and nays.

The House divided; and there were—ayes 81, noes 98.

Mr. McADOO. The yeas and nays. [Cries of "Regular order!"]  
The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 72, nays 122, not voting 133; as follows:

YEAS—72.

Adams, Allen, Mich. Andrew, Bartine, Belden, Boatner, Boothman, Breckinridge, Ky. Brosius, Buchanan, N. J. Burton, Butterworth, Bynum, Caldwell, Caruth, Cheadle, Clancy, Clarke, Ala.	Cogswell, Coleman, Connell, Cothran, Covert, Craig, Culbertson, Pa. Dargan, Dingley, Dolliver, Dunnell, Dunphy, Farquhar, Fitch, Flower, Gear, Harmer, Henderson, Ill.	Kerr, Pa. Ketcham, Lee, Lehbach, Lodge, McAdoo, Moore, N. H. Mudd, O'Neil, Mass. Osborne, Pennington, Post, Price, Randall, Reilly, Rowell, Rusk, Sanford,	Scull, Sherman, Simonds, Spinola, Stivers, Stockbridge, Taylor, Tenn. Tillman, Townsend, Pa. Tracey, Turner, N. Y. Venable, Wade, Wallace, Mass. Wallace, N. Y. Williams, Ohio Wilson, W. Va. Wright.
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NAYS—122.

Abbott, Anderson, Kans. Anderson, Miss. Atkinson, Pa. Baker, Barnes, Barwig, Bayne, Belknap, Blanchard, Bland, Blount, Boutelle, Brewer, Brickner, Brookshire, Buchanan, Va. Buckalew, Bullock, Candler, Ga. Cannon, Cariton, Chipman, Clements, Cobb, Conger, Cooper, Ind. Cowles, Crisp, Culbertson, Tex. De Lano,	Dockery, Edmunds, Elliott, Ellis, Enloe, Fithian, Forman, Forney, Funston, Gest, Gibson, Grimes, Hansbrough, Haugen, Haynes, Heard, Henderson, Iowa Henderson, N. C. Hermann, Hill, Holman, Hooker, Hopkins, Kelley, Kerr, Iowa Kilgore, Kinsey, Laidlaw, Lanham, Laws, Lewis,	Lind, Martin, Ind. Martin, Tex. McClammy, McClellan, McCreary, McRae, Milliken, Mills, Montgomery, Moore, Tex. Morgan, Morrill, Norton, O'Donnell, O'Neill, Ind. O'Neill, Pa. Outhwaite, Owen, Ind. Owens, Ohio Parrett, Payne, Paynter, Payson, Peel, Peters, Pickler, Pierce, Ray, Reed, Iowa Robertson,	Rockwell, Rowland, Sayers, Scranton, Seney, Smith, Ill. Smith, W. Va. Spooner, Stewart, Ga. Stewart, Tex. Stockdale, Stone, Ky. Sweeney, Taylor, E. B. Townsend, Colo. Turner, Ga. Turner, Kans. Vandever, Van Schaick, Walker, Mo. Washington, Wheeler, Ala. Whiting, Wickham, Wike, Williams, Ill. Wilson, Ky. Wilson, Wash. Yardley.
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NOT VOTING—133.

Alderson, Allen, Miss. Arnold, Atkinson, W. Va. Bankhead, Banks,	Beck with, Bergen, Biggs, Bingham, Bliss, Bowden,	Breckinridge, Ark. Brunner, Brown, J. B. Browne, T. M. Browne, Va. Brunner,	Bunn, Burrows, Campbell, Candler, Mass. Carlisle, Carter,
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Caswell,	Grosvenor,	McKinley,	Snider,
Catchings,	Grout,	McMillin,	Springer,
Cheatham,	Hall,	Miles,	Stahlnecker,
Clark, Wis.	Hare,	Moffitt,	Stephenson,
Clunie,	Hatch,	Morey,	Stewart, Vt.
Comstock,	Hayes,	Morrow,	Stone, Mo.
Cooper, Ohio	Hemphill,	Morse,	Struble,
Crain,	Herbert,	Mutchler,	Stump,
Cummings,	Hitt,	Niedringhaus,	Tarsney,
Cutcheon,	Houk,	Nute,	Taylor, Ill.
Dalzell,	Kennedy,	Oates,	Taylor, J. D.
Darlington,	Knapp,	O'Ferrall,	Thomas,
Davidson,	Lacey,	Perkins,	Thompson,
De Haven,	La Follette,	Perry,	Tucker,
Dibble,	Lane,	Phelan,	Turpin,
Dorsey,	Lansing,	Pugsley,	Waddill,
Evans,	Lawler,	Quackebush,	Walker, Mass.
Ewart,	Lester, Ga.	Quinn,	Watson,
Featherston,	Lester, Va.	Raines,	Wheeler, Mich.
Finley,	Magner,	Reyburn,	Whithorne,
Flick,	Maish,	Richardson,	Wiley,
Flood,	Mansur,	Rife,	Wilkinson,
Fowler,	Mason,	Rogers,	Willcox,
Frank,	McCarthy,	Russell,	Wilson, Mo.
Geissenhainer,	McComas,	Sawyer,	Yoder.
Gifford,	McCord,	Shively,	
Goodnight,	McCormick,	Skinner,	
Greenhalge,	McKenna,	Smyser,	

So the House refused to take a recess.

Mr. MCADOO. I ask unanimous consent to dispense with the recapitulation of the vote.

Mr. MILLS. I object. Mr. Speaker, the hour for a recess has arrived.

The SPEAKER *pro tempore*. The Clerk will recapitulate the vote. Pending the announcement of the recess, the Chair desires to lay before the House the following personal requests of members, which will be granted, if there be no objection.

#### LEAVE OF ABSENCE.

There being no objection, leave of absence was granted as follows:  
 To Mr. BROSIUS, indefinitely, on account of important business.  
 To Mr. DIBBLE, for two days, on account of important business.  
 To Mr. DORSEY, for seven days, on account of important business.  
 To Mr. PERRY, for five days.  
 To Mr. RIFE, for three days, on account of sickness.  
 To Mr. STOCKBRIDGE, for Saturday, May 3, on account of important business.  
 To Mr. TAYLOR, of Illinois, indefinitely, on account of important business.  
 To Mr. TUCKER, until May 7, on account of important business.  
 To Mr. WADDILL, on account of sickness in his family.

#### WITHDRAWAL OF PAPERS.

Mr. PENINGTON obtained unanimous consent to withdraw from the files of the House the papers in the application of Margaret R. Jones for a pension without leaving copies.

Mr. MILLS. I make the point of order that the hour for taking a recess has arrived.

The SPEAKER *pro tempore*. The roll-call must be concluded before the recess can be declared.

Mr. MILLS. Then I withdraw the demand for the recapitulation of the vote.

The result of the vote was then announced as above recorded.

#### LEAVE TO PRINT.

Mr. MCADOO. I now ask unanimous consent that members desiring to do so may be allowed to print remarks in the RECORD upon the copyright bill.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. Under the rule, the House is now declared to be in recess until 8 o'clock.

#### EVENING SESSION.

The recess having expired, the House was called to order by Mr. PETERS as Speaker *pro tempore*.

#### ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special order for Friday evening's session.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar. The Clerk will report the first bill.

Mr. MORRILL. Mr. Chairman, one or two bills for the removal of charges of desertion were passed over at the last session.

The CHAIRMAN. Without objection, the Clerk will report the first of the bills thus passed over.

The Clerk read as follows:

A bill (H. R. 3678) to grant an honorable discharge to N. Parker Doe, and for other purposes.

Mr. ENLOE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ENLOE. I would like to know if, the House proceeding under this special order, any business outside of the business of considering private pension bills can be disposed of by unanimous consent. If so, I desire to ask unanimous consent to take up and pass the bill H. R. 7616.

The CHAIRMAN. That would not be in order.

Mr. MORRILL. What is the character of the bill which the gentleman desires to call up?

Mr. ENLOE. It is the bill for the payment of certain claims reported favorably from the Court of Claims.

The CHAIRMAN. The motion which the gentleman proposes to make would not be in order, as the business of Friday evening sessions is confined to pension bills, bills for the removal of political disabilities, and bills for the removal of charges of desertion.

Mr. ENLOE. I desire to ask the Chairman whether the Friday evening session is not in the nature of a special order under the rules of the House; and, if unanimous consent will dispense for the time being with a special order of the House or will suspend all rules, then I desire to ask the Chair whether on this occasion, if the entire body present consent that this bill shall be taken up, it will not be in order to take it up. In other words, I desire to ask the Chair if unanimous consent does not dispense with all rules when the House is in session.

The CHAIRMAN. The Chair will cause the rule to be read.

Mr. KILGORE. I would like to be heard upon this, Mr. Chairman, because it is a very important question.

The CHAIRMAN. The Chair will first cause the rule to be read. The Clerk will read.

The Clerk read as follows:

Rule 26, Clause 2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session, private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. ENLOE. Now, I would like to ask the Chairman if that is not an extension of the session of the House and whether, in contemplation of law, the House is not now in session.

The CHAIRMAN. The House is now in Committee of the Whole upon the Private Calendar.

Mr. ENLOE. So I understand. I desire to ask the Chairman now if unanimous consent does not suspend the operation of every rule when the House is in session.

The CHAIRMAN. The House directs the business of the Committee of the Whole by rule. The Committee of the Whole would be at liberty to change, not the kind of business to be done, but its order only. The Committee of the Whole may take up bills of the same class in such order as it sees fit, but that is as far as the committee can go.

Mr. ENLOE. I would like to have read the order of the Speaker appointing a temporary Speaker for this evening. Does not that provide that a certain gentleman shall preside as Speaker at this session.

The CHAIRMAN. Certainly.

Mr. ENLOE. Then I would like to know whether, if the House were in session, the House itself could not grant unanimous consent for the passage of any bill.

The CHAIRMAN. The Chair is not called upon to rule upon a question as to what the House might do.

Mr. ENLOE. Well, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that the committee do now rise.

Mr. HILL. I desire to ask for what purpose the gentleman makes the motion.

The CHAIRMAN. The question is not debatable.

The question was taken on the motion of Mr. ENLOE, and it was rejected.

The CHAIRMAN. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 3678) to grant an honorable discharge to N. Parker Doe, and for other purposes.

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge to N. Parker Doe, late of Company A, Second Maine Infantry Volunteers, and to pay him whatever moneys, bounties, or other dues he would have been entitled to had he been mustered out with an honorable discharge.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred House bill No. 3678, to grant an honorable discharge to N. Parker Doe, and for other purposes, submit the following report:

The committee have had said bill under consideration, and find that said N. Parker Doe was enrolled as a private soldier in Company A, Second Maine Infantry Volunteers, on the 28th day of May, 1861, and was "discharged May 20, 1863, by sentence of general court-martial to forfeit all pay and allowances and be dishonorably discharged." It appears that said Doe was a good soldier, though a mere boy at the time, and had during his service been a prisoner of war for a few months at Belle Isle. The statements of Frank S. Trickey, late second lieutenant of his company, and George Varney, late colonel of his regiment, made to the Secretary of War, are herewith submitted and made a part of this report.

They are as follows:

BANGOR, ME., January 15, 1889.

SIR: In the matter of the application of N. Parker Doe, late a private in Company A, Second Maine Volunteers, for removal of sentence of court-martial and for reinstatement and honorable discharge, I have the honor to state that at the time the offense with which Doe was charged was committed I was the second lieutenant of the company and of course was familiar with all of the details of the case. Doe was a 'drummer boy,' being quite young at the time, and was, in my opinion, guiltless of any intentional wrong. He had been a faithful soldier, attentive to his duties, and was engaged with his company in some of the hardest fought battles of the war, viz, first and second battles of Bull Run, Hanover Court-House, Gaines's Hill, and Fredericksburgh and Chancellorsville. At Gaines's Hill he was taken prisoner, undergoing confinement at Belle Isle, Richmond, for quite a while.

In the affair which resulted in his court-martial and a sentence of dishonorable discharge, I think, in fact I am positive, he was influenced in his action by older comrades. In view of the soldier's youth at the time the offense was committed, his faithful service of two years, his imprisonment and suffering while a prisoner of war, I respectfully and earnestly recommend that the sentence in the case of N. Parker Doe, late Company A, Second Maine Infantry, whereby he was dishonorably discharged the service with the loss of all pay and allowances, be set aside and an honorable discharge granted him with a restoration of all pay and allowances due him at the time of the court-martial before referred to.

Respectfully, your obedient servant,

FRANK S. TRICKEY,

Late Second Lieutenant, Second Maine Infantry Volunteers.

SIR: Referring to the appeal N. Parker Doe, late private Company A, Second Maine Infantry Volunteers, for removal of sentence of court-martial, and for reinstatement and honorable discharge, I beg to state that I am familiar with all the circumstances connected with the case, and that I felt at the time and now feel that the punishment inflicted was entirely out of proportion to the offense committed.

Doe, at the time, was a youth not out of his teens and was influenced and controlled in his action by his older comrades. He was a faithful soldier, and obedient to every command up to the time of the trouble for which he was court-martialed, having been engaged with his company in the following battles, namely, First Bull Run, Second Bull Run, Hanover Court House, Gaines's Hill, Fredericksburgh, and Chancellorsville. At Gaines's Hill June 29, 1862, Doe was captured and confined for several months in Belle Isle prison.

In view of his faithful and meritorious service and his youth at the time the offense was committed, I most respectfully and earnestly recommend that the sentence of the court-martial in the case of N. Parker Doe, late Company A, Second Maine Infantry Volunteers, whereby he was dishonorably discharged the service of the United States, with loss of all pay and allowances, be set aside and an honorable discharge granted him, with the restoration of pay and allowances due him at the time of his discharge.

I have the honor to be, your obedient servant,

GEORGE VARNEY,

Late Colonel Second Maine Volunteers.

The SECRETARY OF WAR,  
Washington, D. C.

BANGOR, January 7, 1889.

Your committee are of the opinion that the punishment in this case was extreme, and they unanimously recommend the passage of the bill.

The CHAIRMAN. The question is upon laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. ENLOE. I think, Mr. Chairman, in view of the fact that very large appropriations of money are being made for the payment of pensions, that one of the most important things for Congress to do is to carefully scrutinize and thoroughly investigate the methods of the distribution of this money.

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

The CHAIRMAN. The gentleman will state it.

Mr. COGSWELL. The bill now under consideration involves no expenditure of money.

Mr. ENLOE. I understand, Mr. Chairman, that it will involve an expenditure of money.

Mr. COGSWELL. I have the floor, I believe, until I state my point. The gentleman evidently, so far as indicated, is prepared with a speech on the expenditure of money. Now, my point of order is that he is not speaking to the question before the committee.

The CHAIRMAN. The gentleman from Tennessee will confine himself as nearly as possible to the question before the committee.

Mr. ENLOE. Yes, sir; I shall confine myself, I think, to the question under consideration, and that is the increased expenditure of money by Congress for the payment of pensions and the manner in which that money shall be distributed. In other words, Mr. Chairman, I have often heard, and I have no doubt you have heard also in your State of Michigan, the expression, "What is the matter with Hannah?" Now, I want to know what is the matter with Tanner? And I am here to-night to ask some questions about the reasons why that gentleman, who was at the head of the Pension Bureau, was removed, and why the expenditure of money under the present administration is to be regarded as a more proper expenditure than that which was made under the administration of Mr. Tanner. The question as to what is the matter with Tanner is a question that the country would like to have answered, and the country is waiting for the answer.

I find from an investigation of the facts that the Secretary of the Interior, who is the head of this Department and has control of the expenditure of money, appointed a commission or a committee to investigate the management of the Pension Office under Commissioner Tanner. I find, furthermore, that this committee or commission was organized by the Secretary of the Interior; that certain instructions were given to it as to how it should proceed to make this investigation; that it did make the investigation; that it did make its report; that that report was published, 14 copies of it, as I understand; and then

the publication of the report of that investigation was suppressed and is suppressed up to the present hour.

Now, I want to invite attention to some of the circumstances under which that investigation was made. I have before called attention to the fact that Commissioner Tanner was carrying out the pledges which he had made from the stump in the canvass which brought the present Administration into power; that he was acting under instructions, as he alleges, of the present occupant of the Presidential chair, and in his efforts to make good these pledges which he had made to secure the soldier vote of the country he was attacked by the Secretary of the Interior through a star-chamber investigation, a committee appointed by him, which gave the late Commissioner of Pensions no opportunity to make any defense; that the star-chamber committee made its report to the Secretary of the Interior; that the Secretary recommended the removal of Commissioner Tanner or insisted that he should be removed, and that the President, acting upon the recommendation or the known will of the Secretary of the Interior and upon the action of this star-chamber committee, did remove Commissioner Tanner from this office and put another gentleman in his place.

I have before me the report of that committee. I propose to invite attention to some of the features of that report. This committee was appointed on the 20th of July, 1889. After Tanner's methods of administration had been indorsed by the Grand Army of the Republic the Secretary of the Interior appointed this special board of examiners, consisting of George Ewing, F. L. Campbell, and H. L. Bruce. This board, made up of the enemies of Tanner and of the friends of the Secretary of the Interior, in submitting their report—

Mr. KILGORE. Will the gentleman allow me a moment?

Mr. ENLOE. I do not think I can spare the time.

Mr. KILGORE. I would like to know whether that committee did make a report.

Mr. ENLOE. I have the report here.

Mr. KILGORE. A printed report?

Mr. ENLOE. It is a printed report of 268 pages.

Mr. KILGORE. By what authority was it printed?

Mr. ENLOE. By the authority of the Secretary of the Interior.

Mr. KILGORE. How many copies were printed?

Mr. ENLOE. Fourteen, as I understand.

Mr. KILGORE. Fourteen!

Mr. ENLOE. I understand the publication of it was suppressed—

Mr. KILGORE. After the printing of fourteen copies?

Mr. ENLOE. And I understand that Commissioner Tanner, who was condemned by it, wants an opportunity to be heard, and I want to give him that opportunity. I think I shall show good reasons; and I do not think there is or could be any better use made of the time this evening than by turning the light on as to the manner in which this office is administered.

If Commissioner Tanner deserved the condemnation which he received, and if the present Commissioner is a so much better man, and his methods are so much better—if the preceding Commissioner, who was a Democrat, was so much better than Commissioner Tanner that he (Tanner) should be kicked out and this man Raum put in, why, then it is only fair and just to Mr. Tanner that he should have an opportunity to be heard, and that he should not be condemned by a star-chamber investigation before which he had no opportunity to make his defense.

Mr. WILLIAMS, of Illinois. Will the gentleman allow me a question?

Mr. ENLOE. Certainly.

Mr. WILLIAMS, of Illinois. I understand you to say that Mr. Tanner desires to be heard.

Mr. ENLOE. Mr. Tanner would be glad to-day—and I know whereof I speak—to have a thorough investigation of his administration, of the preceding administrations, and of the present administration, in order to give him an opportunity to vindicate himself from the charges under which he rests.

Mr. WILLIAMS, of Illinois. Do you mean to say that Mr. Tanner himself has been suppressed?

Mr. ENLOE. No, I do not think you can suppress him; but he has been removed from office; he has been officially condemned. He is not exactly *functus officio*, but he has been removed from office.

Mr. KERR, of Pennsylvania. Do we understand you to imply that there is anything wrong with the present administration?

Mr. ENLOE. I will get to the present administration when I get through with Mr. Tanner.

