PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CONNELL: A bill (H. R. 12714) granting a pension to Charles D. Hanscom—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 12715) for the relief of the survivors of the explosion of the United States arsenal at Pittsburgh, Pa., on September 17, 1862—to the Committee on Claims.

By Mr. DUNPHY: A bill (H. R. 12716) pensioning William McBride—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 12717) for the relief of Druzilla J. Rigg—to the Committee on Claims.

By Mr. GOODNIGHT: A bill (H. R. 12718) granting pension to Mrs. John Hastings, Central City, an army nurse in the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12719) for relief of William B. Riche, late of Company G, Sixth Kentucky Cavalry—to the Committee on Military Affairs.

By Mr. HEARD: A bill (H. R. 12720) granting a pension to Isom C. Vandine—to the Committee on Invalid Pensions.

By Mr. MILES: A bill (H. R. 12721) to remove the charge of desertion from the record of Thomas Lee—to the Committee on Military Affairs.

By Mr. MOREY: A bill (H. R. 12722) granting a pension to Elizabeth R. Loury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12723) granting a pension to George W. Sollers—to the Committee on Invalid Pensions.

By Mr. TURNER, of Kansas: A bill (H. R. 12724) for the relief of D. H. Mitchell—to the Committee on Claims.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 12725) to increase the pension of John D. Bromlet—to the Committee on Pensions.

By Mr. WILSON, of West Virginia: A bill (H. R. 12726) to increase the pension of Martha T. Stribling—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 12727) granting a pension to Austin H. Sloan—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 12728) to grant a pension to Elvira Conant—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Petition of Schneider & Davis and others, of Dallas, Tex., asking an amendment to the McKinley tariff law respecting the tax on manufactured tobacco—to the Committee on Ways and Means.

By Mr. BRICKNER: Petition of Mann Bros. and others, of Two Rivers and Manitowoc, Wis., urging the speedy passage of House bill 892, to promote the efficiency of the Life-Saving Service—to the Committee on Commerce.

By Mr. BROOKSHIRE: Petition signed by W. H. Elson, S. B. Woodard, and 120 others, citizens of Parke County, Indiana, praying for the early consideration and passage of the bill providing for the appointment of a commission of inquiry on the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DORSEY: Petition of citizens of Southwestern Nebraska, asking for aid in irrigating their lands—to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. FRANK: Memorial numerously signed by citizens of St. Louis, Mo., for improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. FUNSTON: Petition for pension for General H. Seymour Hall—to the Committee on Invalid Pensions.

Also, abstract of evidence in case of General H. Seymour Hall, late lieutenant colonel Forty-third Regiment United States Colored Troops, on file in office of the Commissioner of Pensions with his application for increase of pension—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of Wage-Workers' Political Alliance of the District of Columbia, relating to marriage and divorce—to the Committee on the District of Columbia.

By Mr. HENDERSON, of Iowa: Petition of the American Bar Association, urging legislation for the relief of the Supreme Court—to the Committee on the Judiciary.

Also, resolutions of Union Alliance, No. 1115, Union County, Iowa, urging the speedy passage of House bill 5353, defining options, futures, etc.—to the Committee on Agriculture.

Also, resolutions of Milford Centre Alliance, No. 473, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Lewis Township Farmers' Alliance, No. 1684, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of Salem Farmers' Alliance, No. 1733, Wapello County, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of the Utica and Jersey Ridge Farmers' Alliance, No. 1601, Davenport, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of the Madrid Farmers' Alliance, of Madrid, Boone County, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of Buena Vista Grange, No. 544, Patrons of Husbandry, Iowa, praying passage of same measure—to the Committee on Agriculture.

Also, petition of 20 citizens of Woodbury County, Iowa, urging passage of same measure—to the Committee on Agriculture.

By Mr. HOUK: Petition and affidavits in support of House bill 12619, for relief of Thomas F. Lee, of Martin, Tenn.—to the Committee on Military Affairs.

By Mr. MOREY: Petition of Elizabeth R. Loury, widow of Col. Fielding Loury—to the Committee on Pensions.

By Mr. PARRETT: Petition of John M. Killian for a pension, and affidavits and other papers to accompany House bill 12678—to the Committee on Pensions.

By Mr. SENEY: Petition of C. C. Nestlerode and others, citizens of Seneca County, Ohio, praying for the passage of Senate bill 4173, providing for a commission to inquire touching the social evil—to the Committee on Labor.

By Mr. SKINNER: Petition of H. B. Ansell and 12 others, for pasa ge of House bill 892—to the Committee on Commerce.

By Mr. WILLIAMS, of Illinois: Letters and affidavits in support of case of Robert and Irene Moore—to the Committee on Military Affairs.

By Mr. WRIGHT: Petition of Frederick Theodore Leavenworth, for removal of charge of desertion—to the Committee on Military Affairs.

SENATE.

THURSDAY, *December* 18, 1890.

The Senate met at 10 o'clock a. m.

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

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

EXECUTIVE SESSION.

Mr. HALE. 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 five minutes spent in executive session the doors were reopened.

REPORT OF PUBLIC PRINTER.

The VICE PRESIDENT laid before the Senate the report of the Public Printer of the condition and operations of his office for the fiscal year ended June 30, 1890; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in answer to resolutions of July 16, 1890, and December 13, 1890, reports of the Third Auditor and Register of the Treasury in regard to certain advances and expenditures made in the war of 1812 by the States of New York, Pennsylvania, Delaware, Virginia, and South Carolina, and the city of Baltimore; which was read.

Mr. COCKRELL. That communication is in answer to a resolution submitted by the Senator from Virginia [Mr. DANIEL] who is not in his seat.

The VICE PRESIDENT. The Chair suggests that the communication and accompanying papers be printed and lie on the table.

Mr. COCKRELL. I am not certain whether the bills to which the communication refers have been reported from the committee or not.

The VICE PRESIDENT. The Senator from Virginia requested that the communication should lie on the table and be printed.

Mr. COCKRELL. All right.

