

SENATE.

THURSDAY, July 17, 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. QUAY presented a memorial of members of the Philadelphia Commercial Exchange and business men interested in the malting business, remonstrating against the imposition of a duty of 25 cents a bushel on barley; which was ordered to lie on the table.

Mr. GRAY presented a petition of Thatford Post, No. 3, Grand Army of the Republic, Department of New York, and a petition of Naval Post, No. 400, Grand Army of the Republic, Department of Pennsylvania, of Philadelphia, Pa., praying for the passage of the bill to transfer the revenue-marine service from the Treasury to the Navy Department; which were ordered to lie on the table.

Mr. DAVIS presented a resolution adopted by the Chamber of Commerce of St. Paul, Minn., favoring an amendment to section 4 of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 5099) for the relief of Mrs. Angeline Green, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 3600) for the relief of Henry L. Mulvin, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely (the relief prayed for in each case having already been granted):

A bill (S. 3100) to remove the charge of desertion against Peter J. Soly;

A bill (S. 337) for the relief of William Millican; and

A bill (S. 1010) to remove the charge of desertion from the record of James Boyle.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the petition of Isaac S. Kase, of Allentown, Pa., praying to be allowed an honorable discharge, moved that the committee be discharged from the further consideration of the petition (the relief prayed for having been already granted); which was agreed to.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 3263) for the relief of Lewis G. La Tour, reported it adversely, and submitted a report thereon.

Mr. PLATT. I desire that that bill may go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 9783) granting a pension to Mary Ferguson, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the petition of H. H. Bellas, retired first lieutenant, Fourth Regiment United States Cavalry, praying that he may be retired with the rank of captain, submitted a report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of George W. Kingsbury, retired first lieutenant, of the Twelfth United States Infantry, praying that he may be retired with the rank of captain, submitted a report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 2890) to grant remuster and pay to John A. Spielman, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1695) for the relief of Lorenzo Thomas, jr., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3001) for the relief of James S. Jonett, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4272) for the relief of Robert McFarland, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 4237) granting leave of absence, without charge, to members of the Grand Army of the Republic to attend annual encampment; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McPHERSON introduced a bill (S. 4238) for the relief of Charles

F. Bowers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 4239) to provide for the sale of the old custom-house building in the city of Erie, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAWLEY introduced a bill (S. 4240) for the relief of certain officers of the Signal Service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GIBSON introduced a bill (S. 4241) for the relief of the estate of Dr. Jehu Perkins; which was read twice by its title, and referred to the Committee on Claims.

ACCOUNTS OF POSTMASTERS.

Mr. GRAY. If the morning business is concluded, I move that the Senate proceed to the consideration of the bill (H. R. 6944) to transfer the revenue-cutter service from the Treasury Department to the naval establishment.

The PRESIDENT *pro tempore*. Is there further routine morning business? If there be none, the Chair lays before the Senate the resolution offered by the Senator from Indiana [Mr. TURPIE], coming over from a previous day.

The resolution submitted yesterday by Mr. TURPIE was read, as follows:

Resolved, That the Postmaster-General be directed to send to the Senate a tabulated statement within the rule of law published and referred to under the resolution of the Senate of April 10 last in the case of the State of Illinois, of all the claims from the State of Indiana presented under chapter 119 of the laws of 1883; said statement to exhibit the gross amount of the earnings of the postmasters for each term of service thus ascertained, and the amount of salary paid for each of said terms of service thus ascertained, and the difference between what was paid then and what they would have received as commissions under the act of 1864 by the rule promulgated by Postmaster-General Gresham on the 16th of February, 1884.

Mr. SAWYER. I move that the resolution be referred to the Committee on Post-Offices and Post-Roads. We have several such resolutions before us, and have had considerable investigation of the matter, and I think this resolution should go to that committee.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the resolution be committed to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON. I hope that will be done.

Mr. TURPIE. I trust that reference will not be made. It will cause a delay in the examination of the claims. There has already been great delay in these cases, and arrangements should be made as soon as possible to have all the information from the Department so that Congress may judge and the Senate may judge whether wrong or justice shall be done in these cases. The matter will not be promoted or advanced at all by a reference. All I desire is the information from the Department on this subject.

The resolution is a copy of a resolution submitted by the Senator from Illinois [Mr. CULLOM], which was adopted on the 10th of April last, and one submitted by the Senator from Kansas [Mr. PLUMB] which was adopted before that time, with reference to this class of postmasters in the State of Illinois and the State of Kansas making these claims for their salaries. I think that the three States, at least, whose postmasters ask for this settlement, ought to be placed on the same footing, and the same information should be furnished in the case of Indiana as has been furnished or denied, if to be denied, by the Department in the case of Illinois and Kansas.

Mr. SAWYER. Several resolutions of a similar character have been sent to the committee, and we have sent them to the Postmaster-General for reply as fast as we have received them. They are now in the hands of the Senator from Maryland [Mr. WILSON] as a subcommittee for report, and I think he will be able to make an early report which will cover them all. Therefore I think this resolution had better go to the committee.

Mr. ALLISON. Let it go there.

Mr. PLATT. I am in receipt, I will not say almost daily, but very frequently, of letters from former postmasters in Connecticut, who ask that I should introduce a resolution similar to that which has been introduced by the Senator from Indiana, calling for information relative to the accounts of the postmasters in Connecticut. These letters sometimes inclose with them a communication from Harvey Spalding, who writes to the former postmasters requesting them to get me to introduce such a resolution. I have not done so, but I have been told that similar resolutions have been introduced, one relating to the accounts in Illinois, which has passed the Senate; and that relating to accounts in some other States resolutions have passed the Senate calling for this information.

All that I desire in the matter is that if there is any information to be furnished it may be furnished with reference to my own State as well as to the States for which resolutions have been introduced. I have not introduced any resolution myself. All that I desire is that Connecticut shall not be left out if there is anything to be done about it.

Mr. CULLOM. Will the Senator allow me to make a remark?

Mr. PLATT. Certainly.

Mr. CULLOM. I did procure the passage of a resolution such as is now before the Senate, and that was a good while ago. So far as I have any information, the State of Connecticut and also the State of Indiana are just as well off as the State of Illinois, for there has been no answer to it and I have had no indication that there ever would be.

Mr. TURPIE. I submit to the Senator from Wisconsin that he is mistaken in saying that all these resolutions have been referred to the Committee on Post-Offices and Post-Roads or to any committee. I examined the RECORD yesterday, when I made a copy of the resolution which was passed on the 10th of April last, introduced by the Senator from Illinois, and the RECORD says "agreed to," after the resolutions were offered.

Mr. CULLOM. The resolution I offered was passed, I will state to the Senator.

Mr. TURPIE. The resolution was agreed to, and the same in the case of the resolution relating to the accounts of postmasters in Kansas. I do not know whether resolutions were agreed to in respect to other States, but I think that any State asking it is entitled to this information on the demand of a Representative or Senator from that State.

I have no objection that the words "and Connecticut" shall be inserted in the resolution after "Indiana." That would accomplish the purpose of the Senator from Connecticut.

As far as the attorney whose name has been mentioned in connection with these claims is concerned, this resolution was not introduced at his instance. So far as my own action is concerned, it was introduced at the instance of a member of the House of Representatives from a district in Indiana where two of these postmasters live.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin [Mr. SAWYER] to commit the resolution to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. ALLISON and Mr. GRAY addressed the Chair.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed.

Mr. GRAY. I took the floor a moment ago supposing the morning business had concluded, and was about to move that the Senate proceed to the consideration of the bill (H. R. 6944) to transfer the revenue-cutter service from the Treasury Department to the naval establishment. We have an hour and thirty-five minutes left before 2 o'clock. The bill to which I refer has been on the Calendar now for three or four months. I have made several efforts to bring it to the attention of the Senate and procure for it the consideration which I think it deserves. There has been some debate upon it on both sides; it has already had arguments, pro and con, fairly and fully presented to the Senate, and I can not conceive that a great deal of further time will be occupied fairly and properly in the discussion of this measure.

It is a measure of considerable public importance and concerns what is supposed to be an administrative reform in the conduct of the Navy and the revenue-marine service. I believe that if we may have consideration of it this morning, before the hour set apart for the Calendar is closed, we can dispose of this measure intelligently and thereby promote the public interests and the public service. I am anxious that the duty I owe to the bill which was placed in my hands shall be discharged. I have not been unduly insistent upon the Senate in this matter. I have only desired that there should be some opportunity for a fair consideration and a disposition, whatever that disposition may be, of the bill. I can appeal to the Senate, I think in entire confidence, to bear me out in the assertion that I have not been unduly or out of season urgent about this matter.

I therefore submit to the Senate that we might well and properly take up the bill in the morning hour and dispose of it.

Mr. ALLISON. Mr. President—

The PRESIDENT *pro tempore*. The Chair will suggest that the motion to proceed to the consideration of a bill at this time is not open to debate except by unanimous consent. The Chair hears no objection.

Mr. ALLISON. So I understood, but inasmuch as the Senator from Delaware occupied some moments, I desire to say a word respecting this bill. I do not wish to interfere with the Senator from Delaware, but a bill of this character will lead to some debate. It is very important that the sundry civil bill should be disposed of and I hope the Senator from Delaware will not press his motion this morning. If he does, I shall feel compelled to antagonize the motion so that I may move the consideration of the sundry civil bill.

Mr. CULLOM. I think the Senator from Delaware had better not undertake to press that bill this morning. I think this side of the Senate is very anxious to go on with the sundry civil bill and get it out of the way to-day or to-morrow, if possible. I am inclined to sympathize with the Senator's desire to pass the bill in his charge, but I think a motion to proceed with its consideration to-day will be voted down.

Mr. GRAY. If I may have consent to say a single word, I have no disposition now, nor have I at any time previously had the disposition, to press the consideration of this measure against the expressed wishes

of the Senate, and especially against the reasons urged by the Senator from Iowa, who has an important measure now in charge, an appropriation bill; but I thought perhaps he might agree that this bill should be taken up in the morning hour and considered for the time we have, and perhaps a shorter time will answer, and have the matter disposed of and out of the way. But I am not disposed, of course, to press it in view of what the Senator from Iowa has said, but I should like to give notice that at some convenient time, and the first convenient time after the Senate has disposed of the present appropriation bill, I shall move to take up the bill to which I have referred.

HOOR OF MEETING.

Mr. ALLISON. Mr. President, I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is upon the motion of the Senator from Iowa that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 10884.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10884) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

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

The Chief Clerk read the pending amendment of the Committee on Appropriations, which was, on page 54, after the word "dollars," in line 17, to insert:

One-half of which sum shall be expended west of the one hundred and first meridian; and so much of the act of October 2, 1888, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," as provides for the selection and location of reservoirs and canals upon the public lands, and the reservation of irrigable lands, is hereby repealed: *Provided*, That reservoir and canal sites heretofore located or selected shall remain segregated and reserved from entry or settlement until otherwise provided by law;

So as to make the clause read:

For topographic surveys in various portions of the United States, \$300,000, one-half of which sum shall be expended west of the one hundred and first meridian; and so much of the act of October 2, 1888, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," as provides for the selection and location of reservoirs and canals upon the public lands, and the reservation of irrigable lands, is hereby repealed: *Provided*, That reservoir and canal sites heretofore located or selected shall remain segregated and reserved from entry or settlement until otherwise provided by law.

Mr. CALL. Mr. President, the Senator from Wisconsin [Mr. SPOONER] yesterday in his argument in favor of the adoption of this amendment referred to the power of the States and assumed the position that the power of the States was ample over this subject and that it was properly referable to them and them alone—that is, the control of the waters for irrigation. That is certainly true; but there are two kinds of jurisdiction, the political jurisdiction and the rights of property, which appertain to a subject, and it is in respect to the proprietorship of the soil that the United States has the right to survey, the right to locate the irrigating canals, the right to determine where the reservoirs are to be, quite as much as the Senator from Wisconsin would have if he was the proprietor of this great domain; and if that were not so, the authority conferred upon the Geological Survey, which in no respect interferes with the political jurisdiction and power of the States, but is altogether for the purpose of obtaining knowledge, knowledge for the purposes of legislation, knowledge for the execution of the powers legitimately belonging to the Federal Government, would give ample authority for this survey.

But the remarkable part of this proposition is that this is a subject which involves no kind of taxation upon the people of the United States at large. All this argument in reference to the amount of the appropriation has no place in a proper course of reasoning and is not true. The land ought to bear and properly would be made to bear the cost of whatever survey, whatever location of irrigating canals or whatever construction, even if that were contemplated, which it is not, for no one has proposed that the Government of the United States shall construct these reservoirs; but here is a great land fund, of which the United States are the proprietors, comprising the fourth of a continent, capable of sustaining hundreds of millions of human beings. The question of the reclamation of that vast territory, of its being made subject to the uses of civilization, is of great importance to the United States, not only as a proprietor, but as a government exercising political power.

This is perfectly plain. Everybody knows this. What objection can be made to these propositions? Should not the intelligent proprietor of any large amount of soil, of the land of a country, determine to what proper and legitimate uses it may be applied, and prepare it for those uses; and is it strange that the sovereign of a free people, the Government of a free people, charged with those policies which shall inure to the happiness of the people and to the prosperity of the States which under our form of political government have been or shall be hereafter created—is it strange that wise policies of administration

should be adopted for the reclamation of that soil and its passing into the hands of the people and not into monopolies, not into classes, not into aristocracies, but into the whole mass of the people, who shall apply it to the cultivation of the soil?

So, Mr. President, this remarkable case is presented where a policy in the interest of the settler, the farmer, the cultivator of the soil, is within the power of Congress to create without cost and expenditure to the Government. Twenty-five or thirty cents an acre of this 100,000,000 acres, paid by those who shall derive the benefit as the actual cultivators, would far more than replace whatever cost there may be in the preliminary surveys or even in the ultimate surveys. So this remarkable proposition is made that in a matter involving no tax to the people of the United States, involving an expenditure which will be reimbursed and more than reimbursed even in money, and easily reimbursed consistently with the policy of devoting this land exclusively to the use of those who shall occupy and cultivate it, meets with determined resistance and opposition.

Mr. President, what is this desert-land law under which it is proposed to subject this land to settlement? It is not a law confining this land to the use of the cultivator. It is a law under which large bodies of this land may be entered by individuals and by associations of individuals. What, then, shall we say is the proposition upon which this repeal is proposed to be advocated of expense to the Government of the United States, vast expenditures out of the Treasury, when there is no such expenditure necessary, when the amount of cost may be easily reimbursed, when these are conjectural amounts even as to the cost?

What has been proposed, as I understand, by those who originated this resolution? What has been proposed in obedience to it by Major Powell and the Geological Department was simply to trace the course of the streams, ascertain the supply of water, and designate the points at which these reservoirs might be placed so as to obtain the advantage of the natural supply whether upon the surface or beneath the surface, and then leave the matter to such legislation as Congress, in its wisdom, may see fit to adopt, whereby the people of the United States, who shall live upon that soil and cultivate it, may obtain it from the Government free as free homes, subject to no other charge than that which may be necessary to reimburse the actual and reasonable cost of these surveys.

Now, all that is entirely consistent with the policy which shall allow an association of these individuals for the construction of this work; all that is entirely consistent with an entire exemption of the Government and the people of the United States from any taxation for that purpose; all that is consistent with every object of wise policy and with the traditional policy of this country. Is it true, may it not, to say the least, be true if this repeal is made, that that which I have shown has been the characteristic of the administration of the land laws will happen in regard to that territory?

Is it not true that now there are great corporations seeking to control the whole of that vast area, and what a moneyed interest would it be? See what has been accomplished in Utah by irrigation by a combination of the people. See what immense values have been added to the soil there. There is a belief that there are such associations, and that there is foreign capital at the back of them and that the result of this action will be immediately that that vast country, that great amount of soil of the United States, will pass beyond the reach of the actual cultivators and farmers of this country except at speculative prices, and on the payment of such tribute as may be exacted from them by these combinations of capitalists. I have no idea that any such motive would actuate any member of this body or would find a place in its legislation, but it is a reasonable consequence for us to contemplate it as a possible effect that may result from our action.

I do not know that there is anything that I can say upon this subject which has not already been said, or that it is necessary for me to detain the Senate for any great length of time in the further exposition of my views and opinions upon this subject.

The proposition of the Senator from Texas [Mr. REAGAN], which was commented upon yesterday as being somewhat of a communal one, has found a place in all the systems of irrigation which have been known to the world. They are properly founded upon the labor and the contributions of the people who live upon the soil benefited by the irrigation and who reap the products of its increased fertility. There is no reason why people who are not in immediate contact with them should be taxed to bear the burden of the improvement and the fertilization which results to their benefit.

All schemes of irrigation, therefore, have been predicated upon the theory that the cost of them should be paid by the people immediately benefited either in the first or in the last instance. All the schemes of irrigation which have been successful have been predicated upon a policy established by the Government of the country. Now the United States, as I said, are the proprietors of this soil. They are the owners of it. They exercise the rights of proprietorship.

What possible reason can be given why they should not, they having dedicated this land by law to be a free home upon conditions of actual occupation and settlement of every American citizen who shall comply with these conditions, who is the head of a family, having dedi-

cated this property to them and having established a system of surveys, having established a system or location of its mineral properties and its geological formation for the benefit of those people and for the whole country, what conceivable objection can there be to the United States, as a proprietor, further ascertaining for the benefit of these very people to whom they have given this land the course of the streams, the practicability of irrigation, and by joint legislation or by conditions accompanying the land which it is competent for them to prescribe, and at the cost of the people who shall live upon the land, to provide a system by which this knowledge may be made practicable and efficient?

I take it that there can be no kind of answer to that proposition. It involves no conflict of jurisdiction and no exercise of political power on the part of the United States of any kind whatever. It may be done by virtue of the proprietorship of the soil in the United States as it might be done by any individual who was the owner of the soil.

The question of the control of water as a matter of political jurisdiction is unquestionably vested in the local government to a certain extent. The local government can not deprive the proprietor of the soil of the use of the water. The local government may legislate so as to fix and define the relative rights of different persons to the use of the water, but that has no place where a government owns the entire country and is the proprietor of the entire soil, and where there are no relative rights between individuals to be ascertained and to be fixed.

The right of eminent domain can not affect this subject. The right of eminent domain is the right to condemn private property to public uses. That is the beginning and the end of it. This is not a question of the condemning of private property to public uses. It might be necessary so to do. It is a simple question of the exercise of the rights of proprietorship by the owner of the soil, there being no conflicting rights and no differences on the part of any other owner towards this sovereign owner and proprietor of the country.

Why all this objection to the Government of the United States obtaining in regard to this land accurate knowledge of its capabilities and the practicability of its reclamation? That is the proposition. Why all this objection to it? We see that an entire continent has passed away from the policy established by the fathers of the Republic, the policy that the farmers of the country should own their own homes, the policy that the public soil should be for free homes for the people, the policy that land monopoly should be discouraged by the public policy of the States of the United States and of the National Government.

We see that a vast aristocracy has been created in this country as in every other country. We see that a debt of two billions of money rests upon the people of this country upon fictitious capitalization. I am not here to make an outcry against those through whom this has occurred. It occurred as a natural sequence of the power exercised by the States. Still it is a great public evil; it is an evil which threatens to produce serious trouble in this country. It is an evil which legislation sooner or later must consider in some form or other. It imposes a vast tax upon the already oppressed and impoverished agricultural interests of this country and the farmers. We see that these things have occurred and that they may occur again as to this vast area of the continent of the United States. We see that this repeal may have the effect of leading to associations of a land monopoly and of interests adverse to our system and the principles of our republican government.

Mr. President, I have here a table in the report of the Secretary of the Interior made to the Forty-ninth Congress, second session, but I will not detain the Senate to read it. I will, however, refer to a few of the instances to be found in it. This is a statement showing the condition of cases of unlawful inclosures of the public lands of the United States, and it is a very instructive document. I find here amounts of inclosures of public lands claimed to be in violation of law, in one case or rather an aggregation of cases in Idaho, amounting to 1,075,000 acres, in violation of law, as is claimed in this report. I find in another case, in another State, in Comanche County, the Comanche Cattle Pool with 192,000 acres, in one body; in another case 64,000 acres, in another, 40,000 acres; in another, 601,000 acres; in another case 592,000 acres of the public domain appropriated unlawfully; in another case 85,000 acres; and so they run, 50,000, 35,000, and so on.

I do not believe there is any aggregate amount stated; the table is not added up; but the items amount to a great many millions of acres of public lands of the United States which by law and by the pledges of both political parties have been dedicated to the use of the people for free homes upon the condition of actual cultivation and occupation; and the point of this observation is that this amendment proposes to subject this vast amount of land to the desert and timber entry laws, under which laws it has been found possible, and it has actually occurred, that a vast portion of the public domain has been appropriated to the individual uses of great landlords and of foreign syndicates, and to the deprivation of the people of the country of the use and occupation of that land as free homes under the homestead laws.

Mr. MOODY and Mr. MORGAN addressed the Chair.

Mr. MORGAN. Does the Senator from South Dakota wish to take the floor on this bill?

Mr. MOODY. Yes, sir.

Mr. MORGAN. I desire to take the floor also.

The PRESIDING OFFICER (Mr. BERRY). The Chair recognizes the Senator from South Dakota.

Mr. MOODY. I will yield to the Senator from Alabama and postpone my remarks until he is through.

Mr. MORGAN. Oh, no; go on, sir.

Mr. MOODY. Mr. President, the transcendent importance of the provisions of this bill, which are now under consideration to the people of my State, I think justifies me in detaining the Senate for a brief time, even at the expense of a violation of that unwritten law of the Senate which forbids a Senator new in the service entering into general debate. I would not presume, even upon so important a general matter, to infringe upon that rule or to detain the Senate at all if its importance to the people of my State was not so readily manifest by the discussion and by the examination of the measure.

Mr. President, this discussion has proceeded not upon one question only, but upon several questions that are involved in several distinct amendments to this bill. Those questions, however, have a relation each to the others, and it was the part of wisdom to join them in the discussion.

The first proposition that is presented is one which relates to what is known as the Geological Survey. The second proposition proposes to sweep away the barrier to settlement of that great Western country which has been spoken of, growing out of the illy considered enactment of October 2, 1888. The third proposition is, Shall the Government of the United States further proceed in the execution of a plan adopted years ago to seek some mode of reclaiming the arid lands of the country? Each of these questions, as I have said, bears a relation to the others, somewhat remotely, as I shall contend, as between what is known as the geological survey and that which is known as the irrigation survey.

The honorable Committee on Appropriations of the Senate has proposed to increase by \$100,000 the appropriation proposed in the House bill for the purposes of the Geological Survey for topography. It also proposes that one-half of the total amount appropriated for topography, to wit, one-half of \$300,000, shall be expended west of the one hundred and first meridian. The honorable chairman of the Appropriations Committee having this bill in charge tells us that the object of that amendment and the object of the provision which requires the expenditure of this one-half of the appropriation west of a certain meridian is that the irrigation surveys may be continued so far as the selection of sites for reservoirs are concerned, which it is contended can be made under the topographic survey.

Now, Mr. President, I have had the honor to be a member of the Select Committee on the Reclamation of the Arid Lands since I have been a member of the Senate. I have had occasion to examine these propositions as a member of that committee. I also reside in that portion of country which is pronounced by the Geological Survey to be in the arid region. It is true I do live some hundred miles west of the Missouri River. I am somewhat familiar with a large portion of the Western country, and with the information that I obtained as a member of the committee, supplemented by the information which I possess as an inhabitant of that region, I make this statement, that if the intention of that amendment adding \$100,000 to that appropriation for topography is to have the survey carried on in the manner in which it has been heretofore prosecuted, to wit, topographic surveys for the purpose of ascertaining the sites for reservoirs, I am opposed decidedly to the increase in that appropriation because it is a mere waste of the public funds, and I think I can demonstrate it to the satisfaction of any Senator who will listen to the statement of competent witnesses. But if the intention is to have, as the clear reading of the law will be, that additional \$100,000 expended for the Geological Survey, I should interpose no objection to its increase. I do not depreciate the importance of information upon all subjects, including the subject of geology throughout this country. It is a mystic one, I admit; it is one that rests largely in theory; but, nevertheless, anything which contributes to the sum of human knowledge I certainly should not object to.

Again, with my understanding of what will be the proper construction of that appropriation, to wit, that the whole of it is to be expended for geological researches, the amendment which requires the expenditure of one-half of it west of the one hundred and first meridian is a proper and satisfactory amendment. Why? Because the one hundred and first meridian is very near the centerline between the Atlantic and the Pacific Oceans. This great Government commenced its existence upon the eastern shore. It has grown until it spans the continent and now communities are found throughout its entire breadth from ocean to ocean.

The frontier has disappeared and disappeared forever. It is one common country; but, unfortunately for those who live in the West, the power to which the West is entitled and which will be shown in the next census is not always accorded to that country, and a limitation upon the expenditure, so that this geological survey shall not be confined to the East, is perfectly equitable, right, just, and proper.

Mr. President, I have my views with reference to the proper construction of the reservation act of October 2, 1888. I am perhaps presumptuous in differing with the distinguished lawyer, the honorable

Senator from Wisconsin [Mr. SPOONER], in the construction of that act, but that presumption I do assume; I take the responsibility of announcing it, and I do say that in my judgment he is thoroughly mistaken in his construction of that act.

What is the true rule with reference to the construction of any statute? Any lawyer will recognize it. The first inquiry is to ascertain what was the will, what was the intent of the law-making power; and if there is any question regarding the construction of a statute, if a doubt exists, that inquiry should be prosecuted with diligence and a reasonable view taken as to the probable intent of the legislative power that enacted the law.

Is there any man in his senses who believes that it was the intention of Congress, if Congress was in its senses, to withdraw all of that great area of territory, forming, as has been stated, two-fifths of the area of the United States, entirely from the operation of the land laws, and necessarily from settlement by the people? Who would suppose that Congress intended to do any such thing unless, as I say, he supposes that Congress was misled, that Congress was crazy, and the members of it fit subjects for a lunatic asylum? No, Mr. President, the true construction of that statute is as plain to me as the letters of the alphabet, and it seems to me that that construction can be illustrated by facts which exist elsewhere and upon other subjects relating to these public lands.

It was intended by that act, as has been claimed here by its framers, by the members of the committee who consented to the enactment, by those who were especially interested in the administration of the law, and I say it is my construction—it seems to me to be too clear to be disputed—that whenever the reservoir site, whenever a ditch route which supplied the reservoir or took the water therefrom, were ascertained and definitely located and the lands which would be fed with the water from this reservoir were found out by a proper observation or survey, and that reservoir site, line of canal, or ditch, and the irrigable lands to be supplied certified to the Land Department, they were to be reserved from sale. That was the intent of the law, and that was the only law for the Department to execute. It is utterly improper to take any other view of it.

I do not understand that that proposition is denied by the Interior Department, but I understand another view is taken of the duty of the Department, not depending upon such proper construction of the law. I understand that the Department claims that in order to permit these surveys, in order to permit these designations to be made, in order to permit this law to be executed, it becomes necessary to withdraw that country from settlement so that the settler under the land laws may not in advance of the surveys take possession of the reservoir sites, the ditch lines, and the irrigable lands; in other words, in a spirit of magnanimity to the settler, so that he may not be misled, so that his labors may not be futile, so that he may not settle upon reserved lands, they will reserve the whole area and then allow the selection afterwards.

Mr. President, the Department need not have been so peculiarly careful of the rights of the settlers in that country. The average Western man is usually able to take care of himself. He wants, so far as he is individually concerned, very little of the paternal care of the Government. What he wants is to be let alone, that he may be allowed to manage his own affairs, to govern himself locally, protect his own property, and secure what he chooses to secure in the way of property, and he is able to do it.

If the Department had looked one step further, they would have seen that it was useless to withdraw all of these lands, that the settler would go upon these reserved lands at his peril, and if in the pursuit of this survey the Government should ascertain and designate any particular land and the settler was thereon, he would have to give way to the law that reserved that particular spot from his settlement.

Is this a hardship? Why, Mr. President, if it is a hardship, then settlers elsewhere and almost everywhere upon the public lands are and have been for many years suffering from like hardships. Take my own State, if you please. The ceded Sioux reservation bill contains a clause which reserves from settlement and from the operation of the land laws every sixteenth and thirty-sixth section, whether the land is surveyed or unsurveyed. The country is ceded. It is open to the settlement of the white man. He may go there and initiate his homestead. He need not wait for the surveys, and practically he does not wait for them, and tens of thousands of settlers are now upon those lands without surveys, without knowing where the sixteenth and thirty-sixth sections will fall, and if any of them happen to be so unfortunate as to have settled upon such a piece of land which falls within the survey which points out the sixteenth and thirty-sixth sections they will have to yield to the law and seek their homesteads elsewhere.

Now, applying precisely the same rule to this act, the same results would follow and nobody would be harmed. Why, Mr. President, there are millions upon millions of acres in that country marked as arid that are as susceptible of homestead settlement and of pre-emption claim as any lands in the State of Illinois, Wisconsin, Ohio, or any other of the public-land States, lands that do not properly come under the designation of the act of 1888. They nevertheless are by this or-

der withdrawn from settlement upon the pretense that they are lands that may be made irrigable. The sites for reservoirs and ditches to and from are very limited in extent.

This grandiloquent "Tycoon with many tails," who is the super-vising architect of the fortunes of this great country and partially of Congress, tells us that there are 800,000,000 acres of land in that area, 100,000,000 of which are susceptible of irrigation, or irrigable lands as they are called, and subject to the law of 1888. He knows as much about it as he does about the mountains in the moon, and not one whit more. Tell me that a man who goes jaunting over the country on railroad lines or in any other manner can, over an area of country including 800,000,000 acres, undertake to say what amount of those lands belongs to any particular class.

The practical effect of an attempt at irrigation under the provisions of this act by the reservoir system is, unless you utilize the lakes and call them Government reservoirs, to select the spot where a few acres comparatively can be irrigated, not running into even the tens of thousands at any one place.

The idea of attempting to guess at the number of acres, so as to have this great Government inaugurate a policy that is either so beneficial or so disastrous to such a vast number of people, is the veriest moonshine and humbug that was ever perpetrated upon a law-making power. The region where I reside, the extreme western part of that great State, which is about 400 miles in length east and west, is put down upon this map as irrigable land, and under the meaning of that act arid and desert land, and it is mapped out on the map into irrigating districts, the different colors upon that map exhibiting an imaginable irrigating district formed by this Geological Survey.

Why, sir, that district of country, to my own knowledge, and for 200 miles west of the western border of the State, is as fine an agricultural country as the sun ever shone upon. There is not one acre of desert land anywhere there. It is not subject in the Land Office to the desert-land laws of the country. An attempt at an early day was made to grab some of the public lands there under a pretense that they were subject to the desert-land laws, and the Department, from the report of the land surveyors, declared and so entered the order that the lands were not subject to the desert-land laws, that they did not come under that designation, and that they could not be taken by reason of those laws.

Mr. President, what I want to put to Senators is the absolutely ludicrous aspect of this question. This imaginary Government Geological Survey tells us that all west of the one hundredth meridian in that State are all arid lands, and they are to be irrigated under the provisions of that system that was inaugurated, thank heaven, before I came into the Senate, because I would have been ashamed to have consented to any such proposition. It is well known that a small portion of our State had a partial failure of crops last year and the year before. The places where there were failures of crops were every one of them lying east of the one hundredth meridian; west of the one hundredth meridian the crops were never better. No more plentiful yield has been had in the history of agriculture than was there in that assumed arid belt.

The western part of South Dakota is as well watered as any portion of New York State or any part of New England. The numerous springs of water, amounting to thousands, brought from the rocks in the upheaval on the western edge, go flowing, increasing as they flow, down to and over the fertile prairies at the foot of the hills. They fructify the soil. The rainfall is as great there as it is anywhere in the country. You can not travel a distance of more than 5 to 7 miles across the drainage without passing as beautiful running brooks as you would find among the hills of New England or elsewhere. Still, we are told by this map, and by this imaginary survey, by this absolute humbug, I pronounce it again, that that country lies in the arid belt and is subject to the law relating to the withdrawal of irrigable lands.

It is true, Mr. President, that there is in that country a considerable amount of irrigation. I will state what it has resulted from. The early farmers, the men who came in there when the gold excitement was at its height, when the country was first opened to settlement, and even before, came from the West. They had come from the eastern foot-hills of the Rocky Mountains. They had come from where they had used the system of irrigation. Knowing its advantages, knowing that the effect of water supplied artificially when man's judgment calls for it was of vastly greater advantage than the natural rainfall, they exercised their rights as American citizens; they took their water rights; they built dams across some of these streams; they took the water out in ditches, and utilized those waters when they were needed.

Year after year goes by; they use the water sometimes but for a month, sometimes for two or three days, sometimes more, and sometimes not at all. With my observation of their mode of conducting a farm, if I were going to the State of New York or to the State of Iowa, intending to enter into the business of farming, I would endeavor to secure a place which could be irrigated, or at least a portion of it, and where water could be brought upon it for that purpose. That would prove that portion of Iowa or New York to be in the arid belt as completely as it proves the fact that this region is there because some of our people in

the exercise of their judgment and right supplement the rains of heaven by using the flowing waters.

Now, I do not undertake to say that the Department has withdrawn the lands in my State from settlement. I am not advised that any lands in the State of South Dakota are withdrawn under the operation of the law. My impression is that I should hear from it and that very briskly if such an order had been issued to the one land office which exists within this assumed arid region of our State as mapped upon this chart before us.

Sir, it would create such indignation that this Capitol would be flooded with prayers and petitions to wipe out of existence any such scheme as would permit so oppressive an act as that to be done by the General Government under the pretense or color of law. Take the Territory, or rather the State, of Wyoming—I beg pardon of the Chair—take the grand State of Wyoming, situated immediately west of our State in part, and I say that for nearly 200 miles, and my personal observation extends most of the way, it is just as liable to be classed among the character of lands to be provided for in the law of 1888 as the lands of my own State, and no more.

Mr. President, in that State, and extending into South Dakota, there are vast beds of coal, of iron, of copper, of lead, and of other useful metals; but above them all there exists one of the finest agricultural countries in the West. Now, it did so occur that that middle country between the Northern and the Union Pacific Railroad was not early explored. It was long in being opened to settlement. The country along the Union Pacific Railroad was a level country; that along the Northern Pacific was comparatively so; the great Indian nations which occupied that vast country were willing to give up the lands along the Northern Pacific and along the Union Pacific, while those which lay along that central route they were unwilling to yield for many years. That was their grand game preserve. There flocked the buffalo, the deer, the elk, the moose, and other game animals, and there the Indians went in their savage state before they became mere coffee-coolers, wards of the Government, to procure their supplies. It is a country watered and wooded, a country where they could find shelter. Those great plains along the Pacific Railroad were a dread to them, but they could go into this midland country and find a home.

There they could find shelter and protection. Those great Indian tribes, nations they are well called, fought among themselves the fiercest battles for that ground that they desired to preserve, and the latest Indian battle of any consequence that this country has witnessed was fought in that middle country for its possession between the Crows and the Sioux. The Indian refused to yield possession to the Government; the railroads did not penetrate it; and, as Senators know, it is only within the last year that a barrier 150 miles in extent has been removed for the passage of railways on that middle route.

Now, what I object to is that a Director or anybody else shall undertake to sit here in Washington, never go into the country, never send anybody there from his bureau, knowing nothing about it on the face of God's green earth, no more, I say, than he knows of the mountains in the moon, and undertake to classify a whole region of country with such a character that under color of law the Land Department of this Government can withdraw it from settlement and prevent the honest settler from acquiring title to his home.

Mr. President, during this debate I have heard over and over again, it has been reiterated over and over by Senators, that they feared if this law was repealed huge monopolies would be gained by corporations and aliens. Do these Senators know anything about the operation of the general land laws? Have they ever lived in a public-land State? Do they know of any chance to acquire such monopolies? What are the land laws, the pre-emption, the homestead, the timber-culture laws, and, where they are properly classed, the desert-land laws? How can a title by pre-emption be acquired? Not to exceed 160 acres constitutes the amount which can thus be acquired, and that only by actual residence upon the land, by cultivation, by building his home, by taking his wife and children there, if he have them, living there for a period of not less than six months, then paying to the Government the sum of \$1.25 per acre, \$200 for his 160 acres.

He may remove from there, if he can find the opportunity, and enter a homestead; then by living upon it five years, making it his actual home and residence, with his wife and his little ones, with his possessions, he may obtain the Government title. Or, if he chooses, after a certain time he may pay \$1.25 an acre and commute it. Under the timber-culture act he may take another 160 acres, and he must, if he perfects the title, cultivate not less than 10 acres for a period of eight years, and must show upon the 160 acres, to acquire his title, 10 acres of thrifty growing timber trees not more than 12 feet apart.

Men who live East as well as West may take advantage of the timber-culture act without actual residence. I would, however, invite nobody to make the venture. The Western Representatives have asked this Congress, and a bill has passed one House at their request, to repeal the timber-culture law, because it is of no earthly value; it costs more to perfect the title than the land is worth.

The desert-land laws I am not familiar with, but I understand that a person who will advance the Government the sum of 25 cents an acre

and will expend sufficient money upon it in bringing water thereon for its use may take to the extent of 640 acres.

That is a vast domain, taking them all. There is danger of great monopolies. The practical result is that it is impossible in the West to acquire in any of those new States more than about three or four quarter-sections in a body, and it is a rare thing that you can do that except where the wasteful prodigality of Congress has given, years ago, to railroads and other corporations the public lands which they may sell.

There is no body of men on the face of this continent who will sooner frown upon any attempt or upon any license to a corporation or other person to monopolize a large body of the public lands and there is no man who is more zealous in the execution of the public-land laws than the settler actually residing upon the lands. Mr. President, what does it mean for him to connive at or consent to fraud in the obtaining of title to those lands? He has gone there, perchance, directly from his country's service in the late war, with all his possessions. He emerged from that war and was discharged, poor, as we know the average soldier was. His business was absolutely ruined by his absence. His attachments to his home were greatly loosened. He did not want to enter into competition in that old field with those who had remained and prospered at home while he was enduring the hardships and sacrifices of that service.

So he pulled up his household stakes, he took his all and went to the West to secure him a home upon the public lands and to start anew in the race of life. And what does he want? He wants the school-house built near him, he wants the public-school teacher employed, he wants the church erected that he may attend divine service. He wants the society of a community about him. If these Senators, these distinguished men historically, as they are, would only go to that Western country, go there not merely upon a jaunt across some pleasant fields in some palace car on some extra train with all the paraphernalia that every one enjoys, but would go there among the homesteaders, would visit the cabins that they have built, would see the happiness beaming even from those who live in the dug-out where they were too poor to purchase lumber or other material to make their home; if they could know how they are supporting schools, how they are supporting and erecting churches, universities, colleges, public buildings, all accomplished within the briefest period, no one of them would ever suspect that there was any possibility of any danger from any attempt at monopolizing the lands of the country.

It is where this unbounded and inexcusable prodigality was had and where the States are themselves the owners of vast bodies of land that monopolies in land can exist. But are those conditions different from what they were years and years ago, soon after the foundation of this Government? Among my earliest recollections, in the State of New York, where I was born and reared, the statement was made to me that in the beautiful Susquehanna Valley, where the lands years ago were worth \$150 per acre, they were sold to the early settlers coming in there from New England for the price of 25 cents an acre by the hundreds and thousands of acres. It resulted in no monopoly.

Mr. President, monopoly of the public lands in the West or anywhere in America for any considerable time in my judgment is absolutely impossible, except of those lands which are devoted and devoted only to the raising of cattle in large herds. Why? The experience of the West, at least that portion of it surrounding my place of residence, shows why. If non-residents acquire title the residents tax them until they are glad to sell their lands. It is the history of Northwestern Iowa, where Congress permitted the lands to be sold at private sale without any necessity of residence or cultivation, that lands were owned in large ownership, and the owners were compelled to sell because the few residents taxed the lands so high that it was unprofitable to hold them.

I will dwell no more, Mr. President, upon that subject. I have already dwelt too long upon it. I ought to have dismissed it long ago. That is no reason for not removing this cloud upon the title of all the West. The order is not issued, so far as I know, with reference to my own State; but it may be issued to-day or to-morrow under this chimerical scheme of the Geological Survey.

Mr. President, in connection with this proposition is the third one I have spoken of. It is proposed to wipe out all that provision of this appropriation bill put in by the other House which provides for an irrigation survey to be conducted under the Director of the Geological Bureau. In the first place, that bureau ought never to have been intrusted with any such scheme or proposition. The proposition was of itself well enough, perfectly proper and perfectly practicable, but the surveys for irrigation purposes are engineering surveys and nothing else. It is an engineering problem to store waters and to carry them upon the lands for effect upon the crops which the land bears. You can not carry water up hill any more by a geological survey than you can by any other process. I repeat, the problem is an engineering problem, and the topography which is necessary is the topography of the engineer and not the topography of the mere geographer or map-maker.

Now, what is this geological irrigation survey? I know it absolutely. I speak from the text. I do not hesitate to state precisely what it is

from my own information. What are known as topographers, not engineers, are employed. All good engineers are topographers. Topographers are not always engineers, nor do they pretend to be. A sketch artist is in one sense a topographer; a topographer makes maps, and a sketch artist makes maps just as accurate and just as important as the maps that were made by this geological or topographical survey, so far as the purposes of irrigation are concerned.

How is a topographic map made under this geological topographic survey? The topographer goes and selects, or has selected for him, a certain district of country, say 3, or 4, or 5 miles square, or in some other form. He fixes a point in that district, and then he undertakes by triangulation to fix other points and their relative altitude with reference to the first fixed point. I do not undertake to say but that with the most careful observation, with the utmost care in fixing the initiatory point, for all practical purposes except irrigation, that map can be made sufficiently accurate; but what good does a topographic map do except to furnish us the geography of the country? A topographic map for the use of an army in the field of course is indispensable; but of what value is it to the country?

Those lines that I have described are called contour lines. Another district of country is selected by the side of that one, or somewhere in that vicinity, and the same process gone through. When those two maps which are made in the field are brought into the office and put together not one in twenty, not one in fifty of those contour lines will register one with another. They have to force them and bring them together.

That is precisely the process which they execute, and they undertake to tell us that that is sufficiently accurate to establish thereon a reservoir and a ditch line. A reservoir holding a specific quantity of water and a ditch line carrying the water to that reservoir, if it is not planted on the stream itself, must have a certain fall, and that fall continuous from one end of the ditch line to the other.

The ditch leading from the reservoir must also have a certain declination continuous in all its course, or else the result is, as every miner who has operated ditches know, that the ditches will be destroyed. You can not manage or preserve a ditch that is not almost absolutely perfect unless you put the water into a flume or into some material that will not disintegrate.

Now, I am in favor of striking out the proposition to continue this survey under the Geological Bureau, because there have been \$350,000 already expended, and I wish some Senator would point me out 50 cents in value that has resulted therefrom. Where is the reservoir site that is liable to be used? Point me to a single ditch from which water can be carried to that reservoir or away from it.

Mr. President, I may say that this statement is too broad, because the engineer in charge of the irrigation survey proper—the engineer, I mean; I do not mean a topographer—Major Dutton, and the corps that was under him no doubt did accomplish some specific things which may prove of value; but I speak of the last sum of \$250,000 that was appropriated, \$120,000 of which was taken for topography and \$110,000 left for the purpose of making something like an engineer's research of the facts that they were after. Out of that \$110,000, deducting the office expenses and all, these parties testified before the committee they had expended for engineering about \$70,000. But even they have not been able to point out any good results therefrom, because they were constantly hampered by this imaginary idea that had become fastened to the brain of this "geologist" in the Geological Bureau.

Mr. ALLISON. They are called "geologists?"

Mr. MOODY. Yes; where metallurgy is understood, and where some good comes out of inspecting rocks, they are called "geologists;" that is the usual term. Mr. President, I do not want to say that I do not appreciate all that any man can do if he sticks to his text and continues engaged in the business which he understands, in hunting up the rocks of the country to see what their texture is and when they were made. Of course they do not any of them pretend to say that they were there when these rocks were made, but they give us the exact date, and that is valuable information. Though these public-land settlers can not make any special use of that information, no doubt it is valuable, as it is printed in books along with pictures.

Mr. President, I want to read the opinion of one of the ablest engineers of the United States Army upon this subject, a man whose character is above reproach, a man who has no interest whatever in even criticizing Major Powell, the Director, a man who is his friend in every sense of the term, and appreciates to the fullest extent all the services he has rendered or is capable of rendering in his public office, for which I must say he is tolerably well paid. That opinion is freely given to me, and I take the liberty of reading it, so that the people of the West may know, if they choose to know, why we from the West, from this country about which Major Powell has undertaken to express his imaginary views and thereby induce the action of this great Government in so important and critical a matter, oppose further appropriation to be expended under the direction of the Geological Bureau.

The position taken by the Director, that a topographic survey of the entire arid country is a necessary precursor of an irrigation survey, is disputed by the unanimous voice of all experienced engineers.

The maps of the survey in the arid region are printed on a scale of 2 miles

to the inch. The field-work is begun by a triangulation which may be regarded as good enough for map purposes, though not of a high order of accuracy. The triangulation fixes the positions of a few scattered points. The topography is put in by very crude methods.

Moving rapidly over the country the topographer sketches the features along either side of his route, and afterwards in the office he draws contour lines over his sketches. These contours are supposed to represent lines of level at different heights. Not one of them is measured instrumentally, and their approach to accuracy depends upon the eye of the topographer. A few scattered points only are determined by instrument, and the heights of these few points are measured in the crudest way. The Director states that the cost of this work is \$3 per square mile.

And, in parenthesis, I will say it has been boasted upon the floor of the Senate, by distinguished Senators who love their country, who desire to see the utmost economy manifested in the conduct of governmental affairs, that this topographic survey was made for 7 cents an acre.

Mr. COCKRELL. Will the Senator please repeat what the engineer says there? I understand he is reading the statement of an engineer as to the cost. I did not catch it.

Mr. MOODY. He says:

The Director—

Major Powell—

Mr. COCKRELL. The Director of the Geological Survey?

Mr. MOODY. Yes, sir—

and each topographer is expected to survey from 500 to 1,000 square miles per month. Every engineer and experienced surveyor knows what that means. It means a map of low standard in which guess-work or the eye estimates of a topographer are made to take the place of instrumental precision. This map it is proposed to carry over the entire country, from the mountain tops to the valley bottoms, regardless of whether the land is of any use for agriculture or storage purposes. If the Director had been content to represent his map at its true value and quality it might have been admitted that it was as good as could be made at that price; but he has urged it as a necessary part of a work in which the only grade of map which is of real utility would be cheap at \$300 per square mile.

This map, the Director says, is necessary for an irrigation survey. He has repeatedly insisted that it is necessary in order to discover reservoir sites, routes for canals and irrigable lands. He says: "We can not commence at the wrong end and plan backwards. We can not plan a reservoir and then afterwards discover its site; we must know its site first." (Report Senate Special Committee on Irrigation, volume iv, page 85.) The answer to this is plain enough. Three things are necessary to constitute a practical, useful reservoir site—first, a water supply; second, a dam which can be constructed at a practical cost and with safety; third, good cultivable land to which the water can be conducted at a practicable cost. Until these three facts are ascertained no practicable reservoir site has been or can be discovered.

It is the Director himself who proposes to begin at the wrong end. He proposes to discover reservoir sites first; that is, to determine that water is to be had; that safe dams can be constructed at practicable cost, and that irrigable lands exist to which the water can be taken, and then these sites are to be surveyed to ascertain the same facts over again. And who is to determine these sites in the first instance? Why, the topographers; "men of genius," he calls them. Who are these "men of genius"? They are boys, nineteen to twenty-four years of age, fresh from school, who have only to enter the topographic corps of the Geological Survey to become at once endowed with the transcendent quality of mind called genius, able to settle at a rate of a thousand square miles a month the crucial questions of construction, cost, and applicability involved in the determination of a great system of irrigating works.

The PRESIDING OFFICER (Mr. PASCO in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

Mr. ALLISON. I ask that the unfinished business may be informally laid aside in order that we may go on with the work we have in hand.

The PRESIDING OFFICER. The Senator from Iowa asks that the unfinished business be temporarily laid aside in order that the pending bill may be further considered. The Chair hears no objection, and that is the order of the Senate. The Senator from South Dakota will proceed.

Mr. MOODY. Mr. President, I understand that one of the projects which are now in the bureau and approved by the Director is to build a dam across a mountain gorge some 2 miles in extent and 156 feet in height, and that other dams are mapped—mapped, Mr. President, and I emphasize it—mapped, that are over 100 feet in height. It takes but the most common observation, it does not require a man of genius, it does not require an engineer educated in the precision of that technical profession, to understand that if any such thing as that was attempted and carried to a completion it would cost millions of money, and that when such a dam was constructed it would forever be a menace to every one who would be under the effect of the water which would come from a disaster.

Why, you could not get a man who had his eyes and senses to take any irrigable lands that would be subject to irrigation under such constructions as those.

Mr. REAGAN. Mr. President, will the Senator from South Dakota allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. MOODY. Certainly.

Mr. REAGAN. Last summer, when traveling through the arid region, among the places of interest which our committee visited was the Sweetwater Dam, some 20 or 25 miles east of San Diego, a dam 90 feet high, with farms under irrigation and cultivation below it, and everybody seemed to feel very comfortable. We were told of another

that was 120 feet high, in the southern part of California. I did not visit that, however. The height of the dam is not a matter of so much importance as the manner of its construction. Now, there was a dam that broke last spring in Arizona that caused a great deal of destruction. The cause was defective construction and from the fact that those who constructed it did not estimate the danger of constructing a dam that was supplied by a hill country and precipitating the water suddenly upon it. The mere fact of height is not important.

Mr. MOODY. If it is not the height of the dam that is important, I take it that in the construction of the dam its height and its length, and the foundation of it, and the water which it is calculated to store should all be taken into consideration. I think those four things would be taken into consideration by an engineer. I will proceed further with this statement from the engineer:

Possibly the Director means that by a topographic survey a map can be constructed from the study of which all these things will become clear. This proposition, if such is his meaning, will bear a brief examination. These maps are published on a scale of 2 miles to the inch, and the contour lines, which indicate the shape of the ground, represent vertical intervals which are 25 feet apart on the plains, 50 feet apart in the foot-hills, and 100 feet apart in the mountains. A reservoir having a square mile of surface and an average depth of 25 feet would amply irrigate 10,000 acres of land. It is doubtful if any reservoir of that size exists to-day in all the arid region of the West.

A square mile on Powell's map would be represented by a space just half an inch square, or one-fourth of a square inch on paper. With a depth of 25 feet the whole of it might just lie between two contours of the map and no sign of it would appear. In no event could it possibly be crossed by more than one contour. The Director has testified over and over again that such a map, constructed in such a rude and hasty manner will enable any person to determine the existence of a site on which a great reservoir can be constructed at a practical cost. Such a statement can only excite the ridicule and contempt of any experienced engineer.

The Director has from the beginning looked upon this large appropriation for irrigation as the means of carrying out his personal ambition to construct a map of the country which will bear his name and be his monument. To justify himself in applying the funds appropriated for a specific object to another object only remotely connected with it he has been obliged to assert a necessity which is denied by all experts, and which is seen to have no foundation whatever as soon as the subject is candidly examined. The questions which are to be investigated and settled by an irrigation survey such as the law contemplated are engineering questions, and engineers skilled in that branch of engineering are the proper persons to investigate them. They declare with one voice that they require no such topographical maps and could make no use of them beyond the general information which any map of the roughest kind furnishes.

In accordance with this falsely asserted necessity he has developed the main work of the Survey, which requires the highest engineering intelligence, skill, and experience the Government can command, upon topographers who make no pretenses to any such qualifications and not one of whom ever had a month's experience in the work of an engineer. The Director seems to think that these boys are the proper persons to solve all the great and difficult questions which arise in such a survey, and that a skilled engineer has no other use than to accept the solutions given by these young "men of genius" and work out the details of the plans which the topographers have provided for them.

The Director has pretended that without the topographic survey the cost of the irrigation survey would be several times greater. This statement has no foundation. The engineers of the Survey have declared that the map is simply an additional expense, and its creation would not diminish in any degree the expense of the other work. Nor is there the least reason to suppose that it would. No unprofessional person is able to perceive why such a map should be made for this purpose, and the engineers are equally at a loss to suggest any reason. The Director has stated that hydrographic work which ascertains the water supply would cost \$10,000,000 to \$16,000,000 without the map, while it can be done for about one-tenth of those sums if the map is made.

The engineers are of the opinion that for a few hundred thousand dollars, spread over four or five years, every stream of any importance can be gauged, its capacity fully ascertained, and a system of observations by self-recording instruments kept up by which the farmers can know every day in the year how much water is flowing in their streams, and the whole work can thereafter be turned over to the States or irrigating districts to manage for themselves. They declare that the Director's proposition to compute water supply from information obtained from a map is wholly impracticable and would amount to nothing but guess-work.

The Senator from Nevada [Mr. STEWART] hands me a communication from one of the engineers, addressed to the Senator from North Dakota [Mr. CASEY], which gives the size of some of the dams proposed by Major Powell's topographers. The writer says:

The dams referred to in your note of yesterday are situated on the Greenhorn River, in Southern Colorado. The topographer who selected the so-called reservoir sites proposed—

First. A diverting dam across the main river, 160 feet high and one-fourth of a mile in length. This would back the water so as to make it overflow into a neighboring basin on a small lateral or tributary.

Second. This second basin was to be closed by another dam—

Now, this is the Geological Survey topographer's survey for irrigation purposes—

This second basin was to be closed by another dam about 400 feet long and 225 feet high.

Third. This reservoir, when full, was expected to discharge surplus water into a third basin beyond, closed by a dam one-half mile long and 200 feet high. The three are to form a system.