Now, this committee, in making its report, starts out by saying:

In compliance with instructions contained in your order of July 20, 1889, the undersigned, constituting a "special board of examiners," have the honor to make the following report:

Your order contemplates a comparative statement of the number of cases in the Pension Office in which ratings have been granted pensioners during certain periods in 1888 and 1889 named therein, with the view of determining whether the same principles and rules have been acted on in both periods; and, if not, wherein has been the difference.

Also, your instructions gave permission to extend this comparison to the other months and years, if deemed best, in order to supply full information upon the question as to whether the ratings during the present administration have been to any degree illegal or irregular, and whether they have been in accordance with the previous practice or precedent; and if irregularities to any degree are deemed to exist, by what rules or orders the same may be best remedied and prevented in the future.

The first statement made by this star-chamber committee in response to this order—

Mr. BOOTHMAN. Will the gentleman allow me a question just there?

Mr. ENLOE. Certainly.

Mr. BOOTHMAN. When a few minutes ago the gentleman from Tennessee made the motion that the committee rise in order that he might make a motion in the House to consider war claims to-night, I wish to ask, if that motion had been adopted and the gentleman been permitted to go upon the question of war claims, whether he would, in the discussion of that matter, have entered into a voluntary vindication of Commissioner Tanner.

Mr. ENLOE. I will say to the gentleman that I am a gentleman of great versatility of talent; and on some Friday evenings I speak on war claims, on others on pensions.

Mr. MORROW. And some nights on both. [Laughter.]

Mr. ENLOE. I probably might have addressed myself to that question if it had been before the committee. The fact is, I think I could take even a little wider range than that if it were necessary; but I do not want to take up the tariff to-night, and so will proceed with the vindication of Mr. Tanner.

Mr. FUNSTON. Lord, how the mighty have fallen! [Laughter.]

Mr. BOOTHMAN. One further question. Do we understand that this vindication comes at the request of Commissioner Tanner himself?

Mr. ENLOE. I will say that I had a conversation with ex-Commissioner Tanner, and he said to me that he wanted an investigation made, and also said to me that he thanked me for getting up and demanding justice for him when he did not have any Republican friends over there to do it.

Mr. SAWYER. Will the gentleman allow me a question?

Mr. ENLOE. Well, I am not going to undertake to answer everybody's questions, for I have something more to add on this point that I am discussing now. But I have no doubt the gentleman from New York wants to broach an interesting question, and I will yield to him.

Mr. SAWYER. Do you represent General Tanner at his request at this time?

Mr. ENLOE. I will say to the gentleman from New York that I represent myself at this time. I choose my own time and opportunity; and I want to say to the gentleman from New York that it is coming to that pass in this House that when any one wants to discuss a question of public interest and importance he must rely, not upon debating it under the rules, but he must take every and any opportunity that offers or keep his mouth shut.

Mr. SAWYER. I judge that is your opinion.

Mr. ENLOE. That is my opinion, and if the gentleman from New York will study my views he will find that they are based on very good grounds, because they are all based on facts. He will find that they do not vary from the actual facts.

Now, I was going on to say that when this star-chamber committee got ready to make this report it used this language:

From an examination of the records of the bureau and from the best information obtainable, it is ascertained that there were no records showing specifically the number of cases which had been rerated during the periods suggested in your order; and that until a period commencing September 1, 1888, the rerated cases were all included in the record among the reissues for all purposes. To determine what particular cases had been rerated it would therefore be necessary to examine all cases in which reissues had been made. To do this would necessitate the drawing upon the admitted files of the Department for a vast number of cases for examination, and would involve great labor, consuming months of time.

For the purposes—

And I invite your attention to this—

For the purposes of the investigation this was thought by your committee to be unnecessary; and in this view, the facts above mentioned having been brought to your attention, you concurred.

Now, this statement very naturally raises the question as to just what were the purposes of this investigation. This committee says that "for the purposes of this investigation" it is not necessary to follow out the instructions of the Secretary of the Interior; that it would be too laborious and would require a long period. What were the purposes? I maintain and will endeavor to establish the fact that there was no purpose in the investigation except to remove a man from office because he was undertaking to carry out in good faith the policy to which his party stood pledged, and he was talking too much about it, and they wanted to put a man in who would carry out what they wanted to do without saying too much about it. They did not want to excite antagonism by carrying out boldly the policy proclaimed on the stump. But Tanner had honesty enough to declare his purpose and adhere to it, and the purpose of the investigation was to furnish an excuse or pretext to the Administration to kick Mr. Tanner out of the Administration and put another man in his place.

The manner in which this committee proceeded reminds me of a story. It is a little incident that occurred down in Tennessee that I heard related of an old lady who was attending a certain session of a certain church for the purpose of turning one of the brethren out of the church. She got tired of waiting for the preliminaries and finally stood up in open meeting and said, "We came here to turn Brother

Still out of the church, and I am in favor of turning him out without hearing any evidence."

That is what the committee was appointed to do. It was appointed to turn Tanner out of the church, and it did not want him to get a chance for self-vindication. The committee was instructed to go back for months, and years if deemed necessary, even to the other administration, and report any illegal or irregular action in the business methods or official conduct of Mr. Tanner. They concluded that for the purpose of this investigation it would be sufficient to begin at a period in the preceding administration about three months before his term began.

They thought they would furnish just sufficient evidence to convict. The purpose of organizing the jury was to convict, and they thought it was not necessary for the jury to go back further than December, 1888, and so the jury reported to the judge that they could convict him on this, and the Secretary of the Interior, who was the judge, says, "Go ahead and convict him." Accordingly they made their report; he acted upon it, and the President turned Tanner out of office, and the country wants to know the reason why. I suppose the reason why this committee did not go further back was because they did not find anything in the record of his predecessor in office that would help to show any irregularities in his proceedings. If they had I suppose they would have gone back. But three months was sufficient to make a comparison; they made a comparison; they submitted their report; and in that report they submitted a table, and I want to incorporate that table in my remarks.

Mr. SAWYER. I object.

Mr. ENLOE. Then I will read it, and you can not object. I will put it in. They submitted a tabulated statement of the eight months, giving a comparison of the work.

Mr. BAKER. Would it not be just as instructive to print the table and the rest of his remarks in the RECORD?

Mr. ENLOE. Yes; it will probably be as satisfactory to the gentleman from New York, but I do not think it would be as instructive and entertaining, and I want to entertain as well as instruct him.

Now, Mr. Chairman, here is a statement which this committee submitted as to the reratings. Do I understand the gentleman to continue his objection in regard to putting this table in?

Mr. SAWYER. I object.

Mr. ENLOE. That is all right. I agree with you, and will read it.

Cases rerated—Certificates below 171000.

Period.	Disability.			From date of discharge.	To cover subsequent dates.	Total number rerated.	Total reissues including increase.	Per cent. of total reissues for all purposes, which have been rerated.
	Wounds and injuries.	Wounds and diseases.	Disease.					
1888.								
December.....	79	8	10	82	15	97	1,330	Per cent. 7.3
1889.								
January.....	120	3	15	110	28	138	1,496	9.2
February.....	212	10	15	201	36	237	2,017	11.2
March.....	105	6	24	105	30	135	908	14.9
April.....	124	9	37	133	37	170	1,568	10.8
May.....	239	19	57	274	41	315	1,711	18.4
June.....	181	9	25	174	41	215	1,249	17.2
July.....	134	10	39	156	27	183	1,166	15.7
Total.....	1,194	74	222	1,235	255	1,490	11,440	*13

\* Average per cent.

Mr. SAWYER. I withdraw my objection. [Laughter.]

Mr. ENLOE. Well, you are a good citizen. I thank the gentleman; but I will put the table in, so that he can understand it better. Here is a statement in regard to the administration of the Pension Office, an office which has or will hereafter have the disbursement of \$150,000,000 annually, which ought to attract the attention of Congress to the necessity for an investigation of that office.

Mr. HILL. Will it interrupt or greatly delay the gentleman's argument if he were to allow me to interrogate him at this time?

Mr. ENLOE. Wait a moment until I read this statement:

From the above statement it will be seen that about 13 per cent. of the total number of reissues for all purposes, including increase, etc., are for the purpose of rerating, and in about 83 per cent. of the total number of cases rerated such rerating extends back to the date of discharge. It will also be observed that there has been a substantial increase in the number of cases rerated, from month to month, during this period. This is indicative of what is apparently an established policy of the bureau, the result of which, if continued, will be to readjudicate and rerate a very large per cent. of the cases in the admitted files.

The mode of procedure in the majority of cases is about as follows: Pensioners, prompted by the present liberal policy of the bureau, in making an application for increase of pension, also in the same application request a rerating, giving no specific reasons therefor, but stating generally that they have been rated too low, or this question is considered on an application for increase alone, and in very many cases it is considered and action taken without, so far as the record shows, a request having been made for such action on the part of the pensioner. In the process of adjudication, the board of review have adopted

the following form of indorsement, which is generally found upon the briefs as its action:

"Rerating not approved unless manifest injustice has been done in former rating."

After action thus indorsed, the case then passes to the medical division, where the new rate is indorsed on the face brief, without, in most cases, assigning any reason why a former rating should be disturbed.

Now, I say that if these practices prevailed under the administration of the Pension Office under Mr. Tanner, under his predecessor, or under the present Administration, it furnishes sufficient reason, and one which should put Congress upon inquiry and cause an investigation of the manner of administering the Pension Office.

Now, if the gentleman wants to ask me a question, I will hear it.

Mr. HILL. The question I wanted to ask the gentleman is whether or not he is now engaged in the vindication of Mr. Black, the late Commissioner of Pensions under the Democratic administration, or of Mr. Tanner?

Mr. SPINOLA. I hope my friend will not inject politics into this question. There are no politics in it. [Laughter.]

Mr. ENLOE. I want to get at the truth, and I want to say to the gentleman that my primary object is to vindicate Mr. Tanner as an honest Republican who was keeping his word and fulfilling the promises of his party made during the late canvass. If it results in the vindication of Mr. Black he will not make any complaint about it.

Mr. HILL. I want to ask the gentleman another question.

Mr. ENLOE. But I am not so anxious to vindicate anybody as I am to have an investigation into the management of this Pension Office which has the expenditure of \$150,000,000 of the people's money annually.

Mr. HILL. Now, under the light of what the gentleman has just stated, that he is endeavoring to vindicate Mr. Tanner, I would like to have him state if he has received any new light from any source since he introduced a resolution in December last in regard to this supposed illegal rerating, and when he characterized those reratings as frauds upon the Government.

Mr. ENLOE. Yes, I am going to come to that, if the gentleman will be patient.

Mr. HILL. Well, I would like to have the gentleman state that.

Mr. ENLOE. Well I do not want to be forced to come to a point in my argument that I have not yet reached. [Laughter.] The gentleman must be a little patient. I am not capable of satisfying his mind all in an instant, but I will satisfy it as rapidly as possible, and if I should fail to make my answer entirely satisfactory he must attribute it to my lack of ability, and not to any lack of a favorable disposition.

Mr. HILL. Not at all, but if the gentleman has experienced a change of heart—

Mr. ENLOE. Oh, I am not in the habit of experiencing changes of heart more than two or three times in any one month in the year.

Mr. MORSE. With the exception of this month.

Mr. ENLOE. Well, I have not changed my opinion this month yet. Now, Mr. Chairman, I desire to put into my remarks an extract from this report, which is contained on pages 14, 15, 16, and 17.

The CHAIRMAN. The Chair hears no objection, and it will be so ordered. [Laughter.]

Mr. ENLOE. Now, I see, Mr. Chairman, that you are my friend and in favor of dispatching the public business, and you are helping to expedite it now. [Laughter.]

The report says:

Your attention is next invited to a group of cases which may be termed "employé" cases. These are cases in which rerating and increase have been allowed certain employés (thirty in number) in the Pension Office. Nearly all of these cases were adjudicated in the months of May and June, 1889. The examination of them was not limited to cases numbered below 171000 for the reason that they were all readily accessible, and under our instructions they were all to be examined.

Notes have been made in each case based upon careful examination of the papers, giving a history of the various actions had from the date of original adjudication to the present time in each, and such comments have been made as a part of said notes as were suggested by the facts disclosed. They may be seen as contained in Exhibits 433 to 464, which are referred to and made part hereof.

As illustrating the mode of procedure in this class of cases an abstract history of two of them will here be presented.

In the case marked Exhibit No. 444 the soldier was discharged August 14, 1865. He filed application for pension November 6, 1883, which was granted May 21, 1886, at the rate of \$6 per month from date of filing application. December 13, 1887, his certificate was reissued to allow additional disability at \$10 per month from November 6, 1883, and \$12 per month from July 25, 1887.

April 25, 1888, his certificate was again reissued to increase rate to \$16 from July 25, 1887, on the opinion of the medical referee that he was so entitled.

May 20, 1889, the pensioner, who was a reviewer in the medical division, addressed a communication to the Commissioner, claiming that he was entitled to \$17 per month from November 6, 1883, the date of filing his original application.

On the same day (May 20, 1889), George B. Squires indorsed the above letter to an examiner in the medical division, with instructions to give an opinion as to whether the pensioner was entitled to a rerating at \$17 or a higher rate than he has received. To which the examiner replied, on the day following, that in his opinion the pensioner was as much disabled at the date of filing his claim in 1883 as now, and recommended the granting of his request and that the certificate issue within forty-eight hours.

The opinion was approved by the Commissioner and an order was issued May 21, 1889, by him, making the case special and a forty-eight hour case. On May 22, 1889, the board of review and medical division formally approved, as per order of the Commissioner, and the certificate was at once issued, granting a rerating at \$17 per month from November 6, 1883, the date of filing the original application.

The rerating and increase so allowed were without a medical examination or

additional evidence; were in excess of the rates recommended by a city board of surgeons in September, 1885; also by an office board in July, 1887, the only medical examinations ever made; and, so far as shown by the papers, the action was based solely upon the opinion of a subordinate official, who was a fellow employé in the same division with the pensioner.

In the medical division as well as the legal branch of the bureau, in the regular order of business, the action of an examiner passes the scrutiny of a reviewer, who is supposed to be an expert, and the examiner's official action is approved or disapproved, as the case may be. But in this instance a claim is decided on the opinion of an examiner, although at variance with the opinion of two different boards of surgeons and without conclusive evidence that such opinion has received the approval of a medical reviewer or the medical referee, the highest medical authority in the bureau.

In the case set forth in Exhibit No. 433 the claimant filed his original application for pension on the 26th of December, 1879, having been discharged from the service August 30, 1855. He was examined by the board of surgeons at Washington, D. C., who gave the opinion that he was not disabled by malarial poisoning, the cause of disability alleged. He was examined on the 12th of February, 1882, by the board of surgeons at New York City, who reported that they found no results of malarial fever upon which to base a rating for pension, and gave the opinion that he was not disabled. Upon the evidence set forth in affidavits of physicians the rate of pension was in March, 1882, fixed at \$7.50 per month, one-half the total pension of a second lieutenant, and a certificate was issued granting that rate.

The pension was afterwards increased to \$8.50 a month, one-half the total pension of a first lieutenant, the records of the War Department having been amended to show muster as first lieutenant. Pensioner was examined on the 12th of June, 1882, by the board of surgeons at Washington, D. C., who rated his disability at one-half. The pension was continued at one-half. Under an application for increase the pensioner was examined on the 23d of March, 1885, by the board of surgeons at Washington, D. C., who rated his disability at three-fourths, entitling him to \$12.75 per month. On the 5th of May, 1885, a certificate was issued granting increase of pension to \$12.75 per month from the 23d of March, 1885. On the 26th of April, 1889, the pensioner filed an application for increase and rerating of pension, in which he stated that he believed that "he was entitled to at least a three-fourths rating from the date of his discharge."

On the 27th of April, 1889, he was examined by a board of surgeons of the Pension Office, who gave the opinion that his disability was such as to incapacitate him for the performance of any manual labor, entitling him to pension of the second grade, \$30 per month. A certificate was issued on the 3d of May, 1889, granting pension at the rate for total disability (\$17 per month) from the 31st of August, 1865, the date of discharge, and \$30 per month from the 27th of April, 1889, the date of the certificate setting forth the disability in the degree for which that rate is provided. No new evidence bearing upon the degree of disability during the period from discharge to the date of the last medical examination was filed in the claim for rerating. The pensioner's disability is not a permanent specific one. The rerating from discharge is not sustained by the evidence, and was contrary to the decisions of the Department on the subject and to the spirit and intent of the law.

It will be observed that the two cases above outlined were forty-eight-hour as well as "employé" cases. A reference to the exhibits will show that most of the "employé" cases were also forty-eight-hour cases.

It may be said generally in regard to the "employé" cases that they are like many others which we have examined and to which this report relates in this, that in the adjudication for rerating the rule "palpable error" or "manifest injustice" in former ratings seems to have been utterly ignored and lost sight of. They have almost without exception been readjusted on mere opinion, the judgment of to-day annulling and setting aside that deliberately rendered years ago, and against which until recently no protest had ever been made by the pensioners. Not only this, but, in our judgment, the recent action overturning former adjudications was in a majority of the cases without justification even on the weight of evidence, conceding for the moment for the sake of the argument the very untenable position that in cases long since determined the weight of evidence, as now viewed, should be permitted to control to the setting aside of all previous adjudications.

In some instances the cases were (see exhibits) referred by the Commissioner or by his private secretary, Mr. Squires, to an examiner in the medical division for an opinion, which proving favorable the cases were taken up, briefed, and rerating allowed. Why referred to a medical examiner, a subordinate in the medical division, rather than to a medical referee, the official directly in charge of the medical branch of the office, does not appear and is left to be inferred.

If a medical examination of the employé pensioner was deemed necessary, it was in many cases had by a board in the office instead of sending the applicants to an outside board. Besides, as already indicated, the adjudications were hurried. The cases were expedited. They were taken up very soon after application was filed, thus displacing and setting back other claims entitled in the order of business to precedence.

Reratings were allowed and certificates thereon issued in a remarkably short space of time, considering the large amount of business before the office, and the long list of unadjudicated claims, original and increase, which burden its files. No reason appears which would at all justify the action which gave them a preference in the order of time over other claims. If good reasons did not exist for the speedy action, then insufficient and unsatisfactory reasons must be inferred.

The brief period which elapsed between the dates of the filing of the applications and their favorable adjudication, together with the character of the evidence upon which the reratings were allowed, are indicative of personal favor due to the official relations of the claimants.

I come now to this question of rerated employés in the Pension Office.

Mr. HILL. And to the question of a "change of heart."

Mr. ENLOE. Yes; and if I am successful in changing your heart I will think myself one of the greatest missionaries that ever appeared in Congress, except perhaps the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Thank you.

Mr. ENLOE. I find, Mr. Chairman, that this committee proceeded to make out a list of the rerated employés in the Pension Office. I have that list here complete. I took the trouble this afternoon to write it out in full while you gentlemen were debating the copyright bill. I have all the names here, but I have not the full category of their separate and specific sins, ready for immediate use.

Mr. MORSE. We will give you leave to print that, too.

Mr. ENLOE. Very well; I will print that with the gentleman's permission. This is the list furnished by that committee:

EMPLOYÉS RERATED.

Frank A. Butts, William P. Davis, James E. Smith, John L. Paine, Joseph C. Squires, Alva H. Doan, Joseph Dickinson, William B. Pratt, Silas Colgrove,

John E. Carpenter, William J. Hillgoss, William M. Goodloe, Philip Metzger, Wallace W. Case, Frederick Tyers, Ashland B. Swiggert, Samuel R. Hersey, E. H. Maxwell, Henry A. Phillips, Benjamin F. Darling, Winfield L. Works, Jefferson H. Jennings, Caleb B. Moore, Forest W. McElroy, Manuel Johnson, Perley B. Dickinson, William S. Bell, Nathan B. Prentice, Dennis T. Kirby, Jacob Pinick, John B. G. Baxter.