The VICE PRESIDENT. The communication, with the accompanying papers, will lie on the table and be printed.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature of the following enrolled bills, which had yesterday received the signature of the Speaker of the House of Representatives:

A bill (S. 3122) to amend section 4426 of the Revised Statutes of the United States, "Regulation of steam vessels;"

A bill (H. R. 93) for the erection of a public building at Camden, Ark.;

A bill (H. R. 2754) granting a pension to Adele Jones;

A bill (H. R. 4608) to provide for the erection of a public building in the city of Fargo, N. Dak.;

A bill (H. R. 5074) granting a pension to George H. Rider; and

A bill (H. R. 11842) for the relief of James B. Guthrie.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Leaf Tobacco Board of Trade of New York City, praying for an extension of the

bonded period on goods imported prior to October 1, 1890; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of Mrs. Mima A. Read, of Fernandina, Fla., praying for the passage of House bill 4509, granting her a pension of $50 a month; which was referred to the Committee on Pensions.

He also presented the petition of John Liberty, of Marlborough, Mass., praying for the removal of the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

Mr. CULLOM. I present a petition of 459 citizens of Oakland, Coles County, Illinois, praying for the enactment of a law authorizing the Secretary of the Treasury to issue paper money to pay each soldier and sailor of the late war an amount of that money to make his pay, with compound interest added, equal to the contract as to the difference between what those soldiers and sailors were paid.

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. CULLOM presented a memorial of citizens of Virginia, Ill., remonstrating against the passage of any bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of citizens of Wyoming, Ill., remonstrating against the passage of any bankruptcy bill; which was ordered to lie on the table.

He also presented petitions of citizens of La Salle, Mercer, and Woodford Counties, in the State of Illinois, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. PLUMB presented resolutions of the Sherman County Farmers' Alliance and Industrial Union, Kansas; resolutions of members of Walnut Alliance, No. 887, passed at a meeting held December 12, 1890; and the petition of R. M. Victor and 27 other citizens of Pawnee County, Kansas, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of 95 citizens of Decatur County, Iowa; a petition of 33 citizens of Wright County, Iowa; a petition of 22 citizens of Cerro Gordo County, Iowa; a petition of 24 citizens of Greene County, Iowa; a petition of 14 citizens of Cass County, Iowa; a petition of 17 citizens of Benton County, Iowa; a petition of 25 citizens of Cedar County, Iowa; a petition of 122 citizens of Harrison County, Iowa; and resolutions of Farmers' Alliance No. 1487, of Plymouth, Iowa, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE. I report back with amendments, from the Committee on Appropriations, the bill (H. R. 12498) to supply a deficiency in the appropriations for public printing and binding for the first half of the fiscal year 1891, and for other purposes, and I ask that it may be considered now, as it will take no time.

The VICE PRESIDENT. The bill will be read for information.

Mr. GORMAN. I trust the Senator from Maine will not insist on taking up the bill this morning. I ask that it may go over until tomorrow morning. I am not prepared with what I wish to say on the bill.

Mr. HALE. Then let the bill lie over and be printed, so that everybody can examine the amendments.

Mr. COCKRELL. Is there a report?

The VICE PRESIDENT. The bill will go to the Calendar and be printed.

Mr. HALE. I ask that there may also be printed with it the accompanying statement of figures which I send to the desk.

Mr. COCKRELL. I think the statement from the committee ought to be printed immediately and not delayed to be printed in order.

Mr. HALE. Let it be printed along with the bill.

The VICE PRESIDENT. It will be so ordered. The statement will be printed with the bill.

Mr. HALE. I shall endeavor to call up the bill after the reading of the Journal to-morrow morning, as Senators who are familiar with the facts know that it ought not to be delayed for any great length of time.

Mr. SHERMAN. From the Committee on Finance I report a bill to supersede several bills on the Calendar which were reported from that committee. It is thought advisable to introduce a measure in the form of a new bill. I ask that it be read the first and second times and recommitted.

The bill (S. 4675) to provide against the contraction of the currency, and for other purposes was read twice by its title, and recommitted to the Committee on Finance.

Mr. SPOONER. I report from the Committee on Claims the bill (H. R. 2456) for the relief of the legal representatives of Peter Lyle, deceased, and ask that the committee be discharged from its further consideration and that it be referred to the Committee on Pensions. It evidently was inadvertently referred to the Committee on Claims.

The VICE PRESIDENT. It will be so ordered.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 11306) to pension Willis Brooks, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4254) granting a pension to John Lindt, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2105) to transfer officers on the retired list of the Army from the limited list to the unlimited, reported it with an amendment.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 4670) granting an honorable discharge to John Liberty; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 4671) to amend the act of Congress approved September 29, 1890, authorizing the President to restore Tenedor Ten Eyck to the Army and place him on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 4672) to provide for the payment of laborers, cooks, nurses, and all who worked in the commissary department of the Government during the late war, and also to place them on the pension roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 4673) granting a pension to Samuel M. Doolittle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 4674) granting a pension to George W. Blake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 4676) granting an honorable discharge to James Campbell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4677) for the relief of Matthew J. J. Cagle; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4678) to increase the pension of H. Seymour Hall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4679) granting a pension to Bailey Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4680) granting a pension to Sarah W. Hamm; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4681) to authorize the retirement, without further service, and under the provisions of chapter 67, volume 23, Statutes at Large of the United States, of all enlisted men now in the United States Army or Marine Corps who served in the war of the rebellion and who were honorably discharged therefrom; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a bill (S. 4682) granting an increase of pension to Mrs. Emily Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4683) to provide a suitable site for a post office in the city of Providence, R. I.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 4684) to amend certain sections of the Revised Statutes of the United States, namely: Sections 4400, 4405, 4445, 4490, and 4495 of Title LI, concerning the "Regulation of steam vessels;" section 4234 of Title XLVIII, "Regulation of commerce and navigation;" and section 5294 of Title LVIII, "Remission of fines, penalties, and forfeitures;" which was read twice by its title, and referred to the Committee on Commerce.

WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL, it was

Ordered, That William J. Martin be permitted to withdraw from the files, subject to the rules of the Senate, all papers relating to his claim, for use in the Court of Claims.

MINERAL LANDS AND MINING RESOURCES.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill (S. 165) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources. It is a bill that was partially considered the other day.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The reading of the bill will be continued.

The Chief Clerk resumed the reading of the bill at line 50, on page 8.