The highest dam ever projected by engineers of high repute is the proposed Quaker Bridge Dam, as a part of the New York City water-works. It is projected 250 feet high above bed-rock after excavating 100 feet for foundations, to be built of uncoursed rubble or masonry in Portland cement, surfaced by rough ashlar in courses. Its length is 1,300 feet, and the estimated cost of the dam is a little over \$4,000,000. The estimate does not include waste-weir or diversion works—nothing but the dam itself without accessories.

It would be little less than a crime to build a dam of very great height, say 120 feet or more, of anything but masonry. Those contemplated on the Greenhorn would have to be so built. Their cubical contents could not well be estimated until more is known of the cross-sections of the gorges in which they are projected.

In estimating the cost of varying heights of masonry dams it is safe to say that for similar forms the cost will increase in a somewhat higher ratio than the "fourth power" of the height; many engineers would say about the fifth

power. In fact, one of the engineers, who made the computations for the Quaker Bridge dam, has within a week shown me good evidence in favor of the fifth power, though I have generally reckoned the ratio at a little higher than the fourth.

Then he gives the amount.

The topographer who selected these sites was Mr. Willard Johnson, the same one whom Powell brought before the irrigation committee, and who gravely informed the committee that an engineer searching for reservoir sites would be very likely to miss the best ones unless a topographic map were made for his guidance, with the sites indicated for his benefit in advance.

Mr. REAGAN. What is the name of the writer of that paper?

Mr. MOODY. It is not given here. I presume it is Major Dutton. I presume it is, though I do not know.

Now, Mr. President, with \$350,000 expended, practically nothing is accomplished, because such visionary schemes as these are planned expecting them to be worked out by the settlers in that region. Of what value is such "scientific" research practically? Who in all that country, be he monopolist, corporation, or private owner, would undertake to carry out such a scheme as has been projected under this effort to make the business of map-making and geography answer for that which requires the utmost technical skill and large experience, found only in that profession in my judgment the highest, the engineering profession?

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

Mr. MOODY. Certainly.

Mr. REAGAN. Does the Senator wish to be understood that Major Powell, the Director of the Geological Survey, is in any sense, directly or indirectly, responsible for such a statement as that?

Mr. MOODY. I undertake to say that he is responsible for the scheme and the plan, because I undertake to say that I understand the scheme was approved by him as one of the results which had come from the expenditure of this appropriation. I do not say that he is responsible for this statement. I say he is responsible for the fact, if such fact exists, as I understand it does, that this plan was prepared under his supervision by some of the employes in that bureau, and that he, as the Director and head of it, approved of the plan, and it is upon the records of that bureau.

I repeat, so far as we are concerned—I speak for my constituents—we want no such visionary schemes. It is true that on this map have been marked as existing in my State irrigating districts, places for reservoirs, and all that sort of thing, and not a single engineer or topographer in all that bureau has ever been in that country or has ever had his eyes upon it or his foot within that part of it which is marked arid. It is true that Major Powell did testify or state before the Committee on Appropriations that at one time, more than ten years ago, he started from about the North Platte, in Nebraska, and went over across the Niobrara River and then up through Southern Dakota as far as the Cheyenne River.

When I came to test his knowledge of that country I discovered that if he was in that country he was not exercising his skill as a geographer or as a topographer, for he could not designate one single point with any accuracy at all which existed over the route which he pretended to have traveled. He may have gone there; I do not say that he did not; but if he did he made a very speedy exit, because he could not have gone through the region of country he undertook to say he did go through without a guard to protect him from the Indians, for they would have taken his scalp every 20 miles unless he had had a guard or had gone through in the night.

Mr. HOAR. If he had scalps enough to have lasted.

Mr. MOODY. I see that Senators from the extreme East do not understand practically what it is to be scalped by an Indian, except by tradition and the history which they read. We who have witnessed people who have been scalped by the Indians understand that history is somewhat at fault on that subject.

There is another subject that I desire to speak about, and that is involved in a proposition that the Select Committee on Irrigation and Reclamation of Arid Lands proposes by way of amendment to this appropriation bill in lieu of the provisions that have been stricken out. That committee, as you are aware, Mr. President, contains in its membership one Senator from North Dakota, one from Montana, one from South Dakota, the older Senator from the West being the Senator from Nevada. The only member of that committee belonging to the majority who is directly interested in the proposition contained in the appropriation heretofore made is the Senator from Nevada.

The failure of this scheme that was enacted some years ago, carried into the law of 1888, renewed in the law of 1889, and proposed in the House bill as it was sent to the Senate—I say the failure of that scheme was occasioned by the fact that practical men were not put in charge of it, men who could have carried out that plan successfully and not been subject to the criticism of anybody, and the scheme would have met with the approval of the whole country. It is a grand object and a worthy one for the General Government to assist in the reclamation of an arid region of country which, when it is once reclaimed, or when it is once made subject to settlement, if it could be done without irrigation, will be among the richest portions of this great land.

Sir, the hills of New England, of New York and Ohio, the whole Eastern country, at least that portion of the East which you reach from

the Atlantic before arriving at the public-land States, contain no land, or very little of it, equal in soil to the arid lands of the West. In the course of nature the timber has been denuded, rains do not come, and those lands are not fertile without the application of water. It is a well known fact that as settlement proceeds westward sufficient rainfall comes, and that which was known as the Great American Desert recedes and passes away as the buffalo have passed from those great plains.

The moisture which arises from the cultivation of the surface of the soil sent into the air is again produced in the shape of rainfall, and year by year the desert line, the arid line, as you may term it, or the line of insufficient rainfall, recedes towards the setting sun, until now it has almost met the clouds and their beneficent waters precipitated from the moisture taken from the Pacific Ocean.

I repeat, it is a wise thing for this Government to do to aid those people. It should be done in a practical way by practical men and for the purposes for which it was intended, not for the purpose of enabling somebody to execute a beautiful map and chart upon which he and his guests may gaze with delight and wonder. It is not that scientific gentlemen may study the texture of rocks or the contour of the mountain peaks and the valleys lying beneath them. No; the object and purpose of the act, and that should be the only purpose, is to foster, is to encourage a system of agriculture. It is to build up the man who toils upon the farm, to enable him to gain a subsistence for himself and his family. These appropriations never were intended for any other purpose by those who were instrumental in the enactment of the laws and who were in earnest about it.

The Senator from Nevada is the only one upon that committee in the majority who is particularly interested in irrigation in that which may properly be termed the arid region. The rest of us are from the region of country where, in ordinary years, the heavens furnish sufficient moisture. It is only the occasional years that the rainfall is insufficient. Then comes the evaporation of the waters from the lakes and the ponds that are scattered all over these plains, and the streams dry up. I heard it asserted, in an early day, in that country where I have lived for twenty-five years, by old pioneers, men who had gone there under the control and employment of the great fur company of the Northwest and who had been there for many years, I heard those people assert that there was a regular ebb and flow in the waters of the Northwest. Some years the waters would recede and the lakes go dry, and the rivers would disappear; and then, again, would come a year when they would all appear; and these years were reasonably periodical. In any event, we who have lived there these many years do know that there come occasional years when there is an insufficient rainfall.

Now, it would do no harm in an old, settled country. There the people would not consider it any great damage even if their lands should rest by reason of the failure of moisture. They would recuperate and the next year the lands would be richer for having rested. But in a new community which is occupied by the homesteader, by men of small means, by men who have invested every dollar they have in the world in their little farms, but by men who are as intelligent, men who are as brave, men who are as little discouraged by disaster, men who possess as much of the element which conquers the frontier as men who ever existed anywhere in any nation on the surface of the globe, when the disastrous years come to them they suffer hardship because they have not that forehandedness which enables them to tide over the years when the crops cease to mature.

In that region, by the kindness of a subcommittee of the Committee on Appropriations, and I give to the Democratic member of that subcommittee as full credit as I accord to the others—by the kindness of that committee, supplemented by the action of the Senate, a trifling small appropriation was made in the urgent deficiency bill for the purpose of examining the only source of water supply in all that country. It is true this Geological Survey has told us that we must depend upon the waters of the streams and the storm-waters, while it so happens that by the alluvial soil over which the great Missouri runs it has cut to a depth that renders it totally impracticable within the means of common humanity to use its waters for irrigation purposes to any considerable extent. It is too low down and the banks are altogether too high to enable the Government or private persons to undertake such a proposition. So a survey of it would amount to nothing.

When the storm-waters come they are stored by nature. We want no help from the General Government for that purpose. They are gathered in the little ponds and lakes that exist all over that country, where they are held until the humidity of the atmosphere, or the want of it, is such that those waters are grasped by the air and taken away, and the dry years, as they are called, come. Then you can not store storm-waters because there are no storm-waters to store. So this notion of the Director of the Geological Survey that we must get our relief from that source is as futile and visionary as the other projects that he has recommended to the committee.

Mr. President, in the region of the State where I reside we want no help from the Government for irrigation. There is a region of country 150 miles by 125 that does not need anything like help from any source for that purpose. They take care of themselves. They have water

enough and rainfall enough. The only source of supply where more water is needed must come from the bowels of the earth, and this little appropriation as it was made, amounting to but a trifle, requiring an examination of a region of country which it would take half a lifetime, almost, to adequately and correctly examine, has done more good to our people than anything which has occurred from all the other appropriations that have been made. It has tended to give them courage to help themselves.

In our State and in North Dakota, as the report of the gentleman who examined the question there shows, there are something like two hundred important artesian wells. We do not expect that the Jim River country will be explored by the Government. Our people have spent thousands and thousands of dollars in its exploration. That is a settled country, settled but recently it is true. The settlers knew nothing about irrigation until they were taught by the suggestions of the committee who were sent there and by the publications which the committee made; they came from the East, and not from the West where irrigation is practiced. But they have now entered upon it, and will develop irrigation in that grand region known as the Jim River Valley. I speak of it as a valley. It is a plain 100 miles in width and nearly 500 miles in length in our two States, 250 miles in each.

Throughout that entire valley exists an artesian basin. These gentlemen engaged under that small appropriation who have had experience, some of them years of experience, in the investigation of artesian basin water supply, pronounce it to be the largest and the most wonderful artesian basin extant.

Now, we ask a small appropriation to continue that investigation in the States of North Dakota, South Dakota, Montana, Wyoming, Nebraska, Kansas, and Texas, between the ninety-seventh meridian of longitude west from Greenwich and the foot-hills of the Rocky Mountains. It is possible that that same basin extends, and we have great reason to believe that it extends, from near the ninety-seventh meridian clear to the foot-hills of the Rocky Mountains.

These gentlemen, in their report made to the Secretary of Agriculture, under whose direction they have been acting, declare that in their judgment the sands which form this artesian basin, wherein the waters are accumulated and rise, outcrop near the foot of the Rocky Mountains, and that the great Missouri River runs over the edge of that outcrop, and keeps constantly filled this basin for the supply of any who choose to tap it. What we want is a further and more complete investigation, taking the whole year for it. If this thing is as we believe it to be, an existing fact; if it should be found that that water is as the gentlemen declare in their opinion it is, inexhaustible, it will be the easiest, the cheapest, and the best mode of supplying additional water, as it is needed in all that region of country, that could possibly be found. It is vastly better than any surface water supply. Why?

For one reason, that it can be handled with very little cost, it comes with such force from the basin where it lies that it throws at the Woonsocket well, as I am advised by the men who sunk it, a 6-inch stream 21 feet in the air bodily from the pipe; reduced to a 4-inch stream, it throws it 62 feet into the air, and reduced to a 2-inch stream, it throws the water 150 feet into the air.

It can be handled, as the term goes, controlled perfectly and it is not necessary, in order to utilize the water, that there should be anything like a route upon which to construct a ditch or canal which shall be comparatively level with a continuous descending grade, because with the force with which it comes it can be confined in pipes and sent anywhere upon a man's farm, and it can be taken through hydrants at any point and spread over the land.

I have information from a gentleman who carefully examined another well at Mellette, in South Dakota, a well which has been in operation only a few months. He tells me that that well furnishes enough to irrigate 640 acres of land.

At Aberdeen, at Redfield, at Huron, at Yankton, they are running machinery with the water from those wells with direct pressure, the pressure coming so steadily and being so great.

In the city of Huron, on the 4th of last July, where I had the exceeding pleasure, sorrowful as it is now to speak of it, of meeting on the soil of my own State that great man, that warm friend of the West, Mr. Cox, we witnessed an exhibition of the power of that artesian water that was a surprise to him as it was to me.

The pressure is such that they use the water for fire purposes. They swept the fire from a building with a speed I never saw exhibited by any sort of machinery, because the pressure is greater than will be permitted by machinists to be put upon the ordinary fire engines. Indeed they are obliged in those wells to turn off the power because it would break the fire appliances. At Hitchcock they are running a flouring mill with the power, and there is more or less machinery run everywhere with it.

So, then, I say it is so easily controlled, so easily handled, that when once it is in operation it is better than any surface water for the purpose of irrigation. Wells have been running for five or six years. The mayor of Redfield told me last fall that the well in that city had been in operation for years; that he had the entire charge of it, and the entire cost of keeping it in repair was \$5, that was the whole expense. It was operated for fire purposes and to run machinery.

But Senators say, why do not your people proceed to take advantage of the existence of what you regard as this wonderful agency—for it is wonderful—in behalf of agriculture, the main object with your people? I can answer that query very readily. Our people are poor. They have in some portions of the State missed their crops. They have built school-houses and churches, court-houses and jails, penitentiaries and colleges, insane asylums and universities of all kinds. They have paid over \$2,000,000 a year for the purposes of education when here at the Capitol they were denied the privileges of statehood to which everybody conceded they were entitled, and thereby deprived of the use of the lands which were reserved to the State for the use of the schools, and they cheerfully taxed themselves without limit to maintain schools. The Government of the United States owns in our State 18,000,000 acres of public lands, 11,000,000 acres of which have just been ceded by the Sioux.

Our people do not feel able to make the experiment to determine the limit of this artesian basin. They do not expect the Government to irrigate any private lands or any public lands, but they ask you to take this matter, through the proper officer, in hand, and assist them in the development of this great aid to this great interest, the greatest of all—the interest of agriculture, the interest of the farmer.

Why, Mr. President, I remember that in former bills we have voted, I was going to say, untold millions for the benefit of the East and the Middle States. What does it mean when \$23,000,000 are expended for new cruisers? It means that the mechanics, the laborers, upon the eastern and western shores will reap the benefit from the expenditure of that money, as well as the United States, by reason of their construction. When you vote millions for coast defenses and building new means of constructing armaments of war, what does it mean? It means the prosperity of the communities in which that business is carried on.

Mr. President, the Senate does not hesitate—for there is not a word said scarcely on the subject—to expend a million and a half for the purpose of establishing a zoo park, a monkey show in this city. You do not hesitate to expend \$40,000 in this appropriation bill, for what? To trace the traditional facts regarding a race of Indians that have been dead for over three hundred years. You do not hesitate to expend by this Geological Bureau thousands of dollars in the search for fossils. You allow this Geological Survey to expend how much? At one place in the bill it amounts to \$548,000 for geology.

Is that all? Let us examine the bill further. "For engraving the geological maps of the United States, \$45,000" is appropriated. Is that all? Under the head of "Public printing and binding" I find, under the "Geological Survey:"

For engraving the illustrations necessary for the report of the Director, \$8,000.
For engraving the illustrations necessary for the monographs and bulletins, \$35,000.

That is besides the cost provided for making the maps and doing all that work. Then,

For printing and binding the monographs and bulletins, \$25,000.

For engraving \$43,000, printing and binding \$25,000, and for engraving maps \$45,000. Is there hesitation about these expenses? I have heard of none.

I am not at liberty to criticize either the House of Representatives or any of its members or committees, and I do not propose to do so, but I have a right to compare the provisions in this bill one with another as it came from the House, and, as what I believe to be a minority of the Senate propose to retain here, disagreeing to the Appropriation Committee's amendments.

The House of Representatives sent to us a proposition by which, in addition to this \$448,000 and \$68,000 for geological expenses, they propose that we shall expend the sum of \$777,500 in the pursuit of this chimerical scheme, which anybody who knows any thing about it will agree with me in saying it emphatically is. But what would they do in reference to the Western settler, the man who lives upon his homestead, the man who wants to acquire a little piece of land upon which he can live? They put in the magnificent sum of \$200,000 for the survey of the public lands of all that Western country. This would give to our State about \$12,000.

Why, Mr. President, in our State now, as shown by the petitions which have been forwarded to me and which I have filed in the Department, there are thousands of people upon the unsurveyed public lands, some of whom have been there for seven years without their being surveyed, praying over and over again that their lands be surveyed, so that they may get the homes upon which they have settled and initiate their titles. You call it a little thing. Let one of these distinguished Senators or any distinguished member of the other House go out upon those broad prairies, and let him undertake to make a home, and let him wait and wait and wait for governmental action in making the survey, so that he may know where to put his dwelling, where to put his other improvements, and when to prepare to make him a home.

Let him live there for four, five, or seven long years, summer and winter, thus waiting for the Government to act, knowing that he has got to pay the cost of it in the end, and all it needs is that Congress shall make an appropriation out of its Treasury so that the governmental officers may do this act, and enable him to initiate his homestead title.

I say, let one of these distinguished Senators prolong a miserable existence in that way, and he will be ready, I apprehend, to give to those people all that is necessary in order to enable them to acquire and pay for a title from the Government to lands on which they have settled.

Mr. President, I am glad to say that through the generosity, the liberality, and the great good judgment of the distinguished Senator from Maryland [Mr. GORMAN], on the opposite side of this Chamber, this wrong which was attempted to be perpetrated in the other House can be remedied by the adoption of this amendment, and I want to say to that distinguished Senator that he deserves, and he will receive, the thanks of many a settler upon that vast domain for the generous view which he has taken, though a resident of the East, of the necessities of those people. They are ready and they are glad to give credit to any man for aid which he may furnish them in his public capacity, no matter what may be the color of his vote or his politics.

Mr. President, I have occupied more of the time of the Senate than I ought, and I am as well aware of that as any one can be, but I felt this to be a matter of absolute necessity for our people. I perhaps have stated what I will restate, that the people of South Dakota are largely farmers. It is true we have scattered over its surface a few towns and cities, not of large dimensions, not with any considerable aggregation of population, enterprising, growing, and with everything that pertains to the Western city of enterprising people; but the majority of our people are located upon their homesteads, upon their farms. It is to that class that we have to look for the prosperity of our State. They are the very foundation of all the public interests of this Government, and more especially are they the foundation of the Western States.

You are asking us to vote a revenue derived from a tariff upon manufactured articles when we are simply the purchasers of those manufactured articles and have no means of manufacturing them. You charge us such transportation rates upon your railroads from the West to the sea that we can not send our products there and realize the cost of their production and the living of the family. You are not legislating for the farmer in this bill in one single item, except in so far as he is a citizen generally of the United States, and therefore interested in its welfare in all its parts and for all its people. Here is an opportunity. Here is a demand to legislate for their benefit.

It is but an insignificant sum we ask. It is a mere bagatelle in this great appropriation bill. We have not complained of your appropriations, but we do ask, each one of us from those States, and we ask it with all the earnestness in our power, that you shall give to those scattered communities, as they are, the opportunity of knowing with certainty how they may subsist by getting upon their farms the requisite waters to supplement the rainfall when it is too light.

Now, Mr. President, I have said all that I care to say upon this subject, unless something shall occur that seems to demand some further statement.

Mr. MORGAN. Mr. President, every Senator who has taken the floor on this bill or on this part of it has announced that he felt that he was dealing with a very great subject, and none of them has overrated it as to its effects upon the country at large, and more particularly upon that region which is included in the operations of the rule as prescribed in the sundry civil law of 1888. In that act, which was not a well considered act, we made a total departure, both in respect of the laws of irrigation and the laws relating to the disposal of the public lands. We made radical and apparently thoughtless changes in the land laws, and now we are enjoying the luxury of repenting at leisure.

The laws for the disposal of the public lands constitute a system that has been growing up now since the foundation of our Government really, but in a more important sense during the last fifty years; and I suppose that there is not any subject connected with the welfare of the people of the United States that has received more consideration and closer attention than the framing of laws and the improvement of laws for the purpose of getting our great public domain into private ownership. There has been no lack of wisdom in the enactment of these laws and in the various amendments that have been made from year to year, adapting themselves frequently and necessarily to the changed condition of population. It seems that at one breath in the act of 1888 we have discarded the whole of them and have thrown ourselves into a new system which is entirely immature, and out of which we find growing very serious and widespread evils.

If I had nothing else to guide me in my vote upon this amendment besides the consensus of opinion amongst those Senators who represent the country that is called the arid region of the United States, I should follow them in their judgment as to the best method of disposing of the lands in the States that they represent and in the Territories adjacent thereto. I would feel disposed even to go over well established and well considered systems of laws and of administration in order to follow the united opinion of those Senators in respect of the best method of disposing of the public lands in that country.

But when we come to consider that all the experience of the past, both as to irrigation and the disposal of the public lands, was thrown away in a single act, and that that act was not the result of the deliberations either of the Senate or of the House of Representatives, but was the result of an understanding and agreement by a conference committee,

and that put upon an appropriation bill, so that when it came back here the Congress of the United States must either discard that bill and throw it back entirely for reconsideration from the ground up or else provide for the operations of the Government and take along with it the cogitations of the committee of conference upon this great subject, I think we have had too much of this law-making outside the Senate Chamber. The evils multiply in every direction and grow more fatal every day.

The Senate and the House, too, felt obliged to adopt a system of law which I maintain, considering the greatness of the subject to which it applies, is the most meager, uncertain, and unsatisfactory system for the disposal of the public lands that anybody could ever have conceived of. We had come down to that point after fifty years of experience, Mr. President, where we had a homestead law, private right of entry having been abolished almost entirely throughout the whole length and breadth of the United States; we had a pre-emption law, a timber-culture law, a desert-land law, and some laws for obtaining timber rights upon the mountains in the West that might be covered with forests.

All of these had been subject to close and narrow inspection in respect of their operation. Several Secretaries of the Interior recommended that some of them should be dispensed with, as, for instance, the pre-emption law. Others recommended that the timber-culture law should be dispensed with; others, that the desert-land laws should be dispensed with; but neither House had ever got its consent to throw away either of these systems of public-land entries.

I have believed all the time that there was a disposition on the part of our land officers and on the part of a good many men in both Houses of Congress to proceed too rapidly and too recklessly in the breaking down of this established and well considered system of law for the disposal of the public domain, and so I have not been in sympathy with those propositions which look to the repeal of the timber-culture and the desert-land acts or the pre-emption act. I have thought it was a very good thing that a man who had 160 acres for a homestead, after residing upon his land for five years and complying with all the requirements of the statute, should have the right to enter an adjacent tract at a dollar and a quarter an acre, particularly as the only person who could be, in justice, adversely concerned to his taking up the land at a dollar and a quarter an acre would be some other person who might desire to make a homestead thereupon, and there is still plenty of land for homestead entries.

I do not propose to enter into an examination or statement in regard to the great advantages which have resulted from this combined system for the disposal of the public lands, for they are manifest in the spread of our population and in the increase of our wealth throughout the whole of that great Western area. Whoever may travel across that land and look at it will be struck with wonder and astonishment that it has been reclaimed as far as it has been in the absence of a supply of water from rainfall or from irrigation, and yet whoever has witnessed the reclamation and has seen the abundant crops that that country is capable of producing is astonished at the fact that when it is irrigated it is one of the richest of all the areas in the United States.

Our experience in respect of those lands in the West is just now budding, just beginning to develop, and if we let the American spirit of enterprise go on without obstruction, that has entered into that Western country, and exert itself in the further development of that country, we shall have nothing to complain of in the next fifty years, but we shall have very much to boast of in the increase of our population and wealth and national power. I propose in what remarks I have to submit on this bill to confine myself almost entirely to the state of the law upon this question, and I wish to show that it is very unsatisfactory, that it ought not to be perpetuated, and that the Committee on Appropriations has found the most direct and sufficient way of getting rid of the embarrassments which have been put upon the country by the ill considered legislation of 1888.

Mr. President, it was not in the contemplation of Congress, I am sure, when this addition was made, and improperly made, to the sundry civil bill in 1888, that it should supersede in its application all of these land-entry systems that we had adopted with so much care through so many years of experience and examination. Still that has been the effect of it, and I think it has been the absolutely necessary effect of it. I do not see how the Attorney-General or the Secretary of the Interior or the President could have placed upon this law any other practical construction than that which has been placed upon it, taking its terms and all its provisions together.

We have seen that in the application of it 1,200,000 square miles of the territory of the United States have been drawn entirely out of reach of that benignant system for the disposal of the public lands of which I have been speaking and which it has taken so many years to mature and to make equitable in every respect; and what is left to us as our guide in the administration and in future legislation is the meager shell or skeleton of this statute which does very little more than merely indicate a vague and uncertain purpose on the part of the United States Government, without providing definitely any lawful guides or the means for its execution. This statute has been frequently read in the

hearing of the Senate, and I do not propose to read it again in full. I wish to refer to some parts of it. The closing words of the last part of the first clause of this statute read thus:

And all land which may hereafter be designated or selected by the said United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all lands made susceptible of irrigation by such reservoirs, ditches, or canals, are from this time henceforth reserved from sale as the property of the United States, and shall not be subject, after the passage of this act, to entry, settlement, or occupation until further provided by law.

Now, allowing that statute to stop right there, what is the effect of it? It is to prevent the entry or even the occupation, until Congress shall otherwise "provide by law," of one foot of land in what may be termed the arid region; and the other effect also is to devolve upon the Government of the United States the duty of designating what is the arid area, for this statute says that the lands which are to be reserved from sale and from entry are not only the lands upon which the ditches and reservoirs and canals may actually rest, upon which they may be superincumbent or through which they may run, but all lands made susceptible of irrigation by such reservoirs—not lands that may be made susceptible of irrigation, but lands that are made susceptible of irrigation by the location of the reservoirs, which is an engineering problem.

It has been remarked here by one Senator, the Senator from Colorado [Mr. TELLER], I think, that it had actually occurred in his experience that land 100 or more miles, perhaps two or three hundred miles, distant from these contrivances for irrigation has been proved to be susceptible of irrigation from that source of supply. The Secretary of the Interior could not assume until the survey had been actually made that any land was susceptible of irrigation or that any land was not susceptible of irrigation which lay anywhere within one or two or three or four hundred miles of one of these large reservoirs to be constructed by somebody hereafter under this engineering that we have been carrying on. What then was he to do?

Must he make his determination of the lands that were made susceptible to irrigation by these ditches and reservoirs before any level was placed upon the land or any engineering, topographical or otherwise, was performed there with a view of indicating scientifically that these lands might or might not be susceptible of irrigation from those sources of water supply? He could not assume anything about it. He could only say to himself, "That part of the law which remains in force, the President not having issued any proclamation to the contrary or to relieve any part of the country from the effect of the law so mandatory, so compulsory that I am compelled to judge in advance as to every foot of land in the United States that is capable of, susceptible of, being irrigated from these ditches and reservoirs, I must act upon my judgment in that particular; and inasmuch as I can have no specific information upon the subject at all, I will have to make a line and include the whole arid region of the United States within the borders that I must exclude from the right of private entry."

It is the only construction he could give to it. He could not do more, he could not do less. He could not execute the law in any other way than by adopting that principle. So I think he decided it correctly when he held that this closed the land offices against all rights of entry in that country, and closed them until the President of the United States, if he had the power, should relieve some portions of this area from the restriction of this statute. That was the situation.

If he had added to his ruling that no human being should be permitted to "occupy" any of the 1,200,000 square miles of the arid region until the irrigation survey was finished he would have been within the letter and spirit of the act of 1888.

That was a terrible break for us to make upon the law here, and I think the sooner that we get out of that category and get the laws of the United States back into the shape they were before, the sooner we shall have performed our duty and the sooner we shall have responded to the experience of all these years in the administration of our land system.

Right here, Mr. President, I wish to say that I see no outcome from this. The proposition as made by the Director of the Geological Survey in the testimony or the statements which he gave before the Committee on Appropriations, as I understand them, amounted to this: That it would require \$750,000 or thereabouts annually of appropriations to carry on the work upon the plan that he had already adopted and in part executed, and that it would take seven or eight years to accomplish this purpose. Well, there is \$500,000 or \$600,000, as the case may be, that has to go out of the Treasury of the United States for the purpose of getting these preliminary hydrographic and topographic surveys and designations of those areas which are to be included in the land taken up for the purpose of reservoirs, dams, and ditches.

This large expense is to be made annually, and during all this long period no homestead is to be entered upon, or claimed, and the country brought within this fatal restriction shall not even be occupied, but shall become "a waste, a howling wilderness."

But the more important thing involved in this scheme is the fact that we have got to wait seven or eight years before the matter is completed.

It is said here that the President of the United States can go on and exempt areas from the operation of this law as fast as the Director of

the Geological Survey shall make his reports upon the respective parts of the country. It occurs to me that this would be a very difficult thing to do. The President of the United States would be excessively embarrassed, I should think, in his efforts by proclamation to designate the particular bounds of the area that was reported and thus made subject to the land laws of the United States.

The difficulty, instead of disappearing in the event supposed, increases and multiplies and becomes more and more entangled, and in that respect there is, it seems to me, a barrier that can not be overcome by human ingenuity in the execution of the law as it stands upon the statute-books to-day so as to relieve these lands from the incumbrance of this statute and to allow the people to go forward and take them up. I can see nothing but difficulty in the way of the execution of this law.

Now, the Director of the Geological Survey has reported that he has already located, I think, about two hundred reservoirs, which he has reported to the Interior Department for their action. We will take one of them. He has got a certain area of land in a certain township and range for a certain reservoir, which we will call No. 1, with the canals that flow from that and the lands that are made irrigable, according to the language of this statute, by that particular reservoir No. 1. The President of the United States, as I understand this law, can not offer these particular lands upon which the reservoir is or upon which the ditches are to homestead entry.

We have no provision of law that indicates anything of that kind; but he can throw open the area in that vicinity—we do not know how much—I suppose the area which would be marked by the dividing line between reservoirs numbered 1 and 2, and 3 and 4 and 5, observing a mean distance through and between them, and he could put those lands into the market, open to what? To homestead entry, to desert entry, to timber-culture entry? Now, when he got it open under this law, suppose you confine it to the homestead entry; is the homesteader entitled to go and take his homestead upon that part of the land on which the reservoir is located?

That is public land now, liable to entry, and after it is covered with water or after it is covered with lines upon which water may be put by the building of dams, etc., has he any less right to locate his homestead upon that piece of land than he has upon land that is not covered by the water? Where will the President fix the lines in his proclamation that will divide one irrigation district from another?

The provision of this law, as its friends read it, is not that that land shall be reserved absolutely and always from sale, but that the President of the United States by his proclamation may undo all that has been done as to the sequestration of these lands, and, in his discretion, may take them out of the influence of this statute; he may undo it all and open it to homestead entry. I will read that to see if I am correct about it, first, however, stating again that the President would have a task that he could never perform without the guidance of the actual survey that is to demark the boundary-lines between the irrigation districts. Those lines must be first ascertained:

Provided, That the President may at any time in his discretion, by proclamation, open any portion or all of the lands reserved by this provision to settlement under the homestead laws.

Now, the lands which are reserved by this provision are the lands which he may open, and he may open any or he may open all "to settlement under the homestead laws." Of course, he would not open a part without opening the whole of them included in the same district, and then it would result in this, that after we had gone and expended this money for the survey—to go no further than that just now—and got the ditches all located, any homesteader could go there and take the entire survey, including the reservoirs, if they did not amount to more than 160 acres of land, under the homestead law.

So the operation of this law would be to give to those favored persons who might occupy these sites in the first place, who might first get a location upon them, the water supply, the water fountains of the country, to the exclusion of other persons, and would transfer them necessarily into private ownership, for there is no provision in this statute that looks even in the direction of keeping the possession and ownership of these lands in the Government. Under the laws of the United States as they are to-day the first appropriator would take with his homestead both the land and the water into his exclusive ownership. After that we should have to look to him for the privilege of using the water for the benefit of any other person.

Whenever the survey is accomplished and the President chooses by proclamation to put the lands in reach of the present system so far as homesteads are concerned, the homesteader has nothing to do but to go there and acquire these lands and the water in private ownership. That shows the immaturity of the plan, and the impossibility of its execution shows that the statute in effect defeats itself.

I should like to know what we are going to do with the two hundred selections which have already been made and are marked on the map? We have got no provision of law for that. The House of Representatives sent us no provision of law for the disposal of those lands on this sundry civil appropriation bill. The effect of the enactment proposed by the House is simply to supply money to carry on the system of 1888 without change, for no change is proposed to be made by this

present bill in the law of 1888, and the only thing that is required to be done is to supply money to carry it into effect.

It is a system to maintain the arid region as a real desert land until the Geological Survey has surveyed it, topographically and hydrographically, and then to dispose of it as Congress shall hereafter direct. Nothing is provided or even suggested as to the disposition that is hereafter to be made of any of these lands.

So, then, in the absence of any proposed change in the law and without having a statute on the book with provisions for the disposal of these selected areas set apart for irrigation purposes, I can ask the Senate the question, What are we going to do with these two hundred areas that we have already set apart and the three hundred in addition which the Director of the Geological Survey tells us he is about to report? Suppose we go on for eight years, and in that time we have got three or four thousand of these reservoir locations, what shall we do with them? Shall we declare them then to be the permanent property of the Government of the United States or shall we go on as the law is now and say they shall be opened to homestead entry when the President by his proclamation shall so declare? What shall we do with them?

If I should be asked to answer that question by the citation of any law of the United States I would be wholly unable to make answer.

Mr. President, we are very rapidly constructing a white elephant under this system of laws, that we can neither feed nor dispose of. The Government of the United States is getting itself into an involved condition by these surveys and by starting, as I think I can demonstrate, at the wrong end of the law upon this question. It is going to be extremely embarrassing to us hereafter.

It will be a situation in which we shall be compelled to vote one hundred millions or perhaps two hundred millions of dollars for the purpose of building these dams and reservoirs for the benefit of people located in that country, retaining the title in the United States, or else, after we have expended these \$8,000,000 in surveys, of giving up these lands into the hands of private owners, so that the States or Territories in which they are located would have to resort to the law of eminent domain for the purpose of condemning them to the very use for which they are professed to be set apart under this act of Congress, the public use.

I can see no good that can possibly come from an increase in the number of these reservoir locations and canal locations under this law as it exists now. We should have to take this system up and mature it and amplify it, with an enormous expenditure of money and with a great many different laws for the disposition, not merely of the property itself upon which we locate the reservoirs, but the rights of water that shall belong to those who may be in the immediate neighborhood or may be within the distance where the lands are susceptible of irrigation from these fountains; otherwise it would accomplish no public good.

So I think if we continue this appropriation it would be a wild and reckless and hazardous act, one extremely unnecessary, one for which we are not prepared, one that gets harder and harder to handle every year that we make any progress in the direction that we are now going. Difficulties will increase every year; every appropriation that we make will only entangle the subject the more and make it more troublesome to get rid of.

But before leaving this particular statute, I desire to inquire whether the President of the United States has not acted with reasonable and proper caution before he undertook to execute his part of this statute. What is that?

That the President may at any time, in his discretion, by proclamation, open any portion or all of the lands reserved by this provision to settlement under the homestead laws.

I have shown a practical physical difficulty, and one which I think no report from the Director of the Geological Survey will ever remove, that lies in the way of the President issuing any proclamation at all upon this subject. But I think there is a worse difficulty than that in the case. The President of the United States has not got the power to do it under that statute. That saving of authority and power to the President of the United States in that statute is repugnant to the main act and it will fall. Whenever the question is tried this proviso will be broken down by a decision of the Supreme Court of the United States.

Now, why do I say that the President of the United States has not got power to do what the proviso contemplates? Because the terms and provisions of this law which precede the proviso under which his power is supposed to exist are conclusive of the legislative intent that these lands shall be—

henceforth reserved from sale as the property of the United States and shall not be subject, after the passage of this act, to entry, settlement, or occupation until further provided by law.

What is the meaning of those words "until further provided by law"? They do not mean that the President of the United States, even in the exercise of what you might call a lawful discretion, can undo that act, abrogate or obliterate it, or can relieve against its effect. Whatever relief is to be given against that part of this law must be provided by legislation.

Those expressions in this country are just as well understood as any

that can be framed in an English sentence. It means that the legislative power of the United States, in which the co-ordinate power of the executive is to participate in the approval of bills, must act upon this question before this situation can be changed. Those gentlemen who had this matter in hand and intended to revolutionize the whole land system of the United States used apt words for carrying their intention into effect. They sealed it down upon the country when they said that this system shall not be changed, and that the land laws shall not again go into operation otherwise than as shall be provided by law. Suppose the President of the United States should issue a proclamation that a portion of these three hundred selections of reservoir sites should be open to timber-culture entry.

Of course he could not do it, for the law says that they shall not be hereafter open to timber-culture entry at all; and, as to desert-land entry, of course he could not reinstate that system. He is confined in his proclamation to opening these lands to settlement alone under the homestead law; and yet that act itself says that these lands shall not be open to homestead entry until the Congress of the United States has so declared. That is what it means or it does not mean anything.

Now Mr. President, if there is any one feature of the United States Government which we ought religiously to protect and observe, it is the division of power between the great departments as fixed in the Constitution of the country. The moment we get our consent that we will commingle the powers of the different departments by our legislative permission, so that the judiciary may become the executive department in a sense, and the executive department may become the judiciary in a sense, and the legislative department may become a part of either or both of these, we get ourselves into trouble; we violate the Constitution of our country and we find ourselves in an attitude not merely where our laws are to be criticised, but in an attitude where they will be set aside and overturned.

Mr. REAGAN. Will the Senator from Alabama yield to me?

Mr. MORGAN. Certainly.

Mr. REAGAN. I ask the Senator what he does with the proviso to the statute that he did not read when he was reading about that restriction upon the powers of the President.

Mr. MORGAN. What is that?

Mr. REAGAN. Provided, after going on with what you read, that the President shall at any time in his discretion, by proclamation, open any portion or all of the lands reserved by this provision, to settlement under the homestead laws.

Mr. MORGAN. I have read that at least three times in the last twenty minutes.

Mr. REAGAN. I asked this question in view of the suggestion of the Senator that the President had no power to open the lands.

Mr. MORGAN. I will satisfy this honorable and sturdy and stanch and splendid old Democrat after awhile. Before I quit I will satisfy him that the President has got no such power. I know that the Senator has been in love with the idea of conferring discretionary power upon courts and commissions and the like ever since he fathered the interstate-commerce bill; but he has carried it so far now that I think I shall be able to convince him upon authority and also upon fair process of reasoning that he has got the two departments of the Government, executive and legislative, here badly mixed. It is going to take a good deal of hard work to get this knot undone except by repealing this law. That is the only way to get us out of it.

Now, what are we to understand by discretion? A discretion, Mr. President, in the meaning of the law of this land, has no broader significance than this: That within the purview of an authority which a man may rightfully and lawfully exercise he may have confided to him a discretion as to the time or manner of its exercise, or he may in some cases have a discretion as to whether he will exercise it at all or not upon a given occasion; and you might as well say to the Supreme Court of the United States that they should have a discretion to entertain an appeal from the circuit court under the statutes which confer the right of appeal as to say to the President of the United States that he should have a discretion in the execution of a law, or in its suspension, or in its abrogation, or in its amendment, or in its repeal.

No discretion, except that confided by the Constitution to the legislative department, can extend to the suspension, repeal, amendment, or abrogation of a law. If, when a discretion may be confided by the statutes to an executive officer, the event upon which his discretion is to take effect is not mentioned in the law the attempt to confer it utterly fails.

Discretion can never mount over the barriers which divide the great essential, fundamental, departmental powers of this Government into separate jurisdictions. The legislature can not confer upon another jurisdiction in the United States the discretion to do or not to do a particular thing unless that discretion relates to the exercise of the constitutional powers conferred in that instrument upon that department. When a law can be said to exist or to apply to a part of the country only in the discretion of the President, it does not and can not have any existence.

Mr. DOLPH. Will the Senator from Alabama yield to me to make a single suggestion?

Mr. MORGAN. Certainly

Mr. DOLPH. Suppose the President had power to open these lands under the homestead law. They are arid lands. There is not a stick of timber to build a house, not a stick for fire-wood, not a blade of grass upon them. The consideration for the grant of a homestead is residence. The very inception of the claim is residence.

Mr. MORGAN. Of course.

Mr. DOLPH. Is a man expected to go upon a desert without any of the things I have mentioned, and reside five years, when it is not capable at all of being inhabited until a fortune has been expended upon it to bring water upon it?

Mr. MORGAN. The Senator from Oregon is clearly right about that. The arid lands are not susceptible of homestead occupation until they have first been irrigated, except in a very small degree. A man might go and get a foothold upon a creek or a branch or something of that kind, and get along some way or other, but the country is incapable of the operation or the effect of a general homestead law. The President might proclaim it open a dozen times, and it would not add anything to its capacity for sustaining the occupation of homesteaders.

I have called attention to the language of the previous clause of this act of appropriation, and I have called attention then to the language of the proviso, and I have stated that they were repugnant to each other by the necessary terms used in the acts themselves, for if the Congress of the United States must act before these lands can be open to the homestead settler then the President of the United States in his discretion can not open them. The two things can not co-exist. It is a moral and legal impossibility.

But now, as to conferring such a discretion as that, or any discretion which amounts to a change in legislation, which amounts to a change in the operation of a law within a community, can it be intrusted to a governor, or a President, or to any other executive officer in his discretion to say that that law shall operate or that that law shall not operate, in whole or in part?

I will suppose that the President of the United States, in the exercise of a discretion like that which is conferred upon him in this proviso, should have reasons either public or private for preferring to have one part of these great areas in the West populated while another part should be left unpopulated. I will suppose that he would like to have the western counties in the two Dakotas taken up or the western counties in Nebraska or the western counties in Kansas taken up, and for his own reasons, and, acting in his own discretion, uncontrolled and uncontrollable, he should issue a proclamation stating that the counties lying west of that red line on the map in these various States should be open to homestead entry; and when the Senator from Colorado should apply to him to have lands opened in his State to entry, he should say, "No, no, I can not do that." "Well, why will you not do it? Your surveys have been made. The Director of the Geological Survey has been through this country with his topographical instruments and has made his surveys and he has mapped them; he has put them in the Land Office; they are recorded upon the plat-books of the Land Office, the land books. Why can you not do it?" "Well," the answer would be, "I am not amenable to any person but myself about that. This is a discretion to be exercised by me entirely aside from any local control, and it is a discretion vested in me as President of the United States, and I should like to know whether Congress or the judiciary or the citizens of this country have a right to control my discretion when an act of Congress has given it to me lawfully?"

Suppose you go into a court to mandamus him or to mandamus the Secretary of the Interior and to compel him to open up to entry these very areas that Mr. Powell has reported back here as being already designated and marked out upon the land books and ready for homestead entry. There is no court in the United States that could compel him to do it, because it is an official discretion conferred by the statute itself. He can repeal the law or leave it in force at his discretion. He can amend it contrary to the intent of Congress, by subjecting the country to its influence in particular areas, when the evident purpose of Congress is that as fast as these areas were designated by proper surveys of this topographic character they should go back into the market as homestead lands, and that the discretion should apply alike to the whole country. But the discretion is absolute and unqualified. It is his private conviction and personal will that is, alone, to control his discretion.

Now, is it possible that the Congress of the United States can confer upon the chief of one of the co-ordinate departments of this Government such a discretion, a discretion resting in his own bosom as to whether he will execute it in part or in whole? It is impossible that Congress can abdicate its authority and can thus transfer into the hands of a third person the power to determine in his own discretion, and not upon the happening of some event named in the law or condition fixed in the law, whether a law shall become operative or shall cease to operate.

No, Mr. President; a statute that contains that provision and makes its operation to depend upon the mere discretion of the President is no statute at all as to such a provision. It is not the final action of the legislative department. It is not an enactment within the meaning of the Constitution. Here we must make a distinction between laws which rest in any person the right in his discretion to execute them or not to

execute them, and to put them in force or destroy them, and those laws which depend upon the happening of some future contingency, some fact which may be ascertained by a President or by any other agent that you choose to adopt.

We have a variety of laws in the United States and in the different States in this country which depend upon acts to be performed by others, as, for instance, where there is a private or a public corporation and we amend the charter of that corporation or we provide that a charter shall go into effect upon an organization. That is a law that is valid when the act is performed which is referred to in the body of the act as the condition upon which it is to take effect, and when that fact occurs then the law becomes operative.

But such laws do not become operative, and can not, upon the mere undefined, discretionary action of a person, I care not who he may be or what the dignities of his official character may be, and such laws have never been upheld unless in those cases where they were to take effect upon a state of facts described in the law and hereafter to exist and to be ascertained in a particular way. They can not take effect in the discretion of somebody, but must rest upon a condition which is described in the law itself as being the condition upon which the act is to take effect.

When the law thus fixes and defines the conditions of fact on which it is to become operative, any agent may be named in the law to ascertain and declare that the facts do exist.

Then when the act takes effect its power relates back to the original enactment, and the power of the law is not derived in that instance from the mere fact of the acceptance of the offer that is made in a law, as in the case of the amendment of a charter or something of that kind.

While we are on that subject I desire to call attention to some of the elementary law on such questions to see whether I am right about it. I read from Sedgwick on Statutory and Constitutional Construction, on page 150. After citing a number of cases in various States and Territories which bear upon the conclusions which he reaches, he states them as follows:

We may, however, perhaps, deduce as correct conclusions from the decided cases which we have thus far examined—

First. That a law must receive its final sanction and enactment from the Legislature and that the trust of the popular representatives can neither be returned to the people nor delegated to any other power.

Second. That a statute which dispenses, in favor of some particular individual, with the general rules governing similar cases, does not come within the rightful attributes of legislative power and is not to be regarded as a law.

And so a statute that conferred upon the President of the United States the right to put a party in that exceptional condition would depart entirely from the whole basis of legislative authority in this country. A law that would permit the President to put any person he might select on the pension-rolls or to bestow the money of the Government on any person he might, in his discretion, select, would be null and void. I will further quote from the same author:

Nor are these merely speculative or abstract questions. We shall find them presenting themselves in a large class of cases which I am about to examine. The difficulty, generally, appears to have arisen from a want of clear perception as to the true nature of a law; or, in other words, a want of accurate notions as to the boundary lines which, under our system, divide the legislative and judicial powers. I now turn to a more detailed consideration of the cases in this country where these questions have been considered, and which, so far as they go, tend to give a practical definition to the term law and to define the boundaries which separate the legislative from the judicial power.

And, first, of cases where the Legislature has sought to divest itself of its real powers. Efforts have been made in several cases by the State Legislatures to relieve themselves of the responsibility of their functions by submitting statutes to the will of the people, in their primary capacity. But these proceedings have been held, and very rightly, to be entirely unconstitutional and invalid. The duties of legislation are not to be exercised by the people at large. The majority governs, but only in the prescribed form; the introduction of practices of this kind would remove all checks on hasty and improvident legislation and greatly diminish the benefits of representative government. So where an act to establish free schools was, by its terms, directed to be submitted to the electors of the State, to become a law only in case a majority of the votes were given in its favor, it was held in New York that the whole proceeding was entirely void. "The Legislature," said the court of appeals, "have no power to make such submission, nor had the people the power to bind each other by acting upon it. They voluntarily surrendered that power when they adopted the constitution. The government of this State is democratic; but it is a representative democracy, and in passing general laws the people act only through their representatives in this Legislature." And in Pennsylvania, in the case of an excise statute, the same stern and salutary doctrine has been applied. In some of the more recent State constitutions this rule has been made a part of the fundamental law. So in Indiana the principle is now framed into a constitutional provision which vests the legislative authority in the senate and house of representatives and declares that "no law shall be passed the taking effect of which shall be made to depend upon any authority except as provided in the constitution." And under these provisions it has been held that so much of an act as relates to its submission to the popular vote was null and void.

For the same reason that a Legislature can not return or throw back upon the people the duty of making laws, for the same reason its powers can not be delegated by it to any inferior authority. "It will not be contended," says Marshall, Chief Justice, in the Supreme Court of the United States, "that Congress can delegate to the courts, or to any other tribunals, powers which are strictly legislative."

I will not read any further from this author, although he goes on to discuss this same subject with large citations of adjudged cases from the various State courts to show that an act of a Legislature, whether it is Congress or a State Legislature, must be complete in itself as to all the conditions at the time it becomes an enactment, and that no subsequent event which is not expressly designated to take place in future in the act itself can become the occasion on which that act is

to become operative. Wherever anything is left not to depend upon the realization or the development of any fact in the future, but is left to depend upon the exercise by anybody of a discretion, even though that discretion might be named in the act itself, the act would be invalid, because the legislative power had not exhausted itself, had not completed its work, but had attempted by abdication and delegation to another to place the power in the hands and in the discretionary control of some third person.

Now, what has been done here? The proviso to this act declares that—

The President may at any time in his discretion by proclamation open any portion or all of the lands reserved by this provision to settlement under the homestead laws.

Yet the homestead laws had been repealed in the preceding part of the clause. That is to say, we have not enacted that whenever these surveys have been made thereupon the homestead laws shall become operative as to the land included in them. That is not what we have enacted, but we have transferred to the President of the United States the discretionary power by the issue of his proclamation to bring these lands into market although they may not have been surveyed or designated upon any map or set apart in the Land Office. He may "open any portion or all of the lands reserved by this provision to settlement under the homestead laws." At any time before the survey is made or after the survey is made, whenever in his discretion he sees proper to do it, he can repeal that statute or set it aside, and thereupon the proviso makes it an operative law, and a homestead law at that, simply by the *ukase* or the *ipse dixit* of the President of the United States.

Mr. President, a proviso in a law that depends upon an act that is purely discretionary, that is not connected with any state of facts to exist in the future, except merely the exercise of the discretion of an officer, can not be a valid part of that law. The saving clause is void, and the President of the United States has consulted both sound judgment and his oath of office when he has declined thus far to make any proclamation on this subject. The law is incapable of execution; and if we go along under this system of appropriations we will go for eight years or as many more as it may be necessary to complete this entire survey throughout the whole length and breadth of 1,200,000 square miles before we can secure homesteads to the people otherwise than by Congressional action. Congressional action is all that can relieve these people. The President of the United States has not got the power to do it. The authority that we attempted to confer upon him is nugatory, and he can not constitutionally and in accordance with his oath of office exercise it, even if he had the skill, or if any human being could have the skill, to determine the instances in which the power ought to be exercised and the particular areas over which it ought to extend.

I say we can not afford to go along with the law in this crippled and shambling condition in the disposal of this arid area. We shall destroy all effort at homesteading there. What right has a man now, in the absence of this proclamation—or with it either—to go to the land office in all that area of arid land and make his filing so as to secure to himself his homestead right? This act forbids him even to occupy the country. How many years must he live there and cultivate it now before the homestead law shall go into effect again, so as to count against the five years' time that he must occupy and cultivate it in order to secure his homestead?

What can a homesteader do? What can any pre-emptor do? He can not do anything. This act of 1888 paralyzes the whole of that great country, puts it back into a waste, howling wilderness. There is nothing standing in favor of a settlement there, not even the customary invitation of the Government of the United States that these people shall go out and occupy the wild lands or public domain of the United States.

Why, sir, that is a most desperate condition in which to leave the people. You will get no immigration to that country. You can not have it; you forbid it. A man who wants to buy his homestead by the labor of his hands and the sacrifices that his family must make will find some other country to go to rather than that area in which he does not know and no man can tell when the time of relief is to come, whether the President has the power to give it or whether Congress has the power to give it.

Take this scheme as it is, take the adjuncts to it, take the plan that is proposed to be worked out of it, and we find that homestead entry is entirely swept by the board and will never be restored. Why do I say so? Because here comes in a proposition from the Committee on Irrigation for the establishment of a system that is entirely new to us, the communal system in the disposal of the pasture lands and the timber lands and the arable and irrigable lands within a certain community—a Russian system, an occidental system, a system where the law of the commune prevails—entirely different from that system of the separate ownership of the soil itself which has been in the history of the American people the greatest stimulus to our enterprise and development. You change the system root and branch, and that is the purpose of it.

This law has made *tabula rasa* of all the statutes on that subject, and has swept them out of the way in order to make room for the introduction of this new communal system. The Indians in that country as far as they have had any control of tribal lands, just as they have

out west of the Arkansas River in the Indian Territory, have adopted the communal system. They hold lands in common. A man is entitled to the occupancy free from interruption of his possessions, and he has surrounding him the quarter of a mile of free territory that nobody can enter upon; and the title of the land is held in the tribe.

Imitating that system which we have been trying to get rid of among the Indians for the last twenty or twenty-five years, and even longer than that, for fifty years, and get them to come in and accept a system of lands in severalty, where the title and the control depend entirely upon the individual man, instead of marching to the front with our own people, we wipe all the homestead entries, private entries, desert-land entries, and every other system of entries from the statute-book, as to 1,200,000 square miles, and the prospect that we have in view is some dim thought shadowed forth in the bill that has been read here to-day or the amendment introduced by the honorable Senator from Texas, to change entirely the whole base of the system and throw us back virtually upon Indian law, or Russian law, or Assyrian law for the re-establishment and rehabilitation of these communities.

I should think that the people would rather be handed over again to the British Government than to have to do a thing of that sort, to depart from the usages and customs of their brethren in all other parts of the United States, and put themselves into little communities of this kind where every particular community was to enact and put in force its own system of laws in regard to pasturage and timber and irrigation and arable lands and all that.

I do not think, I repeat it, Mr. President, as reckless a thing as ever done in the shape of legislation as to strike out a whole system at one blow and with nothing in prospect except the possibility that some body might be able hereafter to invent something that was better than a system based on the experience of our people for the last hundred years. That is all that is in sight. It is reckless legislation, imperfect, incomplete, unsatisfactory, unconstitutional, violative of the fundamental principles of legislation, repugnant, and in every sense to be condemned.