Now, I want to go a little further. This star-chamber committee, which was organized to convict Mr. Tanner and to furnish ground for his discharge, has cast the shadow of a conspiracy over all these men, over every man on this list, and also over Mr. Tanner. The charge is that they formed a conspiracy for the purpose of defrauding the Government. That is the charge which rests upon Mr. Tanner's head and upon every man employed in the Pension Office who was rerated under his administration. Now, Mr. Chairman, if there was a conspiracy formed, if the Government was robbed, if the law was disregarded, if there were precedents for it, and if that example is still followed, what higher duty has the Committee on Expenditures in the Interior Department than to make an investigation of the matter and report upon it to Congress? I say that Mr. Tanner by himself could not have formed a conspiracy. If he is guilty he is not the only man who is guilty. If the thunderbolt of Presidential displeasure descended upon his head, it should not have fallen upon Mr. Tanner alone, but also upon those gentlemen in the Pension Office who were charged with various functions under the law and who have helped to carry out this conspiracy. They also ought to be punished.

Mr. HILL. Now, if the gentleman will yield, I would like to have incorporated at this point the resolution that he introduced in December last in regard to these reratings.

Mr. ENLOE. Well, I am perfectly willing to have it incorporated right here.

Mr. HILL. I send the resolution to the Clerk's desk to be read. The resolution was read, as follows:

*Resolved*, That the Secretary of the Interior be, and he is hereby, requested to furnish to the House of Representatives the evidence taken and the report submitted to him by the committee which he appointed to investigate the management of the Pension Office under the late Commissioner Tanner; that he also be requested to inform the House of Representatives what steps, if any, have been taken to recover the money paid to persons who were illegally and improperly rerated; that he also be requested to furnish a list of the names of the employes of the Pension Office who were engaged in rerating themselves and each other, and to inform the House of Representatives who of those on said list are still in the Government employ and who have been discharged, if any, on account of their participation in such frauds on the Government.

Mr. ENLOE. Now, I will state that that resolution is perhaps not exactly the resolution which I introduced, but it is the resolution with the amendment of the Committee on Invalid Pensions, which was reported back to this House and adopted, and up to the present hour there has been no response to that resolution.

Mr. MORRILL. If the gentleman will permit me, I will state that yesterday the Secretary of the Interior sent in his report in reply to the resolution, but it is not yet printed as an executive document.

Mr. ENLOE. I am glad to hear that we are likely to get some light on the subject, but, for fear that some accident might befall the report of the Secretary, I want to incorporate in my remarks—

Mr. MORRILL. I will ask the gentleman to allow the report of the Secretary of the Interior to be printed in the RECORD following the resolution which has just been read. It is only fair that it should be embodied in his remarks with the resolution.

Mr. ENLOE. I think the Secretary of the Interior has had enough *ex parte* hearings in this matter against Mr. Tanner, and I do not propose to have you put his statement in my remarks. You can publish it in the Secretary's "own time" or in some other way, but not in my remarks.

Mr. MORRILL. The gentleman said he was perfectly willing to have his own resolution incorporated in his remarks, and I supposed that as a matter of course and a matter of fairness he would be willing to have the Secretary's response to that resolution printed with it in the report.

Mr. ENLOE. Well, I am going to make an answer to that resolution myself from some facts in my possession.

Mr. WILLIAMS, of Ohio. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS, of Ohio. I wish to ask whether it is proper and in order to discuss the resolution which has just been read at a session like this when the Committee of the Whole has under consideration a bill for the removal of a charge of desertion?

The CHAIRMAN (Mr. BAKER). The Chair thinks—

Mr. WILLIAMS, of Ohio. Do I understand that the gentleman is speaking to the resolution just read?

Mr. ENLOE. No, sir; I am not speaking to that resolution. The resolution was read in my time with my consent. Now, Mr. Chairman, I want to state what has become of the gentlemen who, by this committee, are pointed out as conspirators with Mr. Tanner for the purpose of plundering the Government. You would naturally suppose—I think any man of average intelligence would naturally suppose—that if a number of individuals enter into a conspiracy and the head of that conspiracy is punished, and the other men who are concerned in it with

him are known, they would also be punished, if there was power in the hands of the same persons who punished him to punish them.

But let us see how that has worked. I find, Mr. Chairman, from the record that there is a difference on account of the shades of political opinion. The Democrats and the Tanner Republicans committed a great sin in entering into that alleged conspiracy. And you may take the Pension Office and rake it and scrape it from one end to the other with a fine-tooth comb and you can not find a Democrat or a Tanner Republican who is left in that office to-day. On the other hand, you may take it, rake it, and scrape it from one end to the other, and, outside of Hiram Smith, I do not think you will find any Administration Republican who has gone out; and I think Hiram went out on account of personal reasons, and not because he had committed any offense in plundering the Government of about \$6,000 of arrears.

Now, here is the list of some of these rerated men and the disposition made of them:

Baxter, John B. G., \$1,800 clerk. Republican; still in office.  
Bell, William S., \$1,400 clerk. Republican; still in office.  
Butts, Frank A., principal examiner. Tanner Republican; dismissed.  
Carpenter, M. E., medical examiner. Tanner Republican; dismissed.

Mr. MORSE. Have you got Tanner's daughter there?

Mr. ENLOE. You take care of the balance of the family; I will take care of the old man.

Case, W. W., principal examiner. Republican; still in office.  
Colgrove, Silas, principal examiner, board of review. Republican; still in office.

Darling, Benjamin F., \$1,400 clerk. Republican; still in office.

That means Administration Republican. I will not say anything that might reflect upon the Administration at this time.

Davis, William P., assistant chief of division. Has been asked to resign.  
Dickerson, Percy B., assistant chief of division. Republican; still in office.

This is the man who accomplished the wonderful feat of taking up his own case and putting it through the Pension Office in a single day, rerating himself, and he drew his check before night for the arrears—the smartest man in the Pension Office—and still there.

Mr. MORSE. I thought you said all of that kind were dismissed.

Mr. ENLOE. No, sir; the smart men are not dismissed; they are still there.

Dickinson, Joseph, \$1,800 clerk. Republican; still in office.  
Doan, Alva H., principal examiner board of review. Republican; still in office.  
Goodloe, William M., surgeon. Democrat; dismissed.  
Hersey, Samuel R., assistant chief of division. Democrat; dismissed.  
Hillgoss, W. J., chief of division. Democrat; dismissed.  
Jennings, Jefferson H., \$1,400 clerk. Republican; still in office.  
Johnson, Manul, \$1,400 clerk. Republican; still in office.  
Kirley, Dennis T., \$1,400 clerk. Republican; still in office.  
Maxwell, G. H., \$1,400 clerk. Republican; still in office.  
McElroy, Forest W., \$1,200 clerk. Republican; still in office.  
Metzger, Philip, assistant chief of division. Republican; still in office.  
Paine, M. S., principal examiner board of review. Republican; still in office.  
Phillips, Capt. Henry O., chief of division. Tanner Republican; dismissed.  
Pinick, Jacob, \$1,200 clerk. Republican; still in office.  
Pratt, William B., \$1,400 clerk. Republican; still in office.  
Prentice, Nathan B., \$1,400 clerk. Republican; still in office.  
Smith, James E., chief of certificate division. Tanner Republican; dismissed.  
Squires, Joseph C., clerk in the middle division. Tanner Republican; dismissed.

I can tell you, if you do not know it, that there is a difference in this city, and in the Pension Office, between a man who stood by Mr. Tanner and a man who became a traitor to him and betrayed him in the hour of trial.

Mr. HILL. The gentleman says he is "informed." Will he give us the source of his information?

Mr. ENLOE. I will say to the gentleman that my information is correct. I will give him opportunity to investigate and to disprove what I say.

Mr. HILL. Do I understand that these are the names of men who were employed in the Pension Office and who were rerated?

Mr. ENLOE. Yes, sir.

Mr. HILL. All employes in the Pension Office?

Mr. ENLOE. Yes, sir.

Mr. HILL. Will the gentleman please explain how or why he makes the distinction between "Republican" and "Tanner Republican"?

Mr. ENLOE. Because I am informed—

Mr. HILL. Is that all the explanation?

Mr. ENLOE. Yes, sir. I would not make the statement unless I had information. If the gentleman is not satisfied with my statement, I will leave him to make his own investigation.

Mr. HILL. Then I suppose the gentleman would have it inferred that all these Republicans—

Mr. ENLOE.

Swiggert, Ashland B., principal examiner. Republican; still in office.  
Works, Winfield F., \$1,400 clerk. Republican; still in office.  
Yers, Frederick T., \$1,000 clerk. Republican; still in office.  
The John L. Paine who is included in this list and still retained in office is referred to on page 166 of Secretary Noble's annual report in these terms: "This is a case in which the claimant has already perjured himself either to procure insurance or obtain pension." The Mr. Hersey included in the list of the dismissed is a Democrat who served under several administrations and was several times promoted. He was a Union soldier and a prisoner of war for about eighteen months. He now enjoys a pension of \$30 a month, not by rerating, but by a straight increase granted on a medical certificate furnished by a Repub-

ican medical board. Commissioner Raum declined to admit to Mr. Hersey that he was dismissed because he was a Democrat, but he also failed to give any other reason.

Mr. HILL. Then, as a matter of fact, in the opinion of the gentleman, wherever a man was dismissed he calls him a Tanner Republican and where he was retained he calls him a Republican.

Mr. ENLOE. No, sir; it was according to his sympathies. If he manifested a sympathy with Tanner during the term of his office and during his administration, that was enough. That condemned him in the eyes of the present Administration, and he followed his chief.

Now, a few words on another point. A number of these men are still in the service enjoying their increased compensation. It will be seen that—

Generally speaking, only the Democrats and the Republicans who were partisans of Tanner have been removed. The others are still in the service enjoying their increased pensions, the lump sums which they got by way of arrears and their comfortable salaries. Hiram Smith, the first deputy commissioner, who had the good fortune to be a personal friend of Secretary Noble, would not have been asked to resign had it not been for his phenomenal incompetency and the widespread and growing indignation in the country at his appointment and retention in office. At last, owing to these causes, he has been removed.

Mr. BOOTHMAN. I would like to ask the gentleman if he has the date of the dismissal of these clerks.

Mr. ENLOE. I have not.

We would naturally suppose, Mr. Chairman, that the Secretary of the Interior started out to enforce respect for the law in the Pension Office and that he would punish those who did not live up to the letter of the law; but when we come to see how he has administered justice in that Department we find that it makes a very great difference as to whether a man was a Democrat or a friend to Mr. Tanner in determining whether or not he had sinned when he entered into a conspiracy by which this committee alleges the Government was plundered.

Now, I say there is one step which will have to be taken by the Secretary of the Interior before he can possibly enforce respect for the law in that Department outside of the dismissal of these men, and that is to discharge the present board of pension appeals; for if a man expects to command or enforce any respect for the law he must not keep so near his person and as a part of his office a lot of clerks who are passing upon legal questions and promulgating legal decisions which do not command the respect of anybody except the pension claim agents, who are the source and inspiration of these opinions.

Now, I would not like to offend Mr. Bussey or his friends, and I think the Secretary of the Interior feels the same way. He takes particular pains, Mr. Bussey does, to keep near his person, in his office hours, the board of pension appeals, whose opinions and decisions would not, before any intelligent bar or jury in the country, command any respect as legal opinions.

I do not know that I care to go into the present administration of the office. I want to say this, though: That it is not just to the Administration that the present Commissioner of Pensions should go unscathed by criticism. He took the place Tanner had.

Mr. Tanner was a man who talked and proclaimed his purposes, and I have no defense to make of his methods of administration of the office. But I say he ought to have a fair and equal showing with his predecessor and also with his successor in office; so that when the present Administration goes down to history the name of Mr. Tanner will not be smirched by a report of a star-chamber investigation, which was made to relieve this Administration of a burden which they were afraid to bear before the country. I want to call your attention in this connection to a comment published in the New York World in regard to the change of administrations, in which the correspondent says:

The administration of the Pension Office is no more regular or satisfactory now than it was under Tanner. Tanner satisfied the pension hunter, if he didn't satisfy anybody else. The administration of General Raum does not satisfy anybody, except perhaps a few relatives and personal favorites, for whose comfort he has carefully provided. Open profligacy was the leading characteristic of Tanner's régime. The chief feature of Raum's is hypocrisy. The methods of granting and rejecting pension claims now in vogue are as arbitrary and irregular as the method of dismissing from and appointing to office.

The case of Dominick Murphy is an instance. Murphy is a pension attorney who is somewhat disliked by the present Administration, probably because he was a very efficient chief clerk of the Pension Office under General Black. Several of his claims from North Dakota have been summarily rejected without any explanation whatever. The next week Representative HANSBROUGH, of North Dakota, calls at the Pension Office and tells the Commissioner that the claims must be allowed.

Thereupon the claims are allowed without any more reason than was previously given for their rejection. Places of trust, which under General Black were fairly divided among Republicans and Democrats, under General Raum are filled by Republicans exclusively, and where General Black appointed none but ex-Union soldiers, General Raum, notwithstanding the Administration's pretended love for the old soldier, has appointed civilians who have no superior qualifications for the service.

The atmosphere of the Pension Office is filled with favoritism. Commissioner Raum has not only appointed his son, Green B. Raum, jr., to be assistant chief clerk and chief of the appointment division, but has transferred to his other son the pension business which he used to carry on himself before he became Commissioner; and, following the example of his chief, Second Deputy Commissioner Lincoln, has transferred his pension attorney's business to his former partner, Mr. White. These firms are not treated at the Pension Office like the Dominick Murphys of the profession.

Now, to add another chapter to this strictly business department of the Government, I give you an extract from the St. Louis Republic as

to the relation of the Raum family to the Pension Office. I am going to give the Raum firm which publishes this card a free advertisement in the RECORD, for which there is no charge beyond the regular rates:

[John Raum, attorney at law and solicitor of pension claims, 1307 F street, N. W., Washington, D. C.]

DEAR SIR: Several years' experience in the prosecution of officers' and soldiers' claims of every description warrants me in calling your attention to my card and in soliciting business at your hands.

All soldiers who are disabled by reason of their service in the war, who are not on the pension-rolls, should apply at once. Applicants whose claims have been rejected on account of neglect, lack of evidence, or upon technical grounds should make application for the reopening of their claims.

#### INCREASE AND RERATING.

Thousands now on the rolls are entitled to increased pensions because their disabilities have become greater with years. In many cases the original rating is too low. Such pensioners should apply without delay for increase or rerating.

All original, increase, or rerating claims intrusted to my care will receive personal and prompt attention.

Remember that under the law no fee is payable until the claim is allowed and paid.

Correspondence solicited.

Yours truly,

JOHN RAUM.

Boyd's Washington City Directory for 1890, page 731, gives the following:

"Raum, Green B., Commissioner of Pensions, residence 1322 Rhode Island avenue, northwest."

"Raum, Green B., jr., chief appointment division, Pension Office; residence, 1322 Rhode Island avenue, northwest."

"Raum, John, lawyer, office 1307 F street northwest; residence, 1322 Rhode Island avenue, northwest."

It will be seen that the father and one son are engaged at the Pension Bureau officially, one as Commissioner, the other as chief of the appointment division. That John is a "lawyer" with an office on F street, and that the father and two sons reside under the same roof at 1322 Rhode Island avenue. What John claims in his circular can be seen. He claims everything and generally manages to get there. His father and his brother help him. It is notorious that they are partners in his business.

The father was John's partner when he was made Commissioner of Pensions and expects to return to his old business when he retires from the Commission-ership. Of course the partnership is not openly announced, but everybody understands that the old man did not give up his interest in the business when he went into the Pension Bureau, but instead is trying to build it up by encouraging his "son John" to push his business to the front, and he is doing it. John's business is expanding every day. He is making money, and his cases are railroaded through with a promptness that makes Corporal Tanner's head swim when he reflects upon his own career in charge of the bureau.

Mr. MORSE. He knew how to write an advertisement. [Laughter.]

Mr. ENLOE. Yes; and the gentleman himself knows, and he has no doubt made it profitable.

Mr. HILL. I would like to ask the gentleman if that was published in the paper of which the gentleman is the editor and proprietor, the Jackson Daily Sun, I believe?

Mr. ENLOE. I will state to the gentleman, if he desires to know that this advertisement was originally in my possession, and I gave it to the editor who did publish it. I am not the editor and proprietor, and have not a dollar invested in any newspaper.

Mr. GREENHALGE. May I ask the gentleman whether he intends to commend the administration of the Pension Bureau by ex-Commissioner Tanner?

Mr. ENLOE. How is that?

Mr. GREENHALGE. Does the gentleman intend in his remarks to commend the administration of the Pension Office by ex-Commissioner Tanner?

Mr. ENLOE. No, sir. If the gentleman had listened to me probably without any bias in the matter he would have discovered that my object in this matter is, first—understand, first—to secure an investigation of this office and its administration.

Mr. GREENHALGE. Yes.

Mr. ENLOE. Secondly, to give Mr. Tanner a fair trial before he is condemned by the judgment of the country upon a star-chamber investigation.

Mr. GREENHALGE. But I understand your remarks to be exceedingly commendatory of the administration of the office under Commissioner Tanner.

Mr. ENLOE. I am not responsible if the gentleman misunderstood me.

Mr. GREENHALGE. Certainly not.

Mr. ENLOE. I can only be responsible for my own statement.

Mr. GREENHALGE. I only came in a few moments ago and did not hear the whole of the gentleman's statement.

Mr. BOOTHMAN. Will the gentleman yield to me for a question?

Mr. ENLOE. I have not time to yield.

Mr. BOOTHMAN. It is a very short question.

Mr. ENLOE. Well, I will do so.

Mr. BOOTHMAN. Is it not true that the John Raum referred to had been in the claim business for several years prior to the time that his father was made Commissioner of Pensions?

Mr. ENLOE. His father had been a claim agent for years with him, and wanted to transmit the business to his son in good shape, I have no doubt.

Mr. BOOTHMAN. Then are we to understand that John Raum should quit the business because his father was appointed Commissioner?

Mr. ENLOE. Now, Mr. Chairman, I want to call your attention to this: that the Raum family must be prospering under the administration of this office. I found this statement in the Washington Post a few days ago and cut it out and would like to incorporate it in my remarks. It is brief. The Post says:

In a report to Secretary Noble upon the business of his office, General Raum, the Commissioner of Pensions, says that he will be able by the last of May to cause the examination of every claim pending in the office on the 1st day of January last, have every claim allowed that is completed, and calls for evidence made in those not completed.

"This result has been secured," General Raum's letter says, "largely by means of two orders issued the latter part of December last. The first order required that an examination of the claims pending in the office should be made, and that all cases which appeared to be complete should be placed upon the 'completed files.' The adjudicating divisions were directed to spend five days in each week examining claims on these files and one day exclusively to making calls for additional evidence in pending claims."

As a result of the examination made 30,857 claims were put on the "completed files." A subsequent order directing that claims should be placed on file upon application accompanied by a statement of facts showing that the claims were completed has up to date added 25,350 cases to those already on the "completed files." During the past three months 52,229 of these cases have been acted upon, leaving only 3,978 cases remaining on the files. Applications at the rate of 450 a day are being received, and hereafter every claim placed upon these files will be taken up and acted upon within a week.