The next amendment of the Committee on Mines and Mining was, in section 3, line 53, to strike out "eighty" and insert "forty" so as to read:

And not more than 40 acres of placer ground shall be included in the same application for a patent.

The amendment was agreed to.

The next amendment was to add to section 3 the following proviso:

Provided, That when fractional claims are located or sought to be patented between other existing claims the two end lines may be made to conform to the lines of such adjoining claims.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, in section 5, line 6, after the word "Columbia," to insert "having an official seal;" in line 8, after the word "same," to insert "attested by his seal of office;" in line 13, after the word "regulations," to insert "and notice;" and in line 17, to strike out all after the word "character" down to and including the word "exist," in line 22, in the following words:

And veins of rock in place bearing such minerals and appearing on the surface of the ground, or in excavations made thereon, shall be regarded within the meaning of section 2333 of the Revised Statutes as veins or lodes known to exist.

So as to make the section read:

SEC. 5. That section 2335 of the Revised Statutes be amended so as to read:

"SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths in any State or Territory of the United States or in the District of Columbia having an official seal, and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, attested by his seal of office, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken under such regulations and notice as the Commissioner of the General Land Office may prescribe: *Provided*, That the presence of rock in place bearing gold, silver, cinnabar, or other valuable metal shall be regarded as *prima facie* evidence that the land containing the same is mineral in character."

The amendment was agreed to.

Mr. COCKRELL. I should like to call the attention of the junior Senator from Colorado [Mr. WOLCOTT] to this bill. It was passed over a day or two ago at his request. It is the bill in regard to the mining laws.

Mr. WOLCOTT. My colleague and myself have gone over the bill with the Senator from Nevada, and we have agreed upon some amendments which the Senator from Nevada will present.

The VICE PRESIDENT. The next amendment of the Committee on Mines and Mining will be stated.

The next amendment of the Committee on Mines and Mining was to insert as a new section the following:

SEC. 6. That section 2337 of the Revised Statutes be amended so as to read:

"SEC. 2337. Where nonmineral land not included in a lode claim is used or occupied or is intended in good faith to be used or occupied by the proprietor of such vein or lode claim for mining or milling purposes, such nonmineral surface ground may be embraced and included in an application for a patent for such vein or lode claim, and the same may be patented therewith or separately, subject to the same preliminary requirements as to survey and notice as are applicable to vein or lode claims; but no location hereafter made of such nonmineral land shall exceed 10 acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode claim. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site as provided in this section."

The amendment was agreed to.

Mr. STEWART. I move to strike out of the section the matter which we have agreed shall be put in another place. This will involve changing the numbers of the sections to correspond. I first move to strike out the first section.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 1, as follows:

That section 2319 of the Revised Statutes be amended by adding thereto the following: "But no person shall relocate a claim which he has previously located, except for the purpose of correcting or amending his former location."

The amendment was agreed to.

Mr. STEWART. In lieu of that section I move, on page 5, line 81, after the word "made," to insert what I send to the desk.

The CHIEF CLERK. In section 2, on page 5, line 81, after the word "made," it is proposed to insert:

But no relocation of a claim by a person who has already located such claim and failed to comply with the conditions of this act in performing work or making improvements shall be valid prior to such resumption and continuance of work upon such claim.

The amendment was agreed to.

Mr. STEWART. In line 18, on page 7, after the word "affidavit," I move to insert "of at least one person."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 3, line 18, after the word "affidavit," it is proposed to insert "of at least one person;" so as to read:

And shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least one person that such plat and notice have been duly posted, and shall also file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land in the manner following.

The amendment was agreed to.

Mr. TELLER. I offer an additional section, to come in at the end of the bill, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add a new section, as follows:

SEC. —. That town-site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof, and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein and surface ground recognized by the local laws and statutes of the United States not held or possessed adversely to the claimant for such mineral vein by other than the said city or town or when it shall appear that the claimant otherwise entitled to such mineral vein has acquired title to such surface ground from the said city or town: *Provided*, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

Mr. COCKRELL. I should like to know what is the effect of that upon the existing law in regard to town sites and mining claims underneath them?

Mr. TELLER. I will say that this is exactly what was the rule of the Department for many years as to mining claims within a town site. Recently there has been a change of ruling in the Department, it holding that it can not be done under the law without a positive averment of this character. That has disturbed a good many holdings in towns. There is no conflict that I know of between these people owning these claims and the owners of town lots. That is provided for here. I suppose that in Colorado there are in different towns probably fifty patents now waiting for some legislation of this kind to meet the objection of the Land Office.

Mr. COCKRELL. That is, fifty mining-claim titles?

Mr. TELLER. Yes, suspended.

Mr. COCKRELL. Because of conflict with the town-site locations?

Mr. TELLER. There is no controversy about them. Those are all settled under the law. It is a doubt raised in the Interior Department, after a good many years' practice, whether the practice was a correct one under the existing law, and this is simply to continue a practice that has existed ever since town sites have been entered on mineral lands.

Mr. COCKRELL. My recollection is that there was a case in Montana some two or three or four years ago where the Department decided that it would not issue a patent to an individual claim of this kind, and I am under the impression that that went to the Secretary of the Interior and was so decided by him.

Mr. TELLER. I understand what that case was. That case was where a town site was put on a placer claim after the placer claim had been located and provided for and established according to law, and the court only held that the town site could not take away the property of the prior locator. That is provided for in the last section of this bill. This only deals with veins, and not with placer claims at all, leaving that question just where the courts left it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

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

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

Mr. STEWART. I ask that an order may be made to print the bill as it has passed.

The VICE PRESIDENT. That order will be made, in the absence of objection.

FISH HATCHWAY IN NORTHERN NEW YORK.

Mr. STOCKBRIDGE. I ask unanimous consent that the Senate do now consider Order of Business 2185. I will say that it is a resolution which was reported from the Committee on Fisheries a few days since asking for information, and was placed on the Calendar. I therefore ask that it may be taken up at this time.

The VICE PRESIDENT. The Senator from Michigan asks for the present consideration of a resolution, which will be read.