I have no idea, Mr. President, that the Congress of the United States or any other legislative body can ever be justified in the Constitution or by the people in the abdication of its rightful authority into the hands of anybody.

Mr. REAGAN. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from Texas?

Mr. MORGAN. Certainly.

Mr. REAGAN. I wish to ask the Senator from Alabama a question. The Senator assumes that the proviso to the act, which authorizes the President by proclamation to open this land or any part of it to homestead settlement, is repugnant to law and can not be executed because nothing but a law can do it. Now, I ask the Senator if every acre of the public land that has gone into market has not gone in on a proclamation of the President.

Mr. MORGAN. The laws of the United States, Mr. President, in a general way provided that, before the right of pre-emption could take effect or the right of homestead entry, the land should first have been offered. So we have had recently a sort of fiction of law about the offering of land. The offering of the land was construed to be an act which the Executive was empowered to do in order to bring the lands within the reach of private purchase. That was purely an Executive act; and in offering the lands he executed a law of Congress; he did not make a law himself, by any means. After the lands were offered then they became the subject of private entry, or homestead entry, or pre-emption entry. The effect of that offering was merely to put the lands in a certain category in the Department of the Interior, where private claimants might come, through some of the provisions of the law which entitled them to take the lands from the Government. So the case cited by the Senator from Texas has no analogy to the case I am speaking of.

If these laws had provided that there should be no homestead entry and that a homestead-entry law should not exist until the President of the United States in his discretion by proclamation had declared that it should exist, then he would have a case much nearer akin to this one than the one he has stated. But still it would not be as bad as this, because this statute in its very body contains the express declaration that these laws shall not be restored to that land except by act of Congress; and yet the President is given the power in his discretion in the proviso to the act to bring a part or all in as he may see proper, thereby giving such effect to the act as he might choose, no more and no less than might have been given to it by an amendment by the Senate or House, if it had passed in the body of the bill. I do not say that the President is going to act wrongfully, but it does not concern the question, in granting power to a man to do any act, to say he is going to abuse it or will not abuse it. The question is, have we a right to delegate our authority to him? The two Houses are the law-making body of this country. He has nothing to do with it except to approve or disapprove of our bill.

I believe I have said about as much on that subject as I desire to say, because I have drawn the mind of the Senate to the question. There are Senators here who can argue it much better than I can; but I think

there is no doubt that this act of Congress can not be executed by the President of the United States through his proclamation; and there is equally no doubt that there is not a homesteader or one who is claiming to be a homesteader in the United States, or any other person, who could go into a court of justice and compel him by a writ of mandamus to take any action whatever in the matter.

I deny that Congress has the power to place the whole public lands of the United States in the grasp of the President for him to dole out by metes and bounds in larger or smaller measure just as he pleases. I deny that any man's grasp, by the consent of Congress, can be laid upon that vast domain so as to hold it against that trust which Congress must accept if it does its duty, when it agreed on receiving the public lands through the treaties, through treaty with the French, the Spanish, and all the treaties, and otherwise, that these lands should be held in trust for the people of the United States. Congress has no power, no right—I speak now of a moral right—Congress has no moral right to withdraw the entire area of the public land from settlement and occupation in view of the fact that it has accepted every acre of the public land that it has got the control of, in subordination to a trust in which Congress solemnly agreed and the Government of the United States solemnly agreed that this trust should be executed.

Now, I want to turn attention, Mr. President, to another matter. The country east of the Missouri River, I will say, the larger part of it—well, I will say east of the Mississippi River—is a country that is arable throughout its entire length and breadth by reason of the fact that it has a rainfall sufficient to supply the crops with necessary water. The country to the west of the Missouri River and out to the crest of the Sierra Nevada Mountains, if not farther out even than that, but certainly all the country occupied between the red lines on that map [indicating], is just as different from the country east of the Mississippi River as Sahara is different from Siberia, in respect of the matter of rainfall and irrigation and in respect of all the means and appliances that men are to resort to there for making a living out of agriculture. Two distinct systems were a matter of absolute necessity to enable the civilization of the people of the United States to conquer and subdue and enjoy the different sections of country.

All of that country lying to the east of the Mississippi River accepted the common-law doctrine, which came from England, about riparian rights, and about the flow of water, and about the interest in and ownership of water by persons who might live upon streams. There is almost a total absence in the country east of the Mississippi River of any necessity of irrigation for general agriculture, and so, naturally, here in our State governments and in our acts of Congress in the disposal of the public lands, we adopted the common-law system of England as to the disposal of the waters. Everything went along smoothly enough until we began to settle up the desert area in the West. Then it was found that an entirely different system must prevail; that the common law of England would work nothing but disaster and ruin and destruction to those people, whether they were miners or whether they were agriculturists, if we adopted that system and undertook to apply it to the arid lands of the West.

Well, what did we do? First of all the miners went in there and got possession, and they established certain customs amongst themselves about the use of water. The fundamental law of the miners' customs was that the man who first got hold of the water had the right to appropriate it for his own purposes. That was the law of custom, not one of those customs sanctioned by a usage to the contrary of which the memory of man does not run, not a custom established in immemorial usage, for we had no such thing as that in this country; it was a custom that the miners themselves adopted under the law of necessity. By the way, when we come to speak of the organization of communities, and States, and Territories, and the like, and of the laws that should be applicable to them, the first law that we always have to consult is the law of necessity. It is that upon which the right of eminent domain is based. No man can find a foundation for the right of eminent domain except in the law of necessity. It goes there for its foundation, and does not go anywhere else nor stop short of it.

So the miners in the exercise of this necessary law of eminent domain established amongst themselves in the arid region of the West that law which gives to the first taker the right to the water. They had established it; they had enforced it in their mining courts; they had enforced it at the muzzle of their guns; they had enforced it in their Territorial and in their State courts, and built up a system that is just as distinct from the system that pervades the eastern part of our country, east of the Mississippi River, as two systems can be, founded upon different principles, different ideas, leading to different results, giving to men a different character of ownership in water.

Then came the Congress of the United States and, co-operating with the miners, it made provision in favor of the miners as well as the agriculturists by an act of 1866, which act I will now read:

That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same.

Now, let us make a very brief analysis of that act to see not only the difference between the common-law system prevailing east of the Mis-

issippi River and that prevailing to the west of that river, or west of the Missouri River, but also to see upon what different foundations these systems rest. I will read what the court say in the case of *Atchison vs. Peterson*; but in the case of *Basey vs. Gallagher*, 20 Wallace, in the same volume of Supreme Court reports, the court go on to say, when the point was made, that the words "customs, laws, and decisions of courts" mean all or either, and not that all three must concur in order to establish the right, but that if either of them exists the right of appropriation exists and the right of appropriation is the original right.

Now, what is this act of Congress based upon? What does it recognize? First, a custom, a local custom, not an immemorial usage, not a custom that runs back and has the sanction of time without objection in a community, like a custom of trade in England, but a custom, it makes no difference how recently it may have been established; if it can claim to be a common usage among the people concerned that is all that is necessary.

Congress sustains the prior appropriation of water when it finds that the decisions of the courts, Territorial or State, or the laws of a State or Territory, or the local customs in an arid country sustain the right to the water by priority of possession.

The next step in the inquiry is, who may exercise this right of prior appropriation? What sort of a person is he to be and what sort of an interest must he have in the land before he can exercise the right of prior appropriation of the water in that region of country in the West? What interest must he have? That of a mere squatter upon the land.

It is not necessary that the land should be surveyed, or that he should have made a homestead filing upon it, or that he should have done anything else than merely to have accepted the invitation of the Government of the United States to go there and occupy it in peace. All he is required to do is to be in possession of the land, and his right is protected by the Congress of the United States in all respects to the same extent as if he had the patent of the United States and the privilege was expressly given him that by right of prior appropriation he was entitled to the water there.

Now, that is the length we have gone in putting a vested right in the possession of a man who has gone upon the public land and settled. What does that vested right include? The water appropriated—utterly different and distinct in that system of laws from the land; not connected with the land except by the mere fact that it is found flowing across it. The right of appropriation is given and confirmed by this act of Congress to a mere squatter upon the land. You may take away from him his right of timber-culture entry, and desert-land entry, and homestead entry, and private entry, and pre-emption entry—you may take away from him every one of these privileges, and yet there stands the unrepealed act of Congress giving to him the water, because he is a squatter on the land and has made the first appropriation.

Now, what condition are we in here? Somebody, I believe it was the Senator from Texas, made a complaint that the Senator from Colorado [Mr. TELLER] had been bold enough to state that in the teeth of the law a company out there, organized perhaps with a million dollars of capital, had since the enactment of the act of 1888 gone on and actually cut ditches across the public land and appropriated the water, and it was considered to be almost a crime. Yet here stands the statute unrepealed and untouched, a statute dating back as far as 1866, and giving the people a right to the water by the first act of appropriation, and just as good a right as I have to the clothes on my back.

Mr. TELLER. I should like to say to the Senator that the people who were so foolish as to put their money into it had not heard of this later statute.

Mr. MORGAN. And if they had heard of it it would not have shocked them, I reckon, because they would have known that they had escaped.

No, sir; there is not one pailful of water in all the arid West which has been actually appropriated under this act of Congress that is taken away by the act of 1888 or that can be taken away by an act of Congress. It is a vested right. When the Congress of the United States says to a man, "Go and dig your ditch and take the water out of this stream," just as long as he chooses to hold it there is not power enough in this Government, and I thank God for it, to take it away from him, because it is a vested right. Here we are engineering, topographing, doing what not, I do not know all that we are doing, with a view of securing fountain sources of water to whom? I suppose to the Government of the United States, and yet the Government has given it away by positive statute in favor of anybody who goes and takes it, and is thankful to him for doing it.

Now, can we doubt that as to the water rights of this country the law is in a shockingly bad fix and that we have a law with two wings to it, that can not be made to work in harmony at all if the act of 1888 is to stay on the statute-book? We have to get rid of one or the other. We can not repeal the act of 1866 as far as it has conferred upon the people vested rights; they are there for good and all against our power to take them away. What, then, must we do? Why, get rid of the folly of the act of 1888. That is all we can do. Move it out of the way, and let the country go back to that happy condition in which it has had such prosperity.

Some of my friends are afraid that if we do that the lands will all be stolen. If there is any water in that country, or any land either, that is worth stealing, it has been stolen long ago. We may rely upon that; it has gone long ago. But the men who went there and took it out of these streams and carried it through canals did not steal it. We invited them to do it. We said they should have the first right and that nobody should afterwards interfere with them. That is that act of Congress.

I wish to call attention to a decision of the Supreme Court.

Mr. REAGAN. Will the Senator give me the reference to the decision?

Mr. MORGAN. It is the case of *Atchison vs. Peterson*, in 20th Wallace. The Secretary will read from page 510 to page 514.

The PRESIDENT *pro tempore*. The Secretary will read as indicated. The Secretary read as follows:

Mr. Justice Field delivered the opinion of the Court:

By the custom which has obtained among miners in the Pacific States and Territories, where mining for the precious metals is had on the public lands of the United States, the first appropriator of mines, whether in placers, veins, or lodes, or of waters in the streams on such lands for mining purposes, is held to have a better right than others to work the mines or use the waters. The first appropriator who subjects the property to use, or takes the necessary steps for that purpose, is regarded, except as against the Government, as the source of title in all controversies relating to the property. As respects the use of water for mining purposes, the doctrines of the common law declaratory of the rights of riparian owners were, at an early day, after the discovery of gold, found to be inapplicable or applicable only in a very limited extent to the necessities of miners, and inadequate to their protection.

By the common law the riparian owner on a stream not navigable takes the land to the center of the stream, and such owner has the right to the use of the water flowing over the land as an incident to his estate. And as all such owners on the same stream have an equality of right to the use of the water as it naturally flows, in quality, and without diminution in quantity except so far as such diminution may be created by a reasonable use of the water for certain domestic, agricultural, or manufacturing purposes, there could not be, according to that law, any such diversion or use of the water by one owner as would work material detriment to any other owner below him. Nor could the water by one owner be so retarded in its flow as to be thrown back, to the injury of another owner above him.

"It is wholly immaterial," says Mr. Justice Story, in *Tyler vs. Wilkinson*, "whether the party be a proprietor above or below in the course of the river; the right being common to all the proprietors on the river, no one has a right to diminish the quantity which will, according to the natural current, flow to the proprietor below, or to throw it back upon a proprietor above. This is the necessary result of the perfect equality of right among all the proprietors of that which is common to all."

"Every proprietor of lands on the banks of a river," says Kent, "has naturally an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (*currere solebat*), without diminution or alteration. No proprietor has a right to use the water to the prejudice of other proprietors above or below him, unless he has a prior right to divert it or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. *Aqua currit et debet currere ut currere solebat*. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it or give it another direction, and he must return it to its ordinary channel when it leaves his estate. Without the consent of the adjoining proprietors he can not divert or diminish the quantity of the water which would otherwise descend to the proprietors below, nor throw the water back upon the proprietors above without a grant or an uninterrupted enjoyment of twenty years, which is evidence of it. This is the clear and settled doctrine on this subject, and all the difficulty which arises consists in the application."

This equality of right among all the proprietors on the same stream would have been incompatible with any extended diversion of the water by one proprietor and its conveyance for mining purposes to points from which it could not be restored to the stream. But the Government being the sole proprietor of all the public lands, whether bordering on streams or otherwise, there was no occasion for the application of the common-law doctrine of riparian proprietorship with respect to the waters of those streams. The Government, by its silent acquiescence, assented to the general occupation of the public lands for mining, and to encourage their free and unlimited use for that purpose reserved such lands as were mineral from sale and the acquisition of title by settlement. And he who first connects his own labor with property thus situated and open to general exploration does, in natural justice, acquire a better right to its use and enjoyment than others who have not given such labor.

So the miners on the public lands throughout the Pacific States and Territories, by their customs, usages, and regulations, everywhere recognized the inherent justice of this principle; and the principle itself was at an early period recognized by legislation and enforced by the courts in those States and Territories. In *Irwin vs. Phillips*, a case decided by the supreme court of California in January, 1855, this subject was considered. After stating that a system of rules had been permitted to grow up with respect to mining on the public lands by the voluntary action and assent of the population, whose free and unrestrained occupation of the mineral region had been tacitly assented to by the Federal Government and heartily encouraged by the expressed legislative policy of the State, the court said:

"If there are, as must be admitted, many things connected with this system which are crude and undigested, and subject to fluctuation and dispute, there are still some which a universal sense of necessity and propriety have so firmly fixed as that they have come to be looked upon as having the force and effect of *res adjudicata*. Among these, most important are the rights of miners to be protected in their selected localities, and the rights of those who, by prior appropriation, have taken the waters from their natural beds and by costly artificial works have conducted them for miles over mountains and ravines to supply the necessities of gold-diggers, and without which the most important interests of the mineral region would remain without development. So fully recognized have become these rights that, without any specific legislation conferring or confirming them, they are alluded to and spoken of in various acts of the Legislature in the same manner as if they were rights which had been vested by the most distinct expression of the will of the lawmakers."

This doctrine of right by prior appropriation was recognized by the legislation of Congress in 1866. The act granting the right of way to ditch and canal owners over the public lands, and for other purposes, passed on the 26th of July of that year. In its ninth section declares: "That whenever, by priority of possession, rights to the use of water for mining, agriculture, manufacturing, and for other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same."

The right to water by prior appropriation, thus recognized and established as the law of miners on the mineral lands of the public domain, is limited in every case, in quantity and quality, by the uses for which the appropriation is made. A different use of the water subsequently does not affect the right; that is subject to the same limitations, whatever the use. The appropriation does not confer such an absolute right to the body of the water diverted that the owner can allow it, after its diversion, to run to waste and prevent others from using it for mining or other legitimate purposes; nor does it confer such a right that he can insist upon the flow of the water without deterioration in quality, where such deterioration does not defeat nor impair the uses to which the water is applied.

Mr. MORGAN. I suggested by way of argument that the rights that were conferred under that act of Congress were vested rights. I wish to fortify that statement by the language of the statute itself in a subsequent section. It is quoted here in section 2340 of the Revised Statutes:

All patents granted or pre-emption or homesteads allowed shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

So the right that is given to these people who take the water by first appropriation out of the creek or river, or whatever it is, and into their ditches, is declared by the Congress of the United States to be a vested right, and all patents issued subsequent to that time shall be issued with deference to and in respect of those secured rights. So they are put upon very high ground. Then afterward there was another statute which required the patents that should be issued for the arid lands to distinctly affirm the fact that the title of the Government of the United States was conveyed to the purchaser subject to any pre-existing water rights that had been obtained under and in conformity with the local laws and usages, as confirmed by the act of Congress.

Now, there can not be a state of case presented where Congress has more expressly and definitely prescribed and defined and settled and fixed a vested right than that. The right of the holder of one of your Government bonds is not any better or any stronger than the right of the holder of water that he first appropriated.

We have heard something said here, not very much, about the law of eminent domain. I wish to say that it is my opinion that in that act of Congress and in the subsequent acts that have been passed upon this subject the Congress of the United States, as to water in the arid region, has yielded up its right of eminent domain in favor of the first takers of water. I mean by that that after a man has, in pursuance of the act of Congress and the local customs, laws, or usages, or the decisions of the court, dug his ditch and taken out the water, and was the first to make the appropriation, thereafter the Congress of the United States could not, after issuing a patent to him, or before, or while he was a mere squatter on it, take that land by virtue of any act of Congress and condemn it to general use. You can not make a law which invests one man with the exclusive right to a piece of property and then make another law that you can take that land out of his hands, for it becomes a vested right, and interest the whole community in it.

Mr. President, that has one important bearing upon this question. Major Powell goes through the Territory of Arizona, and he finds gulches where waters do not flow except at certain seasons of the year. He marks out a dam to build a reservoir. From that dam he leads out ditches into another reservoir. From that he leads ditches off for irrigation purposes all down through that section of the country. Now, as long as this act of Congress of 1866 stands unrepealed the Government of the United States can not do that by another act of Congress, because it has reserved these water rights to the first taker; and if there is any private individual who wants to go there and take that land he has a right to do it under the laws of the United States that are not repealed by the act of 1888.

But it has a still more important bearing. I wish to inquire what is now the extent of the operation of the act of 1888 in the United States? Since that act was passed we have admitted Montana, Washington, Idaho, Wyoming, and the two Dakotas into the American Union as States. When they came in as States they did not find any law of eminent domain whatever over the waters in their different streams reserved within the power and control of Congress. Congress had given up the right to the water to the first takers. Then these new States were right when they passed in their constitutions provisions on the subject of water-rights, like those that I will now read from the constitution of Idaho. They are all very much the same; and if Idaho can do this, that is provided in her constitution, then all these other States can do it, and she asserts no more power than she has a right to assert; she was put upon a footing of equality with all the other States of the Union when she was admitted into the Union, and every State is the equal of every other in all their political powers and rights.

The constitution of Idaho, in article 15, section 1, says:

The use of all waters now appropriated, or that may hereafter be appropriated for sale, rental, or distribution; also, of all water originally appropriated for private use, but which after such appropriation has heretofore been, or may hereafter be sold, rented, or distributed, is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

Now, we see what an important change Idaho has made in the law. When a man had obtained a water-right for private use, or for sale, or for rental, or to be distributed, while Idaho was a Territory, under the act of Congress of 1866, when that State came into the Union and Con-

gress had admitted her with this constitution, his water-right became subject to the right of eminent domain of this new sovereignty, whereby the use of all waters, of every kind and description, is declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

Now, if Idaho in virtue of her sovereignty can take property that the Government of the United States, while it was sovereign over the country, had vested the right to in a particular man, the first proprietor—if Idaho can take that property and declare in her constitution that it is the subject of a public use, it can do something that Congress could not have done, because Congress was estopped by its act from declaring that it had vested. It can do something that Congress could not possibly have done; and yet Idaho has a perfect right to do it. Why? Because she has risen to the dignity and power of a sovereign State, connected with which the right of eminent domain on all the property real and personal and property appurtenant to the real property in that State belongs.

Mr. DAWES. Could not Congress condemn it for public uses?

Mr. MORGAN. No, sir.

Mr. DAWES. When it is a part of the public domain?

Mr. MORGAN. Congress has yielded its right and estopped itself by putting a vested right in this property in the first taker.

Mr. DAWES. Congress can condemn vested rights for public use.

Mr. MORGAN. Congress can condemn vested rights for public use where it has jurisdiction, unless it has yielded it; but Congress can waive that right as it can any other of the Government of the United States except its sovereignty.

Mr. DAWES. The argument of the Senator, then, is that Congress has given away the right?

Mr. MORGAN. Congress has given it to private ownership not subject to public use under a law that takes the whole subject out of the reach of public use. Then when the citizen of Idaho came into the glory of a new citizenship he acquired then not so much right as he had when Congress got through with him.

Mr. REAGAN. Will the Senator allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. REAGAN. I have not had access to the act of Congress of 1866 to which the Senator refers. I desire to inquire of him if he is not reading an act intended for a local purpose and for a local use, with reference to mining exclusively, and not a general principle applicable everywhere in all circumstances?

Mr. MORGAN. It is not in reference to mining exclusively, because it expressly refers to agriculture as well as to mining. In the case I cited last, the Supreme Court decided that it applied equally everywhere, to agriculture as well as to mining, and put them exactly on the same ground.

Mr. REAGAN. I know the Supreme Court asserts the general doctrines that prevail in reference to irrigation, but the assertion of those general doctrines in reference to irrigation I do not understand confers a vested right beyond what existed by virtue of the antecedent fact.

Mr. MORGAN. The statute itself says, as I have read it to the Senator:

All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

So, if the Senator will go there and enter a tract of land under any law of the United States his title would be subjected to the vested water rights, and he could not claim, because he was located down upon the run of a stream below where a man had made an appropriation of the water, that, therefore, he had a right to a share of the water. He could not do it. That was a vested right. Now, says section 3 of the fifteenth article of the constitution of Idaho:

The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose.

Going on to modify under the laws and constitution of the State the power that the man had over his own property when he went into that new jurisdiction and beneath the power of its sovereignty.

So, Mr. President, in regard to those States over which the act of 1888 operates and is made to operate by these segregating lines called the arid line of demarkation, that law of Congress has no effect any longer in Washington, in Idaho, in either of the Dakotas, or in Montana, or in Wyoming. This act has no operation in that great area. It can not have, because the act of Congress by which these States were admitted into the Union repealed the act of 1888 in so far as it undertakes to retain within the United States Government jurisdiction over the water upon the lands that belong to the Government.

Now, the laws of the United States have made a distinction, and have made a division, too, in their powers of control and in their powers of disposal as between water and land in that Western country. We have seen that when a patent conveys a tract of land out there now it conveys it subject to the prior vested water rights which have been acquired under the laws of the United States. We take an inci-

dent of the land, the fact, accidental or otherwise, natural or artificial, that there is water running or likely to run upon a certain piece of Government land in the Great West; and, for the purpose of preserving that incident against existing laws which we do not repeal, which we do not touch in our legislation, but leave to stand upon the statute-book, and in order to give force and efficacy to that incident, thus situated, we withdraw the lands entirely from market; and yet, every acre of land in that country to which a patent is hereafter to be granted would be subject by the express terms of the statute of 1866, to the conditions to be written in the body of the patent, that it is subject to any water right previously acquired there by the first proprietor.

It was supposed, in ignorance, I presume, of the real state of the law in that country, that if we got hold of these lands and withdrew them from market we naturally and necessarily would control the water just as if the system of lands in the West had been left under the common law of England. So we have commenced at the wrong end to preserve the water. The title to land has not got anything to do with it and keeping the land out of the market does not change the water rights.

Mr. REAGAN. I hope the Senator will not regard me as intruding too often.

Mr. MORGAN. Not at all.

Mr. REAGAN. The act of 1888, to which he has referred, reserves the land and the water and the ground for ditches from location. No one understood that it reserved the appropriated land. No one understood or supposed that it referred to the appropriated water. No one has ever controverted or ever will controvert that proposition. Yet the Senator argues that it will.

Mr. MORGAN. I was very much afraid until that last expression from the Senator from Texas that he was the author of this law, but I see now that he is not, for he does not understand it. He would certainly understand it if he had been the author of it. He says that this act reserves the water, and it does not say a word about the water; the water is not reserved at all. It is the land that is reserved, and whoever concocted the law of 1888, or framed it, I will say, had a misunderstanding of the situation.

Now, what is the use of reserving the land from sale, entry, homestead, or anything of that sort when that reservation does not control the right to the water? The right to the water is disposed of under another act of Congress, of 1866, but is not touched in the act of 1888.

So this act is futile; it does not accomplish the purpose for which it was designed. Then when it comes in conflict with the exercise of these sovereign powers which we have consented to in the new States out here, as to half of the territory, the field of its operations is gone. It comes in contact there with local constitutional law, and the sovereign rights of States are there to prohibit Major Powell from taking the land of that country and exercising its right of eminent domain so as to mark out and segregate in one way and another sites for reservoirs which hereafter are to become—I do not know what. I do not know what these are to grow into. All is dark in front of us in respect of what is to become of these reservoir sites reserved that have been delineated and marked on the maps of the country.

As I said in the outset of my remarks, whether we are going to take these sites and pay for them, whether we are going to keep them as public property, whether we are going to yield them up to the States out there, or what we are going to do with them, is more than I am able to conjecture.

I do not understand that the State of Idaho, having made these distinct reservations in her own constitution, to which we have consented, would be willing to abdicate her sovereignty within her own lines and to permit Major Powell to go in there and to build dams and fence up the water standing upon the lands of private citizens. I do not understand that the State of Idaho would submit to anything of that kind.

Now, my remedy for all this, Mr. President, would be, first of all, to spread the sovereignty of statehood over every acre of land in the United States, and I am satisfied that the sooner we do that the sooner we will be out of trouble. I would feel rejoiced this day if the Congress of the United States would give its consent to give to every State and Territory in this Union the lands within its borders, accompanied with a trust that those lands should be applied to the purposes of education and irrigation. I should be glad to see it done, especially in reference to those lands in the far West.

The objection to that is, I suppose, that we are going to lose something out of the Treasury. Yet we get nothing into the Treasury from this source that is worth counting. The theory on which we are acting in regard to these lands is that we want to give them away to actual settlers and keep them out of the hands of speculators.

An objection to a plan of that kind, or any plan we might attempt to resort to, is that it is feared the Legislatures of the different States are not to be trusted; that they would take the lands and squander them. Well, Mr. President, we represent the same constituencies. The Legislatures elected us. We get our commissions from acts of these same Legislatures that we fear are going to squander the lands. What did they do for the country when they elected us to our seats here? My judgment is that the nearer you get to the people the nearer you get to the honesty of this country.

I would trust the States in this Union, every one of them, and I know I would trust the Legislature of my State to make the very best possible use that could be made of the little part of the public land remaining within her borders.

So I would gladly give up the lands of the United States this day to the States and Territories in which they are found and get rid of this trouble that is of no service to the people of the United States at large, as a source of finance, and which gives us infinite perplexities.

I said in the outset of my remarks that I wanted to yield my judgment to these gentlemen in the West. Why do I say that? Because the disposal of the public land is a proper subject for local government and local disposition and influence; and if I felt that I was violating some previous conviction of a strenuous character in getting to the ground that I take now, I would march across it, in order to place myself in harmony with the united opinion of these gentlemen in the West who represent this great area of public lands. There is no division of sentiment there.

Mr. REAGAN. Yes, there is. I live in a State which has arid land.

Mr. MORGAN. If we were all as well off as the State of Texas, if every State in this Union had its own land and could control it by its own laws, we should be in a very happy condition.

The Senator says he represents a State in the arid belt, a large part of it. What does that signify to him? We can not go into the State of Texas and compel it to submit to our setting apart reservoirs and canals and the like, in the face of her sovereignty and her right of eminent domain.

I should expect to have to meet at least a battalion of cowboys—and I know that would be enough to whip a full regiment of other people—on the first effort I would make of that kind. The Senator from Texas relying upon the fact that his State owns the land and has got the sovereign power and right to dispose of it, this right of eminent domain, this glorious attribute of sovereignty, feels quite safe in legislating in regard to the rest of the country.

Something has been said about the possibility of there being selfish motives concerned in locking up this great area in the West. It will be seen, of course, that I have not any desire to try to drive immigration in the direction of Alabama by locking up that country, and if I could do it I would not do it. But I attribute no such motives to anybody. Every part of the United States has the right to the enjoyment of the blessings and benefactions that Providence has bestowed upon it, and the people of the United States will find a way to enjoy those benefits and blessings if you will let them alone and not hamper them too much, and they will bring prosperity to every part of this land.

I feel just as much interested in that part of the country as I do in the success of that part which lies east of the Mississippi River, and I resent, and I can not help but resent, the idea that a conference committee would take this vast subject into a committee-room and dispose of it so that 1,200,000 square miles of territory in the United States were locked up that we all desire to see open to the freest access of our people.

That is the most interesting country to me that I ever saw. The probabilities and the possibilities of that country, to my mind, are richer and greater than those of any country I have ever seen. I think the time will come when these sage deserts, as we call them, in the West will prove to be as fertile as the delta of the Mississippi and more easily controlled by agriculture.

It will be the granary of this country probably fifty years from now, and the way to make it so is to turn private enterprise loose upon it. If I were going out there to-morrow and had my choice between a delegation of Mr. Powell's educated young gentlemen from the universities and an equal number selected from one of the border settlements out in the gulches of the mountains to assist me in the selection of a place where I could get water and dig an irrigating ditch, I would be certain to select those pioneers who have been there so long and have had so much experience, just as we learned, in the Army, the boys, with their tin-cups and bayonets, would get down on their hands and knees at night and would dig intrenchments meandering around through a hilly country that would protect them against the best skill of the engineers. That kind of knowledge is often better imparted by experience than it is out of books. The mining enterprises of the West defy the geological and mineralogical and metallurgical interpretations of Germany and England and France and Spain and their systems.

Our people pick up skill by experience, and if you will only admit these people to permanent settlement where they can count upon what they have got to do, where they know what the result of their labors is to be, there can be no difficulty in their getting out of that country all that is valuable in the way of irrigation.

There is no use of talking, it seems to me, about anybody going into that country and taking away from these pioneer people and their sons and followers and friends the first right of appropriation, which in that country is universal law and will stay so until the crack of doom. We shall never change that law; we can not do it.

Mr. President, I have said more about this than I expected, but I have not undertaken to talk upon the merits of the case as to the best means of irrigation. I wanted to see what the state of the law was and

how far we had broken in upon it, and how long we expected to keep these people in this sort of legislative imprisonment and away from their rights.

Mr. REAGAN. Mr. President, I have had occasion several times in my life to feel painfully my want of intellectual capacity and learning sufficient to grasp and deal with great questions upon which I have been called to act, but I never experienced that feeling more sensibly than I do in approaching the discussion of the question before the Senate. I shall try to discuss the question upon its facts and its reasons, and I shall certainly try to avoid all the arts of the demagogue and everything that looks like an appeal to passion to influence judgment.

Before I take up the discussion of the subject which I have contemplated, I feel that it is appropriate that I should make some present response to what, if the Senator from Alabama [Mr. MORGAN] will excuse me, I feel like designating as the singular argument which he has made. In starting out with the discussion of this question he congratulated himself upon the fact that Senators from the arid region were all one way of thinking and that he agrees with them. Mr. President, I can not congratulate myself in that way; but I mean when this discussion closes, and when the vote of this Senate is taken, to feel that I have discharged my duty conscientiously according to the best of my ability in advising the Senate what it ought to do with this great question.

The first vice of the Senator's argument is the assumption he made that the land in the arid region should be disposed of just as it is in the other portions of the United States, ignoring the great elemental difference in the condition of the two parts of the country, utterly ignoring it. In that portion of the United States where the country is blessed with rains, where the crops are made from the rains and dews of heaven without the aid of irrigation, the Government chose, in order that the country might be settled in an orderly and proper way and with the best advantage to the people and the greatest convenience to the Government, to survey the public lands and to designate them by proper numbers so that each citizen when he occupied land knew his boundaries, and the Government archives recognized the boundaries that he had. But he did not go there by himself without the agency of the Government in providing by an elaborate survey of the public lands how he should get upon them. That is in reference to country blessed by rains which enable the people to make crops.

Now we come to consider a country comprising two-fifths of the area of the United States, in the greater portion of which crops can not be made without irrigation, in the greater portion of which the rainfall is too small to be relied on by the people to make crops. It is an immense territory. It is difficult to realize its extent unless persons do as the committee with which I was associated did last summer, and travel all over it. It is a territory capable of a development and of sustaining a population in my judgment equal to that of any other country beneath the sun.

We started to that country from Sioux Falls, in South Dakota, and passed up the Jim River, described to-day by the Senator from South Dakota [Mr. MOODY], through North Dakota to Bismarck, over as beautiful plains as the eye of man ever looked upon, with a rich, fertile soil, but unfortunately, notwithstanding all that has been said about that country having plenty of rain, we passed over hundreds of miles where the wheat was not 6 inches high and was ripening, and the harvesters could neither reap nor mow it. The crop was lost, and lost for want of rain in the country where so much has been said about rain to-day.

During some years, I know, there is sufficient rainfall to enable the people to make crops there, as was the case last year in the western part of Texas; but while there may be one or two good crop years, there may perhaps be three or five in which the crop is a failure, or so near a failure that the inhabitants are compelled almost to move off. You will find in the reports submitted by the Committee on Irrigation the fact stated that some portions of this country, in what is called the subarid region, have been settled two or three times. People, encouraged by a year in which they have rain, go there and make a crop, but after two or three failures they find themselves unable to pay for their land and unable to furnish bread for their families. That has been the experience in some portions of that country.

From Bismarck we went westward through Montana, along the great valley of the Yellowstone, with its 6,000,000 acres of rich land, a large part of which can be redeemed to cultivation by irrigation. We passed through the various valleys of Western Montana and Northern Idaho and Eastern Washington to the great plains of the upper Columbia east of the Sierra Nevada, where we were advised that water taken from the falls 60 miles above where we crossed the Columbia would be sufficient to irrigate 2,000,000 acres and make the land rich that is now a sterile desert. The Senator from Oregon [Mr. DOLPH] stated on the first day of this discussion that it was an absolute desert, but he described it yesterday as a paradise, with plenty of rain.

From there we passed down to Portland, Oregon, and through Eastern Oregon up the Columbia and up Snake River through Idaho, another great valley of 6,000,000 acres of land. We inspected the Bois  Valley and other valleys of Idaho, the most beautiful valleys that the eye of man could ever rest upon, and only needing the application of water to make them the homes of millions of industrious people.

From that we passed into Utah, through Cache Valley and Utah Valley, where the people found them a desert waste, and when the question was asked by the Senator from Alabama to-day how a citizen going there can make a living without somebody to go before him and furnish water for him, I would say that those people went there into that wild desert and by their efforts, by the union of their labor, by co-operation, they have supplied both the Cache Valley, with its 40,000 population, and the Utah Valley, with a splendid city of eighteen or twenty thousand population, with irrigation, cultivation, thrift, and prosperity. And, Mr. President, when I looked upon what that people had done, I could not but regret that a people capable of such achievements should be weighed down by theocracy and polygamy, for the people there have made the most wonderful progress under the circumstances which seem to me to be unexampled in the history of civilization.

From there we passed through the great valley of the Humboldt, not so large, not so extensive, as that of Snake River or of the Yellowstone, but a vast valley more difficult perhaps of irrigation than the others, but yet capable of sustaining teeming thousands of population with the proper application of water to its soil. From there we passed to Carson Valley, another beautiful valley in which the capital of Nevada is situated, already partially irrigated, and which may, by the waters of the great Lake Tahoe, on the boundary between that State and California, be amply irrigated by the expenditure of a few millions of dollars by cutting a tunnel from the lake into that valley. That may be the work of aftertimes, Mr. President, for one or two or three millions of dollars is a large amount of money, and yet the improved value of that land by the making of that tunnel would three times over pay for making the tunnel.

From there we passed on to the great plains of the Sacramento and the San Joaquin and the other valleys in California, and we saw there fields spread out as far as the eye could reach on the level plains, a country which requires, that part of it at least, irrigation for its support.

We visited in Southern California a locality called Riverside, which to me was the most attractive and beautiful rural scene that I remember to have witnessed anywhere. I was told that the avenue through the orange groves was 9 miles long. We traveled it for 7 miles and it is broader than Pennsylvania avenue, with two rows of trees in the middle, with wide walks between them and a row of trees on each side of that avenue, and a bold, strong ditch of water flowing free along each side of the avenue—orange farms of 5 to 20 acres the whole distance of that avenue, the ground clean and smooth, with the dark foliage of the orange trees presenting evidence of thrift, prosperity, energy, and enterprise that would gladden the heart of any man who loves his country.

It was while there that we visited the irrigation works at Sweetwater, some 15 or 20 miles east of San Diego, where a dam of masonry 90 feet high, 40 feet wide at the base, and 12 feet wide at the top, furnishes water that will irrigate 2,000,000 acres of land below it, and that land will be worth from three hundred to twelve hundred or fifteen hundred dollars an acre when the fruit trees and grape vines are put upon it.

From there we went to Arizona, and when we passed the Colorado of the West, at Fort Yuma, we were furnished with specimens of the fruits of that country, the peach, the grape, the orange, the lime, the lemon, and dates growing upon the trees. Another thing was illustrated while we were passing through that country, showing us that as we passed from farther north to farther south the oranges were thinner skinned and more juicy, and the grapes and peaches were more saccharine where the hot sun, the water, and the soil give them these healthful aspects.

From there we passed over the great valley of the Colorado of the West, the Gila and Salt Rivers, where there are millions of acres of land which with water applied would be as rich as a crow ever flew over or the sun ever shone on to the beautiful city of Phoenix, the capital of Arizona, and there we found in the midst of that great desert—for we had traveled about 100 miles on it, and perhaps more than that, from Fort Yuma before we reached it—in the midst of that great desert was a country about 15 miles wide and 20 miles long, a real oasis in the desert, with green trees and fruits in abundance of the finest quality, vegetables of the finest quality, wheat, oats, and alfalfa for hay, and all the evidence of thrift and energy and activity and civilization. The only drawback upon them was that the outlet for their products was over the Southern Pacific Railroad and the branch that went to it, and the people could not avail themselves of this line of transportation on account of the high charges, which took from them the profit of their labor. So they are held chained down in comparative inaction in the midst of such a scene as that, because they have but one way to get their products out and that is controlled by a monopoly.

We passed from there to New Mexico. We traveled over the broad plains between Phoenix and El Paso and up the Rio Grande for some two hundred miles to the city of Santa Fé, through the Mesilla Valley and the valley of the Rio Grande, a great, grand valley, a valley which has been partially settled for two or three hundred years, in which there are villages of Pueblo Indians who lived there before the Spaniards went there three hundred years ago, and are living there

yet in their pueblos, cultivating the soil around them, a primitive people, but industrious, honest, sober, and respected by the Americans and Mexicans amongst whom they live.

From that we passed out through the plains of the Pecos and the western part of Texas, where there are millions of acres of lands in the semi-arid region which would be greatly benefited by irrigation, where the State authorities are doing all they can now by State aid and State action to promote irrigation; a country capable of producing in greatest abundance the semi-tropical fruits and grapes found in such great perfection in Southern California, as well as the ordinary cereals, root crops, and vegetables.

When I looked over this vast field of country, containing millions of acres of land that might be fructified and enriched and made the homes of millions of prosperous and happy people by the application of water, I naturally felt a great interest in inquiring what possible method there was to utilize this country for the benefit of the American people, for the benefit of the actual settlers upon the soil.

I intend before I get through to present what the minority of the committee regard as proper legislation to utilize and develop that country. The Senator from Alabama devoted much of his discussion to criticising the act of 1888. If he had devoted the same amount of ability and research to seeking a mode for immediate relief of the people and rendering valuable that country he would have been rendering a real service to the American people. So far as I am concerned I might concede all his criticisms upon that subject, for they do not have anything to do with the view I take of this great question.

I said, Mr. President, that the Senator's first great error was that he compared the country where they have rain with the rainless country, and I pointed out that in order to settle the country where they have rains the Government had to go to the expense of making an elaborate system of surveys for its own convenience and for the benefit of the people who would occupy the soil. But when we come to the arid region more than an ordinary survey is necessary, in my judgment, to enable the people to utilize that land. We must first have the ordinary survey, and then, in my judgment, the topographical survey, and the hydrographical survey is necessary in order to see what portion of the land can be utilized by the application of water to it; so that the people may go there knowing there is a chance for them to make homes, and may not go there blindfold and helpless.

The Senator from Wisconsin [Mr. SPOONER] made a very fair argument yesterday from his standpoint, but, like the Senator from Alabama, ignored utterly the difference in the conditions of that country and the country east of it, and inquired, as the Senator from Alabama has inquired, why it was that we did not survey it as we surveyed the country east of it, so that settlers could go and occupy it.

Mr. President, the invitation to people to go there would be of but little service, as I shall show after awhile. I do not propose to take that up now. I propose to show before I conclude my remarks that the day you repeal the act of October 2, 1888, the valuable land and the valuable water of that country will be seized upon by a few individuals and corporations, and when you invite the people to go there and take possession of the country you will invite them to go there as the tenants or slaves of some landlord who can impose his own terms for the value of the land and his own terms for the supply of the water.

But, sir, if that country is to be settled it needs topographic surveys and it needs hydrographic surveys. That is all that the minority of this committee asks, and, as I believe, as far as the majority of the Committee on Irrigation propose to go, to furnish topographic and hydrographic surveys. There was some difference of opinion among the members of the committee about this, but, as I shall show further on, the very men who are now seeking to repeal this act of 1888 and who participated in securing its passage have reported bills to the Senate at this session urging irrigation surveys in that country.

Unless such surveys are made and connected as they are made with the surveys of townships, ranges, and sections, and reported to the land offices, so that they can be designated on the map, they will be useless. The object of making the hydrographic surveys is to ascertain the various irrigation basins, the amount of water which the streams will furnish, the amount of rainfall so far as can be determined which falls upon it, whether the water is brought to the center by precipitate action or by slow declivity, so as to determine the effect upon the works made to hold that water.

This irrigation survey, if made properly, and the Director of that survey has told us how it is made, so as to show actually the irrigation basins and to show where reservoirs can be made and to show the land liable to be irrigated from such reservoirs by showing the depression below the reservoirs, the altitude of the country above the reservoirs, will furnish necessary information.

Of course, Mr. President, I do not mean to state that this is to conclude the work with reference to preparation for irrigation, for such a survey is with reference to irrigation just what a preliminary survey of a railroad track is to the final survey that follows it and locates the track upon it. That is the difference. It furnishes the preliminary survey, and the engineer goes upon it and constructs, in view of this survey, his dam and his ditches.

I was a little surprised to hear the Senator from Alabama say that

this might cost the Government fifty or one hundred million dollars. Well, I have heard it said if the sky should fall the larks would all be caught. Who has ever proposed to involve us in any such expense and who now proposes it? Why present such an argument to the Senate? The minority of the committee make provisions, which I will show you hereafter, for an elaborate system, a system intended for the present and for all the future, by which the land can be obtained by actual settlers and no others, that is not already appropriated, and whatever can be used by them, under arrangements that shall be in conformity with the laws of the State and under the laws of the United States.

Mr. MORGAN. Of what committee is the Senator speaking?

Mr. REAGAN. The minority of the Committee on Irrigation.

Mr. MORGAN. Not the Committee on Appropriations?

Mr. REAGAN. No, sir. The Senator from Alabama treats the act of 1888 as if it intended to furnish a land system in substitution for the system which was suspended by it. I suggest to that Senator that it was not intended for any such purpose. What it was intended for was to arrest the fraud then going on in many quarters by individuals and corporations and syndicates, until a land system could be provided which would protect the rights of the people and secure them against the grasping avarice of those more fortunate in the way of money. That is what I understand its purpose to have been, and it could have had no other purpose, for it does not attempt to go into the details or to furnish a land system.

As to that, I will keep my promise that before I am done, notwithstanding all the sneers about the danger of corporations and syndicates and land-grabbers, I will show what they are, so that Senators will understand that matter and reserve these affected indifferences for them.

The Senator also suggested that we might spend great sums of money in building reservoirs and ditches. To that again I say, who proposes that the United States shall do that? Who ever proposed it?

Mr. MORGAN. Will the Senator allow me to ask him what they do propose to do with these lands after they have been segregated?

Mr. REAGAN. I will answer the Senator's question, though I did not intend to do it at this time. I may premise what I wish to say by stating that, as all understand, the act of 1888 was a merely tentative act, a merely preliminary act contemplating future legislation to protect the people on the public lands, and now at the first session of Congress after the Senate authorized the investigation of the subject by its Committee on Irrigation it comes before the Senate with two measures, one by one part of it and one by another, proposing legislation which shall carry out the original design, and about that I shall have something to say directly.

I will call attention to the eighth section of the act proposed by the minority of the Committee on Irrigation to show that we wish to protect the rights of those who have titles or claims.

SEC. 8. That the owner of any tract of land designated as irrigable land, acquired by homestead settlement, with title inchoate or perfected, or the owner of any tract of land designated as irrigable land acquired in any other manner, shall have the right to use any waters for irrigation belonging to the irrigation district in which his tract of land is situated not otherwise used and appropriated, and shall have the right to be served from any irrigating canal properly located for that purpose by the payment of the proper part of the cost of the construction of the irrigating works upon which his supply of water is dependent, such amount to be determined by the commissioners of the irrigation district who are hereinafter provided for, in compliance with the statutes of the State or Territory to which such irrigation district belongs: *Provided*, That such payment may be extended over a term of years at the discretion of said commissioners, or under the provisions of State or Territorial law.

Mr. MORGAN. Is that what the Senator wants us to wait for?

Mr. REAGAN. I have more. I gave notice, in order to remove the doubt, that I would offer an amendment to the bill under consideration if the proposition of the committee shall be disagreed to which proposes to repeal that legislation, that I would offer an amendment for the protection of the rights of all persons who may have been purchasers or made entries on that land or had any kind of inchoate title under the Government at the time the act of 1888 was passed. I propose that out of abundance of caution.

The only reference to inchoate titles in this bill is that the persons holding these inchoate titles shall be entitled to water just as the new settlers and just as those holding perfect titles, so that it is probable, or it is possible at least, that no amendment is necessary to protect the rights of persons who had incipient claims there at the time the act of 1888 was passed; but, understanding that the political authority has the control of inchoate titles and may dispose of them up to the time of the perfection of the grant, I have thought it was safer to protect the rights of these classes of people by special legal provision, and I call attention to this simply because it shows how a law are to get water, and that it preserves the right to those who have inchoate titles.

Mr. MORGAN. Will the Senator kindly indulge me for a question?

Mr. REAGAN. Certainly.

Mr. MORGAN. What I want to get at is this: To whom will these lands belong that have been set apart for irrigation purposes? Take that irrigating community and the irrigating district which the Senator has spoken of and that his bill mentions.

Mr. REAGAN. I do not know that I can give the full answer to that without reading more of the bill than the Senate may want to hear, but I state that this bill goes on to make provision that when the

irrigation district is open for settlement any citizen may go there and obtain a homestead of 80 acres in that district and be entitled to water. It makes further provisions that the pasture land of an irrigation district shall be for the use of the community that owns the irrigable land, and that the timber land in the irrigation district shall be for the use of the community that owns the irrigable land.

That is done for the double purpose of making the people dependent upon that timber interested in its preservation, and for the purpose of preserving it so that the rainfall and an amount of water may be preserved.

Mr. MORGAN. So the Government gives all that pasture land and timber land to these communities.

Mr. REAGAN. That is what the bill contemplates.

Mr. MORGAN. Then I suppose it gives the water and the water privileges to the community?

Mr. REAGAN. Yes; and it provides then for the appointment of water commissioners under the laws of the State. I will read first the fifteenth section of the bill, to show that its provisions can not take effect in any State until such State assents to its provisions and enacts laws to carry them into effect:

SEC. 15. That the provisions of this act relating to the organization of the irrigation districts as expressed in sections 10, 11, 12, and 13 shall for reservoirs, dams, canals, and other hydraulic works for irrigation purposes, have no force or effect, and the benefits and privileges of the act relating to sites and to the protection and use of timber and fire-wood, and to the protection and use of pasturage shall not accrue in any State or Territory until such State or Territory shall have performed the following acts, to wit:

First. It shall be incumbent upon such State or Territory to provide by general statute for the organization of such irrigation districts by the election of commissioners, and for the organization of irrigation courts, and for the election or appointment of a superintendent of irrigation and water-masters, a superintendent of forestry and foresters, and a superintendent of pasturage, in compliance with the provisions of this act.

Second. It shall be incumbent upon such State or Territory to provide by general statute for the use of waters for irrigation and other purposes, relegating its administration to the several irrigation districts, and such statute must be in conformity with the provisions of this act.

Third. It shall be incumbent upon such State or Territory to provide by general statute for the use and protection of timber and fire-wood, relegating its administration to the several irrigation districts, and such statute must be in conformity with the provisions of this act.

Fourth. It shall be incumbent upon such State or Territory to provide by general statute for regulating the use and protection of pasturage, relegating its administration to the several irrigation districts, and such statute must be in conformity with the provisions of this act.

Fifth. It shall be incumbent upon such State or Territory to provide by general statute for the condemnation, relocation, or readjustment of improvident or obstructive water rights whenever any water right is declared improvident or obstructive by the commissioners of any irrigation district, and such statute must be in conformity with the provisions of this act.

Sixth. It shall be incumbent upon such State or Territory, by joint resolution of both branches of its Legislature, to grant the rights and accept the duties conveyed and entrusted by this act; and whenever the governor of any such State or Territory shall have submitted to the President of the United States such joint resolutions and such general statutes as are nominated in and required by this act, then, if the President of the United States shall find that the requirements of this act are fully and properly met, he may make, and is hereby authorized to make, his proclamation setting forth the fact that the requirements of this act have been properly fulfilled by such State or Territory, and that the several irrigation districts therein are authorized to proceed with their organization and are entitled to all the rights and subject to all the duties expressed and implied in this act, and thereupon the provisions of this act embraced in sections 10, 11, 12, and 13 shall have force and effect as law.

Now, perhaps the Senator would like me to read those sections.

Mr. MORGAN. I should like to know how it is that the Senator is going to compel the States to do that? What is the penalty?

Mr. REAGAN. I would compel the States to do nothing. Section 15 provides that the provisions of the act shall not go into effect until the States or Territories shall have performed certain acts.

Mr. MORGAN. What will become of the public domain in a State that does not accept the act?

Mr. REAGAN. Mr. President, the Senator has a faculty for putting conundrums.

Mr. MORGAN. I put such as seem to suggest themselves to me to be proper.

Mr. REAGAN. Does the Senator suppose that there is a State or Territory in the Union—I am putting it just upon possibilities—does the Senator think it possible that there is a State or Territory in the Union which, if offered the opportunity to take the entire possession and control of the land and water, will not do it gladly?

Mr. MORGAN. I do not think Alabama would accept it for any consideration in the world.

Mr. REAGAN. Alabama or any State can refuse if it so desires, but who expects any of them to refuse to accept? If we set out to hunt difficulties in the way of this great problem we shall never get through with it; but if we set out in earnest to accomplish a great purpose there is a chance that we may accomplish something after awhile which will be beneficial.

Now I will read the sections in the bill referred to by the fifteenth section. Section 10 provides:

SEC. 10. That it shall be lawful for the qualified voters of any irrigation district, as provided in section 1 of this act, to organize themselves into a body corporate and politic, with powers to sue and be sued, and right to use a seal, for the purposes contemplated in this act, by providing:

First. For a board of irrigation district commissioners of not less than five persons, who shall be elected by the qualified voters of the irrigation district and who shall constitute the legislative body of the irrigation district to enact laws and rules relating to the use of the waters of the district for irrigation and

other purposes and relating to the use and protection of the timber and fire-wood of the district and relating to the use and protection of the common pasturage of the district, subject to and in compliance with the statutes of the State or Territory in which such irrigation district is situate and in conformity with the laws of the United States.

Second. For an irrigation court to adjudicate questions that may arise under the laws and rules of the irrigation district relating to the use and distribution of the waters of the district, the protection and use of the timber and fire-wood of the irrigation district, and the use and protection of the pasturage of the irrigation district, and to provide for appeals from such irrigation court to higher courts of the State or Territory.

Third. For a superintendent of irrigation, and for the necessary assistants, as engineers and water-masters.

Fourth. For a superintendent of forestry, and for the necessary assistants, as foresters.

Fifth. For a superintendent of pasturage, and for the necessary assistants, as herders, should they be deemed necessary.

SEC. 11. That it shall be lawful for the commissioners of each irrigation district to provide laws and rules for purposes, to wit:

First. For the use of all the waters falling within the catchment area of the irrigation district, for the irrigation of the lands of the irrigation district, and for other useful and beneficial purposes, and for the recovery, by drainage and other hydraulic methods, of all the waters used in irrigation and for other public purposes, and for determining how and where they may be reused within the irrigation district on the lands designated as irrigable by the United States Irrigation Survey: *Provided*, That such regulations shall be in conformity with the general statutes of the State or Territory in which the irrigation district is situate and in conformity with the laws of the United States.

Second. For the use and protection of the timber and fire-wood of the irrigation district, in conformity with the general statutes of the State or Territory in which it is situate and in conformity with the laws of the United States.

Third. For the use and protection of the pasturage of the irrigation district, in conformity with the general statutes of the State or Territory in which it is situate and in conformity with the laws of the United States.