The record of the past month shows that 16,374 pension certificates, 8,183 of them original cases were issued, being the largest number ever issued in one month by the Pension Bureau.

The report shows that 16,374 pension certificates were issued during the month of March, 8,183 of them original cases and 8,191 reratings and increases, the largest number ever issued in one month.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ENLOE. Can I extend my remarks in the RECORD?

Mr. FITCH. I object.

Mr. ENLOE. I am glad that the gentleman has done so. I will take further opportunity to get in what I desire to say.

Mr. FITCH. I think we have had as much as we care to have.

Mr. ENLOE. I will take opportunity to give you a little more.

Mr. TRACEY. I hope the gentleman from New York will withdraw his objection.

Mr. FITCH. I withdraw it at the request of my friend from New York.

Mr. ENLOE. You need not withdraw it at my solicitation.

Mr. FITCH. Oh, no; I should not yield it on that point.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD.

Mr. GREENHALGE. Extend them!

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ENLOE. I want to finish my statement.

A MEMBER. You have got leave to print them.

Mr. ENLOE. Then you want me to print what has not been said; but I believe that is the common practice anyway.

Mr. KILGORE. Mr. Chairman, I will yield time enough to the gentleman from Tennessee to finish his remarks.

The CHAIRMAN. But the rule provides that a gentleman can address the House or committee but once to the same question unless he moved, proposed, or introduced the matter pending.

Mr. KILGORE. Well, but I have the floor for any purpose.

Mr. ENLOE. It is probable, Mr. Chairman, that during the session I will be able to get this record in. I want to get it all in, and I think I will have a good many opportunities to do so.

Mr. KILGORE. What I desired to say was, I understand this bill, so far as I could catch the reading of it, while it was being read, proposes to grant a discharge to a soldier who was tried and convicted by a military court for some offense. I did not understand the wording of it, but I would like to know of the gentleman in charge of the bill what were the facts in the case and if the report discloses what the truth was.

Mr. CHIPMAN. He was charged with desertion.

Mr. KILGORE. Can the gentleman state what the soldier was charged with?

Mr. TOWNSEND, of Colorado. As I understand the bill the soldier was charged simply with disobedience to orders in turning out when he was ordered to do some fatigue duty. The colonel of the regiment and the second lieutenant of his company in their statements show that the punishment was very excessive; and his own affidavit, which is not a part of the report, and his own petition show that it was a mistake or a misapprehension under which this charge was made against him.

Mr. KILGORE. Was not there a trial by a military court and the hearing of testimony in that trial?

Mr. TOWNSEND, of Colorado. There was a trial.

Mr. KILGORE. Was he charged with insubordination or simply disobedience?

Mr. TOWNSEND, of Colorado. It was simply disobedience to orders and the charge was made under a misapprehension. There was a recommendation from the colonel of the regiment and the second lieutenant of his company for a remission of the sentence.

Mr. KILGORE. Has not the Secretary of War a right to remit the sentence? Can not he do that under the general law?

Mr. TOWNSEND, of Colorado. He says not.

Mr. BUCHANAN, of New Jersey. Not where there is a court-martial.

Mr. MORRILL. Not where there is a court-martial. That has been decided over and over again.

Mr. KILGORE. I would like some statement in regard to the proposition allowing him bounty. I think it states that he is to get bounty up to the time of his discharge.

Mr. TOWNSEND, of Colorado. Just the same as if he had been honorably discharged.

Mr. KILGORE. What would that include?

Mr. TOWNSEND, of Colorado. There was some back bounty. I do not exactly understand what it amounted to, but there was some bounty coming to soldiers at that time that he failed to get by reason of this sentence.

Mr. KILGORE. Would it include pension from that time until now?

Mr. TOWNSEND, of Colorado. No, sir; not at all; nothing about pensions whatever.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

CHARLES MAX WITTIG.

The next business on the Private Calendar was the bill (H. R. 1867) for the relief of Charles Max Wittig.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of Charles Max Wittig, late of Company C, First Missouri Volunteers, and was marked and charged with desertion from said service, and to amend the military record of said soldier so charged as a deserter, and to pay him all pay, bounty, and allowances as may be due him without reference to the charge of desertion.

The report (by Mr. Wise) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1867) for the relief of Charles Max Wittig, have examined and considered the same, and report the same back to the House with a recommendation that it do pass.

It appears from the records of the Adjutant-General's Office that said Wittig enlisted April 23, 1861, in Company B, First Regiment of Missouri Volunteers, for three months, and was transferred to Company C, First Missouri Artillery, to serve three years, and was present in said company in July and August, 1861, and that on the return for September, 1861, he was reported sick at home.

During this month this company was broken up and the men transferred to other companies, but his name was not put on the rolls of any new company. Wittig claims and swears that he did not know where his company was or what he should do, which does not seem unreasonable, and in any event he re-enlisted in August, 1862, in Company B, Eighty-second Regiment of Illinois Volunteers, and there served until discharged in September, 1864, for disability. Technically, not having got a discharge upon his first enlistment, he was and is a deserter, and not having re-enlisted within four months he can not be relieved under general laws, but there seems to be no just reason why he should not be relieved, and we so recommend.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID BARNHART.

The next business on the Private Calendar was the bill (H. R. 1239) for the relief of David Barnhart.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion now standing against the name of David Barnhart, late a private of Company G, Twenty-third Regiment Indiana Volunteers.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 1239) for the relief of David Barnhart, respectfully report:

David Barnhart was enrolled as a private in Company G, Thirty-third Indiana Infantry, August 24, 1861, to serve three years, and is reported as a deserter on December 6, 1862. He enlisted in the Tenth Illinois Cavalry November 7, 1863, and served with this organization until the regiment was mustered out on the 22d day of November, 1865.

The evidence before the committee shows that this soldier served in the two organizations to which he belonged from August 24, 1861, to November 22, 1865, with the exception of eleven months that he was at his home in Indiana without leave, and that at the time he was home he was not able, on account of sickness, to perform service in the infantry regiment in which he first enlisted. The military record of this soldier and the other written evidence is herewith annexed and made a part of this report. The committee recommended that the bill pass with an amendment, as noted on the bill accompanying this report.

STATE OF INDIANA, County of Shelby, ss:

On the 27th day of March, 1889, personally appeared before me, Thomas S. Jones, clerk of circuit court in and for said county, David Barnhart, aged forty-three, a resident of Shelbyville, county of Shelby and State of Indiana, who, being duly sworn, declares that he is the identical David Barnhart who enlisted in the service of the United States at Columbus, Bartholomew County, Indiana, on the 16th day of September, 1861, as a private in Company G of the Thirty-third Regiment Indiana Volunteer Infantry, to serve for a term of three years, and that he served faithfully and honorably in said organization until the 6th day of December, 1862, when he left said organization and returned home. That at the time he was young and was suffering with disease of the throat and eyes, and chronic diarrhea.

That he remained at home some time, and becoming better he went to Illinois and enlisted in Company E of the Tenth Regiment Illinois Cavalry Volunteers, on the 7th day of November, 1864, and in which organization he served faithfully until honorably discharged December 18, 1865. That his captain had well known his condition and had attempted to get him transferred to other service, but had failed. That he did not leave the Thirty-third Regiment with the intention of deserting the service of the Government, as shown by his re-entering the service when able to do so, but because of his inability to perform the duties of infantry service by reason of his youth and disabilities, and to get

into a different kind of service, and he makes this as a declaration and petition to the Congress of the United States that the charge of desertion made against him be removed by appropriate act and legislation.

DAVID BARNHART.

Subscribed and sworn to before me this 27th day of March, 1889.  
[SEAL.]

THOMAS S. JONES,  
Clerk of Circuit Court.

WAR DEPARTMENT, Washington City, January 28, 1890.

SIR: In reply to your request of the 27th instant for information upon House bill 1239, Fifty-first Congress, first session, for the relief of David Barnhart, late a private of Company G, Twenty-third Indiana Volunteers, I have the honor to inclose a report from the officer in charge of the record and pension division of this Department.

Very respectfully,

REDFIELD PROCTOR,  
Secretary of War.

Hon. B. M. CUTCHERON,  
Chairman Committee on Military Affairs, House of Representatives.

Case of David (A.) Barnhart, private, Company G, Thirty-third Indiana Volunteers; also private, Company E, Tenth Illinois Cavalry Volunteers, in violation of twenty-second Article of War.

RECORD AND PENSION DIVISION, January 29, 1890.

David Barnhart, private, Company G, Thirty-third Indiana Infantry Volunteers, was enrolled on August 24, 1861, to serve three years. He served with this organization until he deserted at Nicholasville, Ky., December 6, 1862.

On November 7, 1863, he again enlisted, as David A. Barnhart, in Company E, Tenth Illinois Cavalry Volunteers, to serve three years, and served with this organization until mustered out with it, November 22, 1865, a private.

His second enlistment was in violation of the twenty-second (now fiftieth) Article of War; and as his absence in desertion from the Thirty-third Indiana Volunteers before his enlistment in the Tenth Illinois Cavalry Volunteers exceeded four months, the War Department is not empowered under existing law to remove the charge of desertion from his record.

In an affidavit dated January 2, 1888, this man states that at the time of his desertion he had been suffering for some time from disease of throat and eyes and chronic diarrhea, and was physically unable to do the marching and carry the heavy loads required of him; that his captain, aware of the fact that the soldier was unable to do duty in the infantry, had endeavored to get a transfer for him, but without success. For this reason he returned to his home December 6, 1862, where he rested about one month and then went to Illinois, where he subsequently (nearly a year afterward) enlisted in the Tenth Illinois Cavalry Volunteers.

His claim that he was sick at the time of his desertion is not corroborated by record or other evidence. At all events, he acknowledges that he soon recovered, and instead of returning to his proper command, where he owed service until August 23, 1864, enlisted in another regiment, receiving, no doubt, bounty or other gratuity to which he would not have been entitled under the terms of his original enlistment.

House bill 1239, Fifty-first Congress, first session, has been introduced to remove the charge of desertion and issue an honorable discharge in his case as of Company G, Twenty-third (should read Thirty-third) Indiana Volunteers.

Respectfully submitted,

F. C. AINSWORTH,  
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

The committee recommended an amendment striking out the word "Twenty-third," before the word "Regiment," and inserting "Thirty-third."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTIAN FREDERICKSEN.

The next business on the Private Calendar was the bill (S. 750) for the relief of Christian Fredericksen.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to issue to Christian Fredericksen, who served under the name of N. T. Wisborg as a private in Company G, Ninth Kansas Volunteers, an honorable discharge from the service of the United States, upon the surrender of the discharge issued Neil P. Wisborg, or of satisfactory proof of its loss, and upon evidence satisfactory to the War Department of the identity of Christian Fredericksen with said Wisborg.

The report (by Mr. OSBORNE) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 750) for the relief of Christian Fredericksen, after having given the same due consideration, report the same back to the House and recommend that it do pass.

Mr. KILGORE. Mr. Chairman, I am not prepared to say that that bill can be considered here at this Friday evening session.

Mr. SHIVELY. Does it not come under the special order?

Mr. KILGORE. I think not. As I understand from the reading of the bill, this man got his discharge under one name and this is a bill to authorize the Secretary of War to give him a discharge under his proper name. I make the point of order that the bill is not properly within the rule which governs our proceedings at these Friday night sessions.

The CHAIRMAN. The Chair thinks the point well taken.

Mr. SHIVELY. Does the Chair sustain the point of order?

The CHAIRMAN. The Chairman understood the gentleman from Texas [Mr. KILGORE] to make the point that the bill is not for the granting of a pension, nor for the removal of a charge of desertion, nor for the removal of political disabilities, and, that being so, the Chair thinks the point of order well taken.

HELEN PLUNKETT.

The next business on the Private Calendar was the bill (S. 1221) granting a pension to Helen Plunkett.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Helen Plunkett, widow of Sergt. Thomas Plunkett, Company E, Twenty-first Massachusetts Volunteers, and pay her a pension at the rate of \$50 per month.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1221) granting a pension to Helen Plunkett, submit the following report:

This bill passed the Senate February 25, 1890, and we recommend the passage of the same by the House, amended by striking out, in seventh line, the word "fifty" and inserting "twenty-five," and adopt the report of the Senate committee, which is as follows:

"The claimant, Helen Plunkett, is the widow of Thomas Plunkett, a member of Company E, Twenty-first Regiment Massachusetts Volunteers. He enlisted July 19, 1861, and served until discharged March 9, 1864, as stated in the original certificate on file, on account of 'amputation of both arms in consequence of gunshot wound received at battle of Fredericksburgh, December 13, 1862, whilst rescuing the colors of his regiment; is unfit for invalid corps, and disability total.' This order was made by command of Major-General Dix.

"He applied to the Department for a pension, which was granted at \$8 per month; this was afterwards increased to \$25, then to \$31.25, then to \$50, and finally to \$72, from June 17, 1878.

"It appears from a report of S. G. Davis, special examiner, made at the direction of the Pension Office, that the pensioner, Thomas Plunkett, died March 10, 1885, aged forty-four years; 'disease, or cause of death, chronic inflammation of stomach and bowels.'

"Sergeant Plunkett, as he was familiarly known, was born in Ireland in 1840, and came to this country in 1845. He was a corporal and then sergeant of Company A, Twenty-first Massachusetts Volunteers. At the battle of Fredericksburgh the regiment was ordered to charge, and passed a terrific fire from the rebel batteries. The color-sergeant was shot. Sergeant Plunkett raised the colors, bore them to the front, raised the staff in the air, when both his arms were struck and torn away by a shell. He bore his calamity for more than twenty years with invincible patience and cheerfulness, and died March 10, 1885."

The committee recommended an amendment striking out the word "fifty" before the word "dollars" and inserting "twenty-five."

Mr. COGSWELL. I hope this amendment will not be adopted.

This is an extraordinary case, and I invite your attention to it.

Sergeant Plunkett was the typical Irish-American volunteer. I wish I could make him appear to this committee as he stands in the history of Massachusetts and in the estimation of all her people.

Of a race of which the Emmet Guard of Worcester, Mass., was a representative—the first Irish organization to reach the seat of war and be mustered into service in the war of the great rebellion—his personal bravery and exploits were exceptional even to his gallant and heroic race.

Sergeant Plunkett, as he was familiarly known, was born in Ireland in 1840, and came to this country in 1845. He was a corporal and then sergeant of Company A, Twenty-first Massachusetts Volunteers. At the battle of Fredericksburgh the regiment was ordered to charge, and passed a terrific fire from the rebel batteries. The color-sergeant was shot. Sergeant Plunkett raised the colors, bore them to the front, raised the staff in the air, when both his arms were struck and torn away by a shell. He bore his calamity for more than twenty years with invincible patience and cheerfulness, and died March 10, 1885.

Senator HOAR, from whose city he enlisted, who knew him well, as I came also to know him well after the war, says:

Sergt. Thomas Plunkett was without any dispute, in my opinion, the most famous and the most representative Massachusetts soldier of the late war. In making this statement I do not forget the high character and fame of our very great and able general officers whom we contributed to the service like other States. Sergeant Plunkett was an Irishman, a man who enlisted very early in the war, and during its progress performed some very important and brilliant exploits, deeds of personal heroism, which have made him famous. He bore his wounds with unflinching heroism, courage, and patience until the end. It was at one time proposed to give him a commission, and a high one, in the Army, but Governor Andrew said, "No, let him go down in history as Sergeant Plunkett, as Sergeant Jasper has come down to us in the history of the Revolution."

And in a private letter to me the Senator adds:

I can not, without referring to some historic authority, give the details of Plunkett's gallant exploits, but I know generally that on one occasion after a skirmish he went into a wood near by to look for some of his wounded comrades lying there, when he discovered a Confederate aiming his musket at one of them, and he jumped on the fellow just as he was about to fire, and not only saved the life of his comrade, but brought the fellow in as a prisoner. On another occasion he is said to have brought in a prisoner by an exceedingly bright and quick-witted device, the details of which I can not undertake to give with certainty enough for you to rely on. But it will be safe to speak of him as the representative common soldier and Irishman.

And the Senate committee say—

That Sergeant Plunkett, by reason of his conspicuous gallantry, sacrifice, and suffering for his country, has come to fill, in the minds of the soldiers and, in fact, of the people of the whole of the great Commonwealth where he resided and died, a unique position as the model and ideal representative of the volunteer in the ranks of the armies which saved the Republic.

In the opinion of the committee a sound public policy as well as the irresistible impulses of generous and patriotic natures demand this small tribute to a sentiment honorable to our people, and the exhibition of which upon appropriate occasions will stimulate others to the performance of heroic deeds in times to come.

Thomas Plunkett was born in 1840. Just about one hundred years before him was born William Jasper, of South Carolina, known to history as "Sergeant Jasper, of the Revolution"—

Who in the assault on Fort Moultrie, June 28, 1776, in the height of the engagement, when the flag had fallen to the bottom of the ditch on the outside of the works, fearlessly leaped from an embrasure, recovered the colors, tied them to a sponge staff, replaced them on the parapet where he supported them until another staff had been procured.

In recognition of this act, Governor Rutledge gave Jasper his own sword and offered him a commission which he declined.

Like Sergeant Plunkett, he performed many other gallant exploits—

And in the attack on the Spring Hill redoubt, at Savannah, October 9, 1779, while attempting to fasten the regimental colors to the parapet fell mortally wounded. A square in the city of Savannah and a county of Georgia bear his name.

As Governor Andrew said, Plunkett has now gone "down in history as Sergeant Plunkett, as Sergeant Jasper has come down to us in the history of the Revolution," when he might have gone down with a "high commission."

Mr. Chairman, I have voted here night after night for large pensions, ranging from \$100 upwards, to widows of distinguished officers, and I have never regretted my vote.

But I have sometimes thought we meted out too coldly and too exactly our disability compensation to the private soldier, with never a recognition of the fact that there was "distinguished service" all along the line.

Here is a conspicuous case, an historic case, a representative case, not only of the private soldier, but of a gallant race.

I ask you to meet the Senate, and to place the pension of "Sergeant Plunkett's" widow at \$50 by rejecting this amendment and passing the Senate bill.

Mr. KILGORE. My understanding is that this bill passed the Senate for \$50 a month, passed there several times (though for anything to pass the Senate is not very much in its favor) and that the Committee on Invalid Pensions of this House has reported the bill with an amendment striking out \$50 and inserting \$25. Is that the status of the matter?

The CHAIRMAN. The Chair so understands.

Mr. KILGORE. Now, I understand the gentleman from Massachusetts [Mr. COGSWELL] has asked the House to go back on the action of the Committee on Invalid Pensions and reject the amendment. I have great respect for that committee; I am generally inclined to stand by its action, and I do not think the House ought to administer to that committee any such rebuke as to refuse to concur in the action of the committee. Unless I hear some very strong reasons why the action of the committee should be reversed, I am inclined to insist that it be adopted as the action of the House. [Cries of "Vote!" "Vote!"] I will state that gentlemen can not facilitate matters by undertaking to push this bill through.

A MEMBER. Do you want more speaking?

Mr. KILGORE. I want to be satisfied whether this amendment ought to be adopted.