The Chief Clerk read the resolution reported by Mr. STOCKBRIDGE December 15, 1890, as follows:

Resolved, That the United States Fish Commissioner be, and is hereby, directed to report to the Senate the desirability of the Government's establishing a fish hatchway in Northern New York, near the St. Lawrence River.

The resolution was considered by unanimous consent, and agreed to.

ENGINEER CORPS OF THE NAVY.

The VICE PRESIDENT. The first bill on the Calendar will be stated.

The bill (S. 2064) terminating the reduction in numbers of the Engineer Corps of the Navy was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. COCKRELL. When this bill was reported the other day and unanimous consent was asked for its consideration, I requested that it should be laid over, and I also asked that the Senator from New Hampshire [Mr. CHANDLER] reporting the bill might make a statement or report. I notice that subsequently he submitted a report, which I should like to have read. I think the bill probably ought to pass. I am not sure of that, but I should like to hear the report read.

The VICE PRESIDENT. The report has not yet come from the printer, the Chair is informed.

Mr. COCKRELL. Let the bill be again read. The Senator from New Hampshire [Mr. CHANDLER] was here a moment ago, and I think he feels some special interest in the bill.

The Chief Clerk read the bill.

The bill was reported from the Committee on Naval Affairs with an amendment, in section 1, line 7, to change the date 1889 to 1890, so as to make the section read:

That the reduction in the numbers of the Engineer Corps of the Navy provided for in the act approved August 5, 1882, shall be considered as having ceased on the 30th day of June, 1890.

The amendment was agreed to.

Mr. COCKRELL. As I understood at the time, there were two bills which have been before the Committee on Naval Affairs in regard to the Engineer Corps. One of them, No. 2779, is still pending before that committee. That bill provides for the increase of the engineer force of the Navy, a direct increase. This bill simply provides that the reduction in the number of engineers in the Navy shall cease. Under a law enacted some time ago the engineer force of the Navy was to be reduced to a certain number. That reduction has not yet fully taken place. It is in process of completion, and this bill stops the reduction and fixes the number of the engineers at the number now existing, if I understand the bill correctly. The Senator from New Hampshire submitted a statement, and I have sent for him, but he is not here. I think, however, that is the object of the bill.

The VICE PRESIDENT. The report has been received.

Mr. COCKRELL. Let the report be read. That will probably explain the bill.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. CHANDLER December 16, 1890:

This bill simply proposes to stop the reduction which the act of August 5, 1882, made in the number of officers allowed in the Engineer Corps of the Navy.

The following shows the number of officers in this corps at the dates given:

On July 1, 1882, there were 293; arbitrary limit fixed by the act of August 5, 1882, 170. On July 1, 1890, there were 204. On November 15, 1890, the date of the last report of the Chief of Bureau of Steam Engineering there were 202. At present, December 16, 1890, there are 199.

The reductions still to be made (199—170) are 29.

Among the 199 are 4 officers who have sent in their resignations to take effect at the end of their leaves; 3 are on sick leave; 1 is on leave engaged in private affairs, and 1 officer retires on December 26, 1890. Therefore there are only 193 effective officers on the list actually, leaving 22 more officers to go out before the legal reduction is reached.

The recommendations of Engineer in Chief Melville (pages 23 to 25) and of the Secretary of the Navy (page 28) in their recent annual reports clearly show the inadequate number of engineer officers and the urgent necessity of an increase in this number. Leaving the question of an increase to future consideration and in order that the existing state of affairs shown in the reports of the officials cited may not become worse, this bill proposes to do what can be done at once without any changes or any expense whatever: stop any further decrease in the number of engineer officers.

Mr. HALE. That report tells the whole story and explains the entire matter; but since the bill was read the Senator from New Hampshire, who has charge of it, has come in, and if any further explanation is necessary he can make it.

Mr. COCKRELL. I suggest that instead of making this bill retroactive, to take effect practically on the 30th day of last June, we had better make it take effect on the 1st day of January, 1891. There are some of those officers evidently who ought not to be retained in the service. There are a number of them, and I think that that would probably be better. It is uncertain. The bill will probably not become a law before that time, and it ought not to go back to a past time.

Mr. CHANDLER. There is no objection to that change being made.

Mr. COCKRELL. Let it be amended so as to read "shall be considered as having ceased on the 1st day of January, 1891."

Mr. MORGAN. Mr. President, the report contains a statement or a suggestion that an increase in the number of engineers in the Navy is very desirable and very important. I have not any doubt about the correctness of that proposition, and I think that, instead of stopping right where we propose to do by this bill, it would be a good time now to introduce by way of amendment into this measure a provision for that increase.

The Senator from Missouri says that some Senator has offered a bill to that effect. I have not seen it.

Mr. COCKRELL. The bill is pending.

Mr. MORGAN. Is it on the Calandar?

Mr. COCKRELL. It is before the committee. Two thousand seven hundred and seventy-nine, I think, is the number of the bill pending before the Committee on Naval Affairs, and before which committee there have been some hearings in regard to it. That bill provides distinctly for an increase in the number of engineers.

Mr. MORGAN. As I have been informed of the provisions of that bill there is a proposition contained in it to draw the engineers by appointment from the different technical institutions in the United States, that upon examinations those gentlemen who have not been regularly through the academy at Annapolis may be appointed in the Navy, graduates of technical schools of engineering. I think that provision is in the bill which is pending before the committee.

Now, Mr. President, it is obvious that it is time we had begun to fill up the Engineer Corps of the Navy. We have changed the whole system of naval warfare, so far as our policy is concerned, and after the present wooden sailing ships have passed away, very few, if any, will ever be built again, so that we shall have to dispense with sailors who are professionally trained in that art and rely upon the men who work inside the ship and down in the hull, engineers, and others who are qualified to manage the engines and machinery of these great war ships. That demand is pressing upon us now, and it comes broadly in contact with the existing policy which is continually reducing the number of engineers in the Navy.

There could not be a policy, it seems to me, more detrimental to the naval service than for us to go on in the way we are doing now to decrease the number of engineers in that department.