SEC. 12. That it shall be lawful for any State or Territory in which are situate any of the irrigation districts authorized in this act to provide by general statute for the purposes herein named, to wit:

First. For the use of the waters of such irrigation districts for service on the land selected and segregated as irrigable lands by the United States and for other useful and beneficial purposes; and, further, for the construction of irrigating works under authority of the commissioners of the several irrigation districts by any of the methods, to wit:

And here is the method for getting the ditches made:

First, by the co-operation of the people interested therein—

As in Utah—

second, by taxes levied on the lands irrigated; third, by the issuance of irrigation-district bonds, the interest and principal to be paid by taxes levied on the land irrigated; fourth, by granting to persons or corporations the right and imposing on them the duty of supplying water for irrigation and other beneficial purposes, through the agency of irrigation works, for a term of twenty-seven years, and by providing that the services of such persons or corporations shall be paid for by the users of the water at just and reasonable rates for measured quantities of water, and not at rates per acre or quantity of land irrigated, and by further providing that at the expiration of twenty-seven years from the beginning of the first service of water, the rights and duties of such persons or corporations shall terminate, and all such irrigation works shall thereupon become the property of the irrigation districts to which they pertain.

Second. For the use of the timber and fire-wood of such irrigation districts for domestic, mining, and other purposes, and that the users of timber and wood for such purposes shall pay to the commissioners of any irrigation district from which timber or fire-wood is taken an amount sufficient to cover the expense of the maintenance of the forestry organization in such irrigation district, and not more than 20 per cent. of the same added thereto; and all revenue derived from the sale of timber and fire-wood by the commissioners of any irrigation district shall be used, first, for the maintenance of the forestry organization of the irrigation district; and, second, for the construction and maintenance of irrigation works. And the forest areas from which such timber and fire-wood are taken shall be designated by the commissioners of the irrigation districts in such manner as they may deem wise for the protection and advantage of the sources of the water supply for irrigation, and for the protection and permanence of reservoirs and other works of irrigation: *Provided*, That the administration of such statutes shall be relegated to the irrigation districts.

Third. For the use and protection of the pasturage of such irrigation districts: *Provided*, That the administration of such statutes shall be relegated to the irrigation districts.

SEC. 13. That it shall be lawful for any State or Territory in which are situate any of the irrigation districts provided for in this act to provide by statutes for the organization of a State or Territorial board of irrigation commissioners, to consist of not less than five persons, for the purpose of supervising and approving all contracts made by the irrigation-district commissioners for the construction and maintenance of irrigation works, when provision is made to pay for such works by the issue of irrigation-district bonds, or when contracts are made with persons or corporations for the construction and maintenance of irrigation works for a term of years, and such contracts or bonds shall not be valid without the approval of the State or Territorial board; and it shall be the duty of said State or Territorial board to disapprove said contracts or bonds whenever it shall appear that the amount stipulated to be paid by the irrigation district for the construction of irrigation works is excessive and more than sufficient for the economic construction of such irrigation works, or when such works are not properly planned to serve the purpose for which they are intended, or when proper provision is not made for the prompt and complete payment of the interest and principal on bonds or other obligations of the irrigation district.

Mr. COCKRELL rose.

The PRESIDENT *pro tempore*. Does the Senator from Texas yield to the Senator from Missouri?

Mr. MORGAN. Allow me to ask a question. I want to know whether all these laws of taxation, all these laws relating to irrigation, fire-wood, and pasturage, are to be enacted by the States.

Mr. REAGAN. The States are to adopt them.

Mr. MORGAN. They are to be enacted here first, and then the States adopt them?

Mr. REAGAN. And such other regulations as they may deem proper.

Mr. MORGAN. That, I understand, is the minority report.

Mr. REAGAN. That is the minority report.

Mr. ALLISON. I ask the Senator from Texas to yield to me, as I

understand the Senator from Missouri [Mr. COCKRELL] desires the Senator from Texas to yield the floor to him.

Mr. REAGAN. If the Senator will allow me to read the thirteenth section I shall be glad to yield, for I feel almost unable to hold up the book which is in my hand.

Mr. ALLISON. The bill to which the Senator from Texas alludes is a very important bill and has been draughted with great care by the minority of the Irrigation Committee. It shows a plan or scheme for the utilization of these lands. Why not allow that to be printed in the RECORD? Most of it has been read by the Senator.

Mr. MORGAN. I should like to ask before that is done if this is a scheme that we must wait for.

Mr. REAGAN. Of course we recognize that the legislation of 1888 required prompt action, and hence the Committee on Irrigation met early after Congress met and went forward to prepare and present bills to the Senate with a view that if possible they should be passed during this session of Congress in order that a system might be furnished to the people for the utilization of that land.

DEBATE ON APPROPRIATION BILLS.

Mr. ALLISON. I should like to offer a resolution in order that it may be printed; I may call it up at some future day.

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

The Secretary read as follows:

Resolved, That during the remainder of the present session of Congress it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate.

Mr. REAGAN. Let that go over.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

Mr. BLAIR. Does anybody object to that?

Mr. ALLISON. I do not ask for the consideration of it now, and may not ask for it at all.

ROAD TO SOLDIERS' HOME.

Mr. GIBSON. I offer a resolution, which I ask may be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to report upon the practicability and the probable cost of laying out and constructing an avenue for the accommodation separately of persons on foot, on horseback, and in carriages, along the Potomac River as far as Rock Creek, thence along Rock Creek, and as near to it as may be convenient, to the Columbian Park, and thence to the Soldiers' Home, connecting the reservation in front of Washington Monument, the Columbian Park, and the Soldiers' Home.

The PRESIDENT *pro tempore*. Does the Senator desire present action upon the resolution?

Mr. GIBSON. Yes, sir.

Mr. COCKRELL. Let it lie over.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

EXECUTIVE SESSION.

Mr. COCKRELL. Unless some Senator desires an executive session I will move that the Senate do now adjourn.

Mr. SAWYER. I ask the Senator to give way for a motion for an executive session.

Mr. COCKRELL. I yield for that.

Mr. SAWYER. 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 seven minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 18, 1890, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 17th day of July, 1890.

ASSISTANT SECRETARIES OF THE TREASURY.

Allured B. Nettleton, of Minnesota, to be an Assistant Secretary of the Treasury, under the provisions of the act of Congress approved July 11, 1890.

Oliver L. Spaulding, of Michigan, to be Assistant Secretary of the Treasury, to succeed George C. Tichenor, resigned.

ASSISTANT SECRETARY OF THE NAVY.

James Russell Soley, of Massachusetts, to be Assistant Secretary of the Navy, under the provisions of the act of Congress approved July 11, 1890.

ASSOCIATE JUSTICE SUPREME COURT, NEW MEXICO.

Edward P. Seeds, of Iowa, to be associate justice of the supreme court of the Territory of New Mexico, *vice* William H. Whiteman, who was appointed during recess and whose nomination to the position is hereby withdrawn, he having resigned.

REGISTERS OF THE LAND OFFICE.

John Anderson, of Missoula, Mont., to be register of the land office at Missoula, Mont. A newly established office.

Charles A. Burg, of Livingston, Mont., to be register of the land office at Lewiston, Mont. A newly established office.

Eugene S. Neal, of Bismarck, N. Dak., to be register of the land office at Bismarck, N. Dak., *vice* Oscar E. Rea, to be removed.

RECEIVERS OF PUBLIC MONEYS.

John B. Catlin, of Stevensville, Mont., to be receiver of public moneys at Missoula, Mont. A newly established office.

George W. Cook, of Lewiston, Mont., to be receiver of public moneys at Lewiston, Mont. A newly established office.

Jacob R. Welty, of Chehalis, Wash., to be receiver of public moneys at Olympia, Wash., *vice* William H. Bush, declined.

Asa Fisher, of Bismarck, N. Dak., to be receiver of public moneys at Bismarck, N. Dak., *vice* David W. Hutchinson, whose term of office will expire July 25, 1890.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. Michael R. Morgan, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, July 14, 1890, *vice* Du Barry, appointed Commissary-General of Subsistence.

Maj. Thomas C. Sullivan, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel, July 14, 1890, *vice* Morgan, promoted.

Capt. William H. Nash, commissary of subsistence, to be commissary of subsistence with the rank of major, July 14, 1890, *vice* Sullivan, promoted.

Fourth Regiment of Infantry.

First Lieut. Rufus P. Brown, regimental quartermaster, to be captain, July 14, 1890, *vice* Coates, promoted to the Nineteenth Infantry.

Fifth Regiment of Infantry.

Maj. William L. Kellogg, Nineteenth Infantry, to be lieutenant-colonel, July 14, 1890, *vice* Cochran, promoted to the Sixth Infantry.

Sixth Regiment of Infantry.

Lieut. Col. Melville A. Cochran, Fifth Infantry, to be colonel, July 14, 1890, *vice* McCook, appointed brigadier-general.

Nineteenth Regiment of Infantry.

Capt. Edwin M. Coates, Fourth Infantry, to be major, July 14, 1890, *vice* Kellogg, promoted to the Fifth Infantry.

GENERAL APPRAISERS OF MERCHANDISE.

Ferdinand N. Shurtleff, of Oregon, to be general appraiser of merchandise, under the provisions of the act approved June 10, 1890.

J. Lewis Stackpole, of Massachusetts, to be general appraiser of merchandise, under the provisions of the act approved June 10, 1890.

Henderson M. Samerville, of Alabama, to be general appraiser of merchandise, under the provisions of the act approved June 10, 1890.

ASSISTANT SURGEON MARINE-HOSPITAL SERVICE.

Arthur L. Benedict, of New York, to be assistant surgeon in the Marine-Hospital Service of the United States, to succeed Asst. Surg. Frederick C. Heath, resigned.

POSTMASTERS.

John Satterfield, to be postmaster at Dover, in the county of Kent and State of Delaware, in the place of John C. Pennewill, whose commission expired May 21, 1890.

James F. Boughton, to be postmaster at Madison, in the county of Morgan and State of Georgia, in the place of William F. Martin, whose commission expires August 2, 1890.

James A. Provoost, to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois, in the place of Charles E. Hallock, removed.

Lawrence F. Tromly, to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois, in the place of William H. Loomis, whose commission expires August 2, 1890.

Thomas J. Lucas, to be postmaster at Lawrenceburgh, in the county of Dearborn and State of Indiana, in the place of William Huber, whose commission expires July 26, 1890.

Augustus B. Farnham, to be postmaster at Bangor, in the county of Penobscot and State of Maine, in the place of Fred A. Cummings, removed.

William Buttrick, to be postmaster at Concord, in the county of Middlesex and State of Massachusetts, whose commission expired May 21, 1890.

Christopher G. Gaston, to be postmaster at Odessa, in the county of La Fayette and State of Missouri; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

John T. Andrews, 2d, to be postmaster at Penn Yan, in the county of Yates and State of New York, in the place of Darius A. Ogden, jr., whose commission expires July 26, 1890.

Gottlob C. Christ, to be postmaster at Tonawanda, in the county of Erie and State of New York, in the place of George G. Schwinger, removed.

James H. Flagler, to be postmaster at Mayville, in the county of Chautauqua and State of New York, in the place of N. Y. Elliott, whose commission expires July 26, 1890.

Lasuvius H. King, to be postmaster at Port Byron, in the county of Cayuga and State of New York, in the place of Augustus Kelly, removed.

Nathan J. Milliken, to be postmaster at Canandaigua, in the county of Ontario and State of New York, in the place of William McNeiley, whose commission expires July 26, 1890.

Jonas M. Preston, to be postmaster at Delhi, in the county of Delaware and State of New York, in the place of Henry Davie, removed.

James Thornton, to be postmaster at Wellsville, in the county of Allegany and State of New York, in the place of Thomas O'Connor, removed.

Eugene Vreeland, to be postmaster at Dundee, in the county of Yates and State of New York, in the place of Robert Robson, whose commission expires July 26, 1890.

Harrington H. Young, to be postmaster at East Palestine, in the county of Columbiana and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Joseph Moorhead, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania, in the place of Isabella Campbell, whose commission expires August 2, 1890.

Leander L. Shattuck, to be postmaster at Titusville, in the county of Crawford and State of Pennsylvania, in the place of Marinus N. Allen, whose commission expired March 1, 1890.

Barney Cannon, jr., to be postmaster at Bellows Falls, in the county of Windham and State of Vermont, in the place of George O. Guild, whose commission expires August 2, 1890.

Granville S. Derby, to be postmaster at Springfield, in the county of Windsor and State of Vermont, in the place of Jerome W. Pierce, whose commission expired June 24, 1890.

Arthur J. Shaw, to be postmaster at Spokane Falls, in the county of Spokane and State of Washington, in the place of Thomas B. Warren, removed.

Alfred L. Tucker, to be postmaster at Berlin, in the county of Green Lake and State of Wisconsin, in the place of Deville L. Harkness, whose commission expires July 26, 1890.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, July 17, 1890.

POSTMASTERS.

Augustus B. Farnham, to be postmaster at Bangor, Me.
William Buttrick, to be postmaster at Concord, Mass.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 17, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

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

LEAVE OF ABSENCE.

Mr. MOORE, of Texas, by unanimous consent, obtained leave of absence indefinitely, on account of sickness.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. PAYSON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of Senate bill No. 2781.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. PETERS in the chair) and resumed the consideration of the bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

The CHAIRMAN. By an order adopted yesterday general debate is limited to one hour and thirty minutes.

Mr. PAYSON. The understanding was that the gentleman from Arkansas [Mr. MCRAE] should proceed with the discussion to-day and should occupy not exceeding forty-five minutes.

[Mr. MCRAE addressed the committee. See Appendix.]

Mr. PAYSON. I yield now to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN, of New Jersey. Mr. Chairman, the tariff is a question of economics, and not of partisan politics. What rate of duty shall be imposed upon a given article when it enters our ports from abroad should be determined by industrial conditions and commercial considerations, and not by the effect upon the fortunes of a political party. It is the bane of legislation to-day that it is so often the product of partisan-

ship, and not of broad-minded statesmanship. We need go back less than six years ago to find that party lines were not drawn strictly upon this question. That sterling statesman of Pennsylvania, Samuel J. Randall, had a following of his own particular political faith who always voted with him in the interest of home industries. But two years ago the Presidential fiat went forth, and when that pure patriot and far-seeing statesman died he died deserted by his party associates upon this question. Party names and partisan associations change slowly, while by new discoveries, improved processes, and even the fickleness of the general taste, industrial conditions may change in a day, and a tariff rate before adjusted properly to the situation may prove to be entirely inadequate or entirely needless. With the tariff made a partisan question, to change a rate in any case necessitates involving the aid of the whole political machinery of one party, and there inevitably follows the fierce and bitter and often unscrupulous opposition of the opposite band of partisans.

Take an instance. The pearl-button makers of Newark, N. J., have recently been driven almost out of business by the importation of pearl buttons made in Austrian prisons. Yet, when in the Committee of the Whole the chairman of the Committee on Ways and Means [Mr. McKINLEY] moved an amendment affording the needed protection, one party voted solidly for the amendment and the other just as solidly against it. Take another instance. The present rates upon wool have not been found, in actual operation, sufficiently protective of the interests of the American farmers. The McKinley bill proposed a higher rate. A motion to reduce the rate received practically unanimous Democratic support and almost solid Republican opposition. Had not the party slogan been sounded, who believes that gentlemen who in their hearts believe it to be for the best interests of our country to have our agricultural interests as diversified as possible would have voted against the new and really protective rate?

Congress has before it for final disposition a new tariff bill, which is popularly known as the "McKinley bill." It has passed this House and is now under consideration in the Senate. It may be modified in some of its details, perhaps wisely, perchance unwisely, but that in its present general form it will become a law seems to be conceded. To understand the wisdom or unwisdom of the enactment of such a measure we must first take a comprehensive view of the situation of the Government's finances as they stand to-day, their probable future, and the effect upon them of this bill.

THE FINANCIAL CONDITION—THE SURPLUS.

I have here the statement of the assets and liabilities of the Treasury of the United States, made May 31, 1890, by Hon. J. N. Huston, Treasurer, showing the exact account as it stood on that day. By this I find the actual surplus in the Treasury on that date (including minor coin and fractional silver coin to the amount of \$36,901,791.85) was \$60,011,122.57.

The political history of this country contains but few examples of a stronger attempt to deceive the people by incorrect statements, misleading figures, and a withholding of a part of the truth than took place two years ago in connection with this whole question of surplus. Wild statements as to its amount were made even upon this floor by gentlemen who should have known the facts ere they spoke. Still wilder assertions were spread before the public by a partisan press, and every effort was put forth to lead the people to believe that hundreds of millions of current money had been withdrawn from its legitimate use in business and locked up in the Treasury vaults. I sought then to place the real facts before the House and the country. In some remarks I had the honor to make in this House April 26, 1888, I took the monthly statement of the then Treasurer of the United States of the assets and liabilities of the national Treasury as they existed March 31, 1888, and, reducing that statement to a plain, every-day balance sheet, showed the true condition of the Treasury and the amount and character of the surplus as it then existed. It is not improper here and now to say that neither upon this floor nor in the public prints was there ever any attempt to impugn the literal exactness of the methods used nor the entire accuracy of the result reached.

That statement showed that the assets of the Treasury at the close of business hours, March 31, 1888, actually in the Treasury, and including gold and silver bullion, trade-dollar bullion, minor coin, and fractional silver coin, as well as gold and silver coin, United States notes, and national-bank notes, and other assets, reached an aggregate of \$617,062,307.17. To this was added the funds taken out of the Treasury by the Secretary of the Treasury and loaned to some favored national banks, reaching the further sum of \$61,231,647.76, making a grand total of Treasury assets of \$678,293,954.93. Against this sum were charged the actual liabilities, consisting of gold and silver certificates outstanding, interest due and unpaid, and other items, aggregating \$306,455,355.12, leaving an apparent balance of assets amounting to \$371,838,599.41.

But this balance had to be further reduced by deducting the reserve held for redemption of United States notes under the acts of 1875 and 1882, the fund held for redemption of "failed" or liquidating banks, disbursing officers' balances, undistributed assets of national banks, treasurers' transfer checks and drafts outstanding, and other items, aggregating \$241,511,840.87, which deducted from the apparent balance of \$371,838,599.41 left the sum of \$130,326,758.54 as the actual

net surplus in the Treasury at that date. Of this amount \$61,231,647.76 was, as has been stated, not actually in the Treasury, but was out on loan to the national banks. True, it was an asset, and, as it was within call, it is only fair to count it as an available asset.

But of these assets \$121,167,828.39 was gold bullion, \$375,953.09 was silver bullion, and \$6,649,022.82 was trade-dollar bullion. These aggregate \$131,192,804.30, or a sum of \$866,045.76 in excess of the actual surplus. This bullion was not, one dollar of it, current funds. It was not money and had never been used as such, so that the then loudly proclaimed locking up of the currency of the country in the Treasury was false in fact, the truth being that the money loaned to the banks and the bullion far exceeded the "surplus."

SILVER DOLLARS ARE NOT IDLE.

But some one says, "Why, I thought there were silver dollars by the hundred million bursting the vaults of the Treasury; how about that?" Yes, they were there; they were reckoned in the statement at \$232,037,274, but they did not all belong to the Government. Against them the Government had issued \$191,526,445 of silver certificates and had paid these out to its creditors, or to the persons from whom it had purchased the silver, and \$191,526,445 of these silver dollars must be held to pay off or redeem these certificates.

These certificates are out in the world performing all the functions of money, and thus the great body of these silver dollars, while in fact lying in the Treasury vaults, have their paper representatives passing from hand to hand as a circulating medium. These silver dollars thus in reality perform their function as money just as truly as if they were out in actual circulation and the certificates had never been issued for them and in their stead. No, there was no locking up in the Treasury of the money of the country, and no man who reads the statements of the Treasurer of the United States carefully and intelligently can be excused for alleging the existence of such a locking up.

Mind, it is not claimed that there was no surplus; one of \$130,326,758.54 is admitted. But the bullion composing it was not current money, and, with the exception of the item of \$6,649,022.82 of trade-dollar bullion, it never had been money. But it is freely conceded that, while it was not money, it had value and could have been converted into money by being coined. At the time this surplus existed the Government owed over \$1,000,000,000 of bonds, some of which could be purchased in the market at a price less than would ultimately be paid in interest and principal. I speak now of interest-bearing debt only. I claimed then that this bullion should be put in the shape of money and used toward the extinguishment of so much of the public debt.

It did seem to me that a Government with such a debt should not hesitate long in applying to its payment every dollar which could be made available. The surplus was, in fact, no surplus when the national debt was taken into consideration, and it became but an asset to be applied toward the extinguishment of that debt.

To recapitulate: The surplus March 31, 1888, was \$130,326,758.54. But to make this surplus \$131,192,804.30 of bullion (never current money) was counted in. The further item of \$61,831,647.76 was counted in, but this was loaned to the banks and was in use in the channels of business. The gold and silver dollars were in the Treasury vaults, but the silver dollars largely, and the gold dollars almost entirely, belonged, in reality, to the holders of the silver and the gold certificates, and not to the Government. In addition, we owed bonds exceeding \$1,000,000,000 (to be exact, \$950,522,500 of 3, 4, and 4½ percents and \$64,625,512 Pacific railroads), \$1,015,148,012 in all. Sir, the succeeding autumn I went before the people who have repeatedly honored me with a seat here and gave them these facts. I carried these official reports with me and read them to the people and invited them to inspect them for themselves. I challenged the fullest scrutiny and defied contradiction. Not once were the statements contradicted or any attempt made to refute them, even by a partisan press.

SURPLUS HAS BEEN USED TO PAY DEBT.

March 4, 1889, the management of the Treasury passed into other hands. Under the previous Administration for over a year after it first came into power not one bond had been redeemed, and redemption was only resumed when the balance in the Treasury had become so large that, without distinction of party, the business community demanded the resumption of redemption. But under the present Administration the policy of large balances has been abandoned and the policy of applying these large balances in reduction of the public debt as rapidly as possible, consistent with guarding the interest of the Government in the purchase price of bonds, has been fixedly pursued.

The statement of the assets and liabilities of the Treasury on the 31st of May, 1890, to which I first alluded, shows that the surplus has been reduced from \$130,326,758.54, March 31, 1888, to, as I have said, \$60,011,122.57, May 31, 1890. I find that the \$61,231,647.76 loaned the national banks in 1888 has been reduced in 1890 to \$31,225,998.49 by a gradual but steady reduction, thus giving the Government its own without unduly disturbing the business of the country by sudden transfers of currency. These sums thus obtained by these reductions, together with the annual surplus during that period, have all gone in extinguishment of the public debt. It ought also to be mentioned in

this connection that the premium paid for the bonds redeemed aggregated less than the interest the Government would have been compelled to pay had the bonds not been paid until maturity.

MUCH REMAINS TO BE PAID.

But, while these payments have been made upon the public debt, much remains to be paid. The maimed men we see upon our streets, the green mounds over yonder at Arlington, are not all the legacies of the war of the rebellion. Year by year the pension-roll lengthens and year by year the obligations issued to sustain the Government in that perilous time fall due. I have here the statement of the public debt of the United States for the month of May, 1890. By this it appears that at that date the bonds outstanding aggregated \$777,909,112. The remainder have been paid, as I have stated, from the annual surplus.

Of this amount, the 4½ per cent. bonds, aggregating \$110,323,450, fall due September 1, 1891. The 4 per cent. bonds, aggregating \$603,060,150, fall due July 1, 1907, while what are known as the "Pacific railroads," aggregating \$64,625,512, fall due at different dates running from January 16, 1885, to January 1, 1899.

RESOURCES AND NEEDS OF THE FUTURE.

To pay the \$110,323,450 of 4½ percents September 1, 1891, will exhaust the \$60,011,122.57 of present surplus and leave \$50,314,327.43 to be paid from any surplus accruing meantime.

To pay the \$603,060,150 of 4 percents July 1, 1907, will require after September 1, 1891, a period of fifteen and five-sixths years, an annual surplus of about \$38,000,000, to say nothing of payment of interest in either case. With this interest and the "Pacificals" added, it is evident a sinking fund of at least \$40,000,000 per annum for some years subsequent to 1891 will be required.

The last report of the Secretary of the Treasury, dated December 2, 1889, shows that the ordinary revenues of the Government for the fiscal year ending June 30, 1889, were \$337,050,058.84 and the ordinary expenditures were \$281,996,615.60, leaving a surplus of \$105,053,443.24, of which there was used during that year in the redemption of notes and fractional currency and in the purchase of bonds for the sinking fund the sum of \$47,583,313.65, leaving a net surplus for the year of \$57,470,129.59. It will be noticed these are the ordinary receipts and disbursements. The totals upon both sides would be about \$60,000,000 larger were the whole revenues and expenses of the Post-Office Department reckoned in, instead of the annual deficiency, but in either case the net surplus would remain the same.

For the fiscal year ending June 30, 1890, the same official gives the first quarter's actual receipts and expenditures and upon that basis estimates the ordinary receipts for the present fiscal year (ending June 30, 1890) at \$385,000,000, and the ordinary expenditures at \$293,000,000, leaving a surplus of \$92,000,000, from which he deducts for sinking fund \$48,321,116.99, leaving an estimated net surplus for the current year of \$43,678,883.01. In this estimate also the gross receipts and expenditures of the Post-Office Department are excluded, and the net deficiency only reckoned in. Were these added the totals upon each side would be about \$66,600,000 larger, but of course the net surplus would remain the same.

From these figures it is apparent that an annual sinking fund of \$40,000,000 can be, after September, 1891, set aside for the redemption of the 4 percents and the Pacifics and leave still a net surplus under existing conditions of about fifty-two millions per annum over and above all expenditures.

With a sinking fund requiring hereafter only forty millions the net surplus would mount up correspondingly and reach the estimated sum of fifty-two millions. Of course, as to the future it is only estimate, and estimate based upon existing conditions. But it is estimate, too, based upon the experience of the past and with a reasonable degree of certainty as to outcome. It looks safe to say that we can pay our bonds by maturity and still have a surplus of from fifty to fifty-five millions per year, unless by legislation expenditures are increased.

The ever-lengthening pension-roll demands now over one hundred millions per annum; in fact, by June 30, 1890, the payments for the year had exceeded one hundred and eight millions. The old soldiers are beginning to feel, as age creeps on, the disastrous effects of former exposure to storms and swamps; and also, year by year, more widows are added to the roll. Recent legislation will make this charge a still greater one. How much greater can not yet be accurately stated, but it will be a large increase. We must also bear in mind that, year by year, as the country develops and governmental functions multiply and enlarge, added expenditures are called for. But to be entirely fair we must keep in mind two considerations, to wit: First, it is the history of the past that revenue gradually increases with the growth of the country and, second, that while the bonds mature and are redeemable at the dates mentioned their payment at those dates is optional with the Government, and if it be thought good policy to let them run longer it can be done and the annual surplus thus arising be cut off by legislation.

It may be good policy not to pay the debt as it falls due, but I have grave doubts of it. I never believed a national debt was in any sense a national blessing. To let the bonds run means an annual interest charge to be met by the people. True, these bonds now afford a safe

basis for national banking, but this advantage does not, in my judgment, compensate for the annual charge upon the people in the way of interest. If all were refunded at 3 per cent. it would mean still a payment of twenty millions per annum for interest. Take it all in all, under no circumstance does it appear that with our present expenditures a present revenue reduction of over fifty millions is either safe or wise, nor can we spare anything like as much as that if any large addition to our expenditures for pensions results from recent legislation.

DIFFERENT METHODS OF RAISING REVENUE.

This discussion has, so far, developed at least one fact clearly, namely, that the Government can not be carried on without money, and a great deal of money at that. It will take money to provide for this debt; it will take money to pay these pensions; it will take money to keep the Government going. How shall it be raised? There are three separate methods resorted to by governments for that purpose:

First. By the levying of a direct tax upon the people, their property, and business.

Second. By excise or internal-revenue taxes laid upon the production or sale of certain articles produced in the country.

Third. By levying an import duty on articles made abroad and brought into the country for sale and use.

The American people have adopted as their national policy the last. As a war measure they have temporarily at times adopted the second, while in their State and municipal affairs they have relied almost entirely upon the first. By this arrangement, under our complex system of national and State governments, each complete within its sphere, the burdens of carrying on these different governments are distributed. Property and poll-taxes support the local governments, while import duties and some internal-revenue duties support the National Government.

If the moneys needed for the expenditures of the General Government are not raised by the collection of duties on imports, they must be raised by a direct tax; the money must be had; the Government must go on. If no money comes in at the custom-houses, then the tax-collector will come around with his bill for taxes for the school district, the township, the county, the State, lengthened by another item carrying a large amount for the General Government, or a Federal assessor and collector will make us an annual visit. The free-trader is simply an advocate, whether conscious of it or not, of an additional direct tax upon every dollar's worth of property within the assessor's reach.

It must be remembered that the farm never escapes taxation. The assessor can find that at any time; it can not be concealed. Securities may be locked up in a safe and entirely escape him. Houses and land, horses and cattle, are always visible.

As I have said, our national policy has been to leave, so far as possible, direct taxation upon persons, property, or business to the States and smaller municipalities. In far too many instances rascality, extravagance, or stupid management has plunged these States, counties, and townships into such an enormous debt or into such enormous expenditures that the burdens they impose by their direct taxes are all that can be borne, and in many instances much more than ought to be borne. To add to this burden would be to place the last straw upon the camel's back.

It is my deliberate judgment that the taxes which grind us the hardest, which we find it the most difficult to pay, are those arising from the operation of our city councils, our township officers, and our boards of free-holders and other municipal boards. The fatal facility with which city and county bonds have been marketed has been very prolific of extravagance, loose management, heavy annual interest charges, and enormous tax bills.

PROPOSED BILL.

The last general bill for raising revenue by levying duties upon imports became a law in 1883. It is true in industrial matters as in all other things that with the lapse of time conditions change. A new discovery, a happy invention, may so cheapen the production of an article as to make the rate before imposed inequitable or unnecessary. Fashion may take on one of her caprices and an article used abundantly a few years ago may now be dropped out of use altogether. From these and other causes it comes to pass that from time to time a revision of rates becomes necessary.

In this condition of things, with a national debt to extinguish, with an annual interest charge which will exist until such extinguishment, with a government needing money for its annual expenditures, with a national policy already adopted of raising the money needed for these purposes by the imposition of import duties, and with a law upon the statute book constructed for an industrial condition partly changed, a law in which unscrupulous men have found loop-holes for evasion, and a law which judicial construction in some instances has wrested from its original plain intent and meaning, the Committee on Ways and Means undertook to frame a bill which would rectify errors, correct inconsistencies, adapt itself to the alteration in circumstances, make obscurity plain, afford the needed revenue and no more, and be in line with the national policy of the past.

This bill has passed the House, and discussion as to its merits would seem to be too late; but as it is still pending in the Senate, as its scope

and effect have been widely misrepresented, and as it will in all probability be back here for action, I am justified in seizing the present occasion to discuss more fully its provisions than I was enabled to do in the limited time allowed under the "five-minute" rule.

It professes to be a revision of the entire tariff schedule. It also deals with the national revenue taxes upon tobacco, and includes some safeguards against frauds, and some new administrative features.

FREE-LIST.

The first thing which attracts attention is the fact that twenty-four out of the one hundred and thirty pages of the bill devoted to the tariff schedule are devoted entirely to an enumeration of articles upon the free-list. So much wild and inaccurate (I will not say dishonest) talk has been indulged in about the wide range of the tariff schedules that the fact that there is a free-list will be news to many; but there is such a free-list now. There never was a time when all our imports were dutiable. Before 1820, however, the proportion of goods on the free-list was very small.

Gradually it has been added to. During the late war, when every possible object of revenue was sought after, it was almost 18 per cent. of the articles of our imports. Since then every revision of the tariff laws has added to it until to-day one-third in value of all the imports come in without paying one cent of duty. With all the talk set afloat by ignorant orators and a partisan press about "Chinese walls" and "robber tariff barons," I can conceive how difficult it may be for some to credit this. But the official statistics show it to be true. I have here Executive Document No. 6, first session, Fifty-first Congress, being the annual report and statement of the Chief of the Bureau of Statistics on commerce and navigation for the fiscal year ending June 30, 1889, and on page 215 of that document I find the total of imports into this country from abroad for that year to be \$745,131,652, of which \$488,644,574 was dutiable and \$256,487,078, more than one-third, was free.

I have here also Document No. 1302, Bureau of Statistics, United States Treasury Department, being a summary statement of the imports of the United States for the eleven months ending May 31, 1890. By it I find that the imports for these eleven months were \$713,876,426, of which \$469,898,214 were dutiable and \$243,978,212 were free. Continued at the same rate for the remainder of the fiscal year, that is, up to June 30, 1890 (one month), the total imports will be for this year \$773,366,123, of which \$509,056,398.50 will be dutiable and \$264,309,729.50, or about 33 per cent., will be entirely free of payment of duty of any kind.

THIS FREE-LIST EMBRACES RAW MATERIALS.

But, sir, an examination of this present free-list disposes of another misconception. We hear much said in favor of "free raw material," and, to listen to the frantic appeals by the free-trader in behalf of free raw materials for our domestic manufactures, we would think that we had nothing of the kind now. For the eleven months ending the last of last May, there came into this country on the free-list of "articles in a crude condition which enter into the various processes of domestic industry," \$112,880,156 in value, and of "articles wholly or partially manufactured for use as materials in the manufactures and mechanic arts \$9,423,825 in value, a total of \$122,303,981 of "free materials," or more than one-half of the whole free-list. The balance is composed of articles of food, live animals, articles ready for consumption, etc.

The free imports are nearly \$8,462,686 in excess of the corresponding eleven months of the preceding year and about \$30,000,000 in excess of the average of the preceding five like periods. I have given these figures at some length because they are official, and they show how easy it is for assertions to be made and their truthfulness insisted upon when reliable statistics show them to be unfounded.

PRESENT FREE-LIST, ALREADY COMPRISING ONE-THIRD OUR TOTAL IMPORTS, IS FURTHER EXTENDED BY THE BILL.

This bill further extends this free-list. While it takes from the free-list and puts upon the dutiable-list eighteen separate articles, it takes from the dutiable-list and puts upon the free-list forty-four articles, making a net addition to the free-list of twenty-six different articles. The main articles thus put upon the free-list are jute and jute butts, sisal grass, molasses and sugars up to No. 16 grade, covering all but the white. These jute, sisal, and other grasses are the strong-fibered plants, used for bagging, coarse twine, etc., and their importation for the eleven months ending May 31, 1890, aggregated \$9,580,398. Molasses during the same period was imported to the extent of 27,272,691 gallons, valued at \$4,577,931. The figures for the importation of sugar above No. 13 and below No. 16 are not attainable, but not above No. 13 the importations for these eleven months amounted to 2,410,226,963 pounds, valued at \$76,408,743.

The honorable gentleman from Ohio [Mr. MCKINLEY], in an article over his signature published in the North American Review for June, 1890, calculates the total additions to the free-list, made by his bill, at \$109,232,089 in value of imports, based upon the importations of the fiscal year ending June 30, 1889. These articles thus transferred to the free-list yielded last year a revenue of \$60,936,536.35. Eighteen articles are taken from the free-list, which, at the rates put in the bill, would have yielded \$2,456,030.14.

If we add this increase, \$109,232,089, to the free-list for the year ending June 30, 1889, \$256,487,078, we will have a total free-list of \$365,719,158, less the articles yielding the \$2,456,000 of duties, if the "McKinley bill" should become a law in its present shape. Deduct this \$109,232,089 from the dutiable-list of that year, \$488,644,575, and we have imports to the value of \$379,412,486 left dutiable, and a free-list to the value of \$365,719,158. In other words, if the McKinley bill becomes a law as it now stands, nearly 50 per cent. of all the imports into this country will come in free.

But, while this free-list is so large now and it is proposed to make it still larger, it has been carefully constructed upon the principle of making free those articles we can not produce at all, or except in limited quantities, in this country, and excluding from such free-list those articles which we can produce.

Thus, we can not grow tea; it is on the free-list. We can raise wool; it is on the dutiable-list. We can make iron rails; they pay a duty. We can not grow rubber; it is free.

This addition to the free-list is very largely, as already shown, in the item of sugar below No. 16 grade. I do not now discuss the propriety of this step; I only state the fact. In connection with this it ought also to be stated that the bill proposes a bounty to the growers of sugar in the United States, to compensate them for the loss of the protection arising from the removal of duty.

The reason given for the removal of the duty is that from the nature of the soil and climate in our country we produce only a very small proportion of the sugar used here, and can never hope, even with the aid of any amount of protection, to produce more than such proportion. The reason stated for the giving of the bounty is that thereby our sugar-producers will receive the same benefit they receive now, while the other large proportion of our sugar, about nine-tenths in all, coming in from abroad, will be free, and consequently cheaper.

The further provision is made that, if other countries levy an export duty on the sugar coming here, then by the terms of this bill duty will be collected on such sugar on its arrival at our ports. We took the duty off of coffee some years ago. At once Brazil put on an export duty, equal in amount, upon the coffee she sent us. Coffee was no lower. We lost the revenue and Brazil calmly puts it into her pocket. The provision in this bill will prevent Cuba and Brazil from playing us the same trick with sugar. We took the duty some years ago off of logs; Canada thereupon put an export duty on. We lost the revenue; Canada takes it.

Of these eighteen articles taken from the free-list and made dutiable, sixteen are directly or indirectly the products of agriculture. They are macaroni and vermicelli, sugar of milk, broom-corn, eggs, plants, trees, shrubs, straw, teasels; apples, green, ripe or dried; Cayenne pepper, flax, hemp, etc., crin végétal or vegetable fiber, woolens, and camel's hair. The camel's hair referred to is that which is imported to be used in competition with wool.

DUTY REFUNDED ON IMPORTED MATERIALS USED HERE AND RE-EXPORTED.

Another feature to be observed in the bill is that it is so constructed as to aid, so far as domestic legislation can, our manufacturers to reach out to other markets for the disposal of their goods. I have never taken much stock myself in the cry of "overproduction," as applied to the products of our mills and our workshops.

When I find that in the eleven months ending May 31 last there came into this country, manufactured abroad, \$2,824,007 of buttons (exclusive of brass, gilt, or silk); \$1,930,631 of clocks, watches, and movements; \$3,390,081 of cotton cloths; \$27,628,887 of cotton clothing, knit goods, thread, etc.; \$6,366,387 of earthenware; \$24,950,254 of manufactures of flax and hemp; \$6,594,160 of glassware; \$37,274,196 of manufactures of iron and steel, and \$49,346,244 of manufactures of wool, besides other manufactures in equal proportion, I can not conceive of overproduction here. It looks much more like underproduction or overimportation than overproduction.

But, undoubtedly, in some lines of manufacture our people have begun to look to other countries for an additional market. Thus, during the eleven months ending May 31, 1890 (and I take this statement as the very latest attainable, always asking that it be borne in mind that the figures are for but eleven months of the year), we sent \$3,501,473 worth of agricultural implements to other countries; we sent \$5,795,376 of chemicals, drugs, dyes, and medicines; we sent \$23,531,588 in manufactures of iron and steel, \$11,303,220 in leather and its manufactures, and \$26,074,295 in lumber and manufactures of wood. Other items could be given did time permit.

We have heard much, as I have already said, of "free raw material" as a help to our manufactures. We have been told over and over on this floor that if our manufacturers could only get free raw material they could go into the markets of the world with their products. In discussing the free-list I have shown that a large part of our material is now free. But this bill goes still further toward aiding us to reach the foreign market. We have had for years a law upon our statute-book which gives a rebate of 90 per cent. of the duty paid upon imported materials upon their being manufactured and exported. This bill goes still further, and gives 99 per cent., retaining the 1 per cent. for cost of collection and disbursement.

It makes all materials practically free when used and exported. If

under the operation of this bill our manufacturers can not secure a still greater hold upon the trade of other countries, then "free raw materials" can not aid them.

THE BILL IS FRAMED TO GIVE THE FARMER HIS SHARE OF PROTECTION.

Another feature of the bill, and one which merits especial consideration, is the care taken to give to the farmer his share of protection. This feature of the bill has been the subject of some derision upon this floor. It has been called an effort to "fool the farmers." Gentlemen who have thus spoken, I can only suppose in charity, have never read the provisions of the bill relating to tobacco and manufactures of; agricultural products and provisions; flax, hemp, and jute, and manufactures of; wool and manufactures of wool; nor the proposed additions to the free-list and the subtractions therefrom. Early in the session the legislative committees of both the National Grange and the Farmers' Alliance submitted their schedules of desired rates upon these articles, and almost without exception the rates as desired by these bodies were placed in the bill. The secretary and treasurer of the New Jersey State board of agriculture also appeared, in accordance with my suggestion, before the committee, and submitted a schedule on farm products differing but little from that of the National Grange and but little from the rates in the bill. So well satisfied are the Grange and Alliance with the result that their legislative committees have published addresses to their constituent bodies congratulating them on the good work done and asking them to petition their members of Congress to support the schedule. I have received many of these requests from granges in the district I have the honor to represent. We will examine these schedules and ascertain whether these legislative committees and these granges have been fooled or not. Probably it will be found that these farmers understand their own interests quite as well as do gentlemen who never held a plow, planted a potato, or handled an ear of corn in their lives.

Of the eighteen articles taken from the free-list and put upon the dutiable-list, the greater part, as I have stated, are the products of agriculture. The articles are, as stated, sugar of milk, broom-corn, eggs, plants, trees and shrubs, straw, teasels, apples, etc. Sugar of milk is now free. In the upper part of New Jersey some persons started the industry of its production. This gave the farmers a home market for their milk, avoiding the high freights upon the railroads, the grasping avarice of the New York dealer, and the uncertainty in price in the city. Forthwith the foreign makers flooded this country with a product greatly lowered in price, and attempted to freeze the new enterprise out, sending here in the last year 382,303 pounds. This bill imposes a rate of 8 cents per pound, and it is thought this will preserve this new use here of a product of the farm.

Broom-corn is largely grown in various sections of this country. Of late years but little has been grown in Central New Jersey. It is now upon the free-list. This bill imposes a duty of \$8 per ton, and it certainly behooves our farmers to consider the advisability of again going into its culture.

Eggs are now upon the free-list. Some mirth has been excited upon this subject, but it has been no laughing matter for the farmer in the East. During the past year 15,920,650 dozens of eggs, valued at \$2,419,004.37, were imported into this country. Will any one seriously contend that our farmers could not have fully supplied the market had any encouragement been afforded to them to increase their stock of poultry? This bill places upon eggs a duty of 5 cents per dozen.

Plants, trees, and shrubs, or nursery stock, came into this country free last year to the extent of \$323,762.82 in value. This bill gives a duty of 20 per cent. Straw, mainly long rye straw from Canada, came in free last year to the extent of \$29,921. The gentleman from Texas [Mr. MILLS] waxed merry over this provision. Of course, to him and his constituents, 1,500 miles from the seaboard, it is a light matter, but to the farmers up toward the Canadian line and along the seaboard it is a matter of some moment that the 30 per cent, proposed by the committee should be retained in the bill. Apples, now free, have a duty imposed upon them by this bill of 25 cents per bushel.

In addition to this an inspection of the dutiable schedule relating to "agricultural products and provisions" shows many changes made in the interest of the agriculturists of the country.

The imports of cattle, hogs, and sheep into this country for the seven months ending May 31, 1890, were: Free, \$3,331,382; dutiable, \$2,995,672; a total of \$6,327,054. This bill largely increases the duty.

Last year (ending June 30, 1889) there were imported 11,306,925 bushels of barley. It now bears a duty of 10 cents per bushel. The bill makes this duty 30 cents. Of barley malt we imported 150,191.95 bushels, at a duty of 20 cents per bushel. This bill makes it 45 cents.

We brought in last year 10,414,002 pounds of macaroni and vermicelli. It could all have been made here quite as well as not by American hands and with American flour. It is now free. This bill fixes a rate of 2 cents per pound, and under the operation of the bill soon it will all be made in this country. Rice is a field product of limited extent. It requires a warm, alluvial soil and a situation easily flooded with water. We have not the natural facilities for a much larger product than is now raised. It now bears an average duty of over 120 per cent. The committee have reduced this to about 90 per cent. This is still a far higher rate than is left to almost any other agricultural product.

The bill places rye at 10 cents per bushel. Last year but little was

imported, but I allude to it here, to give an example of the—to put it mildly—carelessness of gentlemen opposed to the bill in their handling of facts. The gentleman from Texas [Mr. MILLS], who opened the debate in opposition to this bill, said in debating its provisions:

How much rye—

I give his exact language, as revised by him and printed in the RECORD, see page 4551, of the current RECORD—

How much rye did we import last year? Sixteen bushels. [Laughter and applause on the Democratic side.] It could all have been raised on a turnip patch. [Renewed laughter.] What did it cost? It cost in Germany, whence it came, \$1.50 per bushel, while the rye that we exported from this country cost 57 cents per bushel, and we exported 287,252 bushels.

The Republican party thinks that when a farmer goes outside of this country and buys some improved wheat and rye to better his crop he is moved and instigated by the devil [laughter and applause], and he is to be rebuked for his temerity in the Capitol of the nation. [Renewed laughter.]

The gentlemen who gathered around him and gave utterance to this laughter no doubt did not know, and probably the gentleman from Texas himself did not know, that, while but a few bushels were imported the past year, yet importations have increased lately at such a rate that for the past eleven months of the current year the imports of rye have been 195,443 bushels, at a valuation of \$114,364, a little over 58 cents a bushel.

Two other facts these gentlemen in all probability did not know, but which the gentleman from Texas, as an expert in tariff matters, should have known: First, 10 cents per bushel is the present rate and, second, it is also the rate which he himself fixed in his famous "Mills bill."

Wheat now bears a rate of 20 cents per bushel. This bill raises this to 25 cents. This again excites the ridicule and sarcasm of the gentleman from Texas. He says:

We exported last year 90,000,000 bushels in wheat and flour. In 1880 and 1881 we exported 150,000,000 bushels, but since then our importations have been falling off, and that has caused a reduction in our exportations, and last year we imported the inconsiderable amount of 1,946 bushels of wheat [laughter and applause]; and that duty has been put on to protect American farmers against the damaging foreign competition from India and Russia.

What did that 1,946 bushels of wheat cost? Our wheat was at an average export price of 89 cents per bushel, and the average price of the 1,946 bushels which we imported was \$2.05. Seven hundred bushels cost in Germany \$3.20 a bushel.

The figures given by Mr. MILLS do not at all agree with the figures given in Executive Document No. 6. By that document I find (see page 227) that for the year ending June 30, 1889, we imported 130,649 bushels of wheat, valued at \$119,017. By Treasury Department Document 1302, Bureau of Statistics, it appears that for the eleven months ending May 31, 1890, we imported 157,046 bushels of wheat of the value of \$112,290, an average of a little over 70 cents per bushel. To account for our falling off in exports of wheat and to sustain his favorite theory of "no imports, no exports," he tells us that since 1880 and 1881 our importations have fallen off. But the official figures do not show this falling off. I append a table of our imports from 1881 to 1889 taken from Executive Document No. 6:

Year ending June 30—	Value of imports.
1881	\$642,664,628
1882	724,639,574
1883	733,180,914
1884	667,697,693
1885	577,527,329
1886	635,436,186
1887	692,319,768
1888	723,957,114
1889	745,131,652

These figures would seem to absolutely disprove his assertion that "our importations have fallen off." And when we take into consideration the decrease in valuation it will be seen that there has been a greater increase in volume, even, than in value. These figures would further seem to prove the reverse of his maxim, and I can just as confidently claim for them that they prove that the more goods we buy of foreign peoples the less wheat they buy of us.

Oats now bear a duty of 10 cents per bushel. The bill fixes it at 15. The importations for the year ending June 30, 1889, were 22,324,377 bushels. Oatmeal is now dutiable at one-half cent per pound; the bill makes this 1 cent. Last year 1,914,639 pounds came in from abroad. For the current year the importations have been much larger, making for the eleven months 2,316,046 pounds. Butter is raised from 4 cents to 6 cents per pound; the imports for the past fiscal year were 91,256.75 pounds. Cheese is raised from 4 cents to 6 cents; the imports last year were 8,194,813.11 pounds.

Beans now bear a rate of 10 per cent. The imports last year were 660,781 bushels; for the past eleven months they have been 1,140,148 bushels. This bill imposes a duty of 40 cents per bushel, equivalent to 34.80 per cent. Cabbages are raised from 10 per cent. to 3 cents each; being classed with other vegetables, their importation can not be given, but along the Atlantic seaboard it has been very large. Hay now pays a duty of \$2 per ton; this bill raises this to \$4. The importation last year reached 105,372 tons, valued at \$1,082,685.50; the importation this year at present rates will reach 123,592 tons. Hops now pay 8 cents per pound; the importation was 4,180,580 pounds, valued at \$1,100,480. The bill raises the rate to 15 cents per pound. Onions now pay 10 per cent; the bill fixes the rate at 40 cents per bushel; they are largely imported.

Peas are raised from 10 per cent. to 40 cents per bushel, and split peas from 20 per cent. to 50 cents per bushel, an increase of about one-third. Last year we imported 61,397.90 bushels of the latter. Castor-beans are raised from 15 cents to 25 cents per bushel. Last year we imported 883,385 bushels. Flaxseed is now dutiable at 20 cents per bushel; we imported last year 3,374,110.19 bushels, valued at \$3,969,640; the bill raises the rate to 30 cents per bushel. There is no reason why every bushel should not be raised here by our own farmers.

Grapes now bear a duty of 1 cent per pound; the imports last year were 47,493,210 pounds; the bill makes the rate 2 cents. Poultry is raised from 10 per cent. to 3 cents per pound for live and 5 cents for dressed. The imports last year were valued at \$154,866.26.

The rate on first-class wool is raised from 10 cents per pound to 11 cents per pound. While wool is to the spinner and weaver raw material, yet to the farmer it is a finished product. The expense of the sheep, of its care and pasturage, are all matters of cost to him. Time and again I have been indignant as I have listened to the sneers on this floor against the sheep-raisers of this country. They may not dwell in palatial halls nor tarry long over the terrapin and champagne, yet every one of them who tries by his efforts to diversify the products of American agriculture is a public benefactor.

We must grow something besides wheat and corn in our Northern and Middle States. It is said that there are varieties of wools we can not raise here, but we have every variety of soil, climate, and pasturage, and I never believed the statement. Last year we imported 22,973,087.50 pounds of first-class wool, valued at \$4,765,014.94.

Potatoes now have a rate of 15 cents per bushel. The imports of recent years have been very large. For 1889 they were 883,380 bushels, valued at \$321,106. For the eleven months ending May 31, 1890, the imports have been 3,332,300 bushels, valued at \$1,325,566. The bill raises the rate to 25 cents per bushel.

The culture of flax was formerly quite an item for the farmers in the East. I have when a boy pulled, broken, and dressed many a pound. The seed was taken to the oil mill and gave us funds earlier than did many other crops, while the country stores took the fiber we "dressed" in the bracing air of winter and exchanged it for groceries and clothing. In those days we knew nothing about the new-fangled free-trade notion that "you can not raise seed and fiber both from the same crop." The seed made the best of linseed-oil, and from that same fiber our grandmothers and mothers spun and wove linen suits that would wear until "we boys" outgrew them.

There is no reason why land which is now devoted in the West to the production of corn that will not pay for transportation should not be devoted to the raising of the 11,947,949 pounds of flax, about one-half undressed and one-half dressed, which last year were imported into this country from abroad. The bill almost doubles the rate, but even then only imposes a duty of from 15 to 20 per cent.

The Agricultural Department has been experimenting in the production of raw silk. We imported last year \$19,333,229. The production of silk would open up another branch of industry here and aid in the attainment of that desirable object, the further diversification of our agriculture. So far the labor required to reel the cocoons has seemed to forbid success, but that Department now feels hopeful of overcoming this difficulty, and this bill, to encourage the silk-producing industry, offers a bounty of \$1 per pound for the production of raw cocoons.

So, too, with sugar; while it was felt that for years to come, even under the most favorable circumstances, the production of sugar in this country must fall far below the consumption, yet to secure a continuation of the efforts to supply our demands by the production in the colder parts of our country (embracing an area much larger than that in which cane will thrive) of the sugar-beet, a bounty of 2 cents per pound on sugar made from beets, sorghum, or cane is provided.

The production of sugar-beets is a subject which should engage the attention of our farmers. In Germany a bounty upon the production of beet-sugar has been in operation for some years, and it has become an agricultural product of much importance. Claus Spreckels, of California, testified before the Committee on Manufactures in the last Congress, during an investigation I had the honor of assisting in making, that the production of sugar-beets in this country was no longer an experiment; that we have a large belt of country adapted admirably by climate and soil to the production of sugar-beets, and that American-grown beets are rich in sugar of an excellent quality, in fact exceeding in percentage of saccharine matter the European.

I clip from a recent issue of the San Francisco Bulletin an article stating that the California beet-sugar experiment is a success. The article goes on to say:

Last year 2,000 acres were planted and yielded 13,500 tons of sugar-beets, from which were extracted 1,650 tons of sugar. This was done at the Watsonville factory, which ran forty-seven days. The beets brought an average of \$5 a ton, and the farmers feel satisfied that they can raise them at a profit. They have guaranteed to greatly increase the acreage this year, and the output will probably be more than doubled.

At the present session of Congress gentlemen from Nebraska appeared before the Ways and Means Committee and stated that in that State sugar-beets yielded abundantly, rich in saccharine matter. I append a clipping from the Chicago Journal of Commerce:

BEET-SUGAR ENTERPRISES IN THE UNITED STATES.

The steam-ship *Nymphæa* arrived at New Orleans, La., a few days ago, from Hamburg, Germany, loaded with the elaborate machinery for the beet-sugar factory now under construction at Grand Island, Nebr. She also brought about 50 tons of beet seeds. Several tons of these seeds go forward to the Agricultural Department at Washington, as that Department has had applications for seed, up to the present time, from over two thousand farmers throughout the United States, and further applications are constantly coming in. The plant at Grand Island, Nebr., when completed, will cost considerably over \$500,000 and will have a daily capacity to work upwards of 400 tons of beets, which is larger than that of the average European plant.

This shows the wide range of latitude and climate within which the production of sugar-beets in this country has been demonstrated to be a success. So far as the acres in the West now devoted to corn and wheat can be utilized for the production of sugar-beets, the equalization of our food product will be promoted and the interests of all subserved. It behooves our Eastern farmers, also, to experiment in this direction, and ascertain whether some of their lands can not profitably be devoted to this product. The Agricultural Department stands ready to supply seed for experimental purposes, and to test the saccharine qualities of the beet.