Mr. MORRILL. Mr. Chairman, while I feel unwilling to take up the time of the Committee of the Whole in discussing this matter (for I realize that every five minutes thus occupied may deprive some poor widow or some worthy soldier of a pension) I think I ought to say in defense of the action of the committee that they regarded \$25 as a very liberal pension, considering the circumstance that the widow offered no proof at all, attempted no proof, made no claim that the death of her husband was the result of his military service. The rule of the committee has been invariably to require some proof that the death of the soldier was the result of his army service.

In this case no claim whatever of that kind was set up; and we thought \$25 a month a very liberal pension. It is a recognition of the husband's gallant service—purely that and nothing more. There was no evidence that his life was shortened by his service, though it is probable that the loss of both arms may have tended to shorten his life; but he died of a disease of the stomach not at all connected with his military service; and the committee, after the most careful and patient investigation, thought that a pension of \$25 would be liberal.

To a widow whose husband, a private soldier, fell on the battle-field we give a pension of \$12. In such a case, though happening without the same circumstances surrounding it which gave this case a national reputation, the soldier may have exhibited equal bravery and his case may be equally meritorious. For the reason I have indicated, the committee adopted the amendment, and for those reasons only.

Mr. ENLOE. Do I understand the gentleman to say that this is simply a bonus—

Mr. MORRILL. Simply a recognition of the gallant service of the husband.

Mr. ENLOE. Then this is simply a gift of \$25 a month—

Mr. MORRILL. Call it what you please; I have stated the circumstances.

Mr. ENLOE. I can not vote for that kind of a proposition, Mr. Chairman.

Mr. MORSE. Mr. Chairman, I am reluctant to occupy the attention of the committee for a single moment; and I would not do so if I were not afraid that a decision adverse to the proposition of my colleague [Mr. COGSWELL] may be rendered here. The chairman of the Committee on Invalid Pensions [Mr. MORRILL] stated, as I understood him, that there is no evidence this man's life was shortened by his service in the Army. Does this House know that the man lost both his arms in the war for the Union? And is it not preposterous to say that the life of a man who has suffered the amputation of both arms is not thereby shortened?

I can not hope to add anything to the eloquent presentation which

my colleague has made of the merits of this man's case. But I knew him intimately, having been a member of the Massachusetts senate and house of representatives while he served there as a messenger. He was universally respected and honored throughout the length and breadth of our Commonwealth. He was a typical, a representative man in the ranks; and I agree with my colleague that men in the ranks and along the line were as brave and as much deserving of consideration at the hands of this House as some generals who rendered no particular service. I trust that the amendment of the committee will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

The question was taken; and on a division there were—ayes 21, noes 23.

So the amendment was rejected.

The CHAIRMAN. The question is on laying the bill aside—

Mr. KILGORE. Mr. Chairman, I am inclined to resist the passage of this bill in its present shape. I think the gentleman in charge of the bill ought to accept the amendment as reported by the Committee on Invalid Pensions; but I would be willing to compromise on a proposition that this case should go over to a full House.

Now, I understand from the chairman of the Committee on Invalid Pensions that this is simply a tribute to the gallant services of the husband of the beneficiary.

Mr. FLOWER. It might not go through this year if it goes over to a full House.

Mr. KILGORE. I understand that Sergeant Plunkett was a gallant and deserving soldier who lost both arms in the war. But the rule has been that there must be some connection between the death of the soldier and his service or disability incurred in the war, before his widow shall be entitled to the relief proposed to be given by a bill of this character.

Mr. MORSE. But there is connection in this case; the man lost his arms.

Mr. KILGORE. They tell me that there is sufficient connection between the disability incurred by the husband, by his service in the war and his death, to show that his death was the result of the service. But, if that be true, the judgment of the Committee on Invalid Pensions is just the other way. They had the matter before them. They made a full investigation of the case and they say there was not a particle of proof on that subject.

There is not a particle of proof in the record, so far as I understood the reading of the report, that this lady is indigent or needy, that she is in want, or, in fact, as far as the reading of the report is concerned, there is nothing to show that she is not abundantly able to take care of herself. If she is able to do so, although her husband was a gallant soldier, I do not believe such an exception ought to be made. I believe there were two million and a half of men in the Army and I suppose a million and a half or two millions of them were brave and gallant men, and yet we give to the widows of those who fell on the field of battle but \$12 a month.

Now, if this gentleman will accept \$25 a month, I will yield and compromise on that. Otherwise, I will have to fight.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I certainly shall interpose an objection to making an exception in favor of the beneficiary in this case because her husband was brave and gallant. That is no more than may be said of many thousands of other pensioners. When living this man received a pension due under the law to a man who had lost both arms, which pension is liberal; but his widow is no more entitled to this pension and is no better in any way than the widow of a soldier who died on the battle-field; and this man himself was no braver than hundreds of men from all parts of the country who died with their backs to the field and their feet to the foe. Yet in all those cases we have only, under the law, allowed them \$12 a month.

Now, I honor the memory of this man; I honor his gallantry and courage, but I do not believe in singling out his widow without extending the same pension to other widows of soldiers who died on the fields of battle. Why make an exception?

Mr. MORSE. Because this is an exceptional case.

Mr. WILLIAMS, of Ohio. I am willing to stand by the recommendations of the Invalid Pensions Committee; and it is well known, Mr. Chairman, that I am always in favor of pensioning the soldiers or their widows. But from a mere sentiment I am unwilling to do an act which is something like injustice to many thousands of gallant men and their widows. The mere fact that Senator HOAR thinks this man very brave and the case a very meritorious one, and because he lived in Massachusetts, is no reason, in my judgment, why this House should make such an exception. She is no better than the widow who lives out in Ohio whose husband was left dead on the field of battle in the war. It is an invidious distinction to make in this case. It is just such invidious distinctions that are calculated to bring the pension system into contempt with right-thinking people.

Mr. PICKLER. Does not the gentleman believe that the widow of this brave soldier, the like of which was not furnished in the history of the rebellion, is as much deserving as the widows of officers to whom we have been giving \$50 and \$100 a month pension?

Mr. WILLIAMS, of Ohio. Yes, sir.

Mr. PICKLER. Then let us make an example once of giving an enlisted man a reasonable pension.

Mr. WILLIAMS, of Ohio. But the gentleman should remember that when you give this pension to officers you give a pension for distinguished service.

Mr. MORSE. That is so of this man; he rendered distinguished service, and this is an exceptional case.

Mr. WILLIAMS, of Ohio. He was no better than the man who was shot in the front of his regiment on the battle-field, and I say it is this kind of discrimination that we are making which causes discontent in the minds of the old soldiers and their widows when they read the reports of the proceedings of Congress in these matters. Let a man get up here and make an eloquent speech on pension matters, a speech that meets the approval of the members, and it is very apt to carry the bill through and subject the House to the charge of inconsistency.

Now, I am in favor of supporting the amendment offered by the Pension Committee, and further than that I do not desire to go.

Mr. COOPER, of Indiana. Mr. Chairman, I want to call the attention of the committee to the fact that the gentleman is on the wrong side of the House to make that speech. [Laughter.]

Mr. WILLIAMS, of Ohio. That is a speech that a man can make on any side of the House. Right is always right, wherever you find it.

Mr. COOPER, of Indiana. The gentleman ought to get over on his own side to make that speech; there might be some mistake about it coming from this side.

Mr. BANKS. Mr. Chairman, I have a great deal of respect for the opinion and judgment of the Committee on Invalid Pensions and its conduct on pension matters. I have noticed in every instance where the committee have presented these cases, and especially the chairman of the committee, that they have been presented with a great deal of fairness and close and accurate examination and report of the facts. If I thought that this case was of the same character I should not ask the House to allow me any time in addressing it.

But I think I heard the chairman of the committee in his statement to-night—and which has so largely influenced the opinion of gentlemen here—I think the chairman said he had never heard any reference to the character of Sergeant Plunkett as giving him any particular distinction in this matter, or something of that kind.

Mr. MORRILL. I beg the gentleman's pardon; I made no such remark as that. I said that Sergeant Plunkett's reputation is world-wide for bravery, but that the widow made no proof whatever that the death of her husband was the result of his army service. We have required that always. I do not recall a single instance where we have granted even to the widows of officers pensions without requiring them to show that the death of the husband was the result of war service.

Mr. BANKS. Then taking it as the honorable chairman of the committee states it now, the case of Plunkett is one of world-wide reputation; and when I speak of world-wide reputation of course I speak of that world in which he lived, in New England and in Massachusetts. Of all the soldiers that Massachusetts sent forward and of all of the soldiers that New England sent forward, I do not think there is a man whose reputation has been better known or who claims an equality or superiority over Plunkett in regard to his conduct during the war. It is beyond exception.

There is nothing like it in our history or in the history of any of the soldiers of our section of country. I think I am at liberty to say that his reputation for gallantry was universal so far as those people were concerned. I have not heard or know anything that exceeds his reputation for gallantry.

Mr. WILLIAMS, of Ohio. Will the gentleman permit me a question?

Mr. BANKS. Certainly.

Mr. WILLIAMS, of Ohio. Admitting that his reputation was as great as has been stated, was his conduct any braver than that of the man who fell on the battle-field fighting for his country? Was his conduct any more gallant than that?

Mr. BANKS. That is a very different case. The man who goes into battle and falls dead upon the field has given his life for his country.

Mr. WILLIAMS, of Ohio. If the gentleman will allow me—

Mr. BANKS. But let me say that there may be a series of gallant acts performed by a man who does not die, and it is in this series, where his courage is tested time after time and when he has never failed, that he attains to that higher quality of superiority and gallantry and power beyond that of other men, and these acts are to be attributed to him in making his reputation and assigning it to him.

Mr. COGSWELL. Will the gentleman give way to me?

Mr. BANKS. I will.

Mr. COGSWELL. If the gentlemen from Texas insists upon his point, I will ask unanimous consent that this may go over for consideration in the full House next Tuesday morning, immediately after the reading of the Journal, with fifteen minutes for debate on each side, the previous question to be considered as ordered.

Mr. KILGORE. I do not understand the proposition.

The CHAIRMAN. The proposition is that the bill be laid aside with the recommendation that it be reported to the House and made the special order for Tuesday morning immediately after the reading

of the Journal, the previous question considered as ordered, with fifteen minutes for debate on either side.

Mr. PERKINS. And the amendment to be considered as pending. The CHAIRMAN. The amendment has been rejected. [Cries of "No!" "No!"]

Mr. PERKINS. I understood it was accepted.

Mr. KILGORE. I will not agree to that.

Mr. PERKINS. I understood the amendment recommended by the committee was accepted.

The CHAIRMAN. No; it was rejected.

Mr. PERKINS. My understanding was right, but I did not state what I meant. My understanding is that the recommendation made by the committee was rejected, and hence I suggest that it be considered with that amendment as pending; that we vote on the amendment as well as the bill, and that the previous question be considered as ordered on the bill and amendment.

Several MEMBERS. That is all right.

Mr. KILGORE. I understand that the amendment has already been rejected in the Committee of the Whole. The Committee of the Whole recommend that the amendment be rejected, and that is what it virtually means by this vote.

Mr. BAKER. Mr. Chairman, a question of order. I understand, as a matter of right, the House would have the approval or disapproval of the vote upon that amendment.

Mr. O'NEIL, of Massachusetts. I ask unanimous consent that the vote by which the amendment was rejected be reconsidered, so that it may be pending next Tuesday.

Mr. COGSWELL. I ask unanimous consent that it may go over until next Tuesday, with the understanding that the amendment be pending.

Mr. FITHIAN. I move that the vote be reconsidered by which the amendment was rejected.

Mr. BAKER. That is not necessary. The House has the right to disagree to the action of the committee.

The CHAIRMAN. The amendment rejected by the committee will be in the custody of the House, and whether it was rejected or adopted by the committee it is a subject for the action of the House.

Mr. KERR, of Pennsylvania. The gentleman from Indiana voted for the amendment and has the right to move to reconsider.

The CHAIRMAN. It is not necessary to do that in order to save the amendment.

Mr. FITHIAN. Then I understand the Chair holds that my motion is not in order?

Mr. MORROW. The Chair holds that it is not necessary.

Mr. COGSWELL. I do not understand that there is any objection to my request for unanimous consent that the bill and amendment go over.

Mr. KILGORE. I am making objection to it, because the status of the bill is not clearly defined. It can not go to the House, Mr. Chairman, with the amendment pending, when the amendment has already been voted upon, and the record must show that.

Mr. SPINOLA. It is proposed to reconsider the vote.

Mr. KILGORE. I am in favor of this proposition, and I will state it: If the gentlemen are willing to accept this at \$25, all right; if not, I will oppose it.

Mr. CHIPMAN. The gentleman says that unless we can take that course it shall not be passed and he makes no argument but force. That is all there is of it. The present proposition is a fair one, to let the matter go to the House. Mr. Chairman, permit me to say that when this matter is reported to the House on Tuesday, one of the things that will arise before the House will be whether it will agree to the action of this committee in disagreeing to the amendment offered by the Committee on Invalid Pensions.

The CHAIRMAN. The Chair has so stated.

Mr. CHIPMAN. Yes, the Chair has so stated. If the matter is to go before the House and if we are obliged to take \$25 or nothing simply because we are told that nothing shall be done here to-night, then I say let us take nothing and bring this matter to a determination in some way or another, and let us see whether this business shall proceed or whether one man, not by argument, but simply by brute force, shall stop our mouths here and paralyze our hands.

Mr. KILGORE. I suppose that remark of the earnest and vigorous gentleman from Michigan was intended for me. Now, I want to say to him and to every other gentleman of the three hundred and twenty-nine members of this House that if they were here in their places attending to their duty, representing the old soldiers and their other constituents, there would be no difficulty about passing these measures. They are eternally assailing somebody for "obstructing" this legislation at these Friday evening sessions, although the Constitution requires that there shall be one hundred and sixty-five members present to transact business.

Several MEMBERS. One hundred are a quorum in the Committee of the Whole.

Mr. KILGORE. I mean in the House. One hundred, I know, constitute a quorum to transact business in the Committee of the Whole, but it takes one hundred and sixty-five to constitute a quorum of the House.

Mr. CHIPMAN. Will the gentleman permit me to ask him a question?

Mr. KILGORE. Yes, sir.

Mr. CHIPMAN. I understood you to say that you would not consent to have the question whether there should be \$25 or \$50 granted in this case settled by the House. That is the proposition that was made, and I understood you to say that you rejected it and that we must take \$25 or nothing? Is that your position?

Mr. KILGORE. Yes; I made that remark, but I can modify it. [Laughter.]

Mr. CHIPMAN. Well, I, for one, would rather take "nothing" than submit to such coercion.

Mr. KILGORE. I was saying, Mr. Chairman, that the gentleman from Michigan and several other gentlemen are complaining all the time that a few of us insist here that business shall be transacted according to the rules of the House, rules prescribed by the majority. Under every rule relating to this point that has existed from the establishment of the Government down to this Congress the majority of the membership of the House has constituted a quorum—

Mr. PERKINS. Mr. Chairman, was there any objection to the request which I made?

Mr. KILGORE. I have the floor, Mr. Chairman, and I am not inclined to yield it until I get through. [Laughter.]

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. KILGORE. In this Congress we have adopted a rule which authorizes one hundred members to transact business as a quorum in the Committee of the Whole, and yet since this session began we have never had at any of these Friday evening pension sessions more than fifty or sixty members present to speak for the large constituencies which are represented on this floor by members on both sides who are so very zealous in favor of legislation of this character.

Still, they complain of us because we insist that the rules which they have made shall be complied with. When the Committee of the Whole rises and we go into the House to pass these bills with only twenty-five or thirty members present, while the Constitution requires the presence of one hundred and sixty-five members, these gentlemen complain if I stand up and insist, as in this case, that the House shall stand by the unanimous report of the Committee on Invalid Pensions and pass the measure as it has been amended by that committee.

Now, I do not see that there is any necessity for the very vigorous language used by the gentleman from Michigan [Mr. CHIPMAN] upon this subject. If this matter were put in a position to be reported to the House on the terms suggested by the gentleman from Massachusetts, why perhaps I might be persuaded to yield. [Laughter.]

Mr. ANDREW. Well, that is all we want.

Mr. FITHIAN. Mr. Chairman, I renew my motion to reconsider the vote by which the amendment reported from the Committee on Invalid Pensions was rejected.

Mr. REILLY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REILLY. If I understand the rule correctly there is a misapprehension here as to the situation of this amendment.

Mr. FITHIAN. Mr. Chairman, I insist upon having my motion considered.

Mr. REILLY. I have risen to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. REILLY. I think there is a misapprehension in regard to this matter and that if the question is correctly understood there will be no difficulty about it. As I understand, this is a Senate bill which was referred to the Committee on Invalid Pensions and reported back by that committee with an amendment. The report of that committee was referred to the Committee of the Whole House on the state of the Union on the Private Calendar. The bill, when it was reached in Committee of the Whole, was considered, and the amendment reported by the Committee on Invalid Pensions was disagreed to.

Now, I wish to ask the Chair whether the regular action of the Committee of the Whole would not be to report the bill back to the House with the recommendation that the amendment reported from the Committee on Invalid Pensions do not pass, and would not that bring the whole question before the House?

The CHAIRMAN. The Chair has so stated twice.

Mr. FLOWER. Mr. Chairman, I want to speak to this point of order.

Mr. FITHIAN. Mr. Chairman, my motion is still pending.

The CHAIRMAN. There are two motions pending, but the gentleman from New York rises to speak to the point of order.

Mr. FLOWER. Yes, sir. Mr. Chairman, I think that when the gentleman from Texas [Mr. KILGORE], who, as we all know, was a brave soldier, understands that the lady who is the beneficiary of this bill was engaged to Sergeant Plunkett before he lost his arms and that she married him after he came back from the war, he will agree with me that she was even a braver woman than he was a man, and I am sure the gentleman will not object to giving her this pension. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. FITHIAN] moves to reconsider the vote by which the amendment recommended by the Committee on Invalid Pensions was rejected.

The motion was agreed to.

Mr. PERKINS. Now, Mr. Chairman, the vote on that amendment having been reconsidered, I ask unanimous consent that this bill go over until Tuesday morning next, and that the previous question be considered as ordered upon the bill and the pending amendment, with fifteen minutes for debate on each side.

There was no objection, and it was so ordered.

JOHN M'LAUGHLIN.

The next business on the Private Calendar was the bill (H. R. 6906) granting a pension to John H. McLaughlin.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. McLaughlin, late second-class fireman on the steamer *Ida*.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6906) granting a pension to John H. McLaughlin, submit the following report: The applicant was a second-class fireman on United States ships *Ida* and *Virginia*. He enlisted July 4, 1864, and was discharged July 12, 1865; filed application for pension March 23, 1882, alleging that while in line of duty removing obstructions from the river before Mobile during an engagement April 9, 1865, he was severely injured by the explosion of a torpedo, affecting his spine and left shoulder and cutting his head and face in many places, one of which being under the left eye so injured the sight that he could not distinguish a burning candle from a lamp at a distance of 5 inches.

His application was rejected February 14, 1884, on the opinion of the medical referee that loss of sight is not due to alleged cut under the eye, while so much of the claim as pertained to injury of left shoulder, spine, head, and right leg was rejected on the ground that there had been no disability therefrom since March 23, 1882, date of filing claim. Applicant alleges that he was sound and in good health prior to his enlistment; that after the accident of the bursting torpedo his sight began to fail, and has continued so to do up to the date of filing his application, when he became totally blind in his left eye.

The records of the Bureau of Medicine of the Navy Department read as follows:

"Applicant was in hospital, New Orleans, about April 17, 1865. 'Contusions of head and neck.' On April 12 the U. S. S. *Ida* was blown up by a torpedo. Patient was standing on deck at the time, and was blown up several feet and fell on pieces of the wreck, receiving numerous contusions."