I hope very much that the Senator from New Hampshire [Mr. CHANDLER] or the Senator from Missouri [Mr. COCKRELL], who are very much more familiar with matters of this kind than I am or ever expect to be, will bring this subject to the attention of the Senate now. I understand a similar bill is pending in the other House and has probably very great favor there. I do not know the extent of progress which has been made upon it, but the subject is engaging the attention of Congress in both ends of the Capitol, and certainly it engages the attention of the entire naval establishment, and I understand the Secretary of the Navy is rather urgent in his recommendation that we should go forward and make provision for this obvious public want. While building war ships on the extensive scale we are constructing them now, a policy with which I am thoroughly in sympathy, it is not wise that we should go on building these ships as rapidly as we are doing and not provide in advance for men to be enlisted or appointed into the Navy as engineers and so on who will be qualified to take charge of these vessels at the time they are put into commission.

The United States have as much right to boast themselves and pride themselves on the progress they have made in naval architecture, in steam engineering connected with war ships, with guns, and with armor, and all else belonging to that new system in our midst, as we formerly had in regard to our celebrated clipper ships. We are convincing the world now, and doing it very rapidly, that American genius, when applied to the building of steamships for naval purposes, is quite the same thing that it was formerly when applied to clipper sailing ships. It is a matter of great pride, and it ought to be a matter of just pride, to the people of the United States that we are able in this beginning of our experience on this subject to show to the nations of the world our capacity for building up these ships.

I do not know that there is anything connected with my public life in which I feel so earnest a pride as the small instrumentality I have had, in connection with much abler and more experienced gentlemen in this body, in bringing to the attention of the Senate the material we have in the United States for all kinds of naval architecture—steel and iron, including engines and guns—and the other fact that we have begun to build our war ships on the coast of the Pacific Ocean. The outlook from that quarter is extremely favorable and encouraging, not only that our naval constructors and gun-builders and machine-makers of the western coast will supply us with a navy in that quarter, it makes no difference what may be the dangers or exigencies of our future warfare if we ever have any, but that we shall furnish from San Francisco and our other ports of the western coast to the entire Pacific that magnificent fleet which has become one of the requirements of the commerce of the Pacific Ocean.

The progress of our commerce on the Pacific Ocean must at least be attended by a naval establishment of sufficient magnitude and excellence to recommend it, I will say, to the consideration of the people along both borders of this Pacific Ocean, and I hope now that the Senate of the United States will take this subject up in earnest, and that upon this bill we shall make a provision for the increase of the engineer force of the Navy, and that by the time we have a necessity for these gentlemen to go aboard these ships they will be thoroughly qualified to take charge of them.

Mr. CHANDLER. I desire to change the language of the amendment suggested by the Senator from Missouri, by inserting the word "terminating" instead of "having ceased;" so as to read: "shall be considered as terminating on the 1st day of January."

Mr. COCKRELL. That is right.

The CHIEF CLERK. It is proposed, in section 1, line 6, to strike out the words "having ceased" and insert "terminating."

The amendment was agreed to.

Mr. CHANDLER. With reference to the suggestions of the Senator from Alabama I desire to say that the subject to which he alludes, to wit, the actual increase of the number of the engineer officers of the Navy and the provision for taking some of the new appointees from the technical schools of the country, is now being considered by the Committee on Naval Affairs. Such a provision has been recommended by the Chief of Engineers and by the Secretary of the Navy, but the committee has not fully investigated the subject and is not now prepared to report. The committee, however, did think that this bill terminating any further reduction in the mean time would not be objected to by anyone, and therefore the committee desire that this bill may pass at this time and will undoubtedly within a very short period report a bill covering ground such as the Senator from Alabama has alluded to.

Mr. MORGAN. Under these circumstances, Mr. President, with which I am very much gratified, I shall not further insist upon any amendment of this bill in that direction.

Mr. HALE. I only wish to say in this connection, referring to what the Senator from Alabama has said in regard to wooden ships, that it is quite likely that, except for some special purposes, there will be no more naval vessels constructed of wood; but it is a fact that in the shipbuilding parts of the country where wooden vessels have been built for the marine service, very few years have witnessed so much construction as the present year of wooden sailing ships. There have been launched from the yards in Maine alone during the present year 80,000 tons of wooden shipping. The largest wooden ship, perhaps with one exception, ever built in the world has been launched at Bath, in Maine, more than 3,000 tons in measurement, a veritable monster of the deep. I think she is between three and four thousand tons, though I am not certain about that; and others almost as large have been constructed, so that the day of wooden ships is not by any means over.

Mr. COCKRELL. I desire to say that the bill to which I refer is Senate bill 2779, to regulate the number of officers in the Engineer Corps of the Navy. It provides for a certain number of officers to be appointed and contains this proviso in section 2:

Provided, That the appointments of cadet engineers shall be made from the graduates of the engineer division of the United States Naval Academy, at the end of the four years' course, and from graduates of those technical schools of the United States whose course of instruction in mechanical engineering may be considered satisfactory by the Secretary of the Navy: *Provided*, That the number appointed from the graduates of the engineer division of the United States Naval Academy shall not exceed one-half of the whole number of appointments to be made, unless the number of candidates from civil life is less than one-half of this whole number; and, if the number of candidates, naval and civil, is greater than the number of appointments to be made, all shall undergo a competitive examination, to be prescribed by regulation, before the board of examining naval engineers, and, from those who successfully pass and in the order of merit, the appointments shall be made and bear date of June 30. All applications for appointments from civil life must be made to the Secretary of the Navy on or before the 15th day of June of each year; candidates must not be less than nineteen nor more than twenty-three years of age, and before appointment shall undergo a physical examination before a board of medical officers of the Navy.

That bill is now pending before the Committee on Naval Affairs, and hearings I understand have been had upon it. Now, I understand it to be an absolute necessity that there shall be some increase in the engineer force of the Navy in consequence of the new vessels; at least, there will have to be an increase provided the present law becomes operative and the number is reduced to 170; there will have to be an increase over that. Now, this bill stops the decrease and will leave about 190, I suppose, on the 1st day of January; and it is because of that fact that I make no objection to the bill.

The VICE PRESIDENT. The bill as amended will be read.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, etc., That the reduction in the numbers of the Engineer Corps of the Navy provided for in the act approved August 5, 1882, shall be considered as terminating on the 1st day of January, 1891.