The internal-revenue taxes and regulations have borne with very great hardship upon the grower of tobacco. This bill removes all restrictions upon the sale by him of his product, and lessens some of the special taxes, which have heretofore helped to keep down the price of his product. The American farmer has had sharp competition with other countries in the growing of his leaf-tobacco suitable for cigar wrappers, and it has been nearly driven out of the market by the more cheaply grown Sumatra article. Upon this the duty is more than doubled, while other leaf-tobacco is left at the old rates.

To compensate for the increase of duty on wool, an allowance in the rate on manufactures of wool is given, graded according to value and with the least increase upon the coarser cloths; thus the cheapest cloth, valued at not more than 30 cents per pound, is put at twice the duty per pound imposed upon a pound of unwashed wool of the first class, and 40 per cent. ad valorem additional, while upon the cloth valued at above 40 cents per pound the duty is put at four times the duty put on a pound of unwashed wool and 50 per cent. additional.

It will be noticed that the rate is based upon a pound of unwashed wool. The finer the goods, the more pounds of unwashed wool are needed to supply the requisite amount of fine wool fiber for a pound of cloth. When it is remembered that unwashed wool means wool as it comes from the sheep, with all the grease, dirt, and waste still in the fleece, it will not be thought that these rates are out of proportion.

Much has been said about the "poor man's blanket." In point of fact only 3,371 pounds of the cheapest grade of blankets, woolen hats, and flannels valued at \$1,916 were imported last year. They now have a rate of 10 cents per pound and 35 per cent. ad valorem. This bill puts them at 11 cents per pound and 30 per cent. ad valorem, making a reduction instead of an increase, the present rate being the equivalent of 73.47 per cent. and the proposed rate the equivalent of 72.21 per cent., but this is compensated for in the schedule by increases upon the higher grades, the greatest increase being upon the very finest. In fact, a careful study of the whole woolen schedule will show clearly an intelligent purpose in the bill to promote the production of wool in this country and at the same time to impose the lighter rates upon the cheaper cloths, blankets, and woolen hats, and compensate by increases upon the finest and most expensive goods.

In the flax, hemp, and jute schedule, yarn made of jute, sisal, or manila is reduced from 55 per cent. to 30; binding twine is reduced one-half, from 2½ cents per pound to 1¼ cents; if made wholly of jute, sisal, or sisal grass, it is 1½ cents; bags for grain are left at an equivalent specific duty; on cordage there is a decrease; on brown and bleached linens, duck, canvas, handkerchiefs, and all the fine linen fabrics the rate is left as it now stands until January 1, 1894, when, it being supposed that by that time the increased rate given upon flax will have stimulated its production here, the rate is to be thereafter 50 per cent.

To encourage the production of raw silk in this country the bill provides a bounty for ten years of \$1 per pound on silk as reeled from the cocoon. Heretofore many efforts have been made to produce silk here, but we have had so much new and fertile land to be added to the cultivated area that it has been cheaper to take up new land than to diversify the products of the old. The Department of Agriculture has not despaired of making the production of silk cocoons here a success. By experiment it is constantly discovering methods of cheapening the process and arriving nearer to success.

It has recently been discovered that the silk-worm feeds with avidity upon the leaves of the Osage orange, the plant most frequently used for hedges, and especially upon the Western prairies. It is thought that the hedges can be made to do double duty, as fences and as affording food for the silk-worm. The rank and luxuriant growth of the Osage orange on prairie soil affords a large amount of clippings each year.

Heretofore this clipping, which is necessary for the preservation of the closeness of the hedge has been entirely at a loss of time and labor. If the clippings can be utilized in this way the space occupied by the

hedge will be no longer waste ground and the time occupied in trimming the hedge will be no longer wasted. All through the Eastern States are to be found pieces of ground now yielding nothing but bushes or briars, which can be utilized for the growth of the leaves needed for the silk-worm's food.

We imported last year of cocoons, raw silk, and waste 6,645,124 pounds, valued at \$19,331,910. This all came in entirely free of duty. The problem which presented itself to the committee was, shall the production of this raw silk be encouraged in this country by the imposition of a duty upon the imported article, by paying a bounty for a limited period upon the production of the domestic article? The latter policy was chosen. If the experiment does not prove a success it need not be continued.

If this bounty does not stimulate production, but little money will be paid out under this provision. If it does stimulate and it is shown that the raw silk can be produced here in considerable quantities, then the bounty can be exchanged for a duty, and our domestic agriculture will have received another substantial addition to its products.

We imported last year silk partly manufactured, and silk goods, including dress goods, ribbons, velvets, plushes, embroideries, and the like to the value of \$34,956,728.77. Upon the articles of ribbons, velvets, plushes, laces, and embroideries (silk) there is a slight advance; upon the articles of ordinary use, such as webbings, gorings, suspenders, bindings, braids, buttons, etc. (silk), the rate remains the same.

It will be seen that not only in dealing with the free-list, but also with the schedule of dutiable articles, the bill aims to give the agriculturists of the country their share of protection. And this is no idle attempt. The farmers of the country, irrespective of party, have taken the position, and justly so, that if the protective policy is to prevail they must have their share of it. The legislative committee of the National Grange in their address to Congress say:

The Grange is an organization representing in its membership all political parties and differing as other classes on questions of public policy. While essentially united in one thing, to wit, as an organization, we do not advocate free trade or protection, but when either policy has been adopted by the Government we respectfully ask that the benefits and burdens be as equally distributed as is possible among all industries. We therefore ask that in the proposed revision of the tariff the interests of agriculture receive careful attention.

And subsequently the committee presented the following list of duties they desired imposed in the list. I give the letter entire:

WASHINGTON, D. C., January 24, 1890.

SIR: In accordance with promise we herewith submit a list, as supplemental to our remarks of yesterday before your committee, asking for duties and increase of duties upon agricultural and horticultural products imported, namely:

Amount of duty asked.

Cattle..... per head.....	\$5.00	Beans..... per bushel.....	\$0.50
Horses..... do.....	20.00	Pease..... do.....	.25
Sheep and hogs..... do.....	.50	Potatoes..... do.....	.25
Bristles..... per pound.....	.20	Green fruit..... per cent.....	.25
Butter..... do.....	.05	Preserved fruit..... do.....	.30
Cheese..... do.....	.05	Dried fruit..... do.....	.02
Eggs..... per dozen.....	.05	Canned fruit..... do.....	.02
Hair..... per cent.....	.10	Hay..... per ton.....	4.00
Hides..... do.....	.15	Hops..... per pound.....	.12
Barley..... per bushel.....	.25	Pickles and sauces..... per cwt.....	.35
Barley malt..... do.....	.35	Sumac, double present duty.	

Wool, same as asked for by the Wool-Growers' Association. This list does not include all articles produced by farmers which should be protected, but those only to which we desire to call especial attention.

Very respectfully,

J. H. BRIGHAM,
JOHN TRIMBLE,

Of Legislative Committee, National Grange.

Hon. WILLIAM MCKINLEY,
Chairman Committee on Ways and Means.

It will be seen that almost all of the rates were granted as requested. But to bring the rates more closely together I insert the following table:

Products.	Present duties.	Proposed duties.
I. Cattle over one year old.....	20 per cent.....	\$16 per head.
Cattle under one year old.....	Free.....	\$2 per head.
II. Barley.....	10 cents per bushel.....	30 cents per bushel.
III. Potatoes.....	15 cents per bushel.....	25 cents per bushel.
Onions.....	10 per cent.....	40 cents per bushel.
Cabbages.....	20 per cent.....	\$3 per 100.
Hay.....	\$2 per ton.....	\$4 per ton.
Hops.....	8 cents per pound.....	15 cents per pound.
Beans.....	10 per cent.....	40 cents per bushel.
Pease.....	20 per cent.....	40 cents per bushel.
Poultry.....	10 per cent.....	3 cents per pound.
Vegetables, n. o. p.....	10 per cent.....	25 per cent.
IV. Flax, not dressed.....	\$20 per ton.....	\$30 per ton.
Flax, dressed.....	\$40 per ton.....	\$80 per ton.
Duties on linen and hemp goods are also advanced.		
V. Sugar, average of all duties.....	7 1/2 per cent.....	35 per cent.
VI. Tobacco, leaf, stemmed.....	\$1 per pound.....	\$2.75 per pound.
Tobacco, leaf, unstemmed.....	75 cents per pound.....	\$2 per pound.
VII. Wool, first class.....	10 cents per pound.....	11 cents per pound.
Wool, second class.....	12 cents per pound.....	12 cents per pound.
Wool, third class, under 12 cents.....	24 cents per pound.....	34 cents per pound.
Wool, third class, over 12 cents.....	5 cents per pound.....	8 cents per pound.

That this protection to agricultural products is needed is apparent by the amount of imports I have given when considering each item. When the imports of agricultural products into this country are massed together the figures are startling. Mr. Dodge, who has been for many years statistician at the Department of Agriculture, gives the totals for the year 1889 as—

Sugar and molasses.....	\$93,297,868
Animals and products, except wool.....	40,419,502
Fibers, animal and vegetable.....	59,453,936
Fruits and nuts.....	18,746,417
Barley and other cereals.....	8,971,722
Tobacco leaf.....	10,863,226
Wines.....	7,700,772
Total.....	239,464,443

To which add wool, \$17,974,515, and we have a grand total of \$257,438,958 of the direct or indirect products of the soil which came in here from abroad the last fiscal year.

No, it will not do to sneer at the demand from the farmers for their share of protection; nor will it do to sneer at this bill as an attempt to "fool the farmers." They have helped by their committee of their national organization to shape the bill. While some items might have been in a shape more satisfactory to them, they recognize its worth to them. The following is only one of many communications I have had the pleasure of receiving in reference to the bill.

SECRETARY'S OFFICE, Jacksonville, N. J., April 28, 1890.

Hon. JAMES BUCHANAN, Washington, D. C.:

At a meeting of Burlington County Pomona Grange, No. 1, held at Medford, N. J., April 22, 1890—

Resolved, That it is the sense of this meeting that we indorse the action of the legislative committee of the National Grange in securing in the McKinley bill now before Congress more tariff for farmers' products and provisions; and Further resolved, That you use your influence in support of said bill for the further protection of the American farmer.

FRANKLIN S. ZELLEY,
E. RANDOLPH SWAIN,
ROBERT TAYLOR,
EDWIN DUDLEY,

Committee on Resolutions.
EDMUND BRADDOCK, Master.
FRANKLIN S. ZELLEY, Secretary.

SCHEDULES OF MANUFACTURES.

If we examine the other schedules of the bill we will see that there has been given us a great deal of misinformation as to its general scope and effect and much misinformation as to its particular provisions. Of the several items composing the schedule of chemicals, oils, and paints, of the 118 articles as to which data can be obtained 67 are left at the present rates, 22 are increased, and 29 are decreased. Of the 22 increases, all but three are upon articles which now bear a rate less than 30 per cent., and one of these is flaxseed-oil. The increases and decreases are so arranged as to encourage the domestic production and to cheapen the things we can not produce.

In earthenware no change is made. In glassware there are some increases, mainly in the grades in which foreign competition is now sharpest. There is a slight increase on unpolished cylinders, but on polished cylinder, rough and polished plate, and silvered or unsilvered the rate is unchanged. Upon cut, painted, or stained articles of glassware the rate is changed from 45 per cent. to 10 cents per pound and 50 per cent., and upon plain articles from 40 per cent. to 10 cents per pound and 35 per cent. In each instance this is an increase. Marble and stone are left at present rates, except that there is a decrease of 5 cents on the hundred in mill-stones, and an increase of 30 cents on free-stone, granite, and sandstone, dressed, and a new rate on undressed. Slates and mantle are left as now. Iron ore and pig-iron are not changed; bar and round iron are reduced; so are iron beams and girders.

Boiler and plate iron are increased. Upon the whole, the metal schedule shows a considerable reduction in rate, the increases, where they are made, being largely in articles bearing at present a rate less than 30 per cent. In cutlery, on pocket-knives specific rate of from 12 cents to \$1 per dozen is added; but on table-knives, while this specific rate is added, the per cent. rate is slightly reduced. In these goods the cheapest and most commonly used suffer the least increase. Files over 9 inches in length suffer a reduction of 20 to 50 cents per dozen, but nails, horse-shoes, and cut-tacks are all reduced. So are railway fish-plates; saws remain the same; so do wood-screws, except those one-half inch and less in length, which are raised. The duty on copper ores and on copper (except in sheets, rods, or pipes) is cut nearly in half.

In gold thread and leaf there is an increase. Lead ore and pig-lead remain the same. Lead in sheets, pipes, shot, etc., is reduced. Crude nickel is reduced from 15 cents per pound to 3 cents. Pens, pen-holders, pins, no change. Quicksilver increased. Watches and movements, no change. Block zinc increased; in sheets, no change; fit only for manufacture, decreased. In other manufactures of metals (coming under item 219) there are some small increases, but the rates remain in the main the same as at present. Thus last year we imported \$6,700,000 of brass house furniture at 35 per cent. The item makes this 45 per cent. We imported \$411,943.93 of clocks and parts of same at 30 per cent. The item makes the rate 45. But we also imported \$2,364,727.36 of manufactures of iron at 45 per cent. The item does not change

the rate. We also imported \$1,546,079.64 of manufactures of metal (not otherwise specified) at the same rate.

In hewn and sawed timber there is a reduction of one-half. Lumber remains the same. Logs are already free, but with but little advantage to us, because, as already stated, Canada imposes an export duty upon them, and the duty goes not to us, but to the Canadian treasury. The bill provides that as long as this export duty is retained its equivalent shall be levied upon the sawed lumber coming from the country levying such export duty. Manufactures of wood, except as to one item, of which we imported last year \$599,000, remain the same. As stated, sugar, except the white above No. 16, is made free; above No. 16 it is put at two-fifths cent per pound, instead of 3 cents, where it now stands.

In short, the yellow sugars, even the very light yellow, are all made free, and the white ones reduced from a rate of 108.69 per cent. and of 71.30 per cent., respectively, to one of 10.14 per cent. for the finest loaf.

Spirits, wines, and other beverages suffer practically no change. The rates on these are in some instances over 400 per cent. This is compensatory, however, of the internal-revenue tax paid by the domestic article. There is, however, an increase on mineral waters.

Upon manufactures of cotton there is, upon the whole, a decrease. On cotton wearing-apparel, the rate is raised from 40 per cent. to 50. There is also an increase in hosiery and underwear. Thus, stockings now pay 40 per cent. By the bill those worth less than 60 cents per dozen pair pay 20 cents per dozen and 20 per cent., while those between \$2 and \$4 per dozen pay 75 cents per dozen and 40 per cent. This rate makes the cheaper pay an increase of 8 cents per dozen and the finer of 75 cents per dozen (20 per cent on 60 cents is 12 cents, which added to 20 cents makes 32 cents, being 8 cents more than 24 cents, 40 per cent. of 60 cents).

The manufacture of wood pulp has become a great industry in our country. By the old method of grinding or wearing away blocks of wood, held tightly against rapidly revolving grindstones, a pulp was obtained that was useful in giving thickness and filling to the coarser board papers, but the pulp gave the paper little or no strength, as the fiber of the wood was totally destroyed in grinding. By the new "chemical" process, the fiber is preserved, and a much stronger paper can be made from the pulp.

The pines which fringe our New Jersey coast and, in fact, extend along the seaboard almost without interruption to Florida are found to be well adapted to the manufacture of this pulp. This pine has been fully tested at Weymouth, in Atlantic County, in my own State, and found excellent for this purpose. Wood pulp now bears a duty of 10 per cent. The bill gives a rate on ground pulp of \$2.50 per ton; on chemical pulp, unbleached, of \$6, and on bleached \$7 per ton, about equal at present prices of pulp to 19 per cent. We imported last year \$1,511,134.85 of wood pulp. We can make every pound we need, and we should do so.

Sheathing and printing papers are left at the old rate; we now make nearly all we use. Envelopes are changed from 25 per cent. to 25 cents per thousand. The balance of the paper schedule remains on the average about the same.

Brushes and brooms, now rated at 30 and 35, are put in the bill at the uniform rate of 40 per cent. Cloth button-forms remain the same. Pearl buttons, formerly largely made at Newark in my State, but now nearly driven out by the buttons made in Austrian prisons, are given a considerable increase.

Soft coal remains the same. Hard coal is on the free-list and has been for many years.

As we run on down the list of sundries we find few changes to note except a rise from a 30 per cent. rate to a 50 per cent. rate in hats made of fur, including fur hat bodies. Jewelry now bears 25 per cent.; the bill makes this 50. Pearls and precious stones are left at the old figures. These have been criticised as being low, but it must be remembered that there is no article so easily concealed from the customs officers, and so eminent an authority as Senator SHEEMAN has expressed the opinion that if a higher rate were imposed a less amount in duties would reach the Treasury. We imported last year \$10,720,504.16 of precious stones that paid duty. How many were smuggled in, concealed about the person or in packages of other goods, will never be known. A bar of pig-iron does not escape the eye of the customs inspector, a diamond is easily secreted.

Leather and its manufactures are left at present rates, with the exception of gloves, which are given a compound rate, and I have not the data to ascertain whether it is a rise or not. Of gloves (kid and leather) we imported last year \$4,476,091.08.

Upon the whole the "sundries" schedule now bears an average of 26.44 per cent. The bill makes it 27.46 per cent.

I have thus gone over this bill with a particularity which may have been somewhat tedious, but which I deemed necessary to a fair and impartial understanding of its provisions. A few of the rates in the bill as originally reported to the House were amended, but I think none of these amendments have escaped my attention, although some of the percentages given may be slightly inaccurate, as many rates now ad valorem are changed by the bill to specific.

An article now paying a certain per cent. upon its value is said to

bear an ad valorem rate; when this is supplanted by a rate of so many cents on each pound or yard or bushel, the rate is said to be specific. Of course in the latter case the specific rate may be a higher or lower equivalent per cent., as the value per yard, pound, or bushel rises or falls. For example, if wheat bore a rate of 50 per cent. and sold at 50 cents per bushel, the duty would yield 50 per cent. on 50 cents, equaling 25 cents. If it sold for \$1 per bushel the same rate of duty would yield 50 cents; if for \$2 per bushel, the duty would be \$1. If, on the other hand, the rate were a specific one of 50 cents on each bushel, the duty yielded would be the same in amount, let the price rise or fall as it might.

Thus a rate of 50 cents per bushel, if wheat sold at 50 cents, would be the equivalent of 100 per cent. If it sold at \$1, it would be the equivalent of 50 per cent.; if at \$2, the equivalent would be 25 per cent. The specific rate equals a higher or lower equivalent per cent. as the price of the article falls or rises. I say "falls or rises" because this example shows us that the lower in price the article falls the higher percentage of protection is given by a specific rate. This explains and justifies from the protectionist standpoint the changes made by the bill from the old ad valorem rates to the new specific rates wherever practicable.

Of course, as shown, with a considerable rise or fall in present prices, the new specific rates would be a lower or higher equivalent per cent.

CHANGE FROM AD VALOREM TO SPECIFIC RATES.

Attention has been called to the fact that a specific rate protects as highly when prices are low as when they are high. It is when the prices fall, by reason of cheaper foreign production, that protection is needed the most. When prices go up the specific rate, unlike the ad valorem rate, yields no more duty, and the consumer soon gets the benefit of the competition which inevitably results. I remember to have once heard Hon. S. J. Randall say in a private conversation that an ad valorem rate protected the most when it was least needed and the least when most needed, while a specific rate gave the most protection when the most needed.

Specific rates also make frauds upon the revenue, by way of undervaluations, more difficult. The extent to which the Government is now defrauded by the underbilling of goods is simply appalling. The old days of honest importing seem to be past. Once the importer was a bona fide resident of this country and a citizen here. He sent his order abroad, and honestly purchased his goods at the market price and had them so invoiced to him. In those days a hundred-dollar invoice represented a hundred dollars' worth of goods and no more.

To-day it is different. The foreign manufacturer sends his clerk here, who acts as a resident agent, and the manufacturer, in effect, bills his goods from himself to himself. No actual sale takes place, and he puts the values in the invoices as low as his conscience will permit and a consul entirely ignorant of the value of the goods will certify. A few years since an investigation made by the United States Senate showed this whole matter up in an alarming light. Senator Beck, of Kentucky, was on the committee and expressed his indignation at these frauds in strong terms.

At a recent hearing before the Senate Committee on Finance, given to the importers of New York upon this very tariff bill, one of the importers present and protesting was a manufacturer who has his works located in Europe, and the goods his firm makes there he sends on to his firm here, invoicing his goods from his firm there to his firm here. During the past year, it may be well to remark, many of these invoices of this firm have been greatly advanced at the custom-house, and the duty on the advance paid without protest, an acknowledgment that they were made out originally below the real value. Unfortunately many articles are of such a nature that a specific rate can not be imposed. Perhaps more should be imposed than are changed by this bill, but so far as the changes go they are in the right direction.

EXEMPTED WEARING APPAREL REDUCED IN AMOUNT.

Wearing apparel of persons arriving in the United States is now free. Under this exemption wealthy families spending their summers abroad have made it a custom to buy all their clothing for the year abroad, and on their arrival here with it it pays no duty. The exemption has been outrageously abused, in some instances the articles thus exempted amounting for each person in the family to thousands of dollars.

This bill limits the amount to \$500. A great outcry has been made against this limitation, but if it errs at all it errs in yet being too liberal. Because one man has money and leisure sufficient to permit him to pass his summers in Europe and another has not, it does not at all follow that the more fortunate one should be favored in having his foreign-made and foreign-bought clothing exempted. It is true the further restriction that the articles must be "actually in use and necessary and appropriate" is in the bill, but a broadcloth coat, silk dress, or seal-skin cloak worn but once would come within the terms of the act. The howl against this provision by people who fleece the rest of the country in Wall street during the winter to spend the proceeds in vulgar display in Europe during the summer would be amusing were it not given utterance through Anglomaniac journals whose solemn gravity forbids even a smile.

COUNTERFEITING OF AMERICAN BRANDS PROHIBITED.

As the superior excellence of American-made goods has become so well established, some unscrupulous foreign makers have found it profitable to counterfeit our trade-marks and brands. I have seen foreign-made cutlery marked with a Connecticut maker's brand. The American-made watch movement has been counterfeited. At the Anvil Works of Clark Fisher, in Trenton, N. J., can be seen a German-made anvil of inferior make, marked "Trenton." This counterfeiting of our brands has become very extensive. The bill contains a provision that such goods shall be denied admission here.

FREE MATERIALS FOR SHIPS.

To encourage the construction of vessels for sale abroad, or for use in the foreign trade, or between the Atlantic and Pacific ports, materials for their construction may be admitted in bond, and upon proof of being so used the duty is to be remitted. This gives "free raw materials" for such ships; our coastwise vessels do not need this, as by law these already have the whole control of the coasting trade, no foreign vessel being allowed to clear from one port in the United States to another.

THE TOBACCO-RAISER AND SMALL MANUFACTURER RELEASED FROM BURDENS.

The internal-revenue features of the bill are limited to the taxes on tobacco and the manufacturers thereof and dealers therein. Tobacco, as is well known, is largely grown in many sections of the country. The necessities of the war compelled the imposition of a heavy internal-revenue tax upon it. To secure the collection of this tax many regulations were made necessary. These have borne with especial hardship upon the farmer who raises the leaf. He has been compelled to keep books of account of his sales, to register and report to the collector of internal revenue each and every sale of leaf-tobacco, and to pay a tax upon each sale.

By this bill all this is repealed. The taxes on manufacturers and dealers is also repealed. As the law now stands a maker of cigars is compelled to take out a special license, and to keep books of accounts of his purchases of leaf and his sales of goods. He must purchase and place upon each box a revenue-stamp, and at every step in his business he is under the constant supervision of the Government officials. The bonds that are required to be given, the money that has to be advanced for license, stamps, etc., preclude a man without means from entering into the business. These taxes and regulations are all dispensed with by the bill. The tobacco-raisers and smaller manufacturers have long asked for this legislation.

Such in general, and, it must be said, somewhat in detail, are the provisions of the bill. It will be seen that it is constructed upon the lines adapted to give relief where relief is needed, to encourage home interests, and to promote the prosperity of the country. Where strengthening of such interests is needed it is applied; where reductions can safely be made they appear. Some items may not meet with our approbation, but in general the whole tendency and general effect of the bill must be to promote the general interests of the country.

REDUCTION IN REVENUE BY THE BILL.

What net reduction in the revenue will it accomplish if enacted into a law? That is a question which many have assumed to answer readily and with the greatest confidence, but it really is a question which can not positively be answered entirely with any degree of accuracy short of an actual test by operation under the bill.

So far as the reduction is effected by transfer to the free-list we can be certain. Whether the importations of articles placed by the bill on the free-list rise or fall hereafter, no effect by such rise or fall can be had upon the revenue. The duty upon those articles being entirely relinquished, the reduction is absolute. This reduction is \$60,000,000. So far as the reduction is effected by repealing internal-revenue taxes, the reduction is also certain, or nearly so. The tax to-day is an actual, certain amount; if repealed, the whole of it goes and makes just so much reduction. This reduction is \$10,000,000 additional. But the reduction or increase to be made by a reduction or increase in rates of duty can not be at all accurately determined in advance.

True, we can tell the effect upon the public revenue of such reduction or increase, provided always that the volume of importations remains the same. But will the volume of importations remain the same? The answer is uncertain, and this uncertainty makes all calculations largely valueless. If a duty be lowered upon any article, the resultant effect generally is to so stimulate importations as to yield a total of duty larger than was yielded under the higher figure, unless the rate be very greatly lowered. Instance after instance of this could be given. On the other hand an increase of rate, by lessening importations, lessens the resultant revenue. Beside this, other causes may intervene to augment or lessen the volume of imports, even where rates are unchanged. These facts show how valueless any computation as to the effect on the revenue of a change in rates must necessarily be. In fact the Treasury experts who compiled the tables which accompany this bill feel constrained to add this:

NOTE.—These tables are prepared upon the plan and theory usually followed. The estimates are largely conjectured, and more or less unreliable and misleading. They are based upon the assumption that if the bill should become a law merchandise of like quantities and values would be imported as was imported during the fiscal year 1889. This basis can only be accepted as reliable when changes in rates are not of such a character as to necessarily cause an increase in or diminish importations.

It will be noticed that this refers to the tables calculated by them of the probable effect of the bill upon the revenue. It does not refer at all to the tables of actual importations in the past year from which I have so often quoted heretofore. These are fixed and certain, the tabulated results of actual invoices actually entered heretofore in our custom-houses.

Taking all these uncertainties into account these experts figure out that the net reduction in revenue to be effected by this bill, with the rates as contained in the bill as reported, will (upon the basis they assume for their calculation) amount to \$30,988,855.57. I say "net reduction," for while it is true that a large addition has been made to the free-list, and some reduction in internal-revenue taxes, it is also true that in the schedules of tobacco duties, agricultural products and provisions, flax and hemp, and wool and its manufactures, there have been large increases. Last year our tobacco duties yielded \$11,194,486.68. If the rate named in this bill is imposed and the importations remain the same the new duty would yield \$20,948,556.27.

But who believes that the importations would maintain their former volume? Again, last year agricultural products and provisions yielded a duty aggregating \$11,319,797.84. If the new rates obtain, and the volume remains the same, the duty resulting would be \$19,873,308.40; but, as in the other case, who believes the volume would be maintained at the higher rates? My own judgment, and I confess it is conjecture, but nevertheless conjecture based upon some study of the situation, is that the bill in actual operation would result in a net reduction considerably above \$31,000,000, reaching possibly to \$45,000,000.

LOW PERCENTAGE OF OUR TARIFF RATES.

Much has been said about the high rates imposed upon our imports. The matter of percentages is one in which persons can be easily misled. The free-trade organs and orators when they speak of the average per cent. of duty speak only of the per cent. upon the dutiable list. They leave out of account entirely the free-list. They speak not of the average rates applied to all our imports, but only as applied to the two-thirds which are dutiable. This is not fair. If all our imports were free but tobacco, and that had a rate of 200 per cent., upon their basis our tariff rates would be 200 per cent.

True, tobacco might be but a twentieth part of our imports, yet by their figuring the average rate would be 200 per cent. The only fair way is to take the whole body of our imports and the duties collected, and see what per cent. of the value of the whole of the imports the whole of the duty yielded is. Last year our imports of merchandise were in value \$745,131,652, yielding an aggregate of duty of \$220,576,989 (see Executive Document No. 6, Fifty-first Congress, first session, page lxxxii). This aggregate duty is 29.6 per cent. of the aggregate imports. In other words, our present tariff rates, denounced so severely, average only 29.6 per cent.

If a corresponding volume of imports—\$745,131,652—were to come in under the rates fixed in this bill as it was reported to the House the yield of duty would be \$200,909,179.16, an average rate of 26.96. (It must be remembered that a part of the \$31,000,000 of reduction comes from the internal-revenue sections.) But some changes were made in it during its passage through the House, and the rates fixed in it as it passed would yield upon the same basis an aggregate duty of \$206,344,977.77; this would be an average rate of 27.69 per cent. In other words, the "McKinley monster," as it was called at the time of its passage in the House, imposes an average duty of 27.69 per cent., as against the present rate of 29.60.

This percentage is not subject to the uncertainties heretofore spoken of, because as the volume of imports increased or diminished, so in corresponding ratio would the resultant volume of duties increase or diminish, the ratio or per cent. remaining the same. I know these figures will surprise many, but they are irrefutable. I have been careful to figure out these percentages separately to show the correctness of the result. Tabulated they are as follows:

	Importations.	Duty.	Percent.
Present.....	\$745,131,652	\$220,576,989.00	29.6
As reported.....	745,131,652	200,909,179.16	26.96
As passed.....	745,131,652	206,344,977.77	27.69

So carefully have the rates been adjusted in this bill that there results a reduction of revenue, an addition of sugar and other articles to the free-list, and a substantial increase in protection to our agricultural products, together with a reduction in the rate per cent. upon the line of imports taken as a whole.

CHANGES IN THE BILL MADE ELSEWHERE.

This bill has gone to the Senate for its action thereon. The Finance Committee have seen fit, in their wisdom, to make some changes, some of them important. Thus they lower the limit of free sugar below No. 13 in grade. They lower the protection afforded to flax, hemp, barley, flaxseed, cabbages, and some other farm products. They lower the rates on steel rails, crockery, and glassware. They retain the onerous taxes and exactions upon the producers of leaf-tobacco. It may not be parliamentary here to discuss these changes made else-

where, but it certainly is parliamentary to state the fact that within the limit between No. 13 and No. 16 grades of sugar are included the light-brown sugars which are sufficiently pure for many household uses, and yet have not been through the refinery.

Sugars below No. 13 are not fit for table use. They must first be refined. To place the limit of free sugar at a grade below No. 13 is to give the refineries free raw sugar, and practically to deny free sugar to the people. True, the refineries may give to the people in turn the benefit they receive, but the experiment of sugar directly free to the people is made impossible by this change. I am not now discussing the advisability or non-advisability of these changes or of free sugar, but am simply pointing out the effect which will result from this change if it is made.

Railway bars now bear a rate of \$17.92 per ton. This bill lowers this to \$13.44. The Senate committee will further lower it to \$11.20 per ton. Under the present rate we imported last year only \$2,474 in value. We have the steel and the labor, the mills and the ability to make all the steel rails we need. We have demonstrated it. Last year we built over 5,000 miles of new railway, and many of the old roads entirely replaced their rails. The wear and tear upon the others, with the enormous freight traffic of the past year, has been very great. Yet we supplied all this demand with importing less than 102 tons of rails. Why any reduction in the rate; is it to reduce price? A reduction in the rate can only do this by allowing foreign competition.

Home competition among our iron mills has already sent the price of steel rails down below 1½ cents per pound. In the days before the war, when a boy, I used to get a cent a pound from the junk dealers for the old iron I gathered up. The price can not be sent lower by a reduction in duty unless such reduction operates to bring in a large quantity of rails from abroad in competition with the home product. Every rail so brought in deprives some man here of employment to just the extent labor has entered into the production of that rail. Suppose the price is lowered by the introduction here of these foreign-made rails, who will be benefited by this onslaught on American labor? Only the users of rails, and who are they? The railroads of the country, and they alone. Who believes that fares will be lowered or freight rates lessened by such reduction? He who does has faith too colossal for realization. True, the committee append a foot-note (see Senate Mis. Doc. No. 178, page 28): "It is believed that the proposed rate will be sufficient to protect domestic manufactures." But that we are already near the danger-line is apparent from the fact that punched flat rails, bearing a duty of \$17 per ton, only 92 cents per ton less than bars, were imported last year to the value of \$623,871.47. But it was not my intention to drift into a discussion of these proposed changes. It is difficult to state the facts pertinent thereto without appearing to question their propriety, and I certainly have no desire, pending the discussion of these changes elsewhere, to discuss them here.

EFFECT OF THE BILL UPON THE COUNTRY.

What effect will this bill, if it becomes a law, have upon the prosperity of the country? Will it advance or retard such prosperity? Many gentlemen have assumed, with great confidence, to give full and positive answers to this question. But when we find that these answers differ as widely as "yes" and "no" our confidence in the proof is shaken. All can not be correct.

My own judgment, whatever that may be worth, is that the effect upon the country of any enactment upon any financial, commercial, or industrial subject can never be accurately foretold. So many conditions to the problem exist, so many contingencies are liable to arise, such unforeseen changes in circumstances may occur, that results nicely calculated and confidently predicted may utterly fail to materialize. We can only have a general judgment based upon the experience of the past, the wants such experience has demonstrated to exist, and the apparent adaptability of the bill to supply these wants. As I have said, the bill is constructed upon protective lines.

NATIONAL GROWTH IN THE PAST.

Under that policy in the past we have had, as a nation, a wonderful prosperity.

I have here the Statistical Abstract of the United States for the year 1889. It is compiled by the Bureau of Statistics, under the direction of the Secretary of the Treasury, and its figures are official and accurate. From it I gather these figures:

In 1867 our national debt, less cash in the Treasury and exclusive of accrued interest, was \$2,508,151,211.69, being \$69.26 of principal and \$3.84 of annual interest charge to each person. In 1889 it was (on the same basis) \$975,939,750.22, or \$15.12 of principal and 52 cents annual interest charge per person.

In 1883-'84 our savings-banks had 3,015,955 depositors, and \$1,073,294,955 of deposits. In 1888-'89 the depositors were 4,021,523, and the deposits \$1,425,230,349.

In 1880 we mined 70,481,426 tons of coal; in 1888 we mined 142,037,735 tons. In 1870 we made 1,665,179 tons of pig-iron; in 1888 we made 6,489,738 tons. Our production of minerals, ranging all the way from gold to building-stone, was in 1884, \$413,901,748; and in 1888 it was \$591,672,795.

In 1860 our exports of domestic merchandise were \$316,242,423. In 1889 they had risen to \$730,282,609. In 1870 we made 553,570 tons

of iron and steel rails. In 1888 we made 1,403,699 tons. In 1869 we raised 260,146,900 bushels of wheat. In 1888 we raised 415,868,000 bushels. In 1869 we produced 874,320,000 bushels of corn; in 1888, 1,987,790,090 bushels. The total tonnage entering our ports (sail and steam) was 5,008,487 tons in 1866, and 15,952,119 in 1888. Of this 1,891,453 tons in 1866 was American, and in 1889, 3,724,325 tons was American. In 1860 we had 28,498 post-offices, yielding a revenue of \$8,518,067. In 1889 we had 58,999, yielding a revenue of \$56,175,611.

In 1860 we had 30,635 miles of railway in the United States. In 1889 we had 161,255 miles, and have been building at the rate of about 6,000 miles each year for several years past. These roads represent a total investment of nearly \$9,500,000,000, and their gross earnings exceed \$950,000,000. In 1871-'72 the public schools of the country cost \$70,891,374. In 1887-'78 the cost was \$122,455,252. The total number of acres devoted to the production of grain was 65,636,444 in 1867, and 146,281,000 in 1888, and the total product had risen from 1,329,729,400 bushels in 1867 to 3,209,742,000 bushels in 1888. The total number of farm animals in 1867 and in 1890 were:

Year.	Horses.	Mules.	Cows.	Oxen.	Sheep.	Swine.
1867	5,401,263	822,386	8,348,773	11,730,952	39,385,386	24,693,834
1890	14,213,837	2,331,027	15,952,883	36,849,024	44,336,072	51,602,790

And the value has increased from \$1,344,572,679 in 1867 to \$2,418,766,028 in 1890.

But, to make the statement complete, one other fact must be added: While development of our mining, manufacturing, railroad, and commercial enterprises has been great, in fact marvelous, the fact remains that one interest, and that one as important to the welfare of the country as any, and more important than many, is not now in a prosperous condition.

I need not say I allude to the interest of agriculture. The growth of this interest has been rapid and steady. The figures I have given as to the additional acreage devoted to the raising of crops, the increase in the total product, and the increase in the total number of farm animals all show this. But with this growth in production has come a lowering in prices which has made, and is now making, the lot of the farmer a very hard one indeed. It is a trite saying that agriculture is at the base of all our prosperity, and that when that industry is not prosperous, prosperity for other occupations can not long continue.

Much has been said here and in the public prints upon this subject, and much has been loosely said. Guesses, in the course of time, have been changed into estimates, and these estimates have eventually hardened into positive statement. During the early part of this session we heard the subject of "farm mortgages" discussed upon tariff bill, pension bill, appropriation bill, and in fact any bill served as a text for a delirium upon this subject. Table after table of alleged indebtedness has been gravely published in the RECORD as fact, even after the figures had been obtained from official sources showing their entire untrustworthiness. No doubt many of the Western States will show, when the returns from the special inquiry we have ordered are all in, a large increase in mortgage indebtedness.

In 1866 I had the pleasure of an extended tour through Illinois and Missouri. Even in the former State miles upon miles of fertile prairie lay waiting for the keen plowshare. Twenty years after I passed over the same ground. The prairie had been broken, green fields of corn stood where I had ridden over the primitive sod, neat farm-houses stood where I had seen nothing but solitude, fences stretched in every direction barred my path where before I had passed unchecked. All this had taken not only labor, but money as well. The pioneer had strong muscle, but a weak purse. With a faith in his future that was well placed, he borrowed the money to pay for his land and outfit, and then set bravely to work to conquer a home; and so it comes that in all developing countries mortgages will exist.

The men who have the means do not care to be pioneers. The pioneers do not have the means, and so one becomes a lender to the other. Were all new countries to wait for the men of wealth to erect the cabins, clear away the brush, break the sod, and harvest their crops with their own hands, development would come to a stand-still. Perhaps about as sensible an article upon this subject as has been written is the following, which I clip from the New York World of June 27, 1890, under the heading of—

A TEMPEST IN A TEA-POT—WESTERN MORTGAGES NOT SO BAD AFTER ALL.

The free-traders are anxious to make the condition of things as bad as possible, a multitude of brokers are anxious to restrict the investment of money to securities other than farm mortgages, and between them they have stirred up an agitation. When it is remembered that ten times as much money was lost in the Atchison Railroad in eighteen months as has been lost in Western farm mortgages in ten years, the recent agitation looks like a tempest in a tea-pot from the standpoint of an investor.

It is, comparatively speaking, but a few years since you could ride over the State of Illinois for miles and miles through an unbroken prairie, but the public, appreciating the fertility of the soil, occupied the land, railroads were built, and the State developed into a very rich agricultural country. Even during the recollection of the writer one could travel for leagues across the prairie in parts of Illinois without finding a house or ornfield, while to-day it is impossible to find a tract of 160 acres of prairie land in the State which has not been at some time under cultivation.

When Illinois had become densely populated the people began to move into Iowa, and the same progress and development were made in that State. Railroads were built, the virgin soil of the prairie was turned over, and townships sprung up as if by magic. In the mean time Kansas had become pretty well known, and then came the greatest rush of immigration which has ever been known in the history of the United States. The railroads commenced building, until they have formed a network throughout the State.

With the building of the railroads came immigrants with small means, who wished to make homes for themselves. It became necessary for them to borrow money to pre-empt and improve the new lands. The writer has been very familiar with the State of Kansas from 1871 up to the present time. In the Osage diminished reserve, which was opened for settlement July 15, 1870, money loaned at from 50 to 60 per cent. per annum on real-estate security from 1871 to 1874; from 1874 to 1876 the rate averaged 25 per cent. per annum on real estate; from 1876 to 1878 it averaged 18 per cent. per annum, and with this rate of interest prevailing the demand was greater than the supply.

CAUSES OF AGRICULTURAL DEPRESSION.

However it may be in the West, the truth remains that the Eastern farmer is in a serious situation. Is this due to the tariff? The free-trader hastens to assure him that it is wholly so. Some figures, which I quoted awhile ago, I think will reveal the true reason of this depression in agriculture. They are from page 290 of the Statistical Abstract. I will repeat them. In 1867, as already stated, the acreage devoted to the raising of grain in this country was 65,636,444 acres. In 1888 it was 146,281,000, or more than double the acreage in 1867. As a result, the gross production of all the grains was 1,329,729,400 bushels in 1867, and 3,209,742,000 bushels in 1888. Our production has increased two and one-half times; but the most striking fact is yet to appear. The 1,329,729,400 bushels of 1867 had a value of \$1,284,037,200, or about 90 cents per bushel, while the 3,209,742,000 raised in 1888 had a value of but \$1,320,255,398, or only about 41 cents per bushel; in other words, the crop of 1888, although about 250 per cent. larger than that of 1867, only realized to its producers but a little more than did that of 1867.

In these figures lie the whole pith and substance of agricultural depression, to wit, low prices for farm products. With farms purchased at the higher rates of a few years ago, it stands to reason that a farmer must find it hard to pay his way when he only realizes less than one-half of former prices for his products.

AGRICULTURAL PRODUCTION HAS INCREASED MORE RAPIDLY THAN POPULATION.

But we must go a step further, and find the reasons for the existence here of these low prices. One is apparent from the increased acreage in cultivation and the increased amount of production. We have been in great haste to wrest riches from our virgin soils. We have not waited for the steady, even advance of a permanent settlement, carrying with it villages, towns, cities, each a center of consumption of products, but along the fertile banks of the Red River of the North, and elsewhere, great wheat farms have been taken up, seeing no population save at seed-time and harvest, and yielding a bountiful return for but little outlay of money or labor.

In other words, we have extended our area of cultivation more rapidly than we have our area of population, and the inevitable result of overdoing has followed. This must eventually end. Rapidly the head of the pioneer is pushing to the very front, and not many years will elapse before the population will have caught up with its advance agents. True a gigantic scheme to reclaim and make fertile the arid lands of the far West is being urged, but the realization of this dream is evidently not in the near future. In an able article by C. Wood Davis, in the June Forum, that writer says:

Investigations undertaken solely with the view of ascertaining why the farmer is not prosperous led irresistibly to the conclusion that the rapid increase of the cultivated area in the United States was the principal cause of the lack of prosperity among the farmers of Canada and Europe as well as of the United States.

And he further says:

Further investigations have developed the fact that the arable lands are being occupied at a rate which insures their complete exhaustion at a much earlier date than has heretofore been deemed possible, with rapid reduction in the volume of exportable breadstuffs.

Perhaps as accurate a review of these probabilities as can be had is that given recently in the Homestead, an agricultural paper published at Des Moines Iowa:

WHEAT CONSUMPTION OVERTAKING PRODUCTION.

Whether farmers think of it or not, dealers and speculators in grain watch very closely the statistics of production and consumption and govern themselves accordingly. The Milling World, of Buffalo, has the following on the wheat situation:

"British consumers of American wheat are evidently convinced that the time will soon arrive when the United States will need all her wheat to supply her home demand. Canadian economists are holding the same opinion. Both are nearly correct. As things are now going, the population of the United States is increasing at the rate of 1,500,000 a year. That increase in population means an increase in consumption of at least 6,000,000 bushels of wheat a year. If the available surplus of wheat is now 100,000,000 bushels a year, it will require less than twenty years for consumption to catch up to demand, and during each year, even with full crops, the surplus for export will grow smaller and smaller, while an occasional short crop will make it impossible to export any large amount in some years. This is the Canadian and British view.

"But there are certain things to be looked at which do not appear in this generalizing view. The most important is the change that will take place in the methods of wheat culture in the United States as the population grows denser and as demand overtakes supply. The acreage sown to wheat will be very considerably increased. It is not true that all available wheat land in the United States is under culture, as is asserted by foreign writers. There are still millions upon millions of acres of fine wheat land untouched. The increase in output from enlarged acreage alone will be very large, but the more important in-

crease will come from intenser cultivation. At present most of the wheat is grown on the wasteful method of taking out all from the soil and returning nothing to it. In the future all this will be changed, and land that now grows from 15 to 20 bushels to the acre will be made to grow from 30 to 40 bushels. This is one item that the foreigners do not estimate."

There is one point, however, that economists are apt to overlook, namely, that spring-wheat growing has been conducted heretofore solely by the soil robber, and that between the soil robber and the farmer there is necessarily a hiatus of several years in which wheat is not grown at all. In other words, there is a greatly decreased acreage of land that is going down to grass, and being restored to a state of fertility that will enable it to grow wheat. When that change is effected the amount of wheat grown will depend mainly on the price it commands.

CHEAP PRODUCTION OF WHEAT IN THE WEST.

We can hardly realize the cheapness with which wheat can be produced in the Northwest. Mr. Edward Atkinson tells us (see his Distribution of Products, page 272) that—

The aim of some of the great bonanza wheat farmers of Dakota has been to apply machinery so effectively that the cultivation of one full section of 640 acres shall represent one year's work of only one man. This has not yet been reached, but so far as the production of the grain of wheat is concerned one man's work will now give one thousand persons enough for a barrel of flour a year, which is the average ration.

One thousand barrels of flour represent an equivalent of 4,500 bushels of wheat.

CHEAP PRODUCTION SUPPLEMENTED BY LOW RAILROAD RATES.

This rapid opening up of these new lands has lowered prices also, because, first, the lands were cheaply purchased; much was located on North Pacific scrip at 25 to 50 cents per acre; second, they were admirably adapted to the growth of wheat; and, third, the lowering of railroad rates has so reduced the cost of transportation eastward that the farmer 100 miles from the seaboard has to pay quite as much as the farmer 1,000 or 1,500 miles further inland.

Relief upon the latter score was expected from the operation of the interstate-commerce law, but not with good reason. That law only prohibits charging more for a short than for a long haul. It does not compel charging less for a short than for a long haul. It affords relief only so far as it prevents railroads from recouping on the short haul the loss suffered on the long. The expectation that it would or could do more arose from an ignorance of the provisions of the law.

The opening up of these vast sources of cheaper supply has resulted in an increase of production in excess of the increase in our capacity for consumption. Mr. Atkinson tells us that in 1869 the production of grain (of all kinds) here was about 40 bushels to each person, while in 1884 it had risen to more than 52 bushels, an increase of 30 per cent.

COMPETITION OF RUSSIAN AND INDIAN WHEAT.

As stated by Mr. Davis, this overproduction has cheapened prices the world over. It gave us a larger surplus for export, and the result was inevitable. But other causes have contributed to lower the prices of farm products abroad. New competitors have entered the market and old prices of supply have been enlarged. We are not the only producers of wheat. In 1888 we produced 415,868,000 bushels, which is but one-fifth, or 20 per cent., of the world's supply. Russia produced 254,619,000 bushels, and India produced 266,882,112 bushels.

In 1888 Great Britain drew 29.22 per cent. of her wheat from Russia and 11.01 per cent. from India, a total of 40.23 per cent. of her total supply, against 36.69 per cent. she drew from the United States. In the production of wheat, as in the manufacture of goods, it is a truth in economics that the most cheaply produced supply sets the price for the whole product. If Russian-grown wheat can be sold at a low figure and is thrown upon the market, soon the tendency of prices will be toward that figure.

True, the tendency may be retarded for awhile by the intervention of other circumstances, but eventually the level will be reached. It may be worth our while, therefore, to inquire into the conditions existing elsewhere under which the wheat that mainly comes into competition with ours is produced, and what hope there may be for our farmers matching these conditions and thus being able to compete at these lower prices in the markets of the world.

WHY RUSSIA CAN UNDERSSELL US IN THE WHEAT MARKET.

I have here a book entitled "A Hoosier in Russia." It is written by Perry S. Heath, esq., the wide-awake and observing correspondent here of the Indianapolis Journal. He made an extended tour through Russia in the summer of 1887, and has embodied the results of his observations in one of the most readable and valuable books upon Russia that has of late years come from the press. Written to subserve no preconceived purpose and to bolster up no particular theory, the author has given us the industrial facts as they exist without coloring and without prejudice. The following quotations are from his book:

The ruble was originally intended to be worth a dollar in American money, but is now worth but 46 cents.

Laborers receive but 1½ rubles a day in St. Petersburg for the most wearing work. For ordinary labor but 1 ruble is paid, while thousands work for 6 rubles a month. Domestic receive less than 2 rubles a month. But this is good pay compared to that received by the soldiers in Russia. A private gets 4 rubles a year, and the commissioned officers from half to two-thirds the amount paid privates in the American Army.

There is industry on every hand, and the manual labor in the public places is not confined to the male sex. Women work on the streets with the men, shoveling, using the pick-ax, or driving teams, and they labor every day in the week.

This at St. Petersburg, where the very highest wages obtain. Reduced to American money it means 46 cents per day for ordinary labor, while thousands work for \$2.76 per month. Domestics receive less than 92 cents per month. A private soldier gets \$1.84 per year (and of course his uniform and rations). Having thus obtained an idea of the rates paid for wages (and we have taken the highest rates in the Empire), we are ready to follow Mr. Heath as he enters Russia and observes its agricultural features. He says (referring to the country as he reached it from the south):

The face of this portion of Russia is similar to that of Wisconsin, less the lakes and beautiful streams; Northern Michigan, without her largest pine trees; and New Mexico, with the absence of warmth.

The pineries are stunted, the fields covered with wheat—in harvest during August or September—and the villages are of small, wooden buildings, covered with straw. Nowhere is there architecture, taste, or cleanliness displayed; while everywhere may be seen barbarians, traces of ignorance, and downright brutality. The advancement of the country may be illustrated in the statement that though Russia is one of the greatest in wheat producing, the cereal is sown broadcast, harvested with the sickle, thrashed with the flail, and three-fourths of the work is done by women.

A more desolate scene can not be imagined than a Russian village in January. The little straw-covered huts belch forth strands of smoke, and the tops can just be seen above the snow—or rather not the tops, but curvatures representing them. The horses, cows, sheep, and family sometimes live under the same roof—no floor but the ground; a poor, smoking, cold fire in the center of the hut, and men, women, children, dogs, and all the farm animals huddling and shivering around to keep life and body together.

A peasant's house is a very rude structure and contains none of the elements of comfort, healthfulness, or cleanliness. His allowance of furniture, food, and clothing being fixed by the landlord, he lives scantily. The building is usually of pine or cedar logs about 10 inches in diameter, barked and set neatly together. It is one story in height, with one room, generally has three or four windows, with one-sash in each, and they are protected from the outside by rude board shutters, which, when closed at night, make complete darkness within and ventilation miserable. The floors are of logs or earth, and the beds are on the floor.

There are no stoves in a peasant's house. A stick-and-clay chimney fireplace suffices. Here warmth is secured, and the food is cooked in kettles. The family meal is spread on the floor and the repast eaten while sitting on folded legs, tailor style. In front of many of these houses, which are covered with hay and poles—a rough sort of thatch—the traveler frequently sees a drosky from the city, the vehicle of the landlord who pays daily visits. The peasant has very crude agricultural implements. He generally makes them at his own furnace and gives them finish and polish on his own grindstone. Axes, plowshares, wagon-tires, portions of harness, horseshoes, and everything used about a farm or stable, are finished on the grindstone.

A crude little furnace heated with peat or pine chips and the grindstone comprise the manufacturing appliances of the peasant. His plow is a simple pole with handles on a dead level with the tongue, which has an offshoot downward, on which the share is nailed or tied.

A plowing scene in Russia, with the rough, old frame, the crude triangular or diamond-shaped shaft, and the tiny little furrow made, would be disgusting as well as pitiable to the American farmer's eyes. The draught or weight of the plow comes directly from the high-bowed hames, which extend two feet above the horse's neck and are fastened to the collar. Instead of traces, the tongue or shafts do the pulling. The Russian in no walk in life has yet learned the philosophy of direct draught from the collar of the horse. All vehicles are drawn by the shafts or tongues, and these are fastened to the high hames or bow, which in turn are fastened to the collar. There are no such things as trace straps or chains. Even carriages are drawn without them.

The women in Russia do two-thirds of the work in the country. There are immense wheat, oat, and hay fields everywhere, and in August there is great activity in the country. The large majority of persons at work are women.

A Russian harvesting rendezvous is quite lively, and is the scene of a motley crowd. The old men and young boys and girls, with their mothers, grandmothers, and other aged women, assemble at daybreak—about 2 o'clock. There are a number of horses, on which are carried water, food, and extra implements. The horses the boys and men ride, while the old women walk. They always carry the scythes, forks, and rakes back and forth every day, and work as long as there is daylight; and since it is daybreak at between 2 and 3 in the morning and not dark till 10 o'clock at night, the hours of labor are long.

We have been assured that Russian wheat was not of a quality to compete with ours, but Mr. Heath says:

The heads of Russian wheat are long and slender, and the grain small and red. It would be graded at Duluth or Chicago as No. 2. The straw is rank and slender, and the yield a little more prolific than in America.

As to the physical and mental condition of the peasants who raise this wheat, our author continues:

Only about 2 per cent. of the peasants can read and write, and few have the ordinary instincts of man or woman. They are superstitious, ignorant, and stupid.