The fleet surgeon, in his report of the blowing up of the *Ida* on April 13, 1865, under the head "Slightly wounded," mentions the name of "John McLaughlin, one of the crew of the *Ida*."

Records in Adjutant-General's office show that he enlisted in Company B, Third United States Infantry, November 14, 1865, served until November 14, 1868. Re-enlisted July 17, 1869, and served ten years.

J. Jacobs, of Fort Clark, Kenney County, Texas, testifies to having been serving as a first-class boy on steamer *Ida* at the time she was blown up in Mobile Bay; that he was an eye-witness to accident to J. H. McLaughlin, and corroborates claimant's testimony as to the details of the accident and nature and extent of claimant's injuries, adding that "the timbers of the boat after the explosion rested on the said J. H. McLaughlin, binding him down in the water."

Claimant furnishes the testimony of no other witness, but says that he has sent letters to St. John's, Newfoundland, Prince Edward Island, and Belfast, Ireland, in hopes to learn of the whereabouts of those who could testify, and has also advertised in the papers for their whereabouts, but without avail. January 28, 1885, W. C. Gorgan, assistant surgeon of United States Army, says applicant has practically lost the sight of left eye and suffers chronically from lumbago. Applicant is now fifty-eight years of age, has a wife and four children, and is in a destitute condition, and is too feeble to labor for them.

In consideration of the length of service (fourteen years) and his present condition and circumstances, your committee recommend that the prayer of the petitioner be granted, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET T. BAKER.

The next business on the Private Calendar was the bill (S. 1022) granting a pension to the widow of the late Commander Samuel H. Baker, United States Navy.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$30 per month, the name of Margaret S. Baker, widow of the late Commander Samuel T. Baker, United States Navy, the same to be in lieu of any pension she is now receiving.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3724) granting an increase of pension to Mrs. Margaret T. Baker, submitted the following report, concurrence in Senate report No. 91:

[Senate Report No. 91, Fifty-first Congress, first session.]

Mr. DAVIS, from the Committee on Pensions, submitted the following report (to accompany bill S. 1022):

The Committee on Pensions, to whom was referred the bill granting increase of pension to Margaret T. Baker, have examined the same and report:

A bill identical with this was reported favorably by this committee and passed the Senate in the last Congress. Your committee adheres to its former action for the reasons set forth in the appended report, and recommends the passage of the bill with the following amendment: In the fifth line, after the word "Margaret," insert the letter "T."

The Committee on Pensions, to whom was referred the bill (S. 3724) granting a pension to Margaret Baker, widow of Commander Samuel H. Baker, have examined the same and report:

The late Commander Samuel H. Baker, the husband of the pensioner, was a man of fine physical constitution and of distinguished acquirements, and he was considered to be one of the most promising officers in the Navy. About January 30, 1888, he was in command of the United States store-ship *Monongahela*, at Coquimbo, Chili, with orders to proceed from that port to San Francisco.

This ship was a steam-vessel, but the orders were that she was to proceed to San Francisco under sail. The complement of the crew furnished Commander Baker for this purpose were, boatswain and mates 3, seamen 6, and landsmen 12, an actual working force of 18 men put to navigate a vessel of some 3,000 tons burden on a long voyage.

The vessel got under way February 2, 1888, it having taken this short-handed crew three days to heave the anchor, which is usually the work of only a few minutes. On the 25th of February she arrived off the port of Payta, Peru, being then short of water, with the men under restricted allowance.

Partly because this vessel came from a Chilean port and partly because it was alleged that epidemic diseases were raging in the port from which she came, she was denied admission into Payta, and denied the privilege of communicating with the shore for the purpose of telegraphing the condition of her crew to the Navy Department at Washington. The vessel had no distiller aboard, and altogether the manner in which she was sent out and the insufficiencies of her equipment and crew are mysteries of naval administration.

About the 1st of March, 1888, through the intervention of the commander of the United States steamer Alert, Commander Baker succeeded in putting himself in communication with the Navy Department, and the result of his telegram was an order that the Monongahela was to proceed to San Francisco. The execution of this order was entered upon immediately, and after many privations Commander Baker brought his vessel into that port on the 19th of May, 1888. Under ordinary circumstances the voyage should have been made in thirty days. During this period Commander Baker stood watch every day, exposed to the weather, which the log shows to have been exceedingly inclement.

During the entire run from Payta to San Francisco, from March 12 to May 19, the log shows that the officers and crew were on short allowance of water, and it has been shown to the satisfaction of your committee that nothing but the unceasing personal toil and exposure of Commander Baker and the other officers in performing the ordinary duties of seamen enabled the vessel to be brought to the port of San Francisco.

The effect of this upon Commander Baker was his death by acute uræmia, October 30, 1888, caused, as the medical certificates show, by exposure in the immediate line of duty while in command of the United States store-ship Monongahela upon this voyage. He left his widow in straitened circumstances, with one child to support and educate. She is now receiving a pension of \$30 a month and the bill provides for its increase to \$50 a month.

Your committee, after careful consideration of the facts in this case and the precedents in the cases of naval officers Dulaney, Twigg, Collins, Breese, Greene, Craven, Edeas, and Butler, who sacrificed their lives in early manhood by devotion to duties exceptionally arduous, and whose widows' pensions were increased on that account, earnestly recommend the passage of the said bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### MARY SNEAD.

The next business on the Private Calendar was the bill (H. R. 6349) increasing the pension of Mary Snead, a Revolutionary pensioner.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary Snead, widow of Bowdoin Snead, a private soldier of the Revolutionary war, from \$12 per month to \$30 per month during her natural life, the same to commence from the taking effect of this act, by approval or otherwise.

The report (by Mr. BROWNE, of Virginia), was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6349) granting an increase of pension to Mary Snead, have considered the same and report:

The claimant's husband, Bowdoin Snead, was a private in the militia of Accomack County, Virginia, commanded by Captain Copes and others, and served irregularly, as his services were required, about two years in the Revolutionary war. He was pensioned at \$30 per annum for his said services, and died July 29, 1842.

The claimant is now a pensioner at \$12 per month on account of her husband's service in the war of the Revolution. She asks for an increase to \$30 per month, declaring that the pension she is now drawing is too small for her comfortable support, and another pensioner of her small class has been granted by special act of Congress the increase she prays for. The papers filed in the Pension Bureau indicate that the claimant is now about seventy-four years old and she is very poor.

Believing this to be a worthy case, your committee respectfully recommend the passage of the bill.

Mr. KILGORE. The language of this bill, I believe, would continue the pension to this widow if she should marry again, would it not?

A MEMBER. She is too old to remarry.

Mr. KILGORE. Persons never get too old to marry. As the words "during her natural life" can do no good and may do harm, I move to amend by striking out those words so that this pension shall continue only during her widowhood.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PETERS having resumed the chair as Speaker *pro tempore*, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House, having had under consideration bills on the Private Calendar in accordance with the special order for Friday night, had directed him to report sundry bills with the recommendation that they pass, with or without amendments, respectively; also, that the committee, having had under consideration the bill (S. 1221) granting a pension to Helen Plunkett, had directed him to report the same back with a recommendation that it be made a special order for next Tuesday, immediately after the reading of the Journal, the previous question to be considered as ordered, with the right of amendment, and with the privilege of debate on each side for fifteen minutes.

#### HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole without amendment, were severally taken up, and ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 3678) to grant an honorable discharge to N. Parker Doe, and for other purposes;

A bill (H. R. 1867) for the relief of Charles Max Wittig; and

A bill (H. R. 6906) granting a pension to John H. McLaughlin.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments concurred in, the bills as amended ordered to be engrossed and read the third time; and they were accordingly read the third time, and passed:

A bill (H. R. 1239) for the relief of David Barnhart; and

A bill (H. R. 6349) increasing the pension of Mary Snead, a Revolutionary pensioner.

#### SENATE BILL PASSED.

The bill (S. 1022) granting a pension to the widow of the late Commander Samuel H. Baker, United States Navy (reported from the Committee of the Whole House without amendment) was taken up, read the third time, and passed.

Mr. TOWNSEND, of Colorado, moved to reconsider the several votes by which bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### HELEN PLUNKETT.

The next business reported from the Committee of the Whole was the bill (S. 1221) granting a pension to Helen Plunkett.

The SPEAKER *pro tempore*. If there be no objection, this bill will go over until Tuesday next, the previous question ordered upon it, with fifteen minutes' debate on each side on the bill and pending amendment. Is there objection?

There was no objection, and it was so ordered.

#### MRS. DELIA T. S. PARNELL.

Mr. BROOKSHIRE. Mr. Chairman, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 6291) granting a pension to Delia T. S. Parnell and put it upon its passage.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Delia T. S. Parnell, daughter of the late Charles Stewart, an admiral of the United States and engaged in its naval service in the war of 1812, the Mexican war, and in the late war for the Union, and pay her a pension from the passage of this act, at the rate of \$1,200 per annum.

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

Mr. KILGORE. I understand there is an amendment recommended by the committee.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

The committee recommend that all the words after the word "act," in line 10 of said bill, which are as follows: "at the rate of \$1,200 per annum," be stricken out and the following words be inserted after the said word "act": "at the rate of \$50 per month."

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

Mr. KILGORE. I am inclined to insist that this bill should go over to a full House.

Mr. BROOKSHIRE. I will accept that, and ask unanimous consent that this be made a special order for Tuesday next, immediately after the bill just preceding it; that fifteen minutes' debate be allowed on each side, and the previous question be considered as ordered on the bill and pending amendment.

There being no objection, it was so ordered.

#### WILLIAM RICHARDSON.

Mr. SMITH, of West Virginia. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 2765) granting a pension to William Richardson, and put it upon its passage.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Richardson, late a private in Company K, First Ohio Artillery.

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

Mr. KILGORE. I think we should have the report read or else some explanation as to what the bill is based upon.

Mr. SMITH, of West Virginia. I will state to the gentleman that this is the case of a soldier who was shot while in bed in his tent at night by a comrade who was in liquor. The Pension Department refused to grant the pension because the disability was not received strictly in the line of duty. The man who shot him makes affidavit himself that he went into the tent and shot his comrade.

Mr. KILGORE. But he was not in the line of duty then.

Mr. SMITH, of West Virginia. He was in his tent—

Mr. BUCHANAN, of New Jersey. The beneficiary was not at fault.

Mr. KILGORE. Was it an altercation between them?

Mr. SMITH, of West Virginia. No, sir; this man who testifies

went while in an intoxicated condition into the tent and shot his comrade, who is the beneficiary under this bill.

Mr. KILGORE. Very well; I have no objection.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

JULIA A. ERSKINE.

Mr. MARTIN, of Indiana. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 9205) to grant a pension to Julia A. Erskine.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and required to place on the pension-roll the name of Julia A. Erskine, the widow of John Erskine, deceased, late a private of Company F of the Eleventh Regiment of United States Infantry, at the rate of \$12 per month from the passage of this act, and otherwise subject to the provisions and limitations of the general pension laws of the United States.

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

Mr. KILGORE. Let us have the report read or some explanation of the bill.

Mr. MARTIN, of Indiana. This is a bill to pension Mrs. Erskine, widow of John B. Erskine, who received a disability while in the service of the United States, for which he was subsequently pensioned. On his death she made application for the allowance of pension, which the Department on merely technical grounds declined.

The committee, upon full investigation of the evidence in the case, find that the soldier actually contracted the disease from which he died in the service of the United States, and recommend that she be placed upon the roll at \$12 per month.

Mr. KILGORE. Is that the usual rate in such cases?

Mr. MARTIN, of Indiana. Yes, sir.

There being no objection, the bill was considered, ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH CLAIRE.

Mr. BOOTHMAN. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 1094) to increase the pension of Joseph Claire and put it upon its passage.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Joseph Claire, late of Company E, United States Mounted Rifles, in war with Mexico, upon the pension-roll at the rate of \$20 per month from and after the passage of this act.

Mr. MORRILL. That should be changed, if it is to increase a pension. The title says that it is an increase bill, and if so there should be added to the bill the words "in lieu of the pension he is now receiving."

Mr. BOOTHMAN. I accept that amendment.

Mr. KILGORE. What is the character of this bill?

Mr. BOOTHMAN. I will state to the gentleman that I am personally acquainted with the beneficiary in this bill, who bears upon his person the marks of thirteen wounds received in the war with Mexico. Some of them are slight in character, others are quite severe. He received for a time after the war closed a pension at the rate of \$8 per month, which was subsequently reduced to \$4 per month. When the Mexican war pension bill was passed he relinquished his disability pension and received the service pension of \$8 per month. He is now seventy-four years of age, and a couple of weeks ago lost the little property which he had accumulated, in the payment of bail debts. He is old and poor and unable to work.

Mr. KILGORE. And this proposes to increase the pension \$12 per month?

Mr. BOOTHMAN. Yes, sir.

Mr. KILGORE. Is that the usual amount?

Mr. BOOTHMAN. Yes; I think so.

Mr. BUCHANAN, of New Jersey. It is less than \$2 for each wound.

There being no objection, the bill was considered, the amendment adopted, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM HAMILL.

Mr. WILLIAMS, of Illinois, obtained unanimous consent for the present consideration of the bill (H. R. 9041) to increase the pension of William Hamill.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of William Hamill, late sergeant of Company E, One hundred and seventieth Regiment Illinois Infantry Volunteers, from \$18 to \$36 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9041) granting an increase of pension to William Hamill, submit the following report:

This soldier is drawing a pension under a special act passed by the Forty-sixth Congress, and the committee which investigated the claim at that time made the following report:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3738)

granting an increase of pension to William Hamill, have had the same under consideration, and submit the following report:

"It appears from the evidence submitted to the committee that the said William Hamill was enlisted in the service of the United States on the 14th day of August, 1862, and mustered as a sergeant in Company E, in the One hundred and seventieth Regiment Illinois Infantry Volunteers, and was honorably discharged on the 25th day of January, 1865; that whilst in said service and in the line of his duty, at Baker's Creek, near Clinton, in the State of Mississippi, he received a gunshot wound in the elbow of the right arm. The ball entered the anterior surface of the forearm immediately in front of the ulna, at its articulation with its humerus.

"The bullet produced total ankylosis of the elbow-joint. The arm is flexed at an angle of ninety degrees, and is as immovable as if it was a solid bone, and causes the parts to perish, preventing any rotation or bending of the arm to any extent whatever, rendering him totally and permanently incapacitated from obtaining subsistence from manual labor, and is equivalent to the loss of a hand. He was pensioned from January 25, 1865, at \$5 per month.

"This rate was increased to \$8 per month from July 18, 1866, and again to \$14 from April 2, 1873, and reduced to \$10 per month in 1875, on account of the construction of the law hereinafter referred to by the Pension Office; and the application of the claim for increase of his pension to \$18 per month was rejected because the Commissioner of Pensions holds that, notwithstanding the claimant's disability is permanent, it is not permanent and specific, and the Commissioner says 'a specific disability is one which is specifically described in the law, such as the loss of hands or feet,' etc.

"Now, from the description given of the disability of the soldier by the certificates of examining surgeons and other evidence in this case, we believe he is entitled to come under the provisions of the law allowing \$18 per month as a pension. Section 4697, Title LVII, Revised Statutes, 1878, provides that from the period commencing June 6, 1866, and ending June 3, 1872, those persons entitled to a less pension than hereinafter mentioned \* \* \* who shall have been totally and permanently disabled in one hand or one foot, or otherwise so disabled as to render their inability to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of \$15 per month.

"And the last paragraph of the next section (4698) of the same statute provides that 'from and after June 4, 1872, all persons entitled by law to a less pension than hereinafter specified, \* \* \* who shall have lost one hand or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of \$18 per month.'

"We think this soldier's case comes clearly within the provisions of these two sections, and that he is entitled to the increases therein provided for, from the dates specified in said bill, deducting all former payments. Therefore your committee recommend the passage of said bill."

Your committee find that the foregoing report is true and accept it as a part of this report.

Since this special act was passed, under which claimant draws pension, the general pension laws have increased the pension for such disability as claimant is now pensioned for from \$18 to \$36 per month.

Your committee therefore report the bill back favorably, with the recommendation that the same do pass with the following amendment:

In line 6, strike out the word "Seventieth" and insert "Seventeenth."

Mr. KILGORE. No explanation has been given as to that bill or any reason why it should pass.

Mr. WILLIAMS, of Illinois. I will just say in one moment this soldier's pension was increased once by special act, and for that reason it can not be increased under the general law. He is totally disabled in one arm, and that is the pension given in the general law.

Mr. KILGORE. Is that the bill you spoke to me about?

Mr. WILLIAMS, of Illinois. It is.

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

GEORGE C. QUICK.

Mr. SMITH, of Illinois, obtained unanimous consent for the present consideration of the bill (H. R. 6146) to increase the pension of George C. Quick.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to continue the name of George C. Quick, late a private in Captain Miller's company of Illinois Mounted Rangers, in the war with the Indians commonly called the Black Hawk war, on the pension-roll, subject to the provisions and limitations of law, at the rate of \$50 per month, in lieu of the pension of \$16 per month now received by said Quick.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6146) granting an increase of pension to George C. Quick, submit the following report:

The claimant was a private in Captain Miller's company of Illinois Mounted Rangers in the Black Hawk war. He was honorably discharged in August, 1832. His name was placed on the pension-roll at the rate of \$8 per month from July 15, 1882, for disease of feet, and his pension has been increased to \$12, then to \$16, and after to \$30 per month, as the disability increased.

The board of examining surgeons at St. Louis, Mo., under date of December 5, 1883, stated as follows:

"The examination of the applicant reveals the following conditions: The arch of both feet is increased, contraction of plantar muscles. Skin of feet thin and scaly. Locomotion much impaired. Complains that walking causes cramps. Says that he can not perform manual labor, which statement we believe to be true."

On August 6, 1884, the board of examining surgeons at Duquoin, Ill., stated:

"We find the plantar surfaces of both feet congested, soft, and tender." There have also been filed with your committee affidavits of Drs. S. F. Wehr, C. G. Rayhill, and M. S. Carr, and Lloyd D. Burgess, all reputable physicians, who testify to the condition of claimant's feet and who state that he is unable to perform manual labor.

There is also filed with the committee a petition signed by eighteen reputable citizens of his town, who state that he is unable to perform any manual labor; this petition is dated December 27, 1889. The affidavits of Jane Glyre, Andrew S. Cook, and C. C. Mansfield show that he is unable to perform any manual labor, is scarcely able to dress himself, requires the personal attention of some one nearly all the time, and is wholly unable to in any manner provide for himself or family.

The claimant is nearly seventy-five years of age, as we are informed, is very poor, and we are satisfied from the evidence before us that he is wholly unable to perform manual labor. We recommend that his pension be increased to \$50 per month.

Your committee therefore recommend the passage of the said bill.

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

JULIET OPIE H. AYERS.

Mr. LEWIS. I ask unanimous consent for the present consideration of the bill (S. 2451) granting a pension to Juliet Opie H. Ayers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Juliet Opie H. Ayers, widow of Romeyn Beck Ayers, late colonel of the Second Regiment Artillery, United States Army, and brigadier-general United States Volunteers, a pension, subject to the provisions and limitations of the pension laws, at the rate of \$75 per month, in lieu of that which she is now receiving.