SEC. 2. That any and all acts or parts of acts inconsistent with this act are hereby repealed.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2404) to provide for the purchase of a site and the erection of a public building thereon at Beatrice, in the State of Nebraska.

The message also announced that the House had passed a bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census; in which it requested the concurrence of the Senate.

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

Mr. HIGGINS. I ask the Senate to take up the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia, which was passed over without prejudice on the 16th instant.

The VICE PRESIDENT. The hour of 11 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. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes, on which the Senator from Texas [Mr. COKE] is entitled to the floor.

Mr. COKE. I yield to the Senator from Delaware.

The VICE PRESIDENT. The Senator from Texas yields to the Senator from Delaware.

Mr. HIGGINS. Then I ask unanimous consent that Senate bill 3770 be taken up for consideration. It will not lead to debate, I think.

Mr. COCKRELL. Let the bill be read subject to objection.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 4, after the name "James L. Barbour," to strike out "E. S. Parker, Washington Danenhower, and W. S. Hoge."

Mr. COCKRELL. Why is it proposed to strike out those names?

Mr. HIGGINS. I can not say, but I presume that the gentlemen had no longer any interest in the enterprise for some reason. It does not affect the merits of the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 1, line 13, after the word "namely," to strike out all down to and including the word "Virginia," in line 29, as follows:

Beginning at Seventh street and B street, northwest, along B street to Virginia avenue, thence along Virginia avenue to Twenty-eighth street, on Twenty-eighth street to K street, along K street and Water street to the Aqueduct bridge, with power to build and maintain an iron bridge on the piers of the Aqueduct bridge to the line of the District of Columbia on the Virginia side of the Potomac River, said bridge to be constructed under the roadway of the present bridge, on either side of the present superstructure, and to rest upon the old aqueduct piers; said superstructure not to be damaged in any way. And said company is herein authorized to lay tracks thereon and to use and utilize said tracks by running cars thereon as herein provided. And from thence by, on, and over such line as may be selected by the said company, with the approval of the Secretary of War, to the northwest entrance of the Arlington Cemetery, in the State of Virginia.

And in lieu thereof to insert:

Beginning at Seventh street and B street, northwest; along B street and Virginia avenue, northwest, to Twenty-sixth street; along Twenty-sixth street to M street; along M street and Canal road to a point on the Potomac River at or near the point known as The Three Sisters, where the said company is hereby authorized to construct and maintain a bridge across the Potomac River on such plans as the Secretary of War may approve; and from thence by, on, and over such lines as may be selected by the said company, with the approval of the Secretary of War, to the northwest entrance of the Arlington Cemetery, and thence through the Arlington estate to the south or west line thereof, in the State of Virginia: *Provided*, That should any part of the track herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia but one set of tracks shall be used when, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the commissioners of the District of Columbia; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in the case of disagreement, by the supreme court of the District of Columbia on petition filed therein by either party, and by such notice to the other party as the court may order.

Mr. GORMAN. I should like to hear from the Senator who has charge of this bill some explanation as to why we should strike out the provision from line 13 to line 29. It seems to me that if we are to have a road to Arlington the proper point for the road to cross is upon the piers of the Aqueduct bridge and under the present roadway. That is the natural and proper place. There are reasons, I think, which are very strong why the road should not be permitted to pass up the narrow driveway between the canal and the river bank.

I myself desire to see a road to Arlington, and I should like very much to see it upon the piers of the Aqueduct bridge. Those piers were constructed about 1826 or 1828, at a cost of, I think, over half a million dollars. They were constructed for a canal underneath and a roadway above. Afterward, by purchase or condemnation, the interests there were acquired by the Government, and it does seem to me that in the public interest it would be very wise to permit those piers to be utilized for a street railway. But you go above that point, as the amendment proposes, and require the road to pass up the narrow driveway between the canal and the bank, which is some 30 or 40 feet in width.

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

Mr. GORMAN. Certainly, with great pleasure.

Mr. BARBOUR. I desire to state that Colonel Casey has reported that the present piers are insufficient for carrying these additional cars. I have here his report objecting to it on the ground that they are insufficient for a railroad.

Mr. GORMAN. With the permission of the Senator, I should like to have that communication read, so that the Senate may have the benefit of it.

Mr. BARBOUR. Very well. I send it to the desk.

The VICE PRESIDENT. The communication will be read.

The Chief Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., May 27, 1890.

SIR: I have the honor to acknowledge the reference to this office of letter from the House Committee on the District of Columbia, inclosing, for views of the War Department thereon, House bill 10067, Fifty-first Congress, first session, "A bill to incorporate the Washington and Arlington Railway Company of the District of Columbia."

This bill provides for crossing the Potomac River on a bridge to be constructed under the roadway of the existing Aqueduct Bridge and on either side of the superstructure of the same, and to rest on the old aqueduct piers.

Lieut. Col. P. C. Hains, Corps of Engineers, in report dated May 24, 1890, copy herewith, says that a bridge such as the bill proposes can not be built on the existing piers without in some way enlarging them or by extending beams out beyond their limits, as shown on the accompanying sketch, a system of con-

struction which he regards as decidedly objectionable, as it will give the bridge a peculiar appearance, suggestive of instability and haphazard construction, and will be an obstacle to widening the bridge when it may be desirable to do so. He recommends that the bill be amended so as to require the railroad to cross the river on a separate bridge, to be built on such plans and at such location as the Secretary of War may approve.

I concur in the views of Colonel Hains, and, accordingly, recommend the following amendments to the bill:

Section 1, line 16, after the word "to," strike out the remainder of that line and the succeeding lines down to and including the word "provided," in line 25, and insert in lieu thereof the following: "a bridge which said company is hereby authorized to construct across the Potomac River on such plans and at such location as the Secretary of War may approve."

Section 2, line 2, strike out the words "and on the free bridge."

Section 10, line 1, strike out the word "aqueduct."

A copy of House bill 10067, with the proposed amendments indicated thereon, is herewith submitted, and, as thus amended, I know of no objection to its passage by Congress.