No schools were provided for the peasants during the time of slavery; none are provided now, and then, as at the present time, the design of the Czar, influenced by the nobles, was to keep them in the most dense condition of servitude and ignorance. Their earnings on the farms are judged by the landlords, so they have just enough on which to live.

The natives are slovenly and ignorant, live on black bread and a vegetable soup that is awful, and drink strong tea and vodka like water. The soup is a curiosity. It has a large proportion of cabbage and meat, beet-root, sausage, and vinegar; sometimes vareenooka, corn brandy boiled with fruit and spice, and costia, boiled rice and plums.

I asked a landlord why he did not introduce modern implements on his farms, and was informed that labor was too cheap; besides, it was found advantageous to give as many people work in the country as possible, because if they go to the towns or cities they become troublesome. It will not be till the serfs leave the farms that Russia will have modern improvements, and not till then will she compete to any great extent with the United States in supplying the wheat markets of Europe.

In this last remark the statistics show Mr. Perry to be in error in his prediction as to the future. He wrote in 1887.

Executive Document No. 6 of this session shows, as I have stated, that in 1888 Great Britain took 29.22 per cent. of her whole import

of wheat from Russia. I append a statement showing the comparative production in this country and in Russia:

Cereals.	United States.	Russia.
Wheat.....bushels...	458,200,000	214,000,000
Rye.....do.....	2,494,000	649,600,000
Oats.....do.....	649,600,000	516,200,000
Barley.....do.....	6,032,000	130,500,000
Maize.....do.....	1,711,000,000	17,400,000

And also another showing the comparative exports of the two countries for the aggregate period 1883-1887, as follows:

Cereals.	United States.	Russia.
Wheat.....tons...	3,437,679	2,102,143
Rye.....do.....	57,857	1,206,964
Oats.....do.....	43,393	824,464
Barley.....do.....	14,464	697,500
Maize.....do.....	350,000	369,821

It must be observed that the numbers given are in tons, not pounds or bushels.

WHY INDIA CAN SELL WHEAT CHEAPLY.

We turn now to India. She produced 266,882,112 bushels in 1888, and supplied Great Britain in that year with 11 per cent. of her imported supply. In 1871 she supplied but one-half of 1 per cent. The reason is apparent to every one who studies the facts. Some years ago large tracts of fertile lands in India lay waste.

The British Government, with that keen foresight and business sagacity which is so characteristic of its action wherever British interests are concerned, aided liberally in the construction of railways from the seaports to these tracts. To-day these tracts are covered with vast fields of wheat, and these subsidized railways are bringing the wheat—grown by ryot labor at from 4 to 10 cents per day—to the port of Kurrachee. From thence it is carried in steamers aided by the British treasury to Liverpool.

INDIA RAILWAYS BUILT BY PUBLIC MONEY.

At Calcutta recently, Sir Charles Elliott, the public works minister, discussing the "budget," spoke of the manner in which it was proposed to expend 37,500,000 rupees, or about \$18,000,000, the coming fiscal year in irrigation work and railroads. Burdett's Official Intelligencer gives the number of miles of railway in operation in India March 31, 1889, at 15,245, with 2,261 miles additional under construction. The ownership of these roads and capital is given as follows:

Ownership.	Capital.
State.....	£122,664,484
Guaranteed companies.....	47,741,333
Assisted and subsidized companies.....	3,869,347
Private companies.....	16,362,570
Native states.....	6,236,574
	196,874,108

Only about 8 per cent. built by private capital.

CONDITION OF THE INDIA FARMER.

As to the cost of labor in India and the condition of the laborers, we are not without witnesses. Buckle, in his History of Civilization, says:

From the earliest period in which our knowledge of India extends, an immense majority of the people, pinched by the most galling poverty and just living from hand to mouth, always have remained in a state of stupid debasement.

Sir Thomas Brassey, in his Work and Wages, speaking of laborers employed by his father in railroad building in India, says:

Their food consists of 2 pounds of rice a day, mixed with a little curry, and the cost of living on this, their usual diet, is only a shilling (24 cents) a week.

He further says:

In India wages ranged from four pence to four pence half penny (9 to 10 cents) a day.

An article on Indian Agriculture, published in the Journal of the Asiatic Society (volume 111, page 100), tells us that the diet of rice of the Indian cooly can be purchased at the rate of 1 cent for two meals. In fact, but little change seems to be apparent since the close of the last century, when Turner, writing of the cost of living among the common people of India, said (see Embassy to the Court of Thibet): "The value of this can seldom amount to more than a penny (2 cents) a day."

And when Buchanan, in his Journey through the Countries of Mysore, Canara, and Malabar, speaking of wages in India, gives them as ranging from 6 to 9 cents a day in gold, and from 50 to 60 cents a month when the laborer gets one meal a day from the employer, it will be seen that this competition has in it three elements against which our farmers have to contend: First, the cheapest of cooly or ryot labor; second, transportation over railroads built by Government money; third, sea-carriage in British steamers aided by the Government treasury.

INDIA WHEAT CARRIED IN SUBSIDIZED VESSELS.

It has been here and elsewhere denied that Great Britain subsidizes her steamers.

She does it in three ways:

First, by an allowance for carrying the mail far in excess of a fair compensation;

Second, by an allowance given in money to vessels so constructed as to be available in case of need for naval purposes, and known as a "naval reserve;" and

Third, by a subvention or grant outright of money.

By the report of the British postmaster-general for the year 1885 it appears that at that date the British Government had contracts with its East Indian lines to carry the mail, not for the "sea postage" as we pay, but for a gross aggregate sum of \$1,800,000, being more than one-half of all her expenditures for sea mails. How this policy obtained its origin appears from the following extract from a report of a Parliamentary committee on contract packets:

The object which appears to have led to the formation of these contracts—

The report is speaking of mail contracts—

and to the larger expenditure involved, was to afford us rapid, frequent, and punctual communication with those distant ports which feed the main arteries of British commerce, and with the most important of our foreign possessions, to foster maritime enterprise, and to encourage the production of a superior class of vessels which would promote the convenience and wealth of the country in time of peace and assist in defending its shores against foreign aggression.

Repeatedly have the British ministry stated in Parliament that these mail contracts were for the purpose of fostering these lines. In 1888-'89 the British post-office paid \$3,184,435 for transportation of its sea mail. (See report of Consul Reed.) In 1888 the United States Government paid for its sea mail, to vessels of all lines and all countries, \$481,058.55.

There are three steamers on the (British) Peninsular and Oriental line alone to which, classed as naval reserve, the British Government makes an additional payment or donation of \$17,033 each per annum.

On the 15th of July, 1889, the British Government made a contract with the Canadian Pacific Railway Company for the transportation of mail, troops, and stores between Halifax and Hong-Kong for the gross sum of \$300,000. I have a copy of the contract, obtained by me personally from the Navy Department, in my possession at the present time.

In the last forty years Great Britain has paid \$275,000,000 to her ocean-going vessels. It will not do to call this simply compensation for carrying the mail. Our Government gets its mail carried for the sea postage. In a letter of H. Heaton, M. P., to the British postmaster-general, it is stated that England's annual payment is \$1,781,200 in excess of the postage.

SOUTH AMERICAN WHEAT.

Recently the pampas of South America have been broken up and seeded down to wheat. But a few years ago the Argentine Republic did not raise wheat enough to supply the wants of her own people. This year it is calculated that her export will exceed 17,000,000 bushels. The method adopted by her of disposing of her lands must lead to a large increase in production and a larger ratio of exportation. Instead of disposing of her lands in small tracts, which would make homes for small farmers, she sells by auction in large tracts, upon which wheat-growing can be carried on in the same wholesale way in which it has been carried on heretofore on the "big farms" along the Red River of the North, and with the same absence of any considerable amount of resident consuming population. Frank Vincent, in his recent work on South America, describes the wheat-growing possibilities of the Argentine Republic in such a way as to demonstrate clearly that her competition in the wheat market to-day is but a slight foretaste of the future.

AGRICULTURAL DEPRESSION DUE TO CAUSES OTHER THAN THE TARIFF.

These facts make clear the causes lying at the foundation of agricultural depression in this country. They show that it is in no sense due to the operation of our tariff laws, but is due to the operation of causes with which these laws have nothing whatever to do. These causes are operating quietly, but surely, independently of our legislation and will continue to operate whatever our action here as a law-making body may be.

Does any one pretend that if it were possible for us to strike every import duty from the list and we opened our ports to the world Russia would not go right on breaking up and seeding down her vast area of bread-producing soil? Will any one pretend that England would pause in her work of developing the vast agricultural resources of India? Will it be claimed for a moment that the flood of wheat from the pampas of South America would cease? Such claims would be idle. Our ports are to-day open to nearly all the products of the Argentine Confederation. We take her hides free, but she goes calmly on, adding to her competition in food products with us.

WHEREIN LEGISLATION MAY AID.

These causes are the main ones, and, as I have said, they are beyond the reach of our legislation. There are other minor causes operating to produce lower prices to our farmers which are within the reach of laws we can make. These are but minor, but so far as they affect the interests of the agricultural classes it is our duty as legislators to provide, so far as possible, a remedy. We have seen that so far as the

agricultural interest is concerned the lowering in price has come from the great increase in supply as well as the lessened cost of production.

This increase of supply has been further enlarged beyond the natural volume by fraudulent and immoral means.

FOOD ADULTERATION.

There is to-day hardly any article of food which is not adulterated. To so great an extent has this infamous practice been carried that careful statisticians compute that the apparent volume of food products has thus been enlarged fully 2 per cent.

When it is remembered that of all our food products, taking in wheat, corn, vegetables, meats, etc., we consume at home about 95 per cent. and have but about 5 per cent. of surplus to export, it will be seen that this enlargement of our ostensible supply by adulteration is a matter of some moment. Some national legislation under the internal-revenue taxing power has been had. More should be speedily enacted, and the whole of the limited power under the Constitution of the Federal Government for this purpose should be used. This should be supplemented by full and effective State legislation.

PROPORTION OF FOOD PRODUCTS EXPORTED.

Some surprise may be expressed at my statement that we export but about 5 per cent. of our food products. The statement has been repeatedly made upon this floor that we export at least 30 per cent. This arises from a careless handling of statistics. Our wheat export varies from 20 to 30 per cent., but wheat is not our only food product. Butter is incontestably a food product, but we export only 1 per cent. I have here a table of our agricultural productions, and of the proportion exported for the fiscal year 1886-'87, prepared by Mr. Norman J. Colman, Commissioner of Agriculture under President Cleveland.

Value of products of American agriculture in 1886, and of the proportion exported in the fiscal year 1886-'87.

Products.	Production (farm value).	Exportation (farm value).	Per cent.
Breadstuffs:			
Corn.....	\$610,311,000	\$11,790,046	1.9
Wheat.....	314,226,020	87,668,833	27.9
Oats.....	186,187,930	343,659	.2
Barley.....	31,840,510	691,09	2.2
Rye.....	13,181,330	197,687	1.5
Buckwheat.....	6,465,120	.....	.....
Rice.....	5,000,000	26,284	.5
Totals.....	1,167,161,910	100,718,318	8.6
Meats.....	748,000,000	62,522,185	8.4
Poultry products.....	186,000,000	71,176	.....
Hides, hair, etc.....	93,000,000	825,902	.9
Dairy products:			
Butter.....	192,000,000	1,487,773	.8
Cheese.....	32,000,000	6,455,438	20.2
Milk.....	156,000,000	181,279	.1
Totals.....	380,000,000	8,124,490	2.1
Textile fibers:			
Cotton.....	\$257,295,327	\$177,895,501	69.1
Wool.....	77,000,000	70,202	.1
Hemp, flax, etc.....	9,000,000	.....	.....
Totals.....	343,295,327	177,965,703	51.8
Vegetables:			
Irish potatoes.....	78,441,940	238,694	.3
Sweet potatoes.....	20,000,000	.....	.....
Peas and beans.....	13,800,000	450,291	3.3
Market gardens.....	68,000,000	256,518	.4
Fresh fruits.....	175,000,000	1,601,979	.9
Hay.....	353,437,699	130,804	.....
Tobacco.....	39,082,118	2,510,386	52.5
Hops.....	3,500,000	46,725	1.3
Sugar and sirup, including honey.....	33,500,000	.....	.....
Clover and grass seed.....	15,000,000	638,329	4.3
Wines.....	10,000,000	129,103	1.3
Grand totals.....	3,727,218,994	374,230,608	10.1

Mr. Colman adds:

It appears that the proportion of all agricultural products exported is about 10 per cent., or, exclusive of cotton and tobacco, 5 per cent.

The exact figures would be these:

Percentage exported to total amount.....	10.1
Percentage exclusive of cotton.....	5.7
Percentage exclusive of cotton and tobacco.....	5.2

As cotton and tobacco are not food products, it will be seen that my statement is substantially correct.

"WIND WHEAT."

Another fraudulent, I might say fictitious, inflation of the apparent volume of food products comes from the buying and selling "on futures" in the boards of trade. Millions of bushels of wheat and corn, millions of pounds of meats and provisions, are sold day by day in the Chicago, Cincinnati, New York, and other exchanges, which the seller

never owned, which the buyer never receives, and which never had an existence.

"Wind wheat" is to-day a recognized word in the American vocabulary. Prices here are no longer governed entirely by the old law of supply and demand, but by the exigencies of some clique of "brokers" caught "short" and making frantic efforts to avoid a "squeeze." This evil is almost beyond the reach of Federal legislation, but so far as we can reach it we should do so, and that speedily.

THE SUPPLY OF CURRENCY.

Another cause, one which is incidental in its operation and as to which I speak with less positiveness, is the lack of an adequate supply of currency in the country. I say with less positiveness, because while it is true that our national-bank notes are being retired, it is also true that by the issue of certificates representing coined silver dollars there is an addition of \$24,000,000 per annum to our currency.

There is also an increase in the issue of gold certificates. I have here a statement prepared by the Treasury Department, showing the amount of currency in circulation on the 1st of April, 1889, and the corresponding date in 1890. It does not include the money in the Treasury, but is limited exclusively to the moneys actually outside the Treasury, and in actual circulation.

Description.	April 1, 1890.	April 1, 1889.	Changes.
Gold coin.....	\$973,624,488	\$378,072,380	†\$4,447,892
Standard silver dollars.....	57,989,656	56,810,339	*1,179,317
Subsidiary silver.....	53,984,972	51,707,112	*2,277,860
Gold certificates.....	134,938,079	128,826,517	*6,111,562
Silver certificates.....	290,605,562	251,263,679	*39,341,883
United States notes.....	339,761,359	321,629,786	*18,131,574
National-bank notes.....	186,589,496	218,171,864	†31,581,928
Total.....	1,437,494,052	1,406,481,676	*31,012,376

* Increase.

† Decrease.

This shows a net increase in money in actual circulation of over \$31,000,000 during the past year.

Yet it is claimed, and with much show of truth, that the magnitude of our commercial and financial transactions has so increased that a ratio of circulation adequate to the business needs of the country ten years ago is entirely inadequate now.

The volume of business has increased largely. Since 1885 population has increased about 8,000,000, the corn crop has increased about one-tenth, the wheat crop has increased about one-third, the cotton crop a seventh; we have doubled our output of pig-iron, and our production of boots and shoes has increased one-half. The figures further show the increase in volume of business to be very largely in the interior of the country.

We have produced from our silver mines, since 1885, an annual product of about \$55,000,000 per annum of silver. Silver is a precious metal; and I see no objection to utilizing this wealth, by coining it in its proper proportion of weight and fineness to gold, and sending it out to perform its function as money, either by itself or by its representative, the silver certificate. A nation can not have too much money, provided it be good money. Silver is wealth; it is value. We should utilize it as a money. Certificates based upon it have real substantial value back of them. They are not fiat money. They are as truly representatives of value as a mortgage upon land is a representative of value.

If we utilize our product of silver in this way we will add to our currency notes, based upon and sustained by actual, existing, substantial value. But each \$1 of these notes should represent \$1 in actual value of silver. Any other arrangement impairs their value. The trouble about this legislation heretofore has been that the owners of the silver have insisted on being allowed to take to the Treasury 80 cents' worth of silver and to receive a one-dollar certificate therefor.

But this discussion of the causes which depress agriculture must close. To my mind they are plainly to be understood. The minor and incidental ones are the only ones within our reach. The main and most powerful are entirely beyond our control. As the outlook now is, these latter will continue to exist for some years at least in full force. A full survey of this situation does not leave much hope for the American farmer along the Atlantic coast, at least where land has been purchased at from \$80 to \$150 per acre, being able to compete either with the fertile and lower priced lands of the West or the cheaper labor of Europe and Asia in the production of wheat and corn.

What is the remedy? It is not in free trade. It is a favorite theory with the free-trader that if we buy largely of a nation that nation will in turn buy largely of us. But it is only a theory. Experience shows its utter falsity as a fact.

RECIPROCIITY OFFERS NO REMEDY.

We have for years let in the coffees, hides, and rubber of Brazil entirely free of duty, yet last year while we bought of her \$60,400,000 we sold to her but \$9,280,000. Even as this bill is being considered, and every prospect exists for free sugar, below No. 13 at least, Ramon O. Williams, consul-general at Havana, Cuba, sends the following dis-

patch to the State Department, under date of July 3, 1890, as to the increase in Cuba of the duty on American flour.

Up to the 30th of June American flour paid \$4.69½ import duty, from which amount 5 per cent. was deducted, leaving the total net duty at \$4.46; but from July 1 it will be \$4.69½ plus 20 per cent., making the duty \$5.63½ on each barrel of flour from the United States. Spanish flour from the 1st of July enters free of import duty. Both American and Spanish flour will continue to pay discharging dues of \$1 and harbor improvement dues of 25 cents per each thousand kilos.

This is Cuba's answer to our offer of free sugar.

Mr. Flint, one of the American delegates to the "Pan-American Congress," has compiled from the revenue statistics of 1889 the following table of our imports from South American countries, showing the amounts dutiable in each case:

Imports received in the United States.

Countries.	Total imports.	Dutiable.
Hayti.....	\$3,757,443	\$5,774
Nicaragua.....	1,747,246	250
Peru.....	314,032	6,271
Guatemala.....	2,346,685	49,256
Uruguay.....	2,986,964	836,094
Colombia.....	4,268,519	37,600
Argentine Republic.....	5,454,618	1,320,213
Costa Rica.....	1,442,365	519
Brazil.....	60,408,804	4,935,328
Honduras.....	1,215,561	4,958
Mexico.....	21,253,601	7,428,359
Bolivia.....	2,126	23
Venezuela.....	10,392,569	6,800
Chili.....	2,622,625	78,864
Salvador.....	1,662,162	26,696
Ecuador.....	695,005	917
Total.....	120,560,325	14,738,187

We bought of them over \$120,500,000, and let in 87¼ per cent. of it free of duty. During the same period the South and Central American States bought of us \$50,623,941, and imposed their duties upon 90 per cent. of what we sent them, letting in only 10 per cent. of our products free, less than \$5,000,000, as against the \$105,500,000 of their products we let in free to our ports.

Well might Mr. N. J. Colman, President Cleveland's Commissioner of Agriculture, say in his report for 1887:

No amount of advertising, no proffers of reciprocal trade, no change of fiscal policy can force upon Europe another peck of wheat per capita, scarcely another quart, for many years to come, unless unexpected disaster shall befall her crops.

Our consul at Buenos Ayres, Mr. E. L. Baker, in No. 115 of Consular Reports, analyzes the trade of Great Britain with the Argentine Republic, and finds—

That while the United Kingdom furnishes over one-third of its imports, it does not buy Argentine wool in order to assist in the expansion of this trade. In 1888 Great Britain furnished \$4,044,110 of the Argentine Republic's \$128,412,110 of imports, and the latter country exported 296,422,512 pounds of unwashed wool, but only 7,179,698 pounds of this wool, or hardly one-fortieth, went to Great Britain.

The fact is that nations are but aggregations of individuals, and a nation's trade is but the aggregate of individual buying and selling, and individuals will buy where they can buy to the best advantage irrespective of sentiment or supposed moral obligation.

WE MUST DIVERSIFY OUR PRODUCTS.

Are we then without a remedy? One thing is evident. There must be a greater diversity in our agricultural productions. The wheat market, the corn market have been overcrowded, while we have been bringing in wool and barley and eggs and vegetables from abroad. We must raise less wheat and more wool; we must raise more barley and less corn. I speak now of the country as a whole.

As regards the farmer of the seaboard, it is folly for him to attempt longer to compete with the superior advantages of the West in the raising of wheat and corn. He must turn his attention to the production of such things as will not bear long transportation. He is only thus secured against this cheap Western product. He must produce the things the West can not ship to him in competition. Already many of the seaboard States consume more breadstuffs than they produce. With their rapidly increasing centers of population, and with all their available acres already under cultivation, this must become yearly more and more the case.

The Eastern farmer can not raise wheat and corn for the European market in competition with the West or with other countries. He must raise those things which must be consumed near him. Philadelphia and New York, and not Liverpool or London, must be his market. To secure this home market to him the McKinley bill, as I have shown, imposes new or higher duties upon the products which compete at the seaboard with his. It further so rearranges the tariff schedules as to lessen the rates upon imports, taken as a whole, and yet to afford that protection needed to build up the towns and cities which furnish him with a market.

AGRICULTURAL DEPRESSION IN GREAT BRITAIN.

There is no theory of political economy equally adapted to the wants and circumstances of each nation. England had a protective policy until her manufactures were established and her foreign trade a fixed fact. Now she advocates free trade. She has not acres enough to support her people and she must make goods to sell to other people to support her population. She must trade with others, decrease in population, or starve. She must have the world's market. She long ago supplied her own.

To have that market she must produce cheaply; cheap production means cheap labor; cheap labor means cheap food; cheap food means small returns to the farmers. Great Britain has developed her manufactures at the expense of her agriculture. The proof of this is abundant. She had her "corn laws," which laid a duty upon breadstuffs imported into the Kingdom. These protected her farmers. To secure cheap food for her cheap labor, she, under the leadership of Richard Cobden, repealed those laws. For forty years this has been her policy. What has been the result? Let us summon the witnesses.

Sir Edward Sullivan, writing since 1887, says (see A Forbidden Subject, No. X):

There is a great and rapidly increasing abandonment of tillage; we are rapidly relinquishing the power to supply our own consumption, and we are rapidly increasing our dependence on foreign nations for food. In every county land is going out of tillage, being laid down in grass or being abandoned altogether. During the last ten years 1,000,000 acres, one-fourth of our whole wheat area, has gone out of wheat cultivation. During the last few years this process has been going on at a rapidly accelerated speed.

And again, in the same article:

In the mean time agriculture in all its branches is depressed and discouraged. It is looked upon as a ruined industry, and any one who puts money into it is considered a lunatic. A large portion of the capital invested in agriculture has been lost.

And again:

The number of farming bankruptcies has increased six times in ten years. Bills of sale have multiplied ten times in five years.

But it may be objected that Sir Edward is a protectionist and his testimony may be colored by his personal views. Well, here is another witness, the great free-trade statistician Mulhall. He has recently published a book entitled Fifty Years National Progress, 1837-1887. I have a copy before me, published in London. It is written to show the progress of Great Britain under fifty years of free trade, and he marshals statistics to prove her advance in population, wealth, trade, etc., during those fifty years, yet he writes less than two pages of the introduction to his work before he makes this admission:

The only item which shows a positive decline is agriculture, which is 6 per cent. lower than it was fifty years ago, and in reference to population 33 per cent. lower.

And again, speaking of agriculture, he says, (see pages 76 and 77):

This industry has declined so considerably during the present reign, notwithstanding the reclamation of 4,000,000 acres of waste land, that the production of grain is now only 8 bushels per inhabitant, against 13 in the year following the Queen's accession.

Further on he says:

Capital having an irresistible tendency to run out of losing trades and seek those which are profitable, it is not surprising to see that grain-growing is rapidly diminishing in the United Kingdom.

And then he gives a table of the production of grain in the Kingdom, which shows that during the period from 1841 to 1850 the annual yield of wheat averaged 115,000,000 bushels, while for the period from 1881 to 1885 the annual yield only averaged 76,000,000 bushels. The annual value of the grain crops for the first period was £74,300,000, while for the last period the annual value had fallen to £51,700,000, a decline of 33 per cent.

Although he finds that the supply of horned cattle has increased (a natural result of land going out of tillage into grass), yet even this does not bring up the deficiency, and he says (see page 80):

The combined value of grain and meat produced yearly is less now than it was forty years ago, but rent and taxes have increased 36 per cent., thus causing the margin in favor of the farmers to diminish in an alarming degree.

And after giving a table sustaining this statement—

Thus the farmers' margin is now only half what it was in the earlier years of the present reign, being reduced to 11 shillings an acre, against 25 shillings in 1837-'40.

In the face of this concurrent testimony, coming from two widely divergent points of view, can we doubt that Great Britain's attempt to secure cheaply fed labor that she might make cheap goods has resulted in disaster to her agricultural interests?

And may we not be justified when the American free-trader points to a depressed agriculture here as a result of the tariff in pointing him to this state of depression in British agriculture, and asking him if he finds it any better in a free-trade country?

In all this there is no intention on my part to discuss the wisdom or unwisdom of this policy of Great Britain. I simply give the facts, and leave others to argue therefrom. It became a question there of free trade or protection to her agriculture, and free trade triumphed.

With her limited area for crops and her dense population, her manufactures and commerce have now become of more importance to her than is her agriculture.

We are situated differently. We fall about \$750,000,000 short of producing each year the goods we consume. We send thousands of miles for these goods, and then send our breadstuffs thousands of miles away in search of a market. The true national policy would seem to be, in our case, to make these goods in our own midst, and to sell the breadstuffs here to the men engaged in producing the goods.

OUR TRUE POLICY.

Because our situation is so radically different our legislation must differ. Precedents from across the ocean do not aid us. The theories of the foreign economists do not apply to the necessities of our case. We produce now, as already stated, a surplus of food product for export of but 5 per cent. Let us diversify our agriculture, and produce much that we now import.

The acres thus devoted to silk-worm, and beet, and fiber, and wool will be released from wheat and corn, and the 5 per cent. surplus will suffer a diminution. Our population is rapidly increasing, and with the rapid exhaustion of new lands in the West this increase must soon outstrip the ratio of production. This increased population will care for the remainder of the surplus. Then, and not till then, will the prices of our agricultural products be fixed here, among our own people, and not in some far-off market, crowded with competing products from the ends of the earth.

Mr. PAYSON. I yield fifteen minutes to the gentleman from Alabama [Mr. COBB].

[Mr. COBB addressed the committee. See Appendix.]

Mr. PAYSON. If I can do so, Mr. Chairman, in the fifteen minutes that are remaining for the discussion of this bill, it is my purpose to recall the committee to the bill itself. It is not my purpose to discuss any political questions in any way on the general subject. I do not care to follow the gentleman from Indiana [Mr. HOLMAN], my colleague upon the committee, in what was said yesterday with reference to the general subject of the history of this land-grant legislation, which began so many years ago, nor do I care to enter upon any discussion connected with its propriety and policy.

I content myself now, Mr. Chairman, with saying what I have repeatedly said before when I have had occasion to address the House of Representatives or the Committee of the Whole in consideration of questions like this—that the history of this entire subject will show beyond question that, whether or not the policy would be approved if it were a question presented for the first time or not, the great men in the legislative halls of this country who participated in the action which resulted in the passage of these acts of Congress did not act as politicians. Men upon both sides of this Chamber, as well as the other body, approved on one side and disapproved on the other the policy which resulted in this legislation. Men who sat upon the other side of this House whose names will live in legislative history as long as this country shall endure were among the foremost in asking for the enactment of this kind of legislation, and the same way upon this side of the Chamber. The question of politics never entered into it one way or the other. And in like manner, Mr. Chairman, since the question has been agitated for the restoration to the public domain by reason of direct forfeiture of such lands as were subject to such legislation it has not been made a party question.

Republicans have been as earnestly in favor of the restoration of every acre which could legally be restored to the public domain as gentlemen sitting on the other side of the House, and in that connection I take a moment to call attention of gentlemen who have been earnestly engaged in that branch of the subject to the views that I hold in my hand, the report made to the Forty-eighth Congress from the Committee on the Judiciary (the law committee of the House of Representatives), presided over by the gentleman from Virginia [John Randolph Tucker], a man whose reputation as a constitutional lawyer could not be added to by any feeble words of mine in this presence, in which the Judiciary Committee, with two exceptions only, upon the question alone presented to it as to whether or not in the case of a railroad which was constructed, every rod of it, out of time, the land lying adjacent thereto was subject to forfeiture (I refer to the New Orleans Pacific Railroad, in the State of Louisiana), they reported that Congress had no such power.

Mr. Chairman, that is not the question presented by this bill. The question is whether so much of the public domain as is not subject to dispute, either valuable or valueless, shall be restored to the public domain or not.

Mr. Chairman, I hope I have the attention of the gentleman from New Jersey [Mr. MCADOO] to what I am about to say. I premise what I want to say in this connection by this statement: I have served in this body nearly nine years, but at no time in it have I ever uttered a word in debate upon any question that I would not feel that I could utter if I were the guest of any gentleman in his own house.

I indulge in no platitudes or reflect upon the integrity or intention of members of Congress in legislative matters; and I deplore, Mr. Chairman, and I say this in a spirit of the utmost kindness to the gentleman from New Jersey, as I am sure he knows, that the gentleman from New Jersey [Mr. MCADOO] in debate upon this question saw fit to use, in tones which were taken up by gentlemen representing the

press and sent all over this country, that the bill which I hold in my hand and which I support here upon this floor was misleading in its title and that it should have been entitled "A bill to compound a felony." I regret that the gentleman from New Jersey saw fit to utter that expression, and I say to the gentleman from New Jersey now and here that if he will sit down with me he will say to me that there is no single line in that bill that he does not personally indorse, so far as the bill goes.

Such statements illustrate the fervor of language not always warranted. The Supreme Court is denounced by gentlemen. It is the easiest thing in the world to overturn a decision of that great tribunal by asserting that it is bribed.

That course is not satisfactory to me.

I say to the gentleman from New Jersey that the bill which I hold in my hand comes before this body with the unanimous approval of the Committee on Public Lands. I say it to the House here generally that, having had a somewhat intimate connection with this class of legislation for the past eight years, I have never heard a voice, I have never heard a syllable uttered in this Hall or the other, I have never seen a word in the public press of the country, that was not in favor of every line and every word that is contained in this bill so far as the bill goes. More than that, Mr. Chairman, upon this question in both Houses of Congress there have been honest differences of opinion as to the extent to which Congress could go in this line.

I do not design to discuss this question now, for it is not presented, but it is enough for me to say that the men who have a reputation for ability in the law, men who have occupied the highest judicial positions in this land, men who had those reputations long before we were born, have asserted that no act of Congress can legitimately and properly pass that goes further than this bill proposes to go. There have been honest differences of opinion. Moreover, there has been evinced at the other end of this Capitol, session after session, for the last six years a settled policy with reference to this question. What is it? The position taken there is that a bill which will restore to the public domain all lands lying opposite roads not now constructed is as far as the Congress of the United States can go, and therefore is as far as the Senate of the United States ever will go.

If any line of policy has been developed, defined, and settled in legislation, if any conclusion has been arrived at, it is clearly and unmistakably the point that has been reached in reference to this matter, and the Senate of the United States has so announced time and time again. Effort after effort has been made to induce the Senate to take another view, how earnestly or how diligently it is not, perhaps, for me to say, because I have been an actor in them, but I refer with a great deal of pleasure to the remarks made by the gentleman from Indiana [Mr. HOLMAN] on yesterday, who has likewise been a participator in conference committees on this subject for the last six years, and I indorse what he has said, namely, that the settled policy at the other end of the Capitol has been what I have stated.

Therefore, Mr. Chairman, the question is presented to the committee to-day whether or not this bill upon which we all agree, as to which there is not a shadow of dispute, as against which there has not been a question raised, whether or not we shall pass this bill and let it become effective and have the six or seven or eight million acres of land, whatever the acreage may be, whatever the value may be, whatever the quality may be, restored to the public domain, leaving out of account for the present that other body of land the title to which is at least embarrassed if it is not entirely lost. That is all there is of this bill. Gentlemen may spend hours and hours in discussing the political questions connected with it; gentlemen may spend hours and hours in sawing the air here as against the railroad corporations, but the question finally comes to this: Shall we take what we may, when we know we can get nothing more? That is the practical question. I speak now of the general question apart from certain amendments which are proposed to be offered with reference to details of the bill. I do not discuss with the gentleman from Indiana [Mr. HOLMAN] the question whether the three or four million of acres in the Columbia River Valley the title to which is now in the Northern Pacific Railroad are worth reclaiming.

I know nothing about that body of land except from a casual ride across it seven or eight years ago, looking at it from the windows of the Oregon Navigation Company's train, but I put against the statement of the gentleman from Indiana the statement of the gentleman from Oregon [Mr. HERMANN] that the lands affected by this bill and which will be restored if it becomes a law are lands that rival in fertility any that are to be found in that great State in the extreme Northwest. I assume that the gentleman from Oregon, as a Representative of that State, has knowledge of those lands and that his statement about them is worth more than any vague statements which may be made here by myself or by the gentleman from Indiana. But, as I have already said, whether the lands to be affected by this bill are valuable or not, they are all that we can get, and we propose to take them.

I say the same thing concerning the lands in Michigan; I say the same thing concerning the lands in Florida; I say the same thing concerning the lands which are connected directly with the sixteen roads which are affected by this bill. I hope this bill will pass. It

is the only bill of this character which in my judgment can pass. I look back upon the experience of the last four or five years and I remember how I, with the gentleman from Indiana [Mr. HOLMAN], have stood for what we regarded as principle, and how the railroad companies, because of our determined action, under what we regarded as instructions from the House, have earned millions of acres additional by the construction of their roads, so that, repeating an expression I used a moment ago, the title of the Government to these vast bodies of land has become at least embarrassed, if it is not entirely gone. And, Mr. Chairman, it may not be improper to call attention at this point to a conspicuous example of the result of standing for principle in this matter. The distinguished gentleman from Indiana, Mr. Cobb, was chairman of the Committee on Public Lands in the Forty-eighth Congress, when we stood for the position which is embraced in the amendment now proposed by the gentleman from Indiana [Mr. HOLMAN].

The Cascade branch of the Northern Pacific Railroad was not then constructed, and the lands connected with that branch might have been forfeited under a measure which the Senate was willing to agree to, but, under what we regarded as instructions from the House, we stood for the House bill. In the mean time the railroad company went on constructing its road. It built the branch across from its main line to Tacoma upon Puget Sound, and about 3,000,000 acres of public land that could have been then saved by the passage of a bill such as this, which the Senate offered to us, but which we rejected, were earned by the railroad. I agree that I took part in that action with the other gentlemen I have named, under what we regarded as the instruction of the House. The result is that that body of land has gone, and, without stopping to discuss now whether or not the decision of Mr. Justice Field in the case of *Denny vs. Dobson*, to which the gentleman from Alabama [Mr. COBB] has referred, shall ultimately be held to be law by the Supreme Court of the United States; if that shall be so, then I do say in this presence and in the presence of the country, so far as the country cares to pay attention to my utterances, that all this great body of land is lost forever.

Mr. HOLMAN. I wish to ask my friend whether he did not stand out against the position of the Senate until after the Cascade branch of the Northern Pacific Railroad was completed.

Mr. PAYSON. I did. That is just what I am explaining, under what we all regarded as instructions from the House.

Mr. HOLMAN. How many millions of acres does the gentleman say have been earned since that time?

Mr. PAYSON. I can not say. I am not able to speak as to the acreage. I know that the Plant system of roads in Florida has been prosecuted; I know that they have been building roads in Michigan; I know—

Mr. HOLMAN. There was a forfeiture of the Michigan land-grant in the last Congress.

Mr. PAYSON. The road to which the gentleman refers is the Ontonagon and Brulé River road, the grant to which was forfeited in the last Congress, and only 20 miles of that road were ever constructed.

Mr. HOLMAN. Can my friend name, from his own knowledge or from reports of the Land Office, any land-grant railroad that has been constructed, or a part of any one which has been constructed, since the construction of the Cascade branch of the Northern Pacific?

Mr. PAYSON. Undoubtedly I can.

Mr. HOLMAN. What road?

Mr. PAYSON. It is a part of the current history of the country that the Southern Pacific is building its road—

Mr. HOLMAN. How much does the gentleman say they have constructed? Twenty miles?

Mr. PAYSON. Twenty-odd miles, I am told; and the construction is still going on; how rapidly I am not advised. I call the attention of the gentleman from Indiana also to the completion of the line of the California and Oregon, something like 180 or 200 miles having been constructed. The gentleman from Oregon [Mr. HERMANN] will correct me if I am in error.

Mr. HERMANN. One hundred and forty-five miles.

Mr. HOLMAN. When was that completed?

Mr. PAYSON. Last year.

Mr. HOLMAN. When was it commenced?

Mr. PAYSON. It was commenced years and years ago.

Mr. HOLMAN. I would like the gentleman from Oregon to state how much of that line of road has been constructed since the construction of the Cascade branch of the Northern Pacific.

Mr. HERMANN. I can not state the exact length of road that has been completed since that time, or whether the whole road was not completed before that time.

Mr. PAYSON. I do not care to have this colloquy occupy further my brief time. In conclusion, I only wish to say that the House, if it shall pass this bill, which comes unanimously reported from the Committee on Public Lands, will do everything that can be done that is not disputable. There are some amendments—especially one of the gentleman from Arkansas—which gentlemen desire to offer and to which I shall not object.

Mr. HOLMAN. Does the gentleman say that this substitute which he reports was unanimously agreed to by the Public Lands Committee?

Mr. PAYSON. Yes, sir; I so recollect; but I was about to say in the same connection that by the action of the committee the gentleman from Missouri [Mr. STONE] had authority to report for the action of the House, as an amendment, the proposition which he has submitted. I desire to be exactly accurate.

Mr. HOLMAN. Have not the gentleman from Missouri and my humble self, and all the other minority members of the committee, opposed the principle embodied in the first paragraph of your bill?

Mr. PAYSON. The gentleman from Indiana will bear me out in the statement that the only criticism that he makes as against this bill is that it does not go far enough. So far as it goes the gentleman from Indiana as well as everybody else is in favor of it. But the gentleman thinks there ought to be an amendment to enlarge the scope of the bill, which amendment, when adopted, as the gentleman will agree with me, will embody a proposition which has been refused concurrence at the other end of the Capitol every time it has been presented there.

Mr. HOLMAN. My friend should not allow it to go on record that the bill which he holds in his hand and which he has proposed to the House has been acquiesced in, except as to details in regard to the first section, by all the members of the committee.

Mr. PAYSON. No; I say that so far as it goes the gentleman from Indiana agrees to it.

Mr. HOLMAN. But it does not go far enough.

Mr. PAYSON. It goes just as far as it can go to meet what we know are the views at the other end of the Capitol.

I hope, Mr. Chairman, that this bill may be passed in such a shape that every acre of these lands that is free from dispute may be restored to the public domain. Then if these other propositions should be presented separately and this House should desire to put gentlemen at the other end of the Capitol, or anybody else, on record, opportunity may be given for the House to act according to its pleasure in that matter; and with that action I for one will be satisfied.

The CHAIRMAN. The time for general debate has now expired. The bill will be read.

Mr. HOLMAN. It is hardly necessary to read the bill. I ask that only the substitute or the amendment of the gentleman from Illinois be read.

Mr. PAYSON. As the substitute has already been read three times, I ask that the formal reading be now omitted and that it be read by paragraphs for amendment.

The CHAIRMAN. Unanimous consent is asked that the formal reading of the substitute be dispensed with. Is there objection?

Mr. McMILLIN. It is not long, is it?

Mr. PAYSON. It makes seven printed pages.

Mr. McMILLIN. I suggest the propriety of its being read.

Mr. PAYSON. Well, my only object was to save time.

The CHAIRMAN. Is there objection to dispensing with the formal reading of the substitute?

Mr. McMILLIN. I think it ought to be read.

Mr. PAYSON. As a parliamentary question, although I do not want to be captious, I would inquire whether the rules require that this substitute be read again now?

The CHAIRMAN. This amendment was read when the consideration of the bill was entered upon, and it is not required by the rules that it should now be read again.

Mr. PAYSON. Then I hope gentlemen will not insist on the formal reading, but will allow it to be read by paragraphs. We shall thus save fifteen minutes.

The CHAIRMAN. The Clerk will read the first section.

The Clerk read as follows:

That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and contiguous with the portion of any such railroad not now completed, for the construction or benefit of which lands have heretofore been granted; and all such lands are declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted, or lands included in any city, town, or village site.

Mr. ANDERSON, of Kansas, rose.

The CHAIRMAN. The Chair will state that there are several amendments, of which notice has been given, to perfect the text of the first section, and gentlemen having them will be recognized prior to the gentleman from Indiana, whose motion is to strike out and insert.

Mr. ANDERSON, of Kansas. I desire to offer the following amendment, which the Clerk will find on page 7532 of the RECORD:

The Clerk read as follows:

Amend section 1, line 7, by striking out the word "now," and by inserting, after the word "completed," the words "in compliance with all the conditions of the granting act."

Mr. McRAE. That is the amendment of the gentleman from Indiana.

Mr. HOLMAN. No. I do not think my friend from Kansas goes quite far enough, however, in his amendment.

Mr. McRAE. Is not this the amendment that the gentleman from Indiana has himself suggested?

Mr. HOLMAN. It is not quite the same.

Mr. ANDERSON, of Kansas. Mr. Chairman, the language of the

amendment is so simple and plain that it ought to commend itself to the approval of the entire committee as well as to the unanimous judgment of the House without any further explanation. It will be observed that it merely requires a forfeiture of these lands where there has not been a full compliance with all of the conditions of the grant. It amends the bill to read—

That there is hereby forfeited * * * all lands * * * opposite to and contiguous with the portion of any railroad not completed in compliance with all of the conditions of the granting act.

Mr. HOLMAN. You mean the forfeiture of the entire grant if the road is not completed in time?

Mr. ANDERSON, of Kansas. I mean the entire forfeiture, in the event of the failure of the road to comply with all the conditions of the granting act.

The first difference, Mr. Chairman, that will be observed between the amendment and the language of the bill is that whereas the bill sets up but one standard of forfeiture, namely, the lands contiguous with that portion of the road which is not now completed—and that is all which the bill now proposes—the amendment proposes that the lands shall be forfeited as to which the road has not been completed, or as to which the road has not complied with all of the conditions of the granting act. I do not see how such a provision can well be objected to. It will then leave with the proper powers to determine, first, what the conditions of the granting act were. In the second place, it would leave to be determined whether or not the road had complied with all of the conditions of the granting act. If so, no forfeiture would follow under this bill if the amendment were adopted. If it was not completed, or if the road has not complied with all of the conditions of the granting act, the forfeiture would follow as a matter of course.

There were several conditions that it is not necessary to specify, among them being that the road should be first class in its character, that it should be maintained and operated; and among other provisions was the provision as to the time of the completion of the road. Now, you are here proposing the enactment of a bill which sets up only one condition, namely, as to whether or not the roads are now completed.

Upon the general subject let me say, Mr. Chairman, in this connection, that if this bill were the initial proceeding in the forfeiture question, I would heartily agree with the gentleman who has just taken his seat, the chairman of the Committee on the Public Lands [Mr. PAYSON], in his suggestion that no gentleman would be found upon the floor of the House opposed to the bill. But this is not the initial proceeding, though we are all ready to vote for the bill to the extent that we do get something by it.

It is not, however, the first link in the chain. There have been several other links in the chain in advance of it welded in previous years. I was with the gentleman from Illinois on the Committee on Public Lands in the Forty-eighth and Forty-ninth Congresses, when the whole forfeiture question was taken up and thoroughly considered, and when the House took the position which my amendment and that of the gentleman from Indiana takes, namely, that where the roads had not complied with all the conditions then forfeiture should follow. What was the result of that action on the part of the House? Why, as has been repeatedly stated in the course of this discussion, the Senate stopped the proceedings; and it is alleged that the Senate will do so again; that it stands as a stone wall, and because it so stands that the House must be content with this proposition and can not go a step beyond. That is the condition that confronts us.

I think it would be entirely improper and unparliamentary to speak of the present Senate and of its probable action in regard to this matter, and I do not. But it is entirely parliamentary and proper to speak of the Senate which sat in the Forty-eighth, Forty-ninth, and Fiftieth Congresses; and that the railroads had on that floor men who were elected by them for the express purpose of defeating just such legislation no man familiar at all with the history of the country and the facts has the remotest doubt.

Mr. OUTHWAITE. Are they not stronger now?

Mr. ANDERSON, of Kansas. I am not speaking of the present.

In other words, Mr. Chairman, that "stone wall," to which reference was made, was the identical one erected by the Northern Pacific, Central Pacific, and other Pacific roads when sending their men under the guise of Senators into the United States Senate to stand as a barrier in the path of such legislation with the view to defeating these land-grant forfeitures. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUTCHEON was recognized.

Mr. ANDERSON, of Kansas. I should like to have five minutes longer.

Mr. PAYSON. Before the gentleman from Michigan proceeds I ask unanimous consent that the gentleman from Kansas have five minutes in addition.

There was no objection.

Mr. ANDERSON, of Kansas. Now, Mr. Chairman, that being the state of the case, that being the character and hardness and durability as of steel—spelled both ways—in the links of the chain which have gone before the present link, I am frank to say that, recognizing the

condition that does confront us, it may be, and doubtless is, a wise measure to accept the present bill and forfeit these lands as far as we can. And yet, from one point of view, the roads having stolen the entire cow, it does not seem to be a matter of much difference whether they now take the tail or not. Still, from the other point, when we consider whether we shall save four, or five, or six, or seven million acres of land, undoubtedly in the execution of the legislative trust imposed upon us by the people, it is our duty to save all that we can, and I shall vote for the bill, but I want the country to understand what in previous Congresses constituted the "stone wall."

And I want to enter my protest as one man against the existence at that time of such a wall, and against the act of this House respecting that wall. I want to batter that wall, and sooner or later the people will batter it. Now, I do not see how anybody on this floor or anywhere else can object to the forfeiture of land where the company has not complied with all the conditions of the granting act.

Mr. HOLMAN. Will my friend allow me a question? Does his proposition go to this extent, of declaring a forfeiture of the whole grant if the conditions have failed in the carrying out of any portion?

Mr. ANDERSON, of Kansas. That would be for the determining power to decide. If I were the determining power, I would say yes, and I believe I was the only man on the Public Land Committee in the Forty-eighth Congress that voted to forfeit every acre of the Northern Pacific grant, for the reason that, in my judgment, they never had earned a solitary acre of it. And if I were the deciding power under that amendment of mine, the whole question would be raised and it would be finally determined.

But it is claimed that we can only raise the question of time. Well, as I said, if we can not get any more we will take what we can get; but I do not propose to restrain my constitutional right to think about the past or to denounce it, and I hope that the time will come soon when the railroad companies nowhere will be able to throttle justice and rob the people of that which belongs to them under all law and all right, or to evade that just punishment that the decades at least will mete out to the robbers.

Now, I trust very much that the committee, in the exercise of its well-known good sense, acting as a trustee for the people, while not doing as to these roads anything unjust, will simply see that justice be done to them, and that the proper legal authority shall decide the whole question, upon the basis that if a road has complied with all the conditions, then, of course, it shall go scot-free of this bill; but if it has failed to comply with any of the conditions, then just to the extent of that failure the forfeiture shall be made.

Mr. CUTCHEON. Mr. Chairman, I shall vote for this bill, but I shall vote against the amendment of the gentleman from Kansas; and I avail myself of the five minutes accorded under the rule to give my reasons for my vote. Heretofore in the various Congresses since this

land-forfeiture question has been discussed I have contented myself with voting, without stating my reasons for my vote. I have generally followed the lead of the present chairman of the committee, the gentleman from Illinois [Mr. PAYSON], believing him to be a very competent judge and a very conscientious gentleman, and much better able to judge than myself, with the comparatively slight attention that I have been able to give to it. I would have been glad if in the Forty-eighth Congress, after we passed what was known as the Holman resolution, for which I voted, the resolution which was read from the desk yesterday, such a bill as this had been passed, and if we could have saved the many millions of acres to the public domain that since that time have passed into the hands of railroads, and into the hands of railroads that would have been built just the same whether they had these grants or not. But we did not do it. We passed a bill in the Forty-eighth Congress and it went to the Senate, and it was deadlocked there.

We passed another one in the Forty-ninth Congress with the same result, and again in the Fiftieth Congress and with the same result, except the forfeiture of the little Ontonagon and Brulé River road in my State, that we did succeed, on the last night of the session, in passing, to use a common expression, by the "skin of the teeth." We got that through and forfeited that land, but that was about all. I have been standing here in favor of land forfeiture. I would have been glad in the Forty-eighth Congress to have taken every acre of the land that was not then earned in good faith. I would have been glad to have done the same in the Forty-ninth Congress. But we did not succeed, because the House alone can not legislate. But meanwhile the procession has been moving on, it has been going past, and now we are at the tail of the procession, and the gentleman from Kansas says he does not care whether the railroads take the rest of it or not. Well, now, I do. I think that 7,000,000 acres of land are worth saving, and more than 3,000,000 of the 7,000,000 are along the line of the Northern Pacific.

Taking the word of my friend from Oregon [Mr. HERMANN], who knows a great deal more about it than I do, a large portion of it is fertile, arable farming land. The gentleman from Indiana [Mr. HOLMAN] said yesterday that there would not be an additional home made if we pass this bill. With all deference to my excellent friend from Indiana, I do not believe it. I believe that there will be thousands upon thousands of new homes that will be made upon the land we shall thus reclaim.

Mr. HOLMAN. I think my friend will find this land substantially all taken up.

Mr. CUTCHEON. I have here a statement made by the committee in their report showing the amount and location of the lands which this bill will forfeit.

The following table shows the number of acres forfeited by the passage of this bill as nearly as the committee can ascertain:

No.	Name of road.	Length.	Built in time.	Unbuilt at expiration of grant.	Built since.	Not now built.	Remarks.
1	Florida, Atlantic and Gulf Central	370	189	181	181	None.	
2	Atlantic, Gulf and West India Transit	237.65	85	152.65	132.65	20	76,800 acres.
3	Tennessee and Coosa	36.5	None.	36.5	None.	36.5	140,160 acres.
4	Coosa and Chattooga	37.5	None.	37.5	None.	37.5	144,000 acres.
5	Mobile and Girard	223.6	54	169.6	30	139.6	536,064 acres.
6	Alabama and Tennessee River	167.35	100	67.35	43.93	23.42	89,932 acres.
7	Marquette and Ontonagon	56	52	46	None.	46	294,400 acres.
8	Ontonagon and Brulé River	75	None.	75	20	55	Forfeited, Fiftieth Congress.
9	Jackson, Lansing and Saginaw, and Amboy, Lansing and Traverse Bay	341.37	188.10	153.27	133.27	20	*300,000 acres.
10	Port Huron and Milwaukee	90.5	30.5	60	60	None.	
11	La Crosse and Milwaukee	39	None.	39	39	None.	
12	St. Croix and Lake Superior	243.9	None.	243.9	243.9	None.	
13	Vicksburg, Shreveport and Texas	190	94	96	96	None.	
14	Gulf and Ship Island	170	None.	170	None.	170	*600,000 acres.
15	Minnesota and Pacific	445.8	208.19	237.61	232.24	5.37	
16	Southern Minnesota and Minnesota Valley	215	190	25	None.	25	Branch, in limits of main line.
17	Southern Minnesota (act March 3, 1875)	76.5	18	58.5	None.	58.5	Built by other companies.
18	Portage and Winnebago	341	248	93	9	84	406,880 acres.
19	Sioux City and St. Paul	83.16	56.25	26.91	None.	26.91	171,200 acres.
20	Northern Pacific	2,262.81	530.5	1,732.31	1,507.31	225	3,425,280 acres.
21	Southern Minnesota (act July 4, 1866)	279.51	149.35	130.16	130.02	None.	
22	Hastings, Minnesota and Red River of the North	202.1	74	128.1	128.1	None.	
23	Oregon and California	360	197	163	163	None.	
24	California and Oregon	304	152	152	152	None.	
25	Southern Pacific of California	556	232	324	240	84	1,075,200 acres.
Total		7,445.61	2,847.89	4,598.22	3,541.42	1,056.8	7,259,916 acres.

*Estimated.

If settlers are already on these lands they will go to the settlers who are there and their titles will be confirmed and protected. I assume that all these 7,000,000 acres are not taken up. Now, Mr. Chairman, I do not care to say very much about the body at the other end of the Capitol. I am willing to assume that everybody acts as I claim to act, conscientiously. I would have been glad if they had accepted our bill in the Forty-eighth Congress or in any one of the subsequent Congresses. They have not done so. They have acted upon the well known prin-

ciple of law that the law abhors a forfeiture, that a forfeiture can only be declared upon the claim of the party who is entitled to have the forfeiture and to whose benefit it inures, and that so long as that person allows the forfeiture to go unclaimed no forfeiture can be made; and so the United States of America, to whose benefit this forfeiture should have inured, not having thus far claimed it, the element of time, it is claimed, has been waived in the condition of the grant, and we can not now go back at this date and claim lands heretofore earned, on

the ground that they were not earned at the date required in the granting act. It is said that we have waived that condition. I will not discuss that.

But I do not intend, Mr. Chairman, to see the procession go any further before attempting at least to stop it. "Stone wall" or no "stone wall," as the gentleman from Kansas [Mr. ANDERSON] says, I am going to do all that I can to stop it here; to see that all that has not been earned up to this time shall go back to the public domain for the benefit of all the people of the United States. In the light of experience I regret that we did not pass such an act years ago. Had we done so we would be richer in public domain than we are to-day.

Mr. PAYSON. Mr. Chairman, I hope we may have a vote upon this amendment so that progress may be made. Other gentlemen have amendments to offer.