The report (by Mr. LEWIS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2451) granting a pension to Juliet Opie H. Ayers, submit the following report:

We have had the same under consideration and recommend its passage, and adopt as our report the report (No. 306) of the Senate on said bill, which is as follows, to wit:

"The Committee on Pensions, to whom was referred the bill granting increase of pension to Juliet Opie H. Ayers, have examined the same, and report:

"A bill identical with this was reported favorably by your committee and passed the Senate in the last Congress.

"The former report is herewith adopted, and the passage of the bill is recommended with the following amendments:

"Strike out the word 'fifty,' in the seventh line, and insert the word 'seventy-five;' also insert at the end of the eighth line the words 'in lieu of that which she is now receiving.'"

The Committee on Pensions, to whom was referred the bill granting increase of pension to Juliet Opie H. Ayers, have examined the same and report:

The claimant is the widow of Romeyn B. Ayers, late brevet major-general of volunteers and colonel of the Second Regiment of United States Artillery.

She is now receiving a pension of \$30 per month, which the bill proposes to increase to \$50 per month.

General Ayers was born at East Creek, Montgomery County, New York, in December, 1825. In 1843, when eighteen years of age, he entered the Military Academy at West Point, graduating therefrom in 1847, and at once received his commission in the regular Army as brevet second lieutenant of the Fourth Artillery. With that regiment he served in the Mexican war at Pueblo and the City of Mexico with so much valor that he was commissioned second lieutenant in the Third Artillery on the 22d of September of the same year.

From the close of the Mexican till the breaking out of the civil war he was in active service, mostly on the frontiers, having received his commission as first lieutenant March 16, 1852. On the 14th of May, 1861, Lieutenant Ayers was offered a captain's commission in the Fifth Artillery, and accepted it June 28 following. He was present at all the early engagements about Washington, and accompanied the Army of the Potomac in the Peninsular and Maryland campaigns of 1862, and took part in all of the long series of battles ending at Antietam. On the 29th of November, 1862, he was made a brigadier-general of volunteers, taking his commission on the 4th of April, 1863.

July 2, 1863, for "gallant and meritorious services in the battle of Gettysburgh," he was made brevet major in the regular Army, and on July 5, 1864, for his valor in the Wilderness, he was made brevet lieutenant-colonel. With the Army of the Potomac he served through the engagements at Warrenton, Rappahannock Station, and many other places. In July, 1863, he was placed in command of a regiment and sent to New York City to aid the draft, and during the riots that followed rendered gallant services.

On the 1st of August, 1864, his conspicuous services in the battles of Spotsylvania Court-House, Jericho Mills, Petersburg, and Globe Tavern brought him the rank of brevet major-general in the volunteers, and eighteen days later, for gallantry at the battle of the Weldon Railroad, in Virginia, he was made brevet colonel in the regular Army. His brilliant services at Five Forks, Va., made him brevet brigadier-general in the regular Army March 13, 1865, and on the same day, for "gallant and meritorious services in the field during the war," he also received his brevet as a major-general in the regular Army. He afterward took part in the pursuit of the rebel army, culminating in Lee's surrender. On the 30th of April, 1866, he was mustered out of the volunteer service.

Since the war he has been in command at various posts and served on many important commissions. From June, 1866, to February, 1867, he was a member of the tactics board. In July, 1866, he was made lieutenant-colonel of the Twenty-eighth Infantry, in March, 1868, being transferred to the Nineteenth Infantry, and in December, 1870, to the Third Artillery. On the 18th of July, 1879, he was made colonel of the Second Artillery. Three years ago he was ordered to St. Francis Barracks, St. Augustine.

The climate did not agree with him there and he was forced to ask for leave of absence. He came to Governor's Island and then removed to Fort Hamilton, N. Y., where he died on the 4th day of December, 1888, leaving his widow, with two daughters of tender years and her mother (who is approaching eighty years of age and who is physically in a helpless condition and dependent upon her daughter), wholly without means of support.

Congress has repeatedly granted this increase in similar cases and in several instances where the rank of the officer was of a lower grade and when the services rendered were not so valuable.

In consideration of the life-long services of General Ayres and of his brilliant and conspicuous record in the Mexican war and in the war of the rebellion and of the indigent circumstances in which he left his family, your committee recommend the passage of the bill.

Mr. KILGORE. I will not agree for that bill to pass to-night. There is no explanation given why it should be raised to \$75.

Mr. LEWIS. I move, then, that it go over until Tuesday next, under the same order as the other bills.

The SPEAKER *pro tempore*. The gentleman from Mississippi moves that this bill go over, under the same order as the other bills, until Tuesday next, with the previous question ordered, fifteen minutes for debate on either side, with the privilege of amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MRS. ALICE C. CUNNINGHAM.

Mr. O'DONNELL. I ask unanimous consent for the present consideration of the bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham. This is a bill of the gentleman from Ohio [Mr. GROSVENOR]. He is next on the list.

The bill was read at length for information.

Mr. KILGORE. I want an explanation of the bill.

Mr. O'DONNELL. I called it up for the gentleman from Ohio [Mr. GROSVENOR], as his name is next on the list.

Mr. WILLIAMS, of Ohio. But that is not fair to those who have remained.

Mr. KILGORE. The report has not been read, and no explanation given to indicate the merit of the bill.

Mr. O'DONNELL. I withdraw the bill, then.

JOHNSON REDDICK.

Mr. PERKINS obtained unanimous consent for the consideration of the bill (H. R. 8087) granting a pension to Johnson Reddick.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, the name of Johnson Reddick, late of Captain John Reddick's company, of Alexander Russell's regiment of Indiana Volunteers, in the Black Hawk war, and pay him a pension of \$12 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8087) granting a pension to Johnson Reddick, have considered the same, and report:

The claimant was a private in Capt. John W. Reddick's company of Indiana volunteers, Black Hawk war, and served from June 7, 1832, to July 6, 1832. He was mustered in at Indianapolis, and served in the expedition to Chicago.

The claimant resides at Grenola, Elk County, Kansas, and his family physician, Dr. Franklin P. Hatfield, who lives at the same place, testified that the claimant is totally disabled from performing any kind of manual labor by reason of violent attacks of chronic cystitis and hemorrhoids.

S. A. Kingsbury and J. C. Day testify that they have been acquainted with the claimant for sixteen years and know that owing to age and physical disability he is totally unable to perform any labor to support himself and family. He is very poor, has no means of support, and unless assisted by the Government he will be dependent upon the county for maintenance.

The claimant is seventy-six years old, and the proof shows him to be of temperate habits and that he is an honest, reputable citizen. His grandfather was a Revolutionary war soldier, his father a soldier of the war of 1812, and his son rendered long and honorable service in the war of the rebellion.

In view of the claimant's service and his great age and destitution your committee think the relief prayed for should be granted, and the passage of the bill is respectfully recommended.

Mr. PERKINS. This man is seventy-six years of age; his grandfather was a soldier of the Revolutionary war, his father was a soldier in the war of 1812, he was a soldier in the Black Hawk war, and his son was a Union soldier in the late war.

Several MEMBERS. That is enough.

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

Mr. MORRILL moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then (the hour of 10 o'clock and 30 minutes having arrived) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

##### AMENDMENT TO LAWS TAXING MANUFACTURERS OF CIGARS.

Letter from the Acting Secretary of the Treasury, transmitting a letter from the Commissioner of Internal Revenue (with inclosures) recommending certain amendments to existing laws taxing manufacturers of cigars—to the Committee on Ways and Means.

#### MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions of State Legislatures were presented and referred as follows:

By Mr. FLOWER: Resolution of the Legislature of the State of New York, in favor of increase of pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLNECKER: Resolution of the Legislature of the State of New York, praying for increase of the pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Resolution of the Legislature of the State of New York, on increase of salary of mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CARUTH: Resolutions of the General Assembly of Kentucky, favoring the granting of a pension to John J. Talley—to the Committee on Pensions.

#### 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. 964) to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein—to the Committee on Military Affairs.

A bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes—to the Committee on the Public Lands.

A bill (S. 3357) for the relief of Leonard Martin—to the Committee on Claims.

## RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. SMITH, of Arizona:

*Resolved*, That the Secretary of War be, and is hereby, requested to transmit to the House of Representatives the reports that have been prepared under the direction of the Chief Signal Officer of the Army upon the climate of Arizona and New Mexico, together with such tables, particularly of rainfall, temperature, evaporation, and other matters, as relate thereto, with such corrections, alterations, and additions as may be deemed advisable by the Chief Signal Officer, who will also express his views as to the value and importance of said tables of temperature, precipitation, evaporation, etc., and their bearing upon the subject of irrigation and water storage;

to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. BELKNAP:

*Resolved*, That 1,000 additional copies of the letter of the Commissioner of Pensions, transmitted in answer to a request "as to the probable cost of the repeal of the arrears limitation," be printed for the use of the Committee on Invalid Pensions;

to the Committee on Printing.

By Mr. STOCKDALE:

Whereas the opening to white settlement of the several Indian reservations in the Indian Territory will soon involve the payment of large sums of money to different tribes of Indians in that Territory; and

Whereas claims are now pending before Congress for large sums of money to be paid to Indians in that Territory; and

Whereas it is well known that many white men and their descendants are counted as members of such tribes and many Indians are counted as members of different tribes; and

Whereas the results of payments heretofore made may well be deemed criterions of the results of payments under the same systems that may be hereafter made; and

Whereas complaints are being publicly made that large numbers of persons are unlawfully on the reservations in that Territory to the great detriment of the Indians rightfully there and that the United States is under treaty obligations to remove the intruders, but does not remove them: Now, therefore, in order to obtain a better understanding of the conditions now existing in that Territory,

*Be it resolved*, That this House do request of the Secretary of the Interior such information as is within his control and such information as without undue labor or expense can be obtained from the Indian agents in that Territory upon the following points, to wit:

What, approximately, is the number of members of each tribe or nation under your agency? How many are members by blood? How many by adoption from other tribes and what tribes? How many by intermarriage and how many negroes are members of the tribe, stating whether by treaty, adoption, or marriage? How many whites are members of the tribe, stating whether by adoption, marriage, or otherwise?

How many members of the tribe are what are called full-blood Indians and how many members have less than one-half of Indian blood?

In making payments of Government appropriations, what rule has been adopted as to payments in proportion to Indian blood or to excluding adopted white or negro citizens or Indians from other tribes?

When an Indian, a member of one tribe, intermarries or is adopted into another, with which tribe is he counted for payment or are he and his wife and children counted and paid as members of each tribe?

What is usually the blood of the chief officers of the tribe, and what check or guard is there to see that the full-blood members are protected in getting and retaining their proper shares of the funds paid? If elections are held, state the number of voters in the tribe and the proportion or number of the full-blood Indian voters.

How many persons are on the tribal reservation claiming to be members, but whose membership is denied or not admitted by the tribe? How many persons not members of the tribe are lawfully upon the reservation, and whether white, negro, or Indian?

How many persons, not members of the tribe, are upon the reservation not lawfully, and by what means or from what causes are they there?

How many persons called intruders are on the reservation, and through what means are they there, and how long have they been there?

Where and by what means could the intruders or others, unlawfully on the reservation, be sent off the reservation by the United States, and within what time could the reservation be cleared of them consistently with humanity and justice?

What, if any, defect now exists in the law as to intruders or those who become intruders, and what, if any, remedy would be effective to prevent further intrusion?

What provisions of law are made as to the people lawfully on the reservation, not members of the tribe, for their government and protection in their relations towards the Indians and towards each other?

In making payments of special appropriations in recent years, what, if any, portions have been first deducted for lawyers' fees or other charges, and what defects, if any, have existed in provisions for the transmission of the fund to the full control of the individual Indian paid?

What has been the effect of the present system on the rights of the Indian to his share of the tribal lands and what will be the effect of a continuance of the present system?

If the present system is not satisfactory, what remedy can be applied?

to the Committee on Indian Affairs.

By Mr. McRAE:

*Resolved by the House of Representatives*, That the Secretary of the Interior be, and is hereby is, requested to inform the House whether any person or firm has been furnished or allowed to compile from the files and record of the General Land Office a list and description of the original undelivered land patents now in said office; and, if so, the name of such person or firm, and why and by what authority and at whose request the same was furnished or allowed to be compiled;

to the Committee on the Public Lands.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. LAWS, from the Committee on Invalid Pensions, reported favor-

ably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A 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; and A bill (S. 2863) increasing the pension of Andrew J. Konkle.

Mr. LAWS also, from the Committee on Invalid Pensions, reported with amendment the bill of the Senate (S. 1741) granting increase of pension to James H. Showalter—to the Committee of the Whole House.

Mr. WILSON, of Kentucky, from the Committee on Invalid Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7719) restoring the pension of Mrs. Catherine Sonne; and

A bill (H. R. 9595) for the relief of William L. Hurst, of Wolf County, Kentucky.

Mr. WILSON, of Kentucky, also, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 3438) to increase the pension of John Taaffe; and

A bill (H. R. 2266) granting a pension to William Barnes.

Mr. FLICK, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 1884) granting a pension to George F. White;

A bill (H. R. 5118) granting a pension to Amanda J. Delap;

A bill (H. R. 8088) granting a pension to Thelbert H. Head; and

A bill (H. R. 7331) granting a pension to Freeman Buell.

Mr. FLICK also, from the Committee on Invalid Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 1598) granting a pension to Sarah A. Lyon; and

A bill (H. R. 1433) granting a pension to Caroline Hayes.

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 9615) for the relief of Israel Pierce;

A bill (H. R. 9727) for the relief of Joseph D. Fisher, late Company G, One hundred and sixteenth Ohio Volunteer Infantry;

A bill (H. R. 1778) granting a pension to Gaston Winters;

A bill (H. R. 8933) granting a pension to Mrs. Sue Ditto; and

A bill (H. R. 7885) granting a pension to Reuben A. McCormick.

Mr. YODER also, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 4210) to increase the pension of John H. Grove—to the Committee of the Whole House.

Mr. DUNPHY, from the Committee on Claims, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 5183) for the relief of Dabney, Simmons & Co.; and

A bill (H. R. 8962) authorizing and directing the Secretary of the Treasury to pay to Frank Rother \$225, due him for service as route agent.

Mr. OSBORNE, from the Committee on Military Affairs, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay; and

A joint resolution (H. Res. 111) for relief of Maj. Henry A. Read.

Mr. DE HAVEN, from the Committee on Naval Affairs, reported favorably the bill of the Senate (S. 2296) for the relief of the Union Iron Works of San Francisco, Cal.—to the Committee of the Whole House.

Mr. LAWS, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 6601) granting a pension to Archibald F. Coon—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill of the House (H. R. 8429) to increase the pension of William P. Squire—to the Committee of the Whole House.

Mr. WADE, from the Committee on Labor, reported with amendment the bill of the House (H. R. 8490) to enforce the eight-hour law on Government premises—to the House Calendar.

Mr. PEEL, from the Committee on Indian Affairs, reported with amendment the bill of the House (H. R. 4227) for the relief of the Stockbridge tribe of Indians, in the State of Wisconsin—to the Committee of the Whole House on the state of the Union.

Mr. PARRETT, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 8700) granting a pension to Mira Baldwin; and

A bill (H. R. 8303) granting a pension to Matilda Lemmon.

Mr. PARRETT also, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 6853) for the relief of Allen Morris—to the Committee of the Whole House.

Mr. DE LANO, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4328) granting a pension to Rufus Squire;

A bill (H. R. 9580) granting a pension to Rebecca Tussey;

A bill (H. R. 9431) granting a pension to Jane Fee;  
A bill (H. R. 5851) to pension Matthew Lambert for service in the Indian war;

A bill (H. R. 8473) granting a pension to Thompson Riley; and  
A bill (H. R. 9371) for the relief of Fanny A. Putney.

Mr. DE LANO also, from the Committee on Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 2965) granting a pension to Rachael Barnes;  
A bill (H. R. 7149) granting a pension to Hannah E. Winnie; and  
A bill (H. R. 7972) granting a pension to Joseph Whitmore for service in the Indian war.

Mr. VAN SCHAICK, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 8492) to provide for the construction of a public building at Butte City, Mont.—to the Committee of the Whole House on the state of the Union.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. Res. 8) to promote commercial union with Canada, reported, in lieu thereof, the following resolution:

*Resolved*, That whenever it shall be duly certified to the President of the United States that the Government of the Dominion of Canada has declared a desire to enter into such commercial arrangements with the United States as would result in the complete removal of all duties upon trade between Canada and the United States, he shall appoint three commissioners to meet those who may be likewise designated to represent the Government of Canada to consider the best method of extending the trade relations between Canada and the United States and to ascertain on what terms greater freedom of intercourse between the two countries can best be secured; and said commissioners shall report to the President, who shall lay the report before Congress;

which was referred to the House Calendar.

Mr. POST, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 723) to provide for the erection of a public building in the city of Canton, Ohio—to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported favorably the bill of the Senate (S. 2816) for the erection of a public building at Newburgh, N. Y.—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 a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. COMSTOCK: A bill (H. R. 9952) to enable the Secretary of the Interior to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1839, and for other purposes—to the Committee on Indian Affairs.

By Mr. SIMONDS: A bill (H. R. 9953) for an act amending the statutes relating to letters-patent for inventions—to the Committee on Patents.

By Mr. COMSTOCK: A bill (H. R. 9954) appropriating money for survey and appraisal of lands acquired from the Chippewa Indians in Minnesota—to the Committee on Appropriations.

By Mr. HEMPHILL (by request): A bill (H. R. 9955) dedicating part of lots 14 and 15, in square 812, as a public alley—to the Committee on the District of Columbia.

By Mr. BLANCHARD: A bill (H. R. 9956) to abrogate the powers of the executive officers of the United States in allowing indemnity locations or scrip for confirmed unsatisfied private land claims, under section 3 of the act of Congress approved June 2, 1858 (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81), and to vest that power in the courts of the United States—to the Committee on the Public Lands.

By Mr. BINGHAM: A bill (H. R. 9957) to provide for the purchase of a site and the erection of a public building thereon at Philadelphia, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. HENDERSON, of Iowa: A bill (H. R. 9958) to regulate the payment of arrears of pay and bounty—to the Committee on War Claims.

By Mr. WILSON, of Kentucky: A bill (H. R. 9959) to provide for storing distilled spirits other than fruit brandy in special bonded warehouse—to the Committee on Ways and Means.

By Mr. LEE: A bill (H. R. 9960) to erect a suitable post-office building in Leesburgh, Loudoun County, Virginia—to the Committee on Public Buildings and Grounds.

By Mr. THOMAS: A joint resolution (H. Res. 159) authorizing the State of Wisconsin to place in Statuary Hall, at the Capitol, the statue of Père Marquette—to the Committee on the Library.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 4390) for the relief of Mary Locke—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 9664) for the relief of H. C. Stanton, of Roseburgh, Oregon, administrator of the estate of James Sinclair, and his widow,

Mary Sinclair; and for the relief of Erastus S. Joslyn, of Colorado Springs, in the State of Colorado—Committee on Military Affairs discharged, and referred to the Committee on Claims.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BLANCHARD: A bill (H. R. 9961) granting a pension to Oran M. Collinsworth—to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 9962) restoring to the pension-rolls the name of Amanda Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9963) for the relief of the legal representatives of Edward A. Smith, deceased—to the Committee on War Claims.

By Mr. CHEATHAM: A bill (H. R. 9964) for the relief of James Doyle—to the Committee on Invalid Pensions.

By Mr. CULBERTSON, of Pennsylvania: A bill (H. R. 9965) granting a pension to William Alfred Gay—to the Committee on Invalid Pensions.