The letter from the Committee on the District of Columbia is herewith returned.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier General, Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

Mr. GORMAN. It is of course a revelation to me that the Engineer Department report that the piers of that structure are not sufficient to maintain the roadway and a street railway. As I said a moment ago, they were constructed about 1826 or 1828 and were supposed to be the finest structure of the kind in this section of the country. They have been strong enough to bear the weight of a trough filled with water carrying over boats of from 130 to 150 tons burden, and I supposed they were strong enough to maintain anything that might be put on them.

As I said, I have no earthly objection to a street railway going over to Arlington, but it seems to me that that is the proper point for the structure. There is one objection, and a very serious objection, to a line of road from the Aqueduct Bridge up to the point of the Potomac known as The Three Sisters. There is now a narrow road running around there which is used by the country people who come in from Virginia and a portion of the people coming from Maryland, and my friend from Virginia well knows how much of an obstruction it would be. I think it would be considerable. We have, I think, occupied now nearly every avenue leading out from the center of the city, certainly in the northwestern section, so that some of them are so obstructed that it is impossible to pass along with an ordinary wagon.

In addition to that, if there is to be a bridge at the point described by the amendment, it ought to be a structure that will accommodate everything which enters Washington from that direction, street railroads and steam railroads. I observe, from the reading of this bill hastily, that it provides alone for a street railroad and the use of the bridge by the street-railroad cars hereafter. I think it is a very important matter in the interest of the District and its future, and one which ought to be carefully considered, that the bridge should be broad enough to accommodate everything that comes into the city. But I shall not object if the Senator from Virginia and other gentlemen have looked at it carefully. I, of course, will not oppose the bill.

Mr. BARBOUR. I am not the immediate patron of the bill; my friend from Delaware represents it more particularly. So far as the objection just urged by the Senator from Maryland is concerned, I have no objection that the bridge shall be made solid enough and strong enough to carry any kind of cars that may come over it.

While I am up I desire to say, however, that this bill has been approved by the commissioners of the District of Columbia; that it has been approved by the Secretary of War and by Colonel Casey, the Chief of Engineers. It is obvious that we ought to have some easy and accessible route for the people, the common masses of the people, to pass from Washington to Arlington. So far as cheap rates are concerned, I believe this bill only involves a fare of 5 cents, and so far as any occupation of the ground is concerned I thought around Washington there were roads in every direction certainly to meet any convenience that might be needed by the Virginia people. They have two or three bridges to cross, and the people from Maryland who may come along down that way have a number of roads. I think Washington is like Rome; all the surrounding roads point to Washington. There is no trouble on that point. There is never very much travel on the river bank between the canal and the river, and taking it altogether it strikes me that this is a very valuable bill, that it is without objection, and ought to pass.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. HOAR. I wish to call the attention of the committee and of the Senate to the provision in the fifth section on the eighth page, which is in substance that if any person shall willfully or mischievously obstruct or impede the passage of the cars of the railway, "or otherwise or in any manner molest or interfere with the business or purposes of said company while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than $25 nor more than $100 to said company, to be recovered by suit in the name of said company," and shall be liable also for any loss or damage.

It seems to me that that is a very injudicious provision. There may be a great many such obstructions, malicious obstructions to a street railway, which are attended with very great danger to life and limb. For instance, a person might put an explosive under the track. This slight penalty belittles such an occurrence as that very much by having merely a penalty of from $25 to $100 and a suit in the name of the company. It is a great public crime. On the other hand, there may be slight obstructions occasioned by persons who are riding out having some dispute for precedence or something of that kind, in regard to which it does not seem proper to make it a penal offense, and if it was to be a penal offense it ought to be in the charge of a representative of the Government, and not of a representative of the road. A hackman who gets into a dispute with the driver of a horse-railroad car ought not to be exposed to the antagonism of a suit in the nature of a civil suit by a powerful and wealthy corporation.

I therefore propose to strike out all after the word "transit," in line 22, down to the word "aforesaid," in line 30 of section 5, and substitute therefor "shall be punishable as for a nuisance in the highway." That would leave the whole matter to the general laws regulating nuisances. That is the way they are in my own State and I dare say in other States. Of course the latter part is unnecessary because they would be liable in a civil action under general law for any injury to the company without any enactment.

Mr. BARBOUR. I have no objection to that amendment.

Mr. COCKRELL. Let the amendment be reported.

Mr. HOAR. The amendment is to strike out after the word "transit," in line 22, down to the word "aforesaid," in line 30, so that it will in substance remain an enactment that any person who willfully or mischievously or unnecessarily obstructs or impedes the passage of the cars, or molests or interferes with their business while in transit, shall be liable as for a common nuisance.

Mr. DANIEL. Will the Senator from Massachusetts allow me to make a suggestion?

Mr. HOAR. Certainly.

Mr. DANIEL. If it would be acceptable to the Senator—he has offered an amendment which it seems to me is entirely proper—I would suggest just to strike out from the bill the entire clause from the top of the eighth page down to the word "aforesaid," and for this reason: A criminal statute ought to be a general statute applying as much to one railroad as to another; and to make the injury to a specific railroad company of its property an offense is to make a special criminal statute bearing upon them, which, it seems to me, is an improper kind of legislation.

Mr. HOAR. I think that is better, myself. I think the Senator is right. I will accept that suggestion.

Mr. DANIEL. I suggest to strike out, in line 14, from the words "the said company shall at all times have the free and uninterrupted use of its railway" down to the word "aforesaid," in line 30. There is no use in saying that a company shall own its own railroad; that goes as a matter of course. It seems to me that the whole paragraph had better be stricken out.

Mr. HOAR. Strike out from "railway," in line 14, down to "aforesaid," in line 30.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 8, section 5, line 14, after the word "railway," strike out all down to and including the word "aforesaid," in line 30.

The VICE PRESIDENT. Is it the desire that the words proposed to be stricken out shall be read?

Mr. HIGGINS and others. No.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The VICE PRESIDENT. The remaining amendments of the Committee on the District of Columbia will be stated in their order.

The Committee on the District of Columbia proposed, on page 4, section 2, line 2, before the word "bridge" to strike out "free;" so as to read:

That the railway hereby authorized and lying in the District of Columbia and on the bridge shall be constructed by said company of good materials, and in a substantial manner, with grooved rails of the best pattern, and of a gauge to be approved by the commissioners of the District of Columbia and the Secretary of War jointly.