Mr. McRAE. I have an amendment which I do not care to discuss, but which I want to offer. It is in the nature of a substitute to the amendment of the gentleman from Kansas [Mr. ANDERSON].

The Clerk read as follows:

Strike out all of section 1 down to the word "Provided," in line 19, and insert the following:

"That all lands heretofore granted to any State or corporation to aid in the construction of any railroad which was not completed within the periods fixed by the granting act or amendments thereof be, and the same are hereby, declared forfeited and restored to the public domain, for the failure to perform the conditions on which the grant was made."

Mr. ANDERSON, of Kansas. While I might vote for the amendment, I make the point of order that it is not a substitute for my amendment, but that it is a substitute for the main body of the section—

Mr. McRAE. Oh, no.

Mr. ANDERSON, of Kansas. Except the proviso; and under the rule of the House it is competent for a committee first to perfect the text of its bill. This amendment is endeavoring to do that; whereas the gentleman's amendment comes in as a substitute for the first part of the section prior to perfecting it at all.

Mr. McRAE. It is what the gentleman and I are both striking at. I think I have got little better phraseology than the gentleman has in his amendment. This is the very amendment that you and I have been working for for the last six years.

Mr. ANDERSON, of Kansas. Very well; why not let mine go?

Mr. McRAE. Because you have not got it distinct.

Mr. ANDERSON, of Kansas. It is as distinct as language can make it.

The CHAIRMAN. The Chair thinks the amendment is in order. The question is upon the substitute of the gentleman from Arkansas for the amendment of the gentleman from Kansas.

The substitute was rejected.

The CHAIRMAN. The question recurs upon the original amendment as offered by the gentleman from Kansas.

The question was put; and the Chairman announced that the "noes" seemed to have it.

Mr. ANDERSON, of Kansas. Division.

The committee divided; and there were—ayes 37, noes 58.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read the next amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Also, amend section 1 by striking out the proviso beginning in line 10.

The CHAIRMAN. This is the second amendment, of which notice was given by the gentleman from Kansas.

The question was taken; and the amendment was rejected.

The CHAIRMAN. There is still another amendment to the first section, notice of which was given by the gentlemen from Minnesota [Mr. LIND], which the Clerk will now read.

The Clerk read as follows:

Amend by inserting, after the word "completed," in line 7, on page 9, the following: "And all lands granted to the State of Minnesota for the benefit of any railroad corporation chartered by said State, and the charter of which has been forfeited by the laws of said State, and such forfeiture declared by the supreme court thereof prior to the passage of this act."

The amendment was rejected.

Mr. OATES. I offer the following amendment to the section.

Mr. HOLMAN. I wish to have my amendment pending.

Mr. OATES. This is an amendment to the first section.

Mr. HOLMAN. That is an amendment that you offer now. I wish my substitute in the nature of an amendment to be considered as pending.

The CHAIRMAN. The Chair will consider it as pending. The gentleman from Alabama offers an amendment, which the Clerk will read.

The Clerk read as follows:

Add to the first section, beginning immediately after the word "site," in line 13, of page 9, the following:

"And provided, That the Mobile and Girard Railroad Company of Alabama shall be entitled to the quantity of land earned by the construction of its road from Girard to Troy, a distance of 84 miles; and the Secretary of the Interior, in making settlement and assigning to the said company the land earned thereby, shall include therein all the lands sold, conveyed, or otherwise disposed of by said company, including such as have been sold for taxes, not to exceed the total amount earned by said company as aforesaid; and the titles of

the purchasers of said lands are hereby confirmed so far as the United States are concerned."

Mr. HOLMAN. Before the gentleman from Alabama proceeds I submit to him that that would come in better as a separate section than as an amendment to the first section. I think that the gentleman from Illinois, the chairman of the committee, will agree to that.

Mr. PAYSON. I can not insist upon what gentlemen may do in pursuing a parliamentary right; but I think the suggestion of the gentleman from Indiana that the provision of the gentleman from Alabama would come in as a separate section would perhaps be advisable.

Mr. OATES. I have no objection as to how it is placed.

Mr. PAYSON. Then, if the gentleman will withhold it until the amendment proposed by the gentleman from Indiana be voted upon, then he may offer it.

Mr. OATES. I am perfectly willing to do that.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Indiana.

Mr. HERBERT. I ask the gentleman from Indiana to permit me to offer an amendment to correct that section, by adding an amendment to which I think there is no objection whatever.

Mr. HOLMAN. I think that ought to come in as a separate section.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Alabama [Mr. HERBERT].

The Clerk read as follows:

Provided further, That all cash entries heretofore permitted to be made within the limits of the grant to aid in the construction of the Alabama and Florida Railroad or of the Mobile and Girard Railroad, which lands were not taken by said Alabama and Florida Railroad Company, be, and that the same are hereby, validated, and patent shall issue to the purchasers thereof, provided the Government still retains the purchase money.

Mr. HERBERT. There is no objection to that amendment, Mr. Chairman.

Mr. HOLMAN. The only possible objection I think there can be to that would be the fact, first, that it is covered by the general purpose of the bill and that is a sort of detail.

Mr. PAYSON. That is hardly the situation.

Mr. HOLMAN. In the next place, it seems to me that that ought to be a separate section.

Mr. PAYSON. I do not think there is any doubt as to that. I hope I may be permitted to get the attention of the committee for a moment.

The grant of land to which this amendment relates was made in 1856. The time within which the road was to be built was limited to ten years. The language of the act was presumed to be self-operative, and at the expiration of the ten years the Interior Department treated the land as if it had reverted by operation of law, and private parties were allowed in some instances to make entry upon this land upon the theory that the railroad not having been built and the land having reverted to the Government, it was subject to cash entry. Accordingly some of the lands were entered in the usual way at \$1.25 an acre, and the reason the title can not pass is that until Congress acts the title still remains technically in the State of Alabama. I have made inquiry at the General Land Office with reference to this matter this morning, and I learn that there is very little land in this condition; and knowing that this relates only to lands sold many years ago, and that the Government got the money and still retains it, I think there is no objection to the amendment.

Mr. HOLMAN. I take it for granted that the amendment ought to be adopted if the bill does not cover the matter, but probably it ought to go further. All these grants were treated as vacant after the periods prescribed in the acts had expired. But does the gentleman know of any other instance except in Alabama where the Government has sold the lands?

Mr. PAYSON. I do not. There was some such case in Michigan several years ago, but Michigan and Alabama are the only cases that occur to me now.

Mr. HOLMAN. But this amendment would not cover Michigan.

Mr. PAYSON. No; but we declared a forfeiture of the Michigan lands granted to the Ontonagon and Brulé River road, and by that forfeiture that whole matter was cleared up.

Mr. HOLMAN. I remember.

Mr. HERBERT. The gentleman from Illinois is right in stating that there are very few cases of this kind, but he is slightly in error as to the ground upon which the entries were permitted to be made. They were permitted to be made owing to a misunderstanding by the officer of the land office at Greenville, Ala., of the orders from Washington.

Mr. PAYSON. I gave the information as I got it from the Land Office.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama.

Mr. CULBERSON, of Texas. Let us hear the amendment read.

The amendment was again read.

Mr. HOLMAN. Mr. Chairman, I still suggest to the gentleman from Alabama that that would come in better as a separate section. Here is a general provision operating in all instances, while this amendment

relates to an exceptional matter, and I think it would be better to make it a separate section.

Mr. HERBERT. I do not see any objection to it here. It simply makes an exception to the general provision of the bill.

Mr. PAYSON. It is all right.

The amendment was agreed to.

The CHAIRMAN. The Clerk will now report the substitute offered by the gentleman from Indiana.

Mr. HOLMAN. Now, Mr. Chairman, one of the embarrassments which I strove to guard against occurs at this point. Instead of striking out the whole of the first section, let the Clerk read it so as to strike out, not the whole of the first section, but only down to the last proviso, the amendment of the gentleman from Alabama just adopted.

The Clerk read as follows:

Strike out the following:

"That there are hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and contiguous with the portion of any such railroad not now completed, for the construction or benefit of which lands have heretofore been granted; and all such lands are declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted, or lands included in any city, town, or village site."

And insert in lieu thereof the following:

"That all lands heretofore granted by Congress to any State or to any corporation to aid in the construction of a railroad or a railroad and telegraph line opposite to and contiguous with the portion of any such railroad not constructed and completed within the time specified in the act making the grant for the construction and completion of the whole of such railroad are hereby declared forfeited to the United States, and the United States resumes title thereto; and all such lands so granted lying opposite to and contiguous with the portion of any such railroad not constructed and completed within the time prescribed by the act of Congress making such grant for the construction and completion of the whole railroad as provided for by such act are hereby restored to the public domain and declared to be a portion thereof: *Provided, however*, That the forfeiture hereby declared shall not extend to the right of way of any such railroad through the remainder of the route, including the necessary grounds for depots, or to lands included in any village, town, or city within the limits of the lands hereby declared forfeited.

"All such lands restored to the public domain shall be disposed of under the provisions of the homestead law only. But all bona fide settlers on any such lands shall be entitled to priority of right in entering the lands occupied by them and shall be allowed a credit for the time of such bona fide occupation: *Provided further*, That the titles of bona fide purchasers of any such lands whose titles were acquired prior to the 1st day of January, A. D. 1888, from any such State or corporation to whom any such grant of lands was made lying contiguous with a completed portion of any such railroad shall not be impaired by this declaration of forfeiture."

Mr. HOLMAN. Mr. Chairman, I desire to say a word as to the effect of this amendment. The effect of the paragraph as it stands in the bill reported by the gentleman from Illinois [Mr. PAYSON] is of course well understood. It declares forfeiture of lands contiguous with portions of road not now completed. There has been some vagueness of statement in regard to the effect of it. According to the report of the General Land Office the effect of it would be to forfeit about 5,100,000 acres of land, supposing that no additional road had been constructed by the Southern Pacific, but if any further lands have been earned by the Southern Pacific within the last two years those lands would have to be deducted from the 5,100,000 acres. The effect of my proposition—and it is one which the House has enacted heretofore—is this: It declares forfeiture of all the lands lying contiguous with the portions of roads not completed in conformity with the law. It provides, as an exception, that the track of the roads shall not be forfeited, nor the lands necessary for depots and things like that.

It provides that the sales made of lands contiguous with the completed road shall not be interfered with and that the persons in bona fide occupation of such land shall have it under the operation of the homestead law. That is, in substance, the effect of the amendment. It presents a naked question of forfeiture between the United States and the railroad corporations, disembarassing the matter entirely of any complication with the rights of third persons, because the rights of such persons are all secured. So that the naked question is presented: Shall we, as proposed by the bill, forfeit this mere fragment of lands which the railroad corporations do not want or shall we declare forfeiture of the lands not earned in conformity with the law making the grant? The proposition of the gentleman from Kansas [Mr. ANDERSON] went too far, I think, according to his construction, although I believe that according to its real meaning it did not go as far as he intended it. I have never believed that the forfeiture should apply to the entire grants, although that view has been expressed upon this floor and was advocated this morning by the gentleman from Alabama [Mr. COBB]; but the right and the duty, as it seems to me, of Congress to declare forfeiture of all lands not earned in conformity with the law is perfectly clear.

I submit that this House, as a body of equal authority with the Senate and deriving its power more directly from the people, should not yield its judgment on a question like this to the demands of the Senate. And how can gentlemen say that the Senate will not yield the point? The subject has not been before them since the last Congress. How can gentlemen say that the tone of public sentiment which comes to us from the whole agricultural portion of the United States demanding this sort of a forfeiture will not have its effect upon the other branch of the legislative department as it has upon this? Why not, at least,

seek once more to secure this reasonable and just forfeiture instead of the partial and meager forfeiture proposed by the amendment of my friend from Illinois?

Mr. PAYSON. I must correct an error into which my friend from Indiana innocently and inadvertently falls when he says that this matter has not been considered in the Senate since the last Congress. He forgets that the bill we are now considering is a Senate bill—

Mr. HOLMAN. I mean it has not been considered by the joint action of the two Houses—by conferees.

Mr. PAYSON. But the subject has been before the Senate, the matter has been discussed there, and the Senate, by a practically unanimous vote at this session, has reasserted its adherence to its former views. This bill which I hold in my hand passed the Senate, if I recollect aright, with only two votes against it.

Mr. HOLMAN. It passed *nem. con.*

Mr. PAYSON. After full debate there were only two votes against it—one, that of Senator CALL, of Florida, and the other I do not remember.

But, waiving that matter, the amendment proposed by the gentleman from Indiana presents the same complications that we have been laboring under during all these years. It proposes to load this bill down with something that we know we can not get. We have reached a late stage of the present session, and nobody can tell when the question will come up again for consideration at the other end of the Capitol. By the amendment of the gentleman from Indiana, if it be adopted, we endeavor to get something which we know we can not get; and the question as between the two Houses is still further embarrassed.

The gentleman from Indiana by his provision proposes that every purchaser of a piece of land lying beside lines of road which have been constructed must go to the local land office and reprove his right to the land. Has the gentleman thought of the amount of labor and uncertainty to which such a proposition must give rise? I do not know whether his proposition contains any limitation as to the time within which this must be done—

Mr. HOLMAN. There is no limitation.

Mr. PAYSON. That proposition involves new difficulties and perplexities, and I submit to the judgment of the Committee of the Whole that it certainly ought not to be adopted as an amendment to this bill. If the gentleman from Indiana desires to try that experiment I insist that it be done in a separate bill. If, in the judgment of the House, such a measure ought to be adopted let it go as a distinct measure to the other end of the Capitol and let the responsibility for its defeat, if there is any responsibility connected with it, rest there.

Mr. HOLMAN. My friend misapprehends the effect of my proposition. It imposes no unusual duties upon the officers engaged in the administration of our public-land laws. The provision is simply that all persons in possession shall have their lands and have them under the provisions of the homestead law; and then, going further perhaps than my friend has noticed, it provides that bona fide settlers on these lands shall have the benefit of the time they have resided there. No proposition could be fairer; and the question is left as a naked question between the Federal Government and the railroad corporations.

My friend forgets that the question involved here is not only one of principle, but that the interest of the people directly in the lands which are proposed to be forfeited is an enormous one. The difference between 5,000,000 acres or thereabouts, and in round numbers 54,000,000 acres—a difference of something like 49,000,000 acres, twice as large an area as the great State of Ohio—is enough to justify, it seems to me, some effort on the part of the House of Representatives to secure the rights of the people in so vast a domain.

Mr. PAYSON. Mr. Chairman, during the progress of this debate I have allowed the statement of the gentleman from Indiana as to the acreages involved in these different bills to go unchallenged. I have done so only because the question of figures was, in my judgment, utterly immaterial. But I do not wish by my silence to be understood as assenting to the statement he has made. His statement that the amendment he offers covers 56,000,000 acres is incorrect—

Mr. HOLMAN. Fifty-four million acres.

Mr. PAYSON. Because that embraces the entire area of the grants; and of every grant that his amendment affects, except that of the Northern Pacific Railroad, substantially all the land has been sold and has gone into the hands of other parties as purchasers in greater or less measure.

Mr. HOLMAN. Does the gentleman know how I obtained my figures?

Mr. PAYSON. No, sir.

Mr. HOLMAN. From the minority report of the gentleman from Illinois [Mr. PAYSON], made in the last Congress.

Mr. PAYSON. Oh, no.

Mr. HOLMAN. I have taken the gentleman's figures exactly.

Mr. PAYSON. I understand what the gentleman is coming to, and I will state that the table inserted by me in my minority report in the last Congress, I took from the gentleman's own report, the report of the majority of the committee; and, as I have said, I have allowed those figures to go unchallenged—

Mr. HOLMAN. We both obtained our figures from the Land Office, as the gentleman will remember.

Mr. PAYSON. Oh, no.

Mr. HOLMAN. Then why did you put the table in your report?

Mr. PAYSON. Because I found it in your report. [Laughter.] I put it in my report because you put it in yours. But I did not think it essential to go into such details as that.

Mr. HOLMAN. Let me say that I got it from the Land Office.

Mr. PAYSON. But there is not on file in the Land Office the record of the sale of a single acre of a land-grant road. All this, therefore, is entirely immaterial to the pending proposition. The question I am contending for is one of principle, whether it be one acre or a hundred millions of acres; if it is right it is right, and if it is wrong Congress should not enact it. If it is a right principle, it is right as to a hundred and sixty acres, and if it is a wrong principle, it is wrong as to a single rod of land. I admit, of course, that there is a difference between grand and petty larceny, but I do not think that the question enters here in the way that the gentleman seems to present it. The question is whether we shall take what we know we can get or whether we shall reach out for that which we know we can not secure and hence lose what we can get.

The CHAIRMAN. The debate on the pending amendment is exhausted.

Mr. HOLMAN. I move to strike out the last word.

As to the number of acres, Mr. Chairman, that will be forfeited by my proposition, the General Land Office reported to the committee, during the last Congress, that the amount of forfeiture affected by this proposition now pending in the Senate bill would be something over 5,000,000 acres.

Mr. PAYSON. They gave it to me as 7,000,000 acres.

Mr. HOLMAN. As it came to the Committee on the Public Lands in the last Congress, it was something over five and a half millions of acres.

Mr. HERMANN. You are deducting the forfeiture made in the last session—the Michigan forfeiture?

Mr. HOLMAN. I was not deducting that. But I will say now that we made in the closing hours of the last session a forfeiture with regard to a grant to the State of Michigan; so that this provision will affect something less than 5,000,000 acres.

The Land Office reported in reference to the other forfeiture, to which I referred a few moments ago, something over 54,000,000 acres. That of course would be slightly reduced by the same operation which effects a reduction as proposed by the present bill; but it is in the neighborhood of 54,000,000 acres if that other proposition should prevail. There is, therefore, a difference of 48,000,000 acres between the two propositions, and from that are to be taken lands sold by the railroad corporations conterminous with the constructed portions of their lines, because none of us are seeking to interfere with such lands.

As to the amount of lands sold I can not state accurately, but it will be a small portion only of the 48,000,000 acres which will be restored to the public domain by the terms of the legislation I have suggested.

Mr. SHIVELY. Will the gentleman from Illinois yield for a question before the vote is taken upon this proposition?

Mr. PAYSON. I am desirous of proceeding as rapidly as we can, but of course I will yield with pleasure.

Mr. SHIVELY. First, then, the lands lying conterminous with that part of the roads constructed within the time indicated in the granting act—

Mr. PAYSON. That is not touched by the bill.

Mr. SHIVELY. Certainly; so I understand. Second, there are the lands lying conterminous with the parts of the road constructed between the expiration of the term fixed in the granting act and the present time. Third, there are the lands through which the roads have not been constructed at all.

Now, the question is this: Will your bill in your judgment directly or indirectly affect the status of lands lying conterminous with the roads constructed out of time? Will it operate directly or indirectly, legally or morally, as a legislative confirmation of this portion of the grants in any way to the railway companies?

Mr. PAYSON. Not at all.

Mr. SHIVELY. You claim that such will not be deemed its effect?

Mr. PAYSON. Not at all.

The first section of the bill refers only to the lands granted. Shall I read it for the gentleman?

Mr. SHIVELY. It is not necessary; I understand the provision, and in my judgment it is an idle and useless provision, with no binding legal effect whatever. This bill in my judgment concludes the whole controversy against the people.

Mr. PAYSON. It simply provides that lands heretofore granted to any State or to any corporation in aid of the construction of a railroad "opposite to and conterminous with the portion of any such railroad not now completed" are hereby forfeited. That is all the bill proposes to reach, and the last section, section 7, provides:

SEC. 7. That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant.

Now, to make myself thoroughly understood, I do not think, as a

lawyer, that section 7 adds anything to the force of the reservation. In other words, I think the General Government would have the same rights, if the bill became a law, to carry on and declare these forfeitures as though section 7 had not been enacted. It does not, in my judgment, therefore, strengthen the bill. But out of abundant caution, because it was asserted in the last Congress that possibly some such saving clause should be enacted, we agreed to do so, although the committee did not think it added to the act any additional force; and so the only lands affected by the committee's bill are the lands lying along the unconstructed portions of roads.

Mr. HOLMAN. But does not my friend from Illinois know as a matter of fact and as a lawyer—has he not reason to know that the President will at once accept all the completed portions of all the roads and that the Secretary of the Interior and the Commissioner of the General Land Office, under him, will at once proceed to settle the grants and issue patents?

Mr. PAYSON. Why, I have no doubt that that business in the Interior Department will go on as it has been going on. They have been doing that for years. Let me call the attention of the gentleman from Indiana to the fact. The gentleman from Indiana asked me if I do not know. I know the practice has been, as the gentleman from Indiana knows, that where roads have been constructed, some of them out of time, and applications have been made for patents, as under the last Administration and the Administration prior to that, the grants have been adjusted and patents issued. In the absence of forfeiture I have no doubt that the Department will go on, in the absence of Congressional action, and adjust grants under existing law. I have no doubt about that, as I think they ought to.

Mr. HOLMAN. Is not my friend aware that the President has been hesitating as to the extent that he should confirm these grants, until he knew what the action of Congress would be?

Mr. PAYSON. Yes, I know that. That is a matter of current history.

Mr. HOLMAN. And that he will act at once as soon as this bill is acted upon?

Mr. JOSEPH D. TAYLOR. Mr. Chairman, it seems to me that we are squandering a great deal of time in the consideration of this bill. The discussion has gone on here day after day and week after week. I am utterly unable to understand why it should consume so much time, or why there should be any delay in regard to adopting this measure, or why there should be any objection to the passage of this bill. The passage of this bill will do two things. It will accomplish two great purposes. One is, it will forfeit five or six millions of acres of land that we all agree should be forfeited.

Mr. DOCKERY. That the railroads do not want.

Mr. JOSEPH D. TAYLOR. I have never seen any land yet in any large quantity that the railroads did not want or that somebody did not want. It will accomplish the forfeiture of this much land, and you all say that this is right. Now, I will tell you another thing it will accomplish. It will put at rest thousands and tens of thousands of titles. It will quiet the titles all along the lines of these railroads. There are millions of acres of land to-day that are paying no taxes simply because of the uncertainty as to what Congress will do in regard to these lands granted to railroads. Communities and counties are being impoverished by the exemption from taxes of railroad lands and the overtaxation of lands which are not railroad lands. These burdens of taxation should be lifted and equalized, and all the lands should be placed upon the tax duplicate. The people are more deeply interested in this question than they are in the question as to whether the railroads or the Government shall be the source of title to the settler.

Mr. CHEADLE. Will the gentleman permit a question?

Mr. JOSEPH D. TAYLOR. I have only five minutes, and as I do not consume much of the time of this House I do not care to be interrupted just now. I would like to answer the gentleman's question, but I want to urge upon the House the importance of passing this bill as it is without further delay. This bill is framed on a principle that is undisputed by anybody. It is framed on the principle that the lands which are now unearned ought to be forfeited. We all admit that this ought to be done. There are gentlemen here who want a bill based upon another principle; that is, they want to forfeit all the lands along the railroads which were not completed at a certain date, and I am unable to understand how, under the laws of this country as we now understand them, this can be done. I do not see upon what principle they can expect to pass a measure of this kind through Congress. Certainly not upon the principle advocated by the gentleman from Indiana [Mr. HOLMAN]. Suppose I employ a man to build a house and he agrees to build it in six months, but fails to complete it in that time. He does complete it, however, in two years. If I sit by and see him build that house can I refuse to pay him for building the house because, forsooth, he did not build it within six months? This is a great constitutional question, involving principles of law too well settled, it seems to me, to admit of any doubt; and I can not understand why it is that men are here trying to apply a principle to a railroad that is not applied in any of the courts of the country to railroads or to individuals.

I would be glad to see this land forfeited. I have no interest in any

railroads; I pay my fare when I travel upon them, but I can not understand how Congress can forfeit land where the railroads are built and where trains are now running. The only pretense is that this is to be done on a mere technicality, simply because the road was not built within the time named in the original land grant. Very few public or private buildings are built within the time named, and it is not surprising that this should be true of a railroad. This land can not be forfeited. It never has been and never will be. Men may talk that way for political effect, but it is a principle that has no foundation in the Constitution or laws of the country.

It is not the remedy; it is not in accordance with the Constitution which protects the right of property in the individual and in the owner, whether that owner be an individual or a corporation. We ought, I think, to waste no more time upon this bill. We ought to pass this bill as it is, and not load it down with weights which will prevent its passage, as we have done heretofore. If they care to they can pass another bill. We ought to accomplish something. It is a question now whether we will accomplish something or whether we will accomplish nothing. There should be but one opinion as to the course to be pursued.

Mr. PAYSON. I hope we may have a vote.

The CHAIRMAN. The question is upon the amendment of the gentleman from Indiana [Mr. HOLMAN], to strike out and insert in place of the first section.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. HOLMAN. Division.

The committee divided; and there were—ayes 44, noes 57.

Mr. HOLMAN. I ask for tellers on this amendment.

Tellers were ordered; and Mr. HOLMAN and Mr. PAYSON were appointed.

The committee again divided; and the tellers reported—ayes 60, noes 79.

So the amendment was disagreed to.

Mr. HOLMAN. Mr. Chairman, I ask my friend from Illinois [Mr. PAYSON] to consent that this proposition shall be voted on in the House.

Mr. PAYSON. I do not see any reason for that, Mr. Chairman. I think it ought to take the regular course. The vote seems to be a fairly decisive one, and I think we ought to go on in the regular way.

Mr. HOLMAN. If the gentleman objects, I have no remedy.

Mr. OATES. Mr. Chairman, I offer my amendment now.

The CHAIRMAN. The gentleman from Alabama [Mr. OATES] offers the following amendment, which the Clerk will read.

The Clerk read as follows:

Add to section 1 the following:

"And provided further, That the Mobile and Girard Railroad Company, of Alabama, shall be entitled to the quantity of land earned by the construction of its road from Girard to Troy, a distance of 84 miles. And the Secretary of the Interior, in making settlement and assigning to the said company the lands earned thereby, shall include therein all lands sold, conveyed, or otherwise disposed of by said company, including such as have been sold for taxes, not to exceed the total amount earned by said company as aforesaid, and the titles of the purchasers to all such lands are hereby confirmed, so far as the United States are concerned."

Mr. OATES. Mr. Chairman, I will state for the information of the House the purpose of this amendment. The total amount of this grant to that railroad company aggregated something over 900,000 acres. A little over one-third of the railroad was constructed or completed—84 miles. Therefore, the road earned something over 300,000 acres. The company has sold and conveyed to different parties about 235,000 or 240,000 acres. They have suffered a few thousand acres also to be sold by the State for taxes, and the lands sold for taxes were generally bought in small bodies of 160 acres, or sometimes half a section, and have been settled by farmers and are being improved and cultivated.

The object of this amendment is simply this: It requires the Secretary of the Interior, when settling with this company and allotting to them the 300,000 acres earned by constructing a part of the road, to include that amount of land that they have sold to other parties. I do not want those parties who have purchased lands from the company to be deprived of their lands, and let the company have other lands. You are going to give the company the quantity of land they have earned, to-wit, in round numbers 300,000 acres.

Mr. ANDERSON, of Kansas. Would it interrupt the gentleman to ask when the railroad was constructed?

Mr. OATES. The greater part of it was constructed before the war, long years ago, and some portions of it since. Now, the 300,000 acres earned by the company is theirs to-day. It does not make any difference whether they have sold it at 10 cents or \$10 an acre. All this amendment requires is that the Secretary of the Interior shall make the railroad company make good to those to whom they sold the lands sold to those parties, and not allow the company to take lands at another place.

Mr. COBB. Will my colleague allow me to ask him a question? Did that company earn this land by the construction of this road in time?

Mr. OATES. Part of it.

Mr. COBB. Well, now, as to the other part, would not your amend-

ment conflict with that provision of this bill that says by legislative act that the land not earned in time is forfeited?

Mr. OATES. How can it? That section of the bill is not at all in conflict with this.

Mr. COBB. Well, if it is not I have no objection.

Mr. OATES. I do not think it is necessary to add anything further. I do not see how any gentleman can object to the justice of this claim. I am in favor of the forfeiture of the land. I want it forfeited for the benefit of the people there, so that they may take it for homesteads. The only object of this proposition is that the Secretary of the Interior shall settle with the railroad company for the amount it has earned.

Mr. PAYSON. Mr. Chairman, I desire to call the attention of the gentleman from Alabama to an amendment which I think ought to be added to his amendment. I favor his amendment, but I think it should have this proviso:

But not to include any lands in possession of any one duly qualified and claiming or desiring to claim under either the homestead or pre-emption laws.

Mr. OATES. I have no objection to that.

Mr. PAYSON. It has been the policy of the Committee on Public Lands to add such a provision as that.

Mr. OATES. I accept that.

The CHAIRMAN. The gentleman from Alabama accepts the amendment of the gentleman from Illinois.

The amendment as amended was adopted.

The CHAIRMAN. If there be no further amendments to this section the Clerk will read the next section.

The Clerk read as follows:

SEC. 2. That all persons who, at the date of the passage of this act, are actual settlers in good faith on any of the lands hereby forfeited and are otherwise qualified, on making due claim on said lands under the homestead law within six months after the passage of this act, shall be entitled to a preference right to enter the same under the provisions of the homestead law and this act, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act. The Secretary of the Interior will make such rules as will secure to such actual settlers these rights.

Mr. DUNNELL. I move to insert the words "tree culture" after the word "homestead," in line 10, page 9. We have a tree-culture act which is enforced in this country as much as the homestead act or the pre-emption act. The men who have entered upon these lands and made improvements running over two, three, four, and five years in good faith are entitled to protection as much as those who have entered these lands under either the homestead or pre-emption laws; and I suggest to the gentleman that it is but fair to insert the word "tree culture" after the word "homestead," at line 10.

Mr. MCRAE. Mr. Chairman, if my friend will permit me, under the law now a man taking a tree-culture entry does not preclude himself from taking a homestead. Men who have taken under the tree-culture act are not deprived of the homestead privilege.

Mr. PAYSON. The gentleman from Arkansas is correct in his statement as to the law.

Mr. DUNNELL. I know; but, Mr. Chairman, it seems to me that those who entered upon these lands under the homestead law by this section are specially protected. I can not understand why those who entered upon these lands under the pre-emption act, for instance, should not be protected. There is no protection at all to the person who has entered under the tree-culture act. The section seems to have been prepared with special reference to the protection of those who entered under the homestead law, leaving out those who entered under the other existing laws, namely, the pre-emption and the tree-culture act.

That amendment, I respectfully submit to the chairman of the committee, can not possibly do any harm, and it seems to me but right that those who made entries under the timber-culture act should have as much protection as those that entered under the pre-emption or the homestead act. As it stands they are left entirely out in the cold.

Mr. PAYSON. Under existing law any citizen making a timber-culture entry may abandon that and take a homestead entry instead. The advantage which the law gives the man who makes a timber-culture entry is that he is not obliged to live on the land, and the class of men that the gentleman from Minnesota refers to would have no greater rights under the bill with the amendment in it than without, because they can do the same thing under existing law.

In reply to the gentleman's suggestion that the amendment will do no harm, I might say that the insertion of the Ten Commandments would do no harm, but, on the contrary, would furnish very profitable reading for gentlemen having occasion to peruse the statutes; nevertheless, we would hardly think of putting them in this bill, and I do not think it is proper to ingraft upon a bill of this character what is already existing law. That is the only objection I have to the gentleman's amendment, but for that reason I do not think it ought to be insisted upon.

Mr. ADAMS. I desire to ask my colleague a question. Supposing this bill goes into effect at a certain time and supposing that the tim-

ber-culture entryman has changed the nature of his entry so as to make a pre-emption entry—

Mr. PAYSON. Then this will protect him.

Mr. ADAMS. But supposing he fails to do that up to the moment when this bill becomes a law, can he do it afterwards?

Mr. PAYSON. He can, beyond question.

The amendment of Mr. DUNNELL was rejected.

The Clerk read as follows:

SEC. 3. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1888, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of \$1.25 per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa, on which any person in good faith has made or asserted the right to make a pre-emption or homestead settlement: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land-grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

Mr. McRAE. I desire to offer the amendment which I send to the desk. This amendment has been submitted to the chairman of the Committee on Public Lands and to several members of the committee, and accepted by them, and I hope it will be adopted without objection.

The amendment was read, as follows:

Insert between the words "therefor" and "provided," in line 12, the words "and where any such person in possession of any such lands under deed, written contract, or license, as aforesaid, or his assignor, has made partial or full payment to such railroad company prior to the 1st day of January, 1890, on account of the purchase price of said land from it, on proof of the amount of such payment he shall be entitled to have the same, to the extent and amount of \$1.25 per acre, if so much has been paid, and not more, credited to him on account of and as a part of the purchase price herein provided to be paid to the United States for such lands. Or such persons may elect to abandon their purchases and make claim on such lands under the homestead law as provided under the preceding section of this act."

The amendment was agreed to.

Mr. DUNNELL. Mr. Chairman, I move to strike out the last word. I do this in order that I may ask the chairman of the committee why the proviso which begins on line 21, page 10, finds a place in this bill. In other words, why should not the provisions of this section apply to land situated in the State of Iowa? Why is it that the State of Iowa is especially exempted from the provisions of this section?

Mr. PAYSON. Mr. Chairman, I answer the gentleman from Minnesota by saying very candidly that I do not know.

Mr. LACEY. I think I can answer.

Mr. PAYSON. Well, Mr. Chairman, as I have reported the bill, I ought to undertake to make an explanation. [Laughter.] This bill came over from the Senate with this provision in it. I went to see the two Senators from Iowa with reference to the provision, and they said to me that as to lands pertaining to a small piece of road between Le Mars and Sioux City, about 16 miles in length, about which there was controversy in the Department and in the courts, and also in relation to a portion of the old Des Moines River grants, the provisions of this bill ought not to apply, and, without going into detail with them and simply because it was a local matter, because the two Senators, and also some of the Representatives from Iowa, wanted it so, I said to the Committee on Public Lands that I thought it ought to remain in the bill, and it is there.

Mr. LACEY. I may add for the information of the gentleman from Minnesota that this provision is satisfactory to the settlers and to the parties who are interested in the controversy in Iowa. They feared that something might be put into this bill that would prejudice their rights, but this is satisfactory to them and to the parties representing them.

Mr. DUNNELL. I suppose that in many of the States there might arise a similar condition of things. In all the States that are affected by this bill certain private rights are to be put in jeopardy. I am sorry that this bill keeps alive, perpetuates, and carries into the unknown future the contest about the Des Moines River land grant. It has been settled three or four times by the Supreme Court, it has been settled by Congress a good many times; but it seems that this provision has been gotten in by our friends from Iowa to keep it alive. I ought not to object, perhaps, but certainly to my mind it mars the bill very much, because it tends to perpetuate these difficulties and also because it seems to be a little piece of favoritism that ought not to be found in such a bill.

Mr. PAYSON. The answer to that is that in the whole history of our legislation there has never been another such a case as that of the Des Moines River lands; and as to the piece of road between Le Mars and Sioux City, where there is a contention as to a portion of a 20-mile

section granted for the construction of the road, that also is exceptional. The two Senators asked to have this provision retained, and I saw no reason why it should not be retained in the bill.

Mr. DUNNELL. The gentleman from Iowa introduced this morning, in behalf of a colleague now absent, an amendment which was voted down, touching a certain grant which had been made to the State of Minnesota. The same controversy exists along the line of the Hastings and Dakota Railroad that exists evidently in the vicinity of Le Mars. But I withdraw the amendment.

Mr. HERMANN. I have two amendments which I desire to offer, and then I shall be through. I ask the Clerk to read the first amendment.

The Clerk read as follows:

Amend by inserting, after the word "persons," in line 1, section 3, page 10, the following: "being citizens of the United States, or who have declared their intention to become such, in accordance with the naturalization laws of the United States."

Mr. HERMANN. This amendment applies to that part of the section referring to persons in possession. I desire to insert this clause as a matter of safety, so that these lands may not go into the possession of aliens.

The amendment was agreed to.

Mr. HERMANN. I have one further amendment.

The Clerk read as follows:

Insert, after "eighty-eight," in line 6, page 10, the following: "or where persons may have settled said lands with bona fide intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting acts of Congress."

Mr. HERMANN. This amendment is designed simply for the protection of a certain class of persons who may have settled upon lands with the intent to purchase them from the railroad company when the company should have acquired title, but who have failed to enter into any agreement—who are not there, in the words of the substitute, "by contract, agreement, or license."

Mr. PAYSON. I see no objection to that.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the amendment reported by the committee.

Mr. PAYSON. I move the adoption of the amendment of the committee as amended.

Mr. McRAE. The adoption of this will not preclude the offering of amendments as new sections?

The CHAIRMAN. The gentleman will be recognized for that purpose.

Mr. McRAE. Would it not be more proper to have these new sections offered now before the adoption of the substitute?

Mr. PAYSON. The object of my motion is that this amendment recommended by the committee to the Senate bill be now adopted so far as we have proceeded. That will not preclude the amendment which the gentleman from Arkansas desires to offer.

Mr. McRAE. With that understanding, I make no objection.

The CHAIRMAN. The Chair has at the desk the amendment of the gentleman from Missouri [Mr. STONE].

Mr. McRAE. That is what I desire to offer.

The CHAIRMAN. That will not be precluded by the adoption of the motion of the gentleman from Illinois.

Mr. PAYSON. That is not my purpose at all.

The question being taken on agreeing to the amendment of the committee as amended, it was agreed to.

Mr. McRAE. I now move to amend by adding the new sections which I send to the desk, being those submitted by the gentleman from Missouri [Mr. STONE] on the 7th instant, and printed on page 7531 of the RECORD.

The Clerk read as follows:

Amend by adding the following sections to the bill:

"Sec. 8. *And be it further enacted*, That the Attorney-General of the United States is hereby authorized and directed, as speedily as possible after the passage of this act to institute suit or suits, at law or in equity, in the name of the United States, in the circuit court of the United States having jurisdiction, against any person, corporation, or association of persons claiming to own under or through the grant of Congress any lands heretofore granted by Congress to any State or to any corporation to aid in the construction of a railroad or a railroad and telegraph line, where any such lands so claimed lie opposite to or continuous with any constructed part of any such railroad which was not constructed and completed within the time specified in the granting act or acts for the construction and completion of the whole railroad, to determine whether any such granted lands so claimed by any such person, corporation, or association of persons are subject and liable under the law to be forfeited and reclaimed by the United States on account of the non-construction of such part of any such railroad in accordance with the requirements of the granting act or acts, and to obtain and recover judgments declaring forfeited to the United States all of such lands as are opposite to and continuous with such constructed part or parts of either of said railroads which were not constructed within the period fixed in the granting act or acts for the completion of the whole road or otherwise in accordance with the requirements of the granting acts, and setting aside any patents which have issued for any such lands: *Provided, however*, That no judgment of forfeiture shall extend to the right of way of any such railroad, or to the necessary grounds for depots, switches, side-tracks, machine-shops, and turn-tables, or to lands included in any village, town, or city within the limits of any such granted lands.

"Sec. 9. That in bringing and prosecuting the suits provided for in the next preceding section the Attorney-General shall treat each grant of lands coming within the provisions of said sections separately, and in each case shall institute suit in that circuit court of the United States within the jurisdiction of which the lands affected thereby, or any part thereof, may lie: *Provided*, That where

the lands affected by any suit may lie within the jurisdiction of more than one circuit court suit may be brought in either of such courts for the forfeiture of the whole of such lands.

"Any person or corporation claiming any interest in the lands to be affected by said suit or suits, and whether made a party thereto or not, may intervene therein by sworn petition to defend his interest therein, and may, upon such petition for intervention, also put in issue and have adjudicated and determined any other question, whether of law or fact, which may be in dispute between said intervenor and the United States, or between themselves, and affecting the right or title, predicated on the grant of the United States, to any part of the lands embraced in any such suit.

"Appeals or writs of error may be prosecuted to the Supreme Court as in other cases from the judgment or decree of any circuit court rendered under the provisions of this act, and in all cases where any such judgment or decree shall be adverse to the United States the Attorney-General shall prosecute an appeal or writ of error to the Supreme Court; and in all without regard to the value of the lands affected thereby; and any suit brought under the provisions of this act shall be advanced to hearing in preference to all other civil cases on the dockets of the circuit or supreme courts: *Provided*, That no judgment or decree of any circuit court rendered under the provisions of this act shall be considered final within the meaning of this act in cases where an appeal or writ of error is prosecuted therefrom.

"And in all cases where any final judgment shall be rendered by any circuit court or the Supreme Court under the provisions of this act, declaring any lands forfeited to the United States, such lands shall thereafter be and become a part of the public domain, any withdrawals heretofore made to the contrary notwithstanding, except as may be herein otherwise provided.

"Sec. 10. That in all cases where any lands affected by any final judgment or decree of any circuit court or of the Supreme Court, rendered under the provisions of this act, have been, prior to January 1, 1888, sold and conveyed by deed or written contract by any State or corporation to which any such grant was made, or by any corporation owning any railroad for the benefit of which any such grant was made to any person, such lands, in quantities not exceeding 3.20 acres to any one person, shall be exempt from the operation, force, and effect of any such judgment or decree, and the title to any such lands, to the extent herein limited to any one person, is hereby confirmed to the purchaser, his heirs or assigns: *Provided*, That if any one person shall claim to own more than 3.20 acres of any such lands under and by virtue of any such sale and conveyance made by any such State or corporation to him or her as an original purchaser, in good faith and for a valuable consideration, or who shall claim by mesne conveyance from such original purchaser, such person may, within one year from the passage of this act, make and file before the register and receiver of the proper land office, subject to an appeal to the Commissioner of the General Land Office, proof of the good faith, consideration, date, and extent of his or her purchase; and if after hearing the proof and investigating the case the register and receiver shall determine that the purchase was made in good faith and for a valuable consideration, prior to January 1, 1888, then, in that case, the register and receiver shall note the finding on the records of the local land office, and thereafter certify the same to the Commissioner of the General Land Office. If the finding and decision of the register and receiver be adverse to the purchaser he may, within six months thereafter, under such rules as the Secretary of the Interior may prescribe, appeal to the Commissioner of the General Land Office.

"Whenever any case shall be certified or appealed to the Commissioner of the General Land Office under the provisions of this section, he shall carefully examine the same, and approve or disapprove the finding and decision of the register and receiver therein. Any person aggrieved by the action of the Commissioner of the General Land Office may appeal to the Secretary of the Interior.

"Whenever the Commissioner of the General Land Office, or the Secretary of the Interior in case of appeal, shall determine that any purchase was in fact made in good faith and for a valuable consideration prior to January 1, 1888, the purchaser, if then a citizen of the United States, or having in due form of law declared his or her intention of becoming such, shall be entitled to purchase from the United States the said lands claimed by him or her in excess of the 3.20 acres hereby confirmed to him or her, at the rate of \$1.25 per acre, at any time within two years after the decision of the Commissioner of the General Land Office or the Secretary of the Interior has been rendered: *Provided further*, That nothing herein contained shall be construed to confirm any such purchases of land upon which there were prior bona fide pre-emption or homestead claims subsisting on the 1st day of January, 1888, arising or asserted under color of the laws of the United States: *Provided further*, That a mortgage or pledge of any of said lands shall not be considered a sale for the purposes of this section.

"Sec. 11. That all bona fide settlers upon any of the lands which may be declared forfeited by any final judgment of the Supreme Court or any circuit court under the provisions of this act are hereby permitted and authorized to acquire title to not exceeding 160 acres in each case, as a homestead, under and pursuant to the laws relating thereto, and in making final proof of such homestead the settler shall be allowed for the time he has already resided upon and cultivated the same, and if such settler is not entitled to the benefits of the homestead law he or she shall have prior right to enter the tract settled on, not exceeding 160 acres, at \$1.25 per acre.

"Sec. 12. That no lands declared forfeited to the United States by this act, or by any judgment of the Supreme Court under the provisions of this act, shall inure to the benefit of any State or corporation to which lands may have been granted by Congress; nor shall this act be construed to enlarge the area of lands originally covered by any such grant.

"Sec. 13. That the price of the even sections of the public lands not reserved within the limits of the several grants heretofore made is hereby fixed at \$1.25 per acre."

The CHAIRMAN. The question is upon the amendment just offered by the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. This is the amendment of which I spoke this morning and to which the gentleman from Missouri [Mr. STONE] directed the greater part of his remarks the other day. As has been stated here several times, this proposition comes here with the unanimous approval of the Public Lands Committee, being recommended as a separate bill. I can not see why it should not be adopted without objection.

Mr. OATES. This is substantially a proposition to test the question in the courts?

Mr. McRAE. To test every legal question as to which there is any dispute.

Mr. OATES. It would not affect this bill in respect to the forfeiture of lands where no road has been constructed?

Mr. McRAE. No, sir.

Mr. OATES. This proposition does not propose to delay the forfeiture in such cases at all?

Mr. McRAE. Not at all.

Mr. OATES. The object is simply to test the question whether the railroad companies earned lands by constructing their roads out of time?

Mr. McRAE. Yes, sir.

Mr. OATES. I am in favor of that proposition.

Mr. McRAE. It proposes to test that question without opening the lands meanwhile to settlement and inviting settlers there to be harassed and annoyed in advance of the adjudication by the courts. It takes up the question of land forfeitures just where the bill reported by the gentleman from Illinois leaves it, and provides for a final settlement of the whole matter by a reference to the courts.

The whole committee agreed that this was a proper thing to do, the only difference of opinion being as to whether this proposition should be disconnected from the bill now pending. We think both should go together; and I wish our good friends on the other side would concur in that conclusion and let us make a finality of this whole thing.

Mr. PAYSON. The gentleman from Arkansas is hardly accurate in his statement that this proposition was recommended unanimously by the committee. It was agreed unanimously in committee that the gentleman from Missouri [Mr. STONE] might report this bill, so that the sense of the House might be tested in reference to its adoption. But it was agreed in committee, by the majority vote of the committee, that it should not be attached to this bill or reported with it.

Mr. McREA. I said so; not that the committee had agreed to it, but it was agreed that it was a proper thing to do.

Mr. HERMANN. That is not exactly correct. I think the gentleman is mistaken. It was an entirely separate matter.

Mr. PAYSON. The gentleman from Arkansas puts it too broadly. It was agreed that the matter should be referred to the House as a separate measure. That was all. It was reported to the House and is to be considered and passed upon as a separate measure. But it was not agreed, in any sense of the word, that it should form a part of the pending bill.

The objection to its being attached to this bill is twofold. In the first place it loads down the bill unnecessarily, and the other objection is one that it is scarcely necessary to allude to again; it has been repeated so frequently in this debate that it is not likely that the bill can become a law by reason of it.

Mr. OUTHWAITE. It would not be satisfactory to the railroads, I suppose.

Mr. HERMANN. Nor to the people on the line of the roads who would be made to suffer by its operations.

Mr. PAYSON. As to whether it would be satisfactory to the railroads or not I have no knowledge; but it would not be satisfactory to the people who are claiming title to their homes on these lands, and who would be thrown into litigation by such a provision. It is a matter of entire indifference to me whether it is satisfactory to the railroad companies or not.

I hope it will not be adopted, because it attaches to a bill, which will pass both Houses of Congress, a matter which the Senate refuses to have anything to do with. It was referred to the conference committee in the last Congress, but they constantly refused at that time to consider it. While I would have no objection to its adoption as a separate measure, I have serious objection to its adoption here, because it opens up litigation which, in my judgment, will be interminable. Here is a proposition or amendment in the shape of a bill containing seven or eight sections, providing for litigation in regard to lands lying along these railroads, or those portions of the railroads constructed out of the time fixed in the granting act, to be attached to the pending bill. These sections are lengthy, go into full details, and provide for opening up this litigation.

Every acre of land in possession of the people along these lines is liable to litigation if that provision is adopted, and all parties holding under any of these grants must go into the courts and determine first whether the forfeiture should be declared, and next whether they have any proper title at all. I think legislation of this character, in so far as it can possibly be made operative at all, ought to be practically a bill of peace, one way or the other, as to land titles. No greater blight, in my judgment, can rest upon any part of a country than the blight of having its real estate tied up in such a condition that the titles to it can only be settled by the courts, and nobody able to predict when the settlement of the questions so raised can possibly be reached.

I do not think it ought to be ingrafted on this bill; and if it were here upon its merits I would feel called upon to restate these as my principal objections to it. But I do not care to go at length into that now, as the matter has been pretty fully discussed heretofore.

Mr. McRAE. Mr. Chairman, a word or two in reply. My friend says we ought to have "a bill of peace." That is exactly what I am trying to get. The gentleman speaks of a bill of peace, and yet the seventh section of his bill provides:

Sec. 7. That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant.

There is a provision that is more liable to lead to litigation than anything else. It holds out the idea to the people that there is something else to be done. It puts in doubt the title of every acre of land

on which people have settled, and which lands were earned out of time; and we come in here with an amendment which will settle the matter forever, by remitting it to the courts to quiet the titles of the settlers' homes, as well as the railroad titles, if gentlemen who represent the other side are correct in their belief that the Supreme Court will decide against us.

Now, this question has never been presented to the Senate in its present shape, and no one has a right to say that they will reject it until it is presented. If they do, it will be time enough for the House to recede. I can not see, if the position heretofore assumed by gentlemen on the other side is correct, and as the committee has favored the reporting of this as a separate measure, why they should not couple the two provisions together, allowing them to go along side by side, and thus clean up the whole business.

Mr. DUNNELL. Mr. Chairman, it seems to me it would be a great calamity to render uncertain the titles to these lands until the Supreme Court should render a final decision in regard to them. It will take three, four, or five years to get a decision from the Supreme Court concerning these titles. During all of that time no good title could be obtained, and uncertainty would prevail throughout that entire section of the country. All of these lands would thus be held up, and nobody would want to get possession of them. They are now thrown back into the public domain in the interest of the people, as has been stated here. If the people want the lands they will want them with the title given by this general forfeiture bill; but if they are told in advance that the title is to be determined some time in the great hereafter by the Supreme Court, it would be a serious detriment to the people of that country and the development of these lands, and therefore I hope the amendment will not be adopted.

Mr. OUTHWAITE. Mr. Chairman, the gentleman from Minnesota misapprehends the purport of this amendment entirely. It does not relate to the lands comprised in the body of this bill. It relates to another class and a larger quantity of land. It relates to the lands which, unless such action is taken, will not longer be the subject of anxiety on the part of the people, not in the least. The moment this bill is passed without such a provision as that offered by the gentleman from Arkansas the present Administration will assume that it is a declaration of the Congress of the United States settling forever this question in favor of the corporations, and it will immediately proceed to issue patents to the railroad companies to all of the other lands except those comprehended in this bill. The gentleman from Illinois, the chairman of the committee, admitted a little while ago that the President or the Secretary of the Interior were hesitating in their course—were waiting really to see what was the fate of this bill. They will be only too ready to construe its passage as a decision in favor of the railroads.

That is the question that we are to meet. That is the reason we upon this side of the House here and now desire that the title to these other lands shall be submitted to the courts.

The passage of this bill, I repeat, without some such provision as this, is a declaration coming from the Congress of the United States, coming at least from your side of the Congress of the United States, that hereafter the railroad corporations of all kinds that have got possession, or have an apparent claim to possession, of the many millions of acres of these lands, shall be undisturbed in their titles; and that is the position exactly that we are put in by the action of this Committee on the Public Lands at this time and by the action of that side of the House. We have been told here to-day that this little forfeiture that is to take place is all that we can get. Who has said that? Have the corporations or their instruments? Has the Supreme Court said it? Has it ever been submitted to them? Has the Senate of the United States, owned in part, as it was charged by a member of that side of the House, heretofore, upon such a measure by these corporations, has it passed upon this proposition? No; it has not been passed upon by any tribunal of legislation or any tribunal of law.

Mr. STEWART, of Vermont. It is laid down in every law-book, though.

Mr. OUTHWAITE. If it is laid down in every law-book, why do you hesitate to submit the question to the courts, and at the same time, your side of the House, holding out for us the expectation that the courts may hereafter have the opportunity to pass upon this question? Why do you refuse to permit them to have such opportunity at this time? We know that there will come from the Committee on Public Lands no proposition of this kind during this Congress. We know that, so far as gentlemen upon that side of the House are concerned, this is intended to be a final settlement. It is as if you gentlemen of the Republican party of this Congress were to say, "We here and now confirm in these corporations all title to any lands which they may claim under other acts of Congress not in this bill mentioned."

Mr. CUTCHEON. Will the gentleman allow me a question right there.

Mr. OUTHWAITE. I have only a minute.

Mr. CUTCHEON. It will only take half a minute. Do you think it would be better to let this go on for another two years and let them get the rest of this land.

Mr. OUTHWAITE. No, sir; I do not think so.

Mr. CUTCHEON. Would not that be the effect of your proposition?

Mr. OUTHWAITE. No, sir. Pass this bill as it is now, coming from the committee, with this provision added to it, and then no such condition can arise as the gentleman hints at in his question.

Mr. SHIVELY. He takes it for granted they will get it.

Mr. OUTHWAITE. You take it for granted they will get the rest of the land.

Mr. CUTCHEON. I am speaking in the light of the experience of the last six years. That is all.

Mr. OUTHWAITE. This question has never been submitted to the Senate, upon which body the gentleman from Kansas [Mr. ANDERSON] reflected so severely and terribly a few moments ago. The question has never been considered before the House itself at any previous time as a proposition upon which you were to pass by your vote. It comes here for the first time, and it would go hence to the other end of the Capitol for the first time, and it would go to the courts of the United States for the first time.

Will you not give us this opportunity? Will you not submit the rights of the people in this almost imperial domain to the courts of the country? Or do you intend by your vote this day given to confirm in the corporations the questioned title to these broad acres, these immense tracts of land equal in extent to twice the farming lands of the great State of Ohio?

[Here the hammer fell.]