By Mr. DINGLEY: A bill (H. R. 9966) granting a pension to G. L. Pease—to the Committee on Pensions.

Also, a bill (H. R. 9967) granting a pension to Charles L. Stevens—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 9968) for the relief of S. M. Henderson, of Athens, Tenn.—to the Committee on War Claims.

By Mr. FLICK: A bill (H. R. 9969) for the relief of Henry H. Wright, late of Company D, Sixth Iowa Infantry Volunteers—to the Committee on Military Affairs.

By Mr. GEST: A bill (H. R. 9970) to grant a pension to Myron G. Browning—to the Committee on Invalid Pensions.

By Mr. HANSBROUGH: A bill (H. R. 9971) for the relief of Mrs. Frances E. Farrington Stebbins—to the Committee on Claims.

By Mr. MCCREARY: A bill (H. R. 9972) for the relief of George Denny, sr.—to the Committee on War Claims.

By Mr. MORSE (by request): A bill (H. R. 9973) for the relief of Nina A. Page—to the Committee on Invalid Pensions.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 9974) for the relief of Mary R. Sinclair—to the Committee on Military Affairs.

By Mr. QUINN: A bill (H. R. 9975) for the relief of George W. Spencer—to the Committee on Military Affairs.

By Mr. TOWNSEND, of Pennsylvania (by request): A bill (H. R. 9976) to provide for payment of Rachael Dikeman's pension to J. H. Simpkins for support, etc.—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 9977) for the relief of the legal heirs of J. H. Ware, deceased—to the Committee on Claims.

By Mr. WILSON, of Missouri: A bill (H. R. 9978) to place the name of Cornelius Mozengo on the pension-roll—to the Committee on Invalid Pensions.

#### 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. BARNES: Petition of certain citizens of Lincoln County, Georgia, for the passage of subtreasury bill, H. R. 7162—to the Committee on Ways and Means.

Also, petition from Davisborough, Ga., asking for the passage of Senate bill 2716, for improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. BLAND: Petition of citizens of Texas County, Missouri, asking the passage of House bill 5353, to prevent option gambling—to the Committee on Commerce.

By Mr. BLOUNT: Petition from Pike County, Georgia, against the passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. BREWER: Petition of A. J. Wickham and 63 others, citizens of Livingston County, Michigan, in favor of the passage of House bill 7162, to establish subtreasuries, etc., and Senate bill 2806, to establish agricultural depots for the accommodation of farmers, planters, etc.—to the Committee on Ways and Means.

By Mr. CARUTH: Petition of citizens of Louisville, Ky., in favor of amending and perpetuating the national-banking system—to the Committee on Banking and Currency.

By Mr. CHEATHAM: Petition in opposition to taxing cotton-seed oil, etc.—to the Committee on Agriculture.

By Mr. COLEMAN: Petition of stockholders of and depositors in the American National Bank, for the passage of laws for the perpetuation of the national-banking system, under which the interests of depositors are protected by Government supervision—to the Committee on Banking and Currency.

Also, protest of the banks and bankers of New Orleans, La., against the passage of House bill 5353, taxing purchases and sales of cotton, grain, and hog products, stating that if said bill becomes a law great injury and damage will result by reducing the stability of values, and that the risk in making advances on such property is much less now than it was previous to the inauguration of the present method of doing business—to the Committee on Agriculture.

By Mr. CONGER: Memorial of Iowa Prisoners of War Association, for compensation and pensions for prisoners of war—to the Committee on Invalid Pensions.

By Mr. COWLES: Petition of D. F. Denton, secretary Farmers' Alliance 1488, North Carolina, praying for passage of House bill 7162 and Senate bill 2806—to the Committee on Ways and Means.

By Mr. CRISP: Petition of R. L. Henderson, Daniel Tucker, and others, citizens of Irwin County, Georgia, in opposition to the Conger compound-lard bill—to the Committee on Agriculture.

By Mr. CUTCHEON: Protest of cigar-makers of Manistee, Mich., against the tobacco schedule of the tariff bill—to the Committee on Ways and Means.

Also, protest of 28 cigar-makers, of Manistee, Mich., against the tobacco clause of the McKinley tariff bill—to the Committee on Ways and Means.

By Mr. DALZELL: Resolutions of Pittsburgh (Pa.) Chamber of Commerce, against Chinese exclusion amendment to the census law—to the Select Committee on the Eleventh Census.

Resolutions of Pittsburgh (Pa.) Chamber of Commerce, in favor of postal-telegraph system—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry citizens of Allegheny County, Pennsylvania, for passage of laws for perpetuation of the national-banking system, under which the interest of depositors is protected by Government supervision—to the Committee on Banking and Currency.

By Mr. EVANS: Petition of citizens of Tennessee in favor of House bill 7162 and Senate bill 2806, for increase of currency—to the Committee on Banking and Currency.

Also, petition of business men of Chattanooga, Tenn., favoring increase of pay to railway post-office clerks—to the Committee on the Post-Office and Post-Road.

By Mr. FITHIAN: Petition of soldiers of Lawrence County, Illinois, asking Congress to pass a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of citizens of Cumberland County, Illinois, asking for the passage of House bill 5353—to the Committee on Agriculture.

By Mr. FLICK: Petition of 100 members of the Society of Friends, of Clarke County, Iowa, protesting against large expenditures for naval and coast defenses—to the Committee on Naval Affairs.

By Mr. FLOWER: Petition of Caswell, Massey & Co., Day, Hays & Sons, and 20 others, retail druggists, against duty of 10 cents per pound on sugar of milk—to the Committee on Ways and Means.

By Mr. FRANK: Petition of hide dealers of St. Louis, against proposed duty on hides—to the Committee on Ways and Means.

By Mr. GEST: Petition by citizens of Moline, Ill., for the passage of laws to perpetuate the national-banking system—to the Committee on Banking and Currency.

Also, petition and the proof in the claim of M. G. Browning for a pension—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition of citizens of Salisbury, Md., for perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. GRIMES: Petition of Mountville Suballiance of Troup County, Georgia, in favor of subtreasury bill—to the Committee on Ways and Means.

Also, petition of C. M. Lucas and J. J. Philemon and others, citizens of Taylor County, Georgia, for the same measure—to the Committee on Ways and Means.

Also, petition of J. W. Taylor, W. H. York, and others, citizens of Meriwether County, Georgia, for the same measure—to the Committee on Ways and Means.

Also, petition of Charles P. Turner, H. H. Strickland, and others, citizens of Carroll County, Georgia, for the same measure—to the Committee on Ways and Means.

By Mr. HAYES: Petition of H. J. Meyer and others, citizens of Iowa, against legislation restricting immigration and changing naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, petition of J. B. Danforth and others, citizens of Rock Island, Ill., and Davenport, Iowa, against a duty on silver-lead ores—to the Committee on Ways and Means.

By Mr. HAYNES: Petition of a conference of delegates of German-American societies, held in the city of Washington March, 1890, against the passage of any and all of the measures now pending before Congress designed to materially change the present national laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

Also, petition of 3,000 citizens of Northwestern Ohio, of German birth, against the proposed change of the naturalization and immigration laws, as embodied in bills now pending in Congress—to the Select Committee on Immigration and Naturalization.

By Mr. HENDERSON, of Iowa: Paper from Messrs. R. R. Plane & Co., Independence, Buchanan County, Iowa, protesting against increase of duty on breech-loading guns—to the Committee on Ways and Means.

Also, papers from Messrs. Heinz & Carstem, Ackley, Hardin County, Iowa, protesting against increase of duty on breech-loading guns—to the Committee on Ways and Means.

By Mr. HENDERSON, of North Carolina: Petition of N. B. Gunter and 59 others, members of Hickory Grove Farmers' Alliance, No. 1375, of Randolph County, for the passage of House bill 7162, known as the subtreasury plan—to the Committee on Agriculture.

Also, petition of G. H. Lambert and 16 others, members of Maple Spring Alliance, No. 1894, of Randolph County, North Carolina, for the same measure—to the Committee on Agriculture.

Also, petition of J. J. Allen and 25 others, citizens of same county and State, for the same measure—to the Committee on Agriculture.

Also, petition of T. C. Henley and 14 others, citizens of the same county and State, for the same measure—to the Committee on Agriculture.

Also, petition of S. S. Templeton and 26 others, citizens of Iredell County, North Carolina, for the same measure—to the Committee on Agriculture.

Also, petition of Goshen McCulloh and 37 others, members of Augusta Alliance, No. 1018, of Davis County, North Carolina, for the same measure—to the Committee on Agriculture.

By Mr. HOOKER: Petition of N. M. Hollingsworth and 59 others, citizens of Mississippi, in favor of passage of House bill 5353, in relation to dealing in options and futures—to the Committee on Agriculture.

By Mr. LANHAM: Three petitions of citizens of Shackelford County, Texas, relating to subtreasury bill—to the Committee on Agriculture.

By Mr. LEE (by request): Petition of J. S. Eggborn, for the estate of Mary Ann Allen, late of Culpeper County, Virginia, for reference of claim to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. LESTER, of Georgia: Petition of H. G. Edenfield and others, citizens of Screven County, Georgia, for the passage of House bill 7126 and Senate bill 2806—to the Committee on Agriculture.

By Mr. McCLAMMY: Petitions of sundry citizens of North Carolina, for the passage of House bill 716—to the Committee on Agriculture.

By Mr. McCLELLAN: Request of Kerr-Murray Manufacturing Company, of Fort Wayne, Ind., and of the Commercial Club of Las Vegas, N. Mex., for the immediate passage of an act establishing a land court or commission to settle titles depending on grants made by the Government of Mexico previous to 1848 by the treaty of Guadalupe Hidalgo, and alleging that the people of the Territory have now waited forty-two years for the fulfillment of the promises made in said treaty—to the Committee on Private Land Claims.

By Mr. McCOMAS: Petition of William Koons, of Frederick County, Maryland, for reference to the Committee on War Claims—to the Committee on War Claims.

Also, petition of N. T. Talbott, deceased, of Montgomery County, Maryland—to the Committee on War Claims.

Also, petition of John T. Kilham, for estate of Samuel Kilham, late of Washington County, Maryland—to the Committee on War Claims.

By Mr. McRAE: Petition of Milton Cross and 91 others, citizens of Polk County, Arkansas, in favor of House bill 5353, relating to options and futures—to the Committee on Agriculture.

Also, petition of Hon. O. S. Jones and 97 others, citizens of Nevada County, Arkansas, asking for the passage of the House bill 9224, known as the Featherston bill, to authorize loans to farmers on improved farms of not less than 10 nor more than 320 acres—to the Committee on Agriculture.

By Mr. MOORE, of Texas: Petition of citizens of Colorado County, Texas, favoring the passage of House bill 7162—to the Committee on Banking and Currency.

By Mr. MORROW: Petition of the Ladies' Silk-Culture Society of California, protesting against any appropriations for experimental silk culture—to the Committee on Agriculture.

By Mr. MORSE (by request): Petition of Nina A. Page, for special respecting arrears of pensions—to the Committee on Invalid Pensions.

By Mr. O'NEIL, of Massachusetts: Remonstrance of Merchants of Boston, against the passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. O'NEILL, of Pennsylvania: Memorial of Mary R. Sinclair, asking for relief—to the Committee on Military Affairs.

By Mr. OUTHWAITE (by request): Petition of citizens, for the passage of laws for the perpetuation of the national-banking system under which the interest of depositors is protected by Government supervision—to the Committee on Banking and Currency.

Also, petition of Sarah E. Conn, widow of George F. Conn, that a bill be introduced and passed granting her arrears of pension that are justly due her—to the Committee on Invalid Pensions.

By Mr. PAYNE: Remonstrance of Friends' Society of Farmington, N. Y., against an increase in the Navy—to the Committee on Naval Affairs.

By Mr. PICKLER: Memorial officially signed by Frances E. Willard, as president of the National Woman's Christian Temperance Union and the World's Woman's Christian Temperance Union, asking for appropriate legislation for the suppression of the traffic in Chinese women and girls for immoral purposes at the port of San Francisco—to the Select Committee on Immigration and Naturalization.

By Mr. PIERCE: Petition of J. R. Green, of Dyer County, Tennessee, for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of James H. Hunt, heir of Nathaniel Hunt, late of Haywood County, Tennessee, for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of Jane J. Walker, of Haywood County, Tennessee, for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of William B. Read, of Haywood County, Tennessee, for reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of L. G. B. Seat, Gibson County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. REED, of Iowa: Papers and petition for the relief of T. H. Head—to the Committee on Invalid Pensions.

By Mr. SCRANTON: Petition of J. A. Linell and others, citizens of Scranton, Pa., for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. SENEY: Petition of A. C. Mathies and 32 others, ex-Union soldiers of Gibbon, Ohio, favoring a service pension—to the Committee on Invalid Pensions.

By Mr. STEWART, of Georgia: Petition by citizens of Dodge and Habersham Counties, Georgia, protesting against the passage of the Conger lard bill—to the Committee on Agriculture.

Also, petition of various citizens of Dooley County, Georgia, protesting against the Conger lard bill—to the Committee on Agriculture.

By Mr. STONE, of Kentucky: Memorial of citizens of Trigg County, Kentucky, praying for the passage of House bill 7162 or Senate bill 2806—to the Committee on Coinage, Weights, and Measures.

Also, memorial of citizens of Calloway County, Kentucky, praying passage of House bill 5353—to the Committee on Agriculture.

By Mr. STRUBLE: Petition of A. T. Dailey and 35 others, citizens of Monona County, Iowa, urging the passage of House bill 5353, regarding the dealing in options and futures—to the Committee on Agriculture.

Also, petition of A. P. Norwood and 205 others, citizens of Whiting, Iowa, and vicinity, demanding the prohibition of boards of trade, bucket shops, and others from fixing the value on the raw or manufactured produce of American farmers, etc.—to the Committee on Agriculture.

By Mr. EZRA B. TAYLOR: Petition of F. B. Way and others, of Ashtabula, Ohio, against an increase of duty on photographic albumen paper—to the Committee on Ways and Means.

By Mr. TAYLOR, of Tennessee: Petition of Elizabeth Miller, administratrix of Felix Miller, late of Hawkins County, Tennessee, for reference of claim to the Court of Claims, under provision of the Bowman act—to the Committee on War Claims.

Also, petition of Louisa Henderson, of Cocke County, Tennessee, for reference of claim to the Court of Claims, under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. TOWNSEND, of Colorado: Petition from cigar-makers of Salida, Colo., against schedule F of tariff bill under head of "Tobacco"—to the Committee on Ways and Means.

By Mr. TURNER, of Georgia: Petition of A. F. Berry and 19 others, members of Spring Hill Suballiance of Thomas County, Georgia, asking the passage of the bill for the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of J. B. Baskin and 51 others, members of Beaver Dam Alliance, of Berrien County, Georgia, in favor of the subtreasury bill—to the Committee on Ways and Means.

By Mr. WALKER, of Missouri: Petition of James W. Farris and 190 others, citizens of Oregon County, Missouri, asking for the passage of House bill 5353—to the Committee on Agriculture.

By Mr. WALLACE, of New York: Protest of citizens of Brooklyn, N. Y., against a duty on tin-plate—to the Committee on Ways and Means.

By Mr. WHEELER, of Alabama: Petition of General Ruggles, for irrigation bill—to the Select Committee on Irrigation of Arid Lands in the United States.

Also, petition of William Gullet, of Jackson County, Alabama, praying for reference of his claim to the Court of Claims, under act of March 3, 1883—to the Committee on War Claims.

By Mr. WILLIAMS, of Ohio: Memorial of Crown Council No. 35, Dayton, Ohio, 148 members, for an amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WRIGHT: Memorial of Grange, No. 83, Patrons of Husbandry, of Pennsylvania, asking further coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Grange No. 298, Patrons of Husbandry, Bradford County, Pennsylvania, for the same measure—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Grange No. 927, Patrons of Husbandry, of Pennsylvania, for the same measure—to the Committee on Coinage, Weights, and Measures.

Also, memorial from Grange 842, Patrons of Husbandry, of same State, for the same measure—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Grange No. 842, Patrons of Husbandry, of Pennsylvania, asking certain tariff duties to be levied on imported farm products—to the Committee on Ways and Means.

Also, memorial of Grange No. 881, Patrons of Husbandry, of Pennsylvania, for the same relief—to the Committee on Ways and Means.

Also, memorial of Grange No. 336, Patrons of Husbandry, Bradford County, Pennsylvania, for the same relief—to the Committee on Ways and Means.

By Mr. YARDLEY: Petition of organizations and citizens in Bucks County, Pennsylvania, praying for a constitutional amendment to prevent the union of church and state—to the Committee on the Judiciary.

## SENATE.

SATURDAY, May 3, 1890.

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

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

## PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of citizens of Centralia, Ill., praying that the circulation of national banks issued shall be 100 per cent. of the par value of the bonds deposited, instead of 90 per cent., and favoring the passage of all bills calculated to strengthen and encourage the extension of the national-banking system; which was referred to the Committee on Finance.

He also presented a petition of 20 citizens of Illinois, praying for the passage of House bill 5353, relating to dealings in options; which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the bar of Muscogee, Ind. T., in favor of including the judge of the United States court for the Indian Territory in the bill to increase the salaries of the several district judges of the United States to \$5,000 per annum; which was referred to the Committee on the Judiciary.

Mr. CASEY. I present a petition of 96 citizens of Steele County, North Dakota, stating that they believe the present depressed condition of agriculture can be greatly relieved by a change in the financial system of the Government, so as to give the volume of the circulating medium a flexible quality equal to the fluctuation in demand caused by the marketing of the products of agriculture, and praying for the passage of House bill 7162 or Senate bill 2806, to accomplish that purpose. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. COCKRELL. Early in December I presented concurrent resolution No. 18 of the General Assembly of the State of Missouri, entitled "A joint and concurrent resolution asking Congress to appropriate \$25,000 to the county of Stone, in the State of Missouri, for the purpose of constructing and erecting a bridge over the James River at or near the county seat of said Stone County," which was referred to the Committee on Commerce. I have again received a copy of the resolution from the representative from that county, and also a memorandum showing the measurement of the river at that place.

I move that the memorial and accompanying paper be referred to the Committee on Commerce, and I hope that they will take action upon the matter and report the result of their action to the Senate.

The motion was agreed to.

Mr. GIBSON. I present a memorial from citizens engaged in the banking business in the city of New Orleans, La., stating their belief that if House bill 5353, taxing the purchase and sale of cotton, grain, and hog products, becomes a law it will do immense damage to the business in those articles, reduce the stability of values, and work great injury, and remonstrating against the passage of that bill.

Mr. President, I desire to state that the clearings for the last year, up to January 1, 1890, by the associated banks of the city of New Orleans amounted to \$504,474,843. The banking capital of the city of New Orleans is only \$8,088,374, including surplus and undivided profits, yet the volume of exchange purchased (foreign and domestic) amounts to \$210,000,000 per annum for moving the crops of cotton, sugar, and grain. This volume is equal to about one-half of the whole value of the present cotton crop now being marketed.

I move that the memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DANIEL presented a petition of 58 citizens of Skipwith, Va., praying for the free coinage of silver; which was ordered to lie on the table.

Mr. PASCO presented the petition of A. E. Sawyer and other employes in the post-office at Jacksonville, Fla., praying that their interests may be protected in the appropriations so as to provide for a proper amount of clerical assistance during the winter months; which was referred to the Committee on Post-Offices and Post-Roads.