Mr. BUCHANAN, of New Jersey. Two assumptions have run through all this debate that I think are entirely without foundation. One is that this bill is, and is intended to be, a finality. That assumption is made without authority, and I do not hesitate to say, so far as some members on this side of the House are concerned, without any foundation in fact. It has been my privilege, as well as my duty, in my place in this House for four years past to vote, I believe without an exception, in favor of forfeiting every acre of these lands that were not earned in time; not simply not earned at all, but not earned within the strict conditions of the grants. This bill says in so many words in its final section that it shall not be taken as a final enactment upon the subject. And these gentlemen borrow trouble unnecessarily who say that there will be no further legislation upon this subject. Whilst they are questioning the motives of gentlemen as they are, I want to ask them whether their own action is not calculated to leave the companies in supreme possession of every acre they now have.

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

Mr. BUCHANAN, of New Jersey. I only have five minutes. The other assumption is this, and it grows out of the first, that there is some superior degree of patriotism and of devotion to public duty on that side of the aisle.

I will read a few words to be found on page 7530 of the RECORD, uttered by the gentleman from Missouri [Mr. STONE], who is not now in his seat. The words I will not characterize, leaving them to speak for themselves as they appear in the RECORD.

The passage of the bill under consideration is a matter of the first importance to these corporations. It will pass. The pins have been set with that end in view. The "bosses" must insist upon it; they can not do otherwise. And the rest of you poor fellows over there, with your hands tied and your lips silent, except when your parliamentary Joss unties the one that you may clap applause to his utterances and utter the other that you may chant a servile chorus to the commanding tones of his majestic solos, must follow blindly wherever you are led. You are helpless.

[Applause on the Democratic side.]

I did not hear those words, but as I have listened to the utterances since from time to time on that side, I could only bemoan the dispensation of Providence that took from you a Randall, and the action of a Kentucky Legislature that took from you a Carlisle, because it seemed to me that pigmies have rushed in where the great used to tread.

Mr. ROGERS. Mr. Chairman, I have had for some time very little to say about land forfeiture bills. The fact is, I have not myself believed as a matter of abstract law that Congress had the power to forfeit lands contemnitous with a constructed road where the lands had been accepted. Following out my convictions of public duty, I have, so far, not voted in that direction, but I have always thought that the Supreme Court of the United States was the proper tribunal to determine that much-mooted question. And I have always stood ready, whenever any proposition was presented by the Public Lands Committee which looked to the submission of this question to the court, to vote for it.

I am ready to support this amendment now, and I am going to support it on the theory that the other side are not yet ready to issue to the Senate "a power of attorney and then go fishing." In the early history of this Republic the supposition existed that the House was somewhat near to the people; that they came from the people, fresh from the people—sometimes we have found that they were very fresh after they got here—that they are more nearly the representatives of the people than the body at the other end of the Capitol; but we have reversed the order of things in this Congress, and we are ready to surrender our convictions and our duties and turn them over to the Senate of the United States. Why, I suggest to my friends on the other

side that they send for the New York member and get him to issue another bulletin demanding that the Republican press of the country shall instruct the Senate what their duties are upon this question.

Mr. STEWART, of Vermont. Will my friend permit me to interrupt him there?

Mr. ROGERS. Oh, my very amiable friend from Vermont, who is about to retire so gracefully with me, ought not to disturb me. Why can not you adopt that amendment?

Mr. OATES. The gentleman from New York says he did not write that bulletin.

Mr. ROGERS. My friend says that the gentleman from New York says he did not write it. I think he is in error about that. He tried to explain it, and the explanation was as clear as mud. I do not make any personal reference, Mr. Chairman, but simply use the old maxim—"as clear as mud." [Laughter.] But if they could not do that, why, it seems to me that a party of such mighty, infinite, and exhaustless resources with reference to all matters that they want to pass—and are absolutely indifferent as to the methods by which they do pass them—should call into requisition that boundless genius which dominates the House of Representatives, and they would find some plan by which they could either abolish the Senate or instruct them what their duties are in this regard.

What is the matter with the other side? [Cries of "Nothing; we are all right!"] What is the matter with the other side? Have they exhausted their resources? "All right." The corporations are all right. Yes, the corporations are all right when they are all right, and they are all right when the corporations are all right. Why, you have got all these things. You have got them both ends of the Capitol and the other end of the Avenue. They have got such infinite resources for accomplishing all they desire to accomplish. They can act in this matter if they want to. I do not want my friend from Illinois to announce for the second time that he has a power of attorney written out and is ready to deliver it to the Senate to let them do what they please and he go back to the people and say that is all he could do for them.

[Here the hammer fell.]

Mr. BYNUM. I move to strike out the last word.

I make this motion, Mr. Chairman, not for the purpose of saying anything about the words or about the importance of the words proposed to be stricken out, but more for the purpose of discussing the right of members to strike out almost anything. I have in my hands the original manuscript of the record of proceedings of Tuesday, which was furnished to the Printing Office, but which seems to have been stricken out before it reached there. I desire to read that portion of the record which was stricken out of what occurred upon the floor:

Mr. HOUK. Well, I will say to the gentleman from Illinois that I said no such thing.

Mr. CANNON. Then I misunderstood him.

Mr. HOUK. I said I did not recognize the gentleman's right to criticize my action in regard to the old soldiers of the country; and I deny the gentleman's right to criticize me in connection with the old soldiers of the country.

Mr. CANNON. I have not criticized the gentleman. I am told that in the late war he was a magnificent soldier, and I know that since the late war, in season and out of season, he has not hesitated to tell it. [Laughter.]

Mr. HOUK. All I want to say is that the gentleman never heard me speak of it in his life, and nobody ever heard of his playing the soldier; because he took good care not to do it. [Laughter.]

Mr. CANNON. Very true; nor have I ever claimed that I did it.

Mr. HOUK. Therefore you ought not to undertake to criticize or put in a false position those who did.

Mr. CANNON. Standing here in the House of Representatives, serving with many persons who were not in the late war.

Mr. ROGERS. In this deliberative body. [Laughter.]

Mr. CANNON. Serving with many persons in this House who were in the late war, it seemed to me that perchance I had the right to discuss proposed legislation and policies.

Mr. HOUK. You have every right that any man has; but you have no right to make personal reflections and assign to others views they do not entertain and never expressed.

Mr. CANNON. One thing I have no right to do, and this is to make a common nuisance of myself. [Laughter.] Now I ask for a vote.

Mr. HOUK. If you have no right to do that, you have violated it, because you have demonstrated now that you are a nuisance. [Laughter.]

The CHAIRMAN. The committee will be in order.

Mr. CANNON. Does the gentleman make that claim in good faith?

Referring to another question. To which Mr. HOUK responded:

Mr. HOUK. Gentlemen and other classes sometimes laugh without knowing what they are laughing about.

Mr. CANNON. I do not know how that may be. Wise men sometimes in their zeal are mistaken, notwithstanding their wisdom.

Mr. HOUK. I would not design to intimate that the gentleman from Illinois belongs to the category I mention of "other classes," because he is a wise man and a statesman, and he has proven it on this occasion, as he does on all other occasions; and I will add, for the information of the gentleman from Illinois, that I look upon him as not only a wise man and a statesman, but a great man; but I want to be permitted to talk for a moment and not be interrupted.

Mr. CANNON. I really do not know whether the gentleman's praise or his condemnation is most damaging. [Laughter.]

I quote from the gentleman from Illinois, Mr. Chairman, in the RECORD of last Congress, the following language:

Mr. CANNON. Allow me a word. For the first time in fifteen years' service in this House have I risen to a correction of the RECORD. I may not have talked with wisdom, but I have talked a great deal in that time; but never have I had occasion to rise to a correction. But in a case of this kind I think, while it is not a matter of great importance in itself, when there is a debate or a colloquy back and forth between members, sentence by sentence, and word by word, gentlemen on each side should have the right to expect that this would go into the RECORD exactly as it took place.

That is my only excuse for putting this in the RECORD at the present time.

Mr. CANNON. I move to strike out the last word. The day before yesterday, during the consideration of an appropriation bill, a running debate was had in which the gentleman from Tennessee [Mr. HOUK], whom I have known long and favorably, and myself were participants. All who know the gentleman from Tennessee know that he is positive, persistent, and at times quick of temper. All who are acquainted with myself understand that I aim always to treat members of this House upon all sides with courtesy. Given, perhaps, to quickness of speech, I may, at times, under supposed provocation, say things that would not be said in cooler moments. The debate to which I refer between the gentleman from Tennessee and myself was purely personal, and, from time immemorial, in relation to personal matters between gentlemen upon this floor, they only being interested, the practice has been and still is that, where the gentlemen concerned meet and agree to strike out those matters, in which no others are interested and by which no others are affected, they have the right to do it. The gentleman from Tennessee and myself did meet, after our blood had cooled a little, and agreed that we owed it, perhaps to the RECORD, and perhaps to ourselves and to the esteem that we really felt for each other, to omit the purely personal matters that had fallen from us both in the heat of debate.

As I have said, the same thing has been done a thousand times in Congress, and so far as I know, no man heretofore has questioned the right upon the one hand or the propriety upon the other. It has remained for the gentleman from Indiana [Mr. BYNUM] to rake up matter which did not throw light upon the subject that was under discussion at the time, a merely personal controversy which was stricken out by mutual agreement of the only two men that were concerned in it, and to rise in his place, read it to the House, and place it in the RECORD. In justification of that act he goes back to the last Congress and cites an instance where I rose to protest against a mutilation of the RECORD. I recollect the circumstance well. It was in relation to a controversy between the gentleman from Indiana [Mr. BYNUM] and myself, in which that gentleman did not come to me and ask me to agree to strike out what I had said or what he had said, but, without consultation, took it upon himself to strike it out. [Applause on the Republican side.]

All I want to say upon this subject further is that I am gratified to believe that there is no Representative on either side of this House, Republican or Democrat, save alone the gentleman from Indiana [Mr. BYNUM], who has the heart upon the one hand or the malignancy upon the other to seek to obtrude himself where, under the parliamentary usages of this body, he does not belong. [Applause on the Republican side.]

Mr. BYNUM. Mr. Chairman, I simply desire to say in response to the gentleman from Illinois [Mr. CANNON] that he misstates the facts as to the controversy which occurred between the gentleman and myself in the last Congress. It was a case where I did not strike out anything, but where I simply made my answer more specific and definite in response to a question propounded by him. So far as his denunciation is concerned, he has the perfect right and privilege to make it here. [Cries of "Oh!" "Oh!" on the Republican side.]

Mr. CANNON. One word more, Mr. Chairman. I beg of the gallant gentleman from Indiana not to hurt me outside of the House. [Laughter.]

Mr. BYNUM. Mr. Chairman, I shall not hurt the gentleman. There is no danger at all of that. I am not one that boasts of my bravery on the floor and then hides behind the action of the House.

Mr. HOUK. Mr. Chairman, I only desire to remark that both the gentleman from Illinois [Mr. CANNON] and myself, I will not say in a moment of passion—at least there was no malignant passion—[laughter] but in a moment of excited debate, gave utterance to remarks the other day which upon reflection we believed a proper consideration for the decencies and proprieties of this House required us to suppress, and which we thought gentlemen on both sides would be glad to see eliminated from the RECORD. In obedience to that better impulse, by common consent, certain things which appeared in the newspapers did not appear in the CONGRESSIONAL RECORD. [Laughter.] It seems, however, that the gentleman from Indiana [Mr. BYNUM] was so anxious to feed on some sort of impropriety that he was impelled to go and dig up from some source, I do not know what, the remarks which were reported to have passed between the gentleman from Illinois and myself.

Now, if that is any consolation to the member from Indiana, I hope that he will sleep sounder, feel better, and send it home to his constituents to show upon what meat this our Caesar feeds. [Laughter and applause on the Republican side.] It was not palatable to the gentleman from Illinois [Mr. CANNON] and myself, and we felt like ridding, not only ourselves, but the House and the reading public of it, but it seems to be a palatable dish to the gentleman from Indiana, and, so far as I am concerned, he is welcome to feed upon that and other like matter until he is full to the chin. [Laughter.]

Mr. BYNUM. I just wanted to preserve the evidence of the good feeling that you gentlemen entertain for each other.

Mr. HOUK. Mr. Chairman, naturalists tell us that the alligator spreads himself out in the sunshine, throws open his jaws, sticks out his long tongue, waits for the flies and gnats and other vermin to settle upon it, and then sucks it all down and makes a first-class meal of it. If there is any member of this House who takes pride in feeding upon that sort of diet, why, God bless his soul, let him indulge in it to his heart's content! [Laughter.]

Mr. BYNUM. Will the gentleman state whether himself and the gentleman from Illinois are the green flies? [Laughter.]

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas [Mr. MCRAE].

Mr. ROGERS. Mr. Chairman, inasmuch as I have been dragged inadvertently and unconsciously into this controversy I feel that I ought to say a word before it is disposed of. I find that in the matter which has been read by the gentleman from Indiana [Mr. BYNUM] there is a remark attributed to me. I am made to say, "In this deliberative body." Lest I might be suspected of having something to do with the editing of the CONGRESSIONAL RECORD, I wish simply to say that I was not consulted about striking out this matter, and that I am not ashamed for it to go to the country that this is a deliberative body. [Laughter.]

Mr. CANNON. A single word. The gentleman from Arkansas [Mr. ROGERS] was not consulted, nor under the rules of the House was he required to be consulted. He had not the floor at the time he volunteered that remark, and he sandwiched it in out of order in a colloquy between two other gentlemen, one of whom did have the floor. It was interjected out of order, and such matters are always stricken out without consulting the member that puts them in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. MCRAE] in the form of additional sections.

The question being taken, there were—ayes 70, noes 86.

Mr. MCRAE. I call for tellers.

Mr. OUTHWAITE. Will the gentleman from Illinois [Mr. PAYSON] consent that the yeas and nays be taken on this question in the House?

Mr. PAYSON. We may as well settle it here in the ordinary way.

Tellers were ordered; and Mr. MCRAE and Mr. PAYSON were appointed.

The committee again divided; and the tellers reported—ayes 72, noes 93.

So the amendment was rejected.

Mr. PAYSON. Mr. Chairman, I believe that this disposes of all the amendments of which notice was given, and if there is no other amendment to be submitted I move that the committee rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PETERS reported that the Committee of the Whole on the state of the Union having had under consideration the bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, had directed him to report the same back with sundry amendments, and with the recommendation that it be passed as amended.

Mr. PAYSON. I move the previous question upon the pending amendments and upon the third reading and passage of the bill.

Mr. HOLMAN. Mr. Speaker, the motion to recommit can be made at a later stage of the proceedings?

The SPEAKER. That motion will be in order after the bill has been read a third time.

The previous question was ordered.

The SPEAKER. The Clerk will read the amendments reported from the Committee of the Whole on the state of the Union; and if any gentleman desires a separate vote on any amendment, he can so state when the amendment is read.

Mr. PAYSON. I hope the amendments may be adopted in gross.

The amendments reported from the Committee of the Whole on the state of the Union were read and agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is now upon the passage of the bill.

Mr. MCRAE and Mr. HOLMAN addressed the Chair.

Mr. HOLMAN was recognized, and said: I move to recommit the bill with the instructions which I send to the desk.

The Clerk read as follows:

Strike out all of the first section after the enacting clause down to the last proviso, and insert the following:

"That all lands heretofore granted by Congress to any State or to any corporation to aid in the construction of a railroad or a railroad and telegraph line opposite to and contemporaneous with the portion of any such railroad not constructed and completed within the time specified in the act making the grant for the construction and completion of the whole of such railroad are hereby declared forfeited to the United States, and the United States resumes title thereto, and all such lands so granted lying opposite to and contemporaneous with the portion of any such railroad not constructed and completed within the time prescribed by the act of Congress making such grant for the construction and completion of the whole railroad as provided for by such act, is hereby restored to the public domain and declared to be a portion thereof: *Provided, however,* That the forfeiture hereby declared shall not extend to the right of way of any such railroad

through the remainder of the route, including the necessary grounds for depots, or to lands included in any village, town, or city within the limits of the lands hereby declared forfeited. All such lands so restored to the public domain shall be disposed of under the provisions of the homestead law only. But all bona fide settlers on any such lands shall be entitled to priority of right in entering the land occupied by them and shall be allowed a credit for the time of such bona fide occupation: *Provided, further,* That the titles of bona fide purchasers of any such lands whose titles were acquired prior to the 1st day of January, A. D. 1888, from any such State or corporation to whom any such grant of lands was made lying contemporaneous with a completed portion of any such railroad shall not be impaired by this declaration of forfeiture."

Mr. PAYSON. I ask for the previous question.

The SPEAKER. The gentleman from Illinois moves the previous question.

Mr. MCRAE. Is it not in order to move to amend the proposed instructions?

The SPEAKER. It is not in order pending the demand for the previous question.

Mr. MCRAE. I hope the gentleman from Illinois will permit me to offer an amendment to these proposed instructions before he moves the previous question.

Mr. PAYSON. I ask for the previous question.

The question being taken on ordering the previous question, there were—ayes 86, noes 65.

Mr. MCRAE. I call for tellers.

Tellers were ordered; and Mr. MCRAE and Mr. PAYSON were appointed.

Mr. PAYSON. I think we may as well have the yeas and nays. It seems that we can not come to an understanding.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 79, not voting 138; as follows:

YEAS—111.

Adams,	Cutecheon,	Lacey,	Russell,
Anderson, Kans.	Daizell,	La Follette,	Sawyer,
Atkinson, Pa.	Davidson,	Laidlaw,	Scranton,
Baker,	Dingley,	Laws,	Scull,
Banks,	Dolliver,	Lehbach,	Simonds,
Belknap,	Dorsey,	Mason,	Smith, Ill.
Bergen,	Dunnell,	McComas,	Smith, W. Va.
Bliss,	Evans,	McComd,	Stephenson,
Boutelle,	Ewart,	McCormack,	Stewart, Vt.
Brewer,	Farquhar,	McDuffie,	Stivers,
Brosius,	Featherston,	Miles,	Stockbridge,
Buchanan, N. J.	Flick,	Moore, N. H.	Sweeney,
Bullock,	Forney,	Morey,	Taylor, E. B.
Burrows,	Funston,	Morrill,	Taylor, Ill.
Burton,	Gest,	Morrow,	Taylor, J. D.
Caldwell,	Gifford,	Morse,	Taylor, Tenn.
Cannon,	Greenhalge,	Oates,	Thomas,
Carter,	Haugen,	O'Neill, Pa.	Townsend, Colo.
Caswell,	Henderson, Ill.	Osborne,	Townsend, Pa.
Cheadle,	Henderson, Iowa,	Payne,	Vandever,
Cheatham,	Herbert,	Payson,	Van Schick,
Coleman,	Hermann,	Pickler,	Waddill,
Comstock,	Hill,	Quackenbush,	Walker, Mass.
Conger,	Hitt,	Ray,	Wallace, N. Y.
CConnell,	Hopkins,	Reed, Iowa,	Wilson, Ky.
Cooper, Ohio,	Kelley,	Reyburn,	Wilson, Wash.
Craig,	Kinsey,	Rockwell,	Wright,
Culbertson, Pa.	Knapp,	Rowell,	

NAYS—79.

Abbott,	Crisp,	Maish,	Price,
Anderson, Miss.	Culbertson, Tex.	Martin, Ind.	Quinn,
Barwig,	Cummings,	Martin, Tex.	Reilly,
Boatner,	Dickerson,	McAdoo,	Robertson,
Breckinridge, Ark.	Doekery,	McCarthy,	Sayers,
Breckinridge, Ky.	Edmunds,	McClammy,	Shively,
Brickner,	Elliott,	McClellan,	Skinner,
Brookshire,	Ellis,	McCreary,	Stewart, Tex.
Brown, J. B.	Forman,	McMillin,	Stone, Ky.
Brunner,	Fowler,	McRae,	Stump,
Buchanan, Va.	Gibson,	Mutehler,	Tracey,
Bunn,	Goodnight,	O'Ferrall,	Turner, N. Y.
Bynum,	Hayes,	O'Neill, Ind.	Wheeler, Ala.
Candler, Ga.	Hemphill,	O'Neill, Mass.	Whitthorne,
Caruth,	Holman,	Outhwaite,	Wike,
Chipman,	Lane,	Owens, Ohio,	Wilkinson,
Clunie,	Lanham,	Parrett,	Willcox,
Cobb,	Lawler,	Paynter,	Williams, Ill.
Cooper, Ind.	Lester, Va.	Peel,	Yoder,
Cothran,	Lewis,	Penington,	

NOT VOTING—138.

Alderson,	Buckalew,	Fitch,	Kerr, Pa.
Allen, Mich.	Butterworth,	Fithian,	Ketcham,
Allen, Miss.	Campbell,	Flood,	Kilgore,
Andrew,	Candler, Mass.	Flower,	Lansing,
Arnold,	Carlton,	Frank,	Lee,
Atkinson, W. Va.	Catchings,	Gear,	Lester, Ga.
Bankhead,	Clancy,	Geissenhainer,	Lind,
Barnes,	Clarke, Ala.	Grimes,	Lodge,
Bartine,	Clark, Wis.	Groat,	Magner,
Bayne,	Clements,	Grosvenor,	Mansur,
Beckwith,	Cogswell,	Hall,	McKenna,
Belden,	Covert,	Hansbrough,	McKinley,
Biggs,	Cowles,	Hare,	Milliken,
Bingham,	Crain,	Harmer,	Mills,
Bianchard,	Dargan,	Hatch,	Moffitt,
Bland,	Darlington,	Haynes,	Montgomery,
Blount,	De Haven,	Heard,	Moore, Tex.
Boothman,	De Lano,	Henderson, N. C.	Morgan,
Bowden,	Dibble,	Hooker,	Mudd,
Brower,	Dunphy,	Houk,	Niedringhaus,
Browne, T. M.	Enloe,	Kennedy,	Norton,
Browne, Va.	Finley,	Kerr, Iowa,	Nute,

O'Donnell,
Owen, Ind.
Perkins,
Perry,
Peters,
Phelan,
Pierce,
Post,
Pugsley,
Raines,
Randall,
Richardson,
Rife,

Rogers,
Rowland,
Rusk,
Sanford,
Seney,
Sherman,
Smyser,
Snider,
Spinola,
Spooner,
Springer,
Stahlnecker,
Stewart, Ga.

Stockdale,
Stone, Mo.
Struble,
Tarsney,
Thompson,
Tillman,
Tucker,
Turner, Ga.
Turner, Kans.
Vaux,
Venable,
Wade,
Walker, Mo.

Wallace, Mass.
Washington,
Watson,
Wheeler, Mich.
Whiting,
Wickham,
Wiley,
Williams, Ohio
Wilson, Mo.
Wilson, W. Va.
Yardley.

So the previous question was ordered.

Mr. ATKINSON, of West Virginia. Mr. Speaker, I am paired with my colleague, Mr. ALDERSON. If he were present, I would vote "ay."

The following pairs were announced until further notice:

Mr. MCKENNA with Mr. BLOUNT.
Mr. HARMER with Mr. LEE.
Mr. FLOOD with Mr. FITHIAN.
Mr. SNIDER with Mr. MOORE, of Texas.
Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.
Mr. BOWDEN with Mr. CLANCY.
Mr. BROWNE, of Virginia, with Mr. NORTON,
Mr. HALL with Mr. STOCKDALE.
Mr. GROUT with Mr. FITCH.
Mr. SHERMAN with Mr. WILEY.
Mr. NUTE with Mr. BARNES.
Mr. WILLIAMS, of Ohio, with Mr. HEARD.
Mr. MILLIKEN with Mr. HOOKER.
Mr. O'DONNELL with Mr. TILLMAN.
Mr. PERKINS with Mr. KILGORE.
Mr. RANDALL with Mr. SPINOLA.
Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.
Mr. LANSING with Mr. WHITING.
Mr. BUTTERWORTH with Mr. SPRINGER.
Mr. STRUBLE with Mr. TURNER, of Georgia.
Mr. SANFORD with Mr. CLEMENTS.
Mr. DARLINGTON with Mr. BUCKALEW.
Mr. THOMAS M. BROWNE with Mr. STEWART, of Georgia.
Mr. BINGHAM with Mr. MONTGOMERY.
Mr. WICKHAM with Mr. GRIMES.
Mr. CANDLER, of Massachusetts, with Mr. GEISSENHAINER.
Mr. BOOTHMAN with Mr. COWLES.
Mr. LIND with Mr. PIERCE.
Mr. KETCHAM with Mr. CAMPBELL.
Mr. BANKHEAD with Mr. WADE.
Mr. DE LANO with Mr. DUNPHY.
Mr. THOMPSON with Mr. PAYNTER.
Mr. WALLACE, of Massachusetts, with Mr. ANDREW.
Mr. NIEDRINGHAUS with Mr. HATCH.
Mr. SMYSER with Mr. SENEY.
Mr. WHEELER, of Michigan, with Mr. STONE, of Missouri.
Mr. FRANK with Mr. TARSNEY.
Mr. PETERS with Mr. MANSUR.
Mr. LODGE with Mr. TUCKER.
Mr. BELDEN with Mr. FLOWER, for two weeks or until further notice.

Mr. GROSVENOR with Mr. RICHARDSON, until Saturday.

Mr. YARDLEY with Mr. KERR, of Pennsylvania, for this week, except upon the bankruptcy bill.

Mr. WATSON with Mr. MORGAN, until August 1.

Mr. MCKINLEY with Mr. MILLS, until August 1.

Mr. KERR, of Iowa, with Mr. WILSON, of Missouri, until July 20.
Mr. HARE with Mr. HANSBROUGH, on all political questions; also on the Conger lard bill, Butterworth option bill, and original-package bill to August 6.

Mr. PUGSLEY with Mr. HAYNES, for two weeks.

Mr. DE HAVEN with Mr. BIGGS, on all questions except the bankruptcy bill and national-bank legislation.

Mr. ARNOLD with Mr. MAGNER, for ten days.

Mr. BROWER with Mr. HENDERSON, of North Carolina, until the 29th of July.

Mr. MOFFITT with Mr. COVERT, for ten days.

Mr. MUDD with Mr. GIBSON, for this day.

Mr. POST with Mr. VAUX, until Monday next.

Mr. GEAR with Mr. CLARKE, of Alabama, for this day.

Mr. BECKWITH with Mr. BLAND, for the rest of this day.

Mr. ALLEN, of Michigan, with Mr. WILSON, of West Virginia, for the rest of this day.

Mr. HOUK with Mr. ENLOE, for the rest of the day.

Mr. RIFE with Mr. CATCHINGS, on this vote.

Mr. KENNEDY with Mr. PERRY, on this vote.

Mr. BARTINE with Mr. LESTER, of Georgia, on this vote.

Mr. PERKINS. I am paired with the gentleman from Texas [Mr. KILGORE]. As my vote is not necessary to make a quorum, I withdraw it.

Mr. ALLEN, of Michigan. I withdraw my vote, as I am paired, and the vote is not necessary to make a quorum.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana to recommit with instructions.

Mr. McRAE. Debate, I believe, is now in order, under the rules?

Mr. DOCKERY. No; not on this motion.

Mr. McRAE. I believe we have forty minutes' debate.

The SPEAKER. Debate is not in order.

Mr. HOLMAN. I ask for the yeas and nays on the pending motion.

Mr. McRAE. Before that I want to understand whether or not debate is in order. I believe after the previous question has been ordered we are entitled to debate.

The SPEAKER. Not in this case.

Mr. McRAE. But there has been no debate on the motion to recommit with instructions.

The SPEAKER. It is not in order under the rules on this question. The gentleman from Indiana demands the yeas and nays on the motion to recommit with instructions.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 107, not voting 137; as follows:

YEAS—84.

Abbott,	Connell,	Lester, Va.	Peel,
Anderson, Kans.	Cooper, Ind.	Lewis,	Pennington,
Anderson, Miss.	Cothran,	Maish,	Pickler,
Barwig,	Crisp,	Martin, Ind.	Price,
Bostner,	Culberson, Tex.	Martin, Tex.	Quinn,
Breckinridge, Ark.	Cummings,	McAdoo,	Reilly,
Breckinridge, Ky.	Dickerson,	McCarthy,	Robertson,
Briekner,	Dockery,	McClammy,	Rogers,
Brookshire,	Edmunds,	McClellan,	Sayers,
Brown, J. B.	Elliott,	McComas,	Shively,
Brunner,	Ellis,	McCreary,	Skinner,
Buchanan, N. J.	Forman,	McMillin,	Stewart, Tex.
Buchanan, Va.	Fowler,	McRae,	Stone, Ky.
Bunn,	Goodnight,	Mitchler,	Stump,
Bynum,	Hayes,	O'Ferrall,	Tracey,
Candler, Ga.	Hemphill,	O'Neall, Ind.	Turner, N. Y.
Caruth,	Holman,	O'Neil, Mass.	Wheeler, Ala.
Cheadle,	Lane,	Outhwaite,	Whitthorne,
Chipman,	Lanham,	Owens, Ohio	Wike,
Clunie,	Lawler,	Parrett,	Willcox,
Cobb,	Lehlbach,	Paynter,	Williams, Ill.

NAYS—107.

Adams,	Davidson,	Laidlaw,	Seull,
Atkinson, Pa.	Dingley,	Laws,	Simonds,
Baker,	Dolliver,	Mason,	Smith, Ill.
Banks,	Dorsey,	McCord,	Smith, W. Va.
Bayne,	Dunnell,	McCormick,	Spooner,
Belknap,	Evas,	McDuffie,	Stephenson,
Bergen,	Farquhar,	Miles,	Stivers,
Bliss,	Finley,	Moore, N. H.	Stockbridge,
Bontelle,	Flick,	Morey,	Sweeney,
Brewer,	Forney,	Morrill,	Taylor, E. B.
Brosius,	Gest,	Morrow,	Taylor, Ill.
Bullock,	Gifford,	Morse,	Taylor, J. D.
Burrows,	Greenhalge,	Oates,	Taylor, Tenn.
Burton,	Haugen,	O'Neill, Pa.	Thomas,
Caldwell,	Henderson, Ill.	Osborne,	Townsend, Colo.
Cannon,	Henderson, Iowa	Payne,	Townsend, Pa.
Carter,	Herbert,	Payson,	Turner, Kans.
Caswell,	Hermann,	Quackenbush,	Vandever,
Ceatham,	Hill,	Raines,	Van Schaick,
Coleman,	Hitt,	Ray,	Waddill,
Comstock,	Hopkins,	Reed, Iowa	Walker, Mass.
Conger,	Kelley,	Reyburn,	Wallace, N. Y.
Cooper, Ohio	Kennedy,	Rockwell,	Wilkinson,
Craig,	Kinsey,	Rowell,	Wilson, Ky.
Culbertson, Pa.	Knapp,	Russell,	Wilson, Wash.
Cutcheon,	Lacey,	Sawyer,	Wright.
Dalzell,	La Follette,	Scranton,	

NOT VOTING—137.

Alderson,	Dargan,	Lansing,	Sherman,
Allen, Mich.	Darlington,	Lee,	Smyser,
Allen, Miss.	De Haven,	Lester, Ga.	Snider,
Andrew,	De Lano,	Lind,	Spinola,
Arnold,	Dibble,	Lodge,	Springer,
Atkinson, W. Va.	Dunphy,	Magner,	Stahlnecker,
Bankhead,	Enloe,	Mansur,	Stewart, Ga.
Barnes,	Ewart,	McKenna,	Stewart, Vt.
Bartine,	Featherston,	McKinley,	Stockdale,
Beckwith,	Fitch,	Milliken,	Stone, Mo.
Belden,	Fithian,	Mills,	Struble,
Biggs,	Flood,	Moffitt,	Tarsney,
Bingham,	Flower,	Montgomery,	Thompson,
Blanchard,	Frank,	Moore, Tex.	Tillman,
Bland,	Funston,	Morgan,	Tucker,
Blount,	Gear,	Mudd,	Turner, Ga.
Boothman,	Geissenhainer,	Niedringhaus,	Vaux,
Bowden,	Gibson,	Norton,	Venable,
Brower,	Grimes,	Nute,	Wade,
Browne, T. M.	Grosvenor,	O'Donnell,	Walker, Mo.
Browne, Va.	Grout,	Owen, Ind.	Wallace, Mass.
Buckalew,	Hall,	Perkins,	Washington,
Butterworth,	Hansbrough,	Perry,	Watson,
Campbell,	Hare,	Phelan,	Wheeler, Mich.
Candler, Mass.	Harmer,	Pierce,	Whiting,
Carlton,	Hatch,	Post,	Wickham,
Catchings,	Haynes,	Pugsley,	Wiley,
Clancy,	Head,	Randall,	Williams, Ohio.
Clark, Wis.	Henderson, N. C.	Richardson,	Wilson, Mo.
Clarke, Ala.	Hooker,	Rife,	Wilson, W. Va.
Clements,	Houk,	Rowland,	Yardley,
Cogswell,	Kerr, Iowa	Rusk,	Yoder.
Covert,	Kerr, Pa.	Sanford,	
Cowles,	Ketcham,	Seney,	
Crain,	Kilgore,		

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Mr. FUNSTON and Mr. WASHINGTON, for the rest of this day.

Mr. RIFE and Mr. DARGAN, on this vote.

Mr. ALLEN, of Michigan. Mr. Speaker, I am paired with the gentleman from West Virginia [Mr. WILSON]; otherwise, upon the motion of the gentleman from Indiana [Mr. HOLMAN] to recommit, I should vote "ay."

The result of the vote was then announced as above recorded.

The bill was then passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

Mr. PAYSON. As this is a House amendment to a Senate bill, if it is in order I desire to move the appointment of a committee of conference.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] moves that the House ask for a committee of conference on the amendment just adopted.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed the joint resolution (H. Res. 150) to print the eulogies upon Samuel Sullivan Cox.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. POST, for three days, on account of sickness.

To Mr. PENNINGTON, indefinitely, on account of sickness in his family.

To Mr. STOCKDALE, for ten days, on account of important business.

To Mr. CLARKE, of Alabama, for two weeks, on account of important business.

To Mr. BANKHEAD, indefinitely, on account of important business.

ENROLLED BILL SIGNED.

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

A bill (H. R. 6074) for the relief of Albert C. Andrews.

REPORT ON SEWERAGE IN DISTRICT OF COLUMBIA.

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

To the Senate and House of Representatives:

The act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, provides among other things that the President shall appoint three competent sanitary engineers to examine and report upon the system of sewerage existing in the District of Columbia, together with such suggestions and recommendations as may to them seem necessary and desirable for the modification and extension of the same, which report was to be transmitted to Congress by the President at its next session.

In pursuance of the authority thus conferred, on the 17th day of August, 1889, I appointed Rudolph Hering, of New York, Samuel M. Gray, of Rhode Island, and Frederick P. Stearns, of Massachusetts, to make this examination and report.

The gentlemen named were believed to have such ability and experience as sanitary engineers as to guaranty an intelligent and exhaustive study of the problems submitted to them.

I transmit herewith their report, which has just been submitted to me, for the consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, July 17, 1890.

CLAIMS ALLOWED BY ACCOUNTING OFFICERS OF THE TREASURY.

The SPEAKER also laid before the House the report of the Committee on Claims on the letter of the Secretary of the Treasury, "transmitting, in compliance with a resolution of the House of Representatives of the 12th instant, a list of all claims allowed by the accounting officers of the Treasury, enumerated in House Executive Documents Nos. 55 and 153, Forty-eighth Congress, second session, for which appropriations have not been made;" which was referred to the Committee on Appropriations, and ordered to be printed.

Pending the above reference,

Mr. CANNON asked: Mr. Speaker, are these audited claims?

The SPEAKER. Audited claims, as the Chair is informed.

Mr. McMILLIN. Are they such claims as go under the rule to that committee?

The SPEAKER. The Chair so understands.

Mr. CANNON. I move that the House do now adjourn.

CHANGE OF REFERENCE.

Pending the motion to adjourn, by unanimous consent the Committee on Commerce was discharged from the further consideration of the bill (H. R. 11273) to amend the law relating to shipping commissioners, and the same was referred to the Committee on Merchant Marine and Fisheries.

The motion of Mr. CANNON was then agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) 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:

SISSETON AND WAHPETON INDIANS.

Letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs, and also a copy of a report by United States Indian Agent William McKusick, Sisseton agency, South Dakota, relative to the destitute condition of the Sisseton and Wahpeton Indians—to the Committee on Indian Affairs.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 2249) to provide for the acquisition of certain land in the city of Baltimore for Government uses, and for the preparation of plans for a building to be erected thereon—to the Committee on Public Buildings and Grounds.

A bill (S. 3730) granting a pension to Mary E. Greening, widow of Orlando A. Greening, who served in the Indian war—to the Committee on Pensions.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 850) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes, reported, as a substitute therefor, a bill (H. R. 11435) for the relief of W. T. Scott and others; which was read twice, and, with the accompanying report (No. 2740), referred to the Committee of the Whole House.

Mr. PAYSON, from the Committee on the Public Lands, reported with amendment the bill of the House (H. R. 10956) to grant to the Birmingham, Sheffield and Tennessee River Railway Company a right of way over the public lands traversed by it, accompanied by a report (No. 2741)—to the Committee of the Whole House on the state of the Union.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7237) to pay Margaret Doyle, administratrix of James Doyle, for certain captured cotton. (Report No. 2742.)

A bill (H. R. 5580) for the relief of John F. Kranz. (Report No. 2743.)

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 10060) for the erection of a bridge across the Missouri River between the city of St. Charles, Mo., and the county of St. Louis, Mo., accompanied by a report (No. 2744)—to the House Calendar.

Mr. KINSEY, from the Committee on Military Affairs, reported with amendment the bill of the Senate (S. 2648) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation in the State of Kansas, and for other purposes—to the House Calendar.

Mr. LAIDLAW, 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. 3532) for the relief of David C. Thompson. (Report No. 2746.)

A bill (H. R. 5000) for the relief of Carl Branstrom. (Report No. 2747.)

Mr. LAIDLAW also, from the Committee on Claims, reported favorably the bill of the House (H. R. 4385) to appropriate the sum of \$517.60 to George B. Kane & Co., in full payment of a balance due them for printers' ink furnished by them to the Public Printer, accompanied by a report (No. 2748)—to the Committee of the Whole House.

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 11237) to amend sections 1346 and 1348 of the Revised Statutes of the United States, in reference to the visitation and inspection of the military prison and examination of its accounts and government, accompanied by a report (No. 2749)—to the House Calendar.

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. BRECKINRIDGE, of Kentucky: A bill (H. R. 11436) granting parts of certain streets in Washington City to the vestry of Washington Parish for the use of the Congressional Cemetery—to the Committee on the District of Columbia.

By Mr. DINGLEY: A bill (H. R. 11437) to amend sections 11 and 12 of the shipping act of 1886—to the Committee on Merchant Marine and Fisheries.

By Mr. HITT: Joint resolution (H. Res. 194) providing that nothing in the diplomatic and consular appropriation bill shall be construed to interrupt the publication of the reports of the International American Conference—to the Committee on Foreign Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 10519) to increase the pension of J. N. Mabry—Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BANKS: A bill (H. R. 11438) granting a pension to Kate P. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11439) granting a pension to Rebecca A. W. Res-tieux—to the Committee on Invalid Pensions.

By Mr. BOATNER: A bill (H. R. 11440) for the relief of Fannie Solari, of East Carroll Parish, Louisiana—to the Committee on War Claims.

By Mr. ELLIS: A bill (H. R. 11441) for the relief of J. A. Rudy—to the Committee on War Claims.

By Mr. HOUK: A bill (H. R. 11442) for the relief of Susan Lindsay, of Dull, Dickson County, Tennessee—to the Committee on Pensions.

By Mr. LODGE: A bill (H. R. 11443) for the relief of James Nash—to the Committee on Claims.

By Mr. MORROW: A bill (H. R. 11444) granting a pension to John S. Hay—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11445) for the relief of William B. Ennis—to the Committee on War Claims.

Also, a bill (H. R. 11446) for the relief of Samuel F. Green—to the Committee on War Claims.

Also, a bill (H. R. 11447) for the relief of Robert B. Gregory—to the Committee on War Claims.

By Mr. STUMP: A bill (H. R. 11448) for the relief of James McGrady—to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 11449) for the relief of the Wash-ington Iron Works—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Petition of Solomon D. Coop and 20 others, citizens of Abner, Tex., for the passage of House bill 283—to the Committee on Agriculture.

By Mr. ATKINSON, of Pennsylvania: Petition of 362 citizens of Pennsylvania, praying for passage of the pure-lard bill, H. R. 283—to the Committee on Agriculture.

By Mr. BELKNAP: Petition of Martin C. West and 26 others, citizens of Allegan County, Michigan, for passage of House bill 8648—to the Committee on Agriculture.

Also, petition of James V. Oster and 7 others, citizens of same county, for same measure—to the Committee on Agriculture.

Also, petition of S. G. Burmeby and 26 others, citizens of Ottawa, Mich., for passage of House bill 283—to the Committee on Agriculture.

Also, petition of M. C. Brest and 31 others, citizens of Allegan, Mich., for same measure—to the Committee on Agriculture.

Also, petition of J. V. Oster and 7 others, of Allegan County, Michigan, for same measure—to the Committee on Agriculture.

By Mr. BLISS: Petition of D. Martin and 20 others, citizens of Shiawassee County, Michigan, for pure lard—to the Committee on Agriculture.

By Mr. BREWER: Petition of Edward W. Sparrow, S. L. Smith, O. F. Barnes, and 75 others, citizens of Lansing, Mich., praying for the enactment of laws to perpetuate the national-banking law—to the Committee on Banking and Currency.

By Mr. BROSIUS: Petition of Merchant Tailors' Exchange of Philadelphia on the tariff bill—to the Committee on Ways and Means.

By Mr. CRAIG: Petition of S. H. Boyan, secretary, and members of Grange No. 866, of Westmoreland County, Pennsylvania, for passage of House bill 8648—to the Committee on Agriculture.

Also, two petitions of R. A. Foster, master, and 50 members of Acme Grange, in same county, for passage of House bill 283—to the Committee on Agriculture.

Also, petition of J. H. Boyan, secretary, and members of Grange No. 866, of same county, for same measure—to the Committee on Agriculture.

Also, petition of J. D. Cunningham and 17 others, citizens of same county, for same measure—to the Committee on Agriculture.

Also, petition of James Bullers and 23 others, citizens of Jefferson County, Pennsylvania, for passage of House bill 8648—to the Committee on Agriculture.

Also, petition of same persons praying for passage of House bill 283—to the Committee on Agriculture.

Also, petition of J. B. Arble and 23 others, citizens of Indiana County, Pennsylvania, for passage of House bill 8248—to the Committee on Agriculture.

Also, petition of C. G. Shields and 26 others, citizens of same county, for same measure—to the Committee on Agriculture.

Also, two other petitions signed by C. G. George and others and M. J. Stuchill and others, of same county, for same measure—to the Committee on Agriculture.

Also, petition of C. Gomley and 20 others, citizens of Jefferson County, Pennsylvania, for passage of House bill 283—to the Committee on Agriculture.

Also, petition of T. J. Atarum and 28 others, citizens of Armstrong County, Pennsylvania, for passage of above measure—to the Committee on Agriculture.

Also, petition of same persons for passage of House bill 8648—to the Committee on Agriculture.

Also, three petitions of citizens of Westmoreland County, Pennsylvania, for passage of House bill 8648—to the Committee on Agriculture.

Also, petition of W. A. Nichols and 33 others, citizens of same county, for passage of House bill 283—to the Committee on Agriculture.

Also, six petitions numerously signed by citizens of Indiana County, Pennsylvania, for passage of House bills 8248 and 8648—to the Committee on Agriculture.

Also, petitions from citizens of Indiana County, Pennsylvania, for passage of House bill 283—to the Committee on Agriculture.

Also, memorial of citizens of same county in favor of the silver bill—to the Committee on Banking and Currency.

By Mr. FLICK: Petition of 27 farmers of Taylor County, Iowa, in favor of the Conger lard bill—to the Committee on Agriculture.

By Mr. HAYES: Petition of citizens of North Liberty, Iowa, in favor of the Conger lard bill—to the Committee on Agriculture.

By Mr. HOUK: Petition in behalf of James W. Turner, of New Middleton, Tenn., for a pension—to the Committee on Pensions.

By Mr. KELLEY: Petition of Thomas H. Dinsmore and 76 others, citizens of Emporia, Kans., asking Congress to pass some law that will enable the people of Kansas to free themselves from the evil and demoralizing effects of the original-package saloons that are infesting that State—to the Committee on the Judiciary.

By Mr. LAWLER: Petitions asking for the passage of the bill introduced by Mr. TURNER, of Kansas, to give the people wholesome beer—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. McCLELLAN: Petition of T. G. Salisbury and 38 others, citizens of Steuben County, Indiana, urging the earliest possible adoption of House bill 283, to prevent the adulteration of lard—to the Committee on Agriculture.

Also, petition of J. M. Bonebrake and 8 others, of Fountain County, Indiana, for same measure—to the Committee on Agriculture.

Also, petition of T. G. Salisbury and 37 others, citizens of Steuben County, Indiana, praying for the adoption of House bill 8648, to prevent the adulteration and misbranding of food and drugs—to the Committee on Agriculture.

Also, petition of J. M. Bonebrake and 8 others, citizens of Fountain County, Indiana, for the immediate passage of the same measure—to the Committee on Agriculture.

By Mr. McCOMAS: Two petitions of citizens of Montgomery County, Maryland, signed by E. J. Churchill and 21 others, and E. J. Chiswell and 18 others, for passage of House bills 283 and 8648—to the Committee on Agriculture.

By Mr. McCORMICK: Six petitions of citizens of Tioga County, Pennsylvania, for passage of House bills 283 and 8648—to the Committee on Agriculture.

Also, five petitions of citizens of Lycoming County, Pennsylvania, for passage of same measures—to the Committee on Agriculture.

Also, petition of S. E. Walker and 21 others, of Clinton County, Pennsylvania, for passage of House bill 283—to the Committee on Agriculture.

By Mr. McKINLEY: Memorial of citizens of Youngstown, Ohio, protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Commerce.

Also, memorial of citizens of Canto, Ohio, for same purpose—to the Committee on Commerce.

By Mr. MARTIN, of Indiana: Petition of officers of the Indiana State Grange, for the enactment of the pure-lard and pure-food bills, H. R. 11027 and H. R. 8648—to the Committee on Agriculture.

Also, petition of Jacob Kyler, Jacob Ruse, and 14 others, citizens of Wabash County, Indiana, for the enactment of the pure-food bill, H. R. 8648—to the Committee on Agriculture.

Also, petition of Jacob Kyler, John Shanacy, and 14 others, citizens of same county, for House bill 11027 (pure-lard bill)—to the Committee on Agriculture.

By Mr. MILES: Petition of W. C. Hart and 21 others, citizens of Litchfield County, Connecticut, for passage of House bill 8648—to the Committee on Agriculture.

Also, petition of W. E. Dayton and 21 others, citizens of same county, for same measure—to the Committee on Agriculture.

Also, petition of George W. Mason and 29 others, of same county, for same measure—to the Committee on Agriculture.

Also, petition of Francis Sage and 16 others, citizens of same county, for same measure—to the Committee on Agriculture.

Also, petition of W. C. Hart and 21 others, citizens of same county, for passage of House bill 283—to the Committee on Agriculture.

Also, petition of W. E. Dayton and 21 others, citizens of same county, for same measure—to the Committee on Agriculture.

Also, petition of George W. Mason and 31 others, of same county, for same measure—to the Committee on Agriculture.

By Mr. MORRILL: Petition of H. F. Douthan and 80 others, citizens of Willis, Kans., asking passage of an act to render void the decision of the Supreme Court known as the original-package decision—to the Committee on the Judiciary.

By Mr. O'FERRALL: Petition of F. F. Berry, administrator *de bonis non* of J. B. Eastham, deceased, late of Rockingham County, Virginia, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. O'NEILL, of Pennsylvania: Communications of the Philadelphia Merchant Tailors' Exchange, relative to paragraphs in the pending tariff bill injurious to their trade—to the Committee on Ways and Means.

Also, resolution of the Philadelphia Maritime Exchange, against granting to a corporation the use of the north pier at the entrance to the harbor of Buffalo, N. Y.—to the Committee on Rivers and Harbors.

By Mr. PARRETT: Petition of Larkin T. Robinson, signed by Charles H. Butterfield, lieutenant-colonel, and other officers of his company and regiment, for the removal of the charge of desertion from his war record in the late war of rebellion, to accompany House bill 11431—to the Committee on Military Affairs.

By Mr. PICKLER: Petition of 17 citizens of Bridgewater, McCook County, South Dakota, asking for the immediate passage of House bill 5978, prohibiting transportation of intoxicating liquors—to the Committee on the Judiciary.

Also, petition of 16 citizens of same place, asking immediate passage of bill prohibiting transportation of intoxicating liquors into prohibition States—to the Committee on the Judiciary.

By Mr. PRICE: Petition of Oliver Perkins, H. F. Myers, and 36 others, citizens of Calcasieu Parish, Louisiana, asking Congress for an appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. RUSSELL: Petition of members of Ashford Grange, No. 20 (13 citizens of Windham, Conn.), for the passage of House bill 8648—to the Committee on Agriculture.

By Mr. SAYERS: Petition of citizens of San Antonio, Tex., praying for the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. STEWART, of Texas: Petitions of James W. George and 61 others, of Brazos County, Texas, for passage of House bills 8648 and 283—to the Committee on Agriculture.

Also, two petitions of John McAdam and 26 others, citizens of Walker County, Texas, for same measures—to the Committee on Agriculture.

Also, two petitions of William Thomas and 55 others, of Madison County, Texas, for same measures—to the Committee on Agriculture.

Also, four petitions of J. O. Smith and 52 others, of Jasper County, Texas, for passage of same measures—to the Committee on Agriculture.

Also, two petitions of W. S. Grow and 24 others, of Montgomery County, Texas, for passage of same measures—to the Committee on Agriculture.

Also, two petitions of J. M. Van Pelt and 28 others, of Jasper County, Texas, for same measures—to the Committee on Agriculture.

Also, two petitions from R. M. Campbell and 29 others, of Newton County, Texas, for same measures—to the Committee on Agriculture.

Also, two petitions of J. A. Page and 26 others, citizens of Waldo County, Texas, for passage of same measure—to the Committee on Agriculture.

Also, petition of M. P. Nelson and 18 others, citizens of Johnson County, Texas, for passage of same measure—to the Committee on Agriculture.

By Mr. STUMP: Petition of Grange No. 173, Baltimore, Md., for passage of House bill 8648—to the Committee on Agriculture.

Also, petition of same grange, for passage of House bill 283—to the Committee on Agriculture.

By Mr. SWENEY: Resolutions of citizens of Rockwell, Iowa, calling upon Congress to enact a law permitting States to exercise police

power over the sale of intoxicating liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TAYLOR, of Illinois: Memorial of 30 merchants of Chicago, Ill., protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Commerce.

By Mr. TOWNSEND, of Pennsylvania: Petition of 74 citizens of Beaver County, asking for the passage of "A bill prohibiting the transportation of intoxicating liquors from any State or Territory to another in violation of the laws thereof"—to the Committee on the Judiciary.

By Mr. WILLCOX: Three petitions of citizens of New Haven County, Connecticut, for passage of House bills 283 and 8648—to the Committee on Agriculture.

By Mr. WRIGHT: Memorial of Merchant Tailors' Exchange of Philadelphia, regarding customs duties on certain classes of goods—to the Committee on Ways and Means.

SENATE.

FRIDAY, July 18, 1890.

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

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

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

SEWERAGE SYSTEM IN THE DISTRICT OF COLUMBIA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on the District of Columbia, and ordered to be printed:

To the Senate and House of Representatives:

The act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, provides among other things that the President shall appoint three competent sanitary engineers to examine and report upon the system of sewerage existing in the District of Columbia, together with such suggestions and recommendations as may to them seem necessary and desirable for the modification and extension of the same, which report was to be transmitted to Congress by the President at its next session.

In pursuance of the authority thus conferred, on the 17th day of August, 1889, I appointed Rudolph Hering, of New York, Samuel M. Gray, of Rhode Island, and Frederic P. Stearns, of Massachusetts, to make this examination and report.

The gentlemen named were believed to have such ability and experience as sanitary engineers as to guaranty an intelligent and exhaustive study of the problem submitted to them.

I transmit herewith their report, which has just been submitted to me, for the consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, July 17, 1890.

NOTE.—The report of the board accompanies a duplicate of this message to the House of Representatives.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Emily P. Morallee, of Leesburgh, Va., praying to be granted remuneration for services rendered by her as a hospital nurse during the late war; which was referred to the Committee on Claims.

He also presented a communication from the Secretary of War, transmitting petitions of officers of the United States Army, praying that the number of appointments at large to the United States Military Academy be increased to twenty, and that such appointments be restricted to the sons of officers and soldiers and to the lineal descendants of officers of the volunteer forces of the late war; which was ordered to be printed, and, with the accompanying petitions, referred to the Committee on Military Affairs.

He also presented a petition of citizens of Savannah, Ga., praying for the passage of the national election law; which was ordered to lie on the table.

Mr. EDMUNDS presented the petition of Maranda M. Sherman, widow of Royal M. Sherman, late of Company D, Tenth Vermont Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. QUAY presented a petition of Chosen Friends Council No. 86, Junior Order of United American Mechanics, of Philadelphia, Pa., and a petition of Schuylkill Council No. 12, Junior Order of United American Mechanics, of Philadelphia, Pa., praying for the passage of House bill 63, prohibiting aliens from acquiring title to lands within the United States; which were referred to the Committee on Public Lands.

He also presented a petition of the Manufacturers' Club, of Philadelphia, Pa., praying for the passage of Senate bill 3786, proposing an amendment to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Grocers' and Importers' Exchange, of Philadelphia, Pa., favoring an amendment of the interstate-commerce law so as to provide for reduced rates of fare to commercial travelers; which were referred to the Committee on Interstate Commerce.

He also presented a petition of citizens of Mill Hall, Pa., praying for the passage of House bill 5978, prohibiting the transportation of