The amendment was agreed to.

The next amendment was, on page 6, section 4, line 2, before the word "hundred," to strike out "two" and insert "three;" and in the same section, line 28, after the words "amount of," to strike out "the capital stock herein provided for" and insert "$500,000, to be secured by mortgage or deed of trust upon the property of the company;" so as to make the section read:

SEC. 4. That the capital stock of said company shall be $50,000, and may be increased to $300,000 by order of a majority of the stockholders at a general meeting, in shares of $100 each. Said company shall require the subscribers to its capital stock to pay in cash to the treasurer, appointed by the corporators here-

inbefore named, the amounts severally subscribed by them as follows, to wit: 10 per cent. at the time of subscribing and the balance at such times and in such amounts as the board of directors of said company may require; and no subscription shall be deemed valid unless 10 per cent. thereof shall be paid at the time of subscription, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment or installments as aforesaid, or as required by the resolution of the board of directors, said board may sell at public auction to the highest bidder so many shares of the stock of the defaulting stockholder as shall be necessary to pay said installments, under such general regulations as may be adopted by the by-laws of said company, and for the purposes of such sale the highest bidder shall be deemed and taken to be the person who shall offer to purchase the least number of shares for the assessments due; but no stock shall be sold at such sale for less than the total assessments due and payable at the time thereof; or said company may sue and collect from any delinquent subscriber, in any court of competent jurisdiction, the amount of the assessments at any time due and payable in accordance herewith, and bonds may be issued to the amount of $500,000, to be secured by mortgage or deed of trust upon the property of the company.

The amendment was agreed to.

The next amendment was, on page 12, section 9, line 2, before the word "months," to strike out "six" and insert "twelve," and in line 5, after the word "within," to strike out "eighteen months" and insert "three years;" so as to make the section read:

SEC. 9. That said company shall commence the construction of its said railway within twelve months from the approval of this act, and said railway shall be built its entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers, within three years from the date of such approval; otherwise this act shall be null and void.

The amendment was agreed to.

The next amendment was, on page 12, section 10, line 1, before the word "bridge," to strike out "Aqueduct," and in line 2, after the word "bridge," to strike out "shall be deemed and taken to be a public highway, and;" so as to make the section read:

SEC. 10. That the tracks of said company on the bridge and the approaches to said bridge may be freely used for the passage of street-cars with motive power of the kind described by this act belonging to any individual or corporation legally authorized thereto, upon making just compensation for such use, and in case any dispute shall arise concerning such compensation or manner of use any party in interest may apply to the supreme court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and the mode in which such use may be enjoyed.

The amendment was agreed to.

Mr. COCKRELL. I suggest to the Senator from Maryland that that would be a proper section to which to make an amendment that any other kind of cars proposed may use the bridge.

Mr. GORMAN. I supposed that we would first run through with the committee amendments; but I should be very glad, if it be in order, to make the suggestion of amendment now. Have all the amendments of the committee to the tenth section been adopted?

The VICE PRESIDENT. All the amendments of the committee to the section have been adopted.

Mr. GORMAN. Then I move, in line 4, section 10, to strike out the word "street" after the word "of."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 4 of section 10, after the word "of" and before the word "cars," strike out the word "street;" so as to read:

That the tracks of said company on the bridge and the approaches to said bridge may be freely used for the passage of cars with motive power of the kind described by this act, etc.

The amendment was agreed to.

Mr. GORMAN. I desire to strike out also the words "of the kind described by this act," commencing after the word "power" in line 4 of section 10, the object being, if there is a bridge constructed at that point, to permit the passage of cars of any description under the direction of the courts of the District of Columbia.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 10, line 4, after the word "power," strike out the words "of the kind described by this act;" so as to read:

That the tracks of said company on the bridge and the approaches to said bridge may be freely used for the passage of cars with motive power belonging to any individual or corporation legally authorized thereto, etc.

Mr. INGALLS. What is the object the Senator seeks by the proposed amendment? I did not understand.

Mr. GORMAN. I understand that west of the Aqueduct bridge up the line of the Potomac this point at The Three Sisters is probably the only proper one, according to the engineers and everybody else, where railroads and street cars could enter the District of Columbia coming across from that part of Virginia.

Mr. INGALLS. Steam railroads?

Mr. GORMAN. Any road of any description whatever. Now, in granting the right to put a bridge across the Potomac there, I think it ought to be broad enough to cover the admission of cars of any description whatever, under such compensation as may be agreed upon or be prescribed by the courts.

Mr. INGALLS. This amendment would be ineffectual, because obviously a bridge that would be sufficient for street cars would be entirely inadequate to support steam-railway traffic. It would do no good unless you provide that this bridge shall be constructed under the direction of the Secretary of War, so as to be suitable for steam-railroad cars.

I agree fully with the object that the Senator from Maryland has in view; but of course if this street-railway company constructs a bridge it will only make one of sufficient tensile strength to maintain its own traffic, and you could not run a steam-railway train over a bridge that would be constructed for horse or street railway cars. I think, while the purpose the Senator has in view is wise and prudent, he can not obtain the result he desires to secure by striking out the words he has indicated in this section.

Mr. GORMAN. I know that it is a valuable franchise. I do not know any of these gentlemen. I never heard of the bill until this morning, I think; at all events I never have given any attention to it, and I do not know anything about the incorporators or what their purpose is. But I do know the fact, as I have stated, that that is probably the only point where Congress would permit the use of railroad tracks of all descriptions entering the city of Georgetown or Washington from that direction. My friend from Virginia [Mr. BARBOUR] states to me what is the fact, that The Three Sisters, so called, three immense rocks in the river, form the natural piers for a bridge. The water there is from 60 to 100 feet in depth, and this is probably the only point where a bridge could be constructed properly.

Now, if we are to grant these gentlemen the right to put a bridge across there I want it broad enough so that they will be enabled to put a structure across the river that will accommodate all the railroads coming in. There are three or four of them already projected, some of them are surveyed, coming from the South and from the West, and the desire is to get into that section of Washington City, or rather Georgetown, as it is called. I want these gentlemen to have the right to put up such a structure, and they will find it to their interest as business men to do it, unquestionably. I have no doubt of that. I have no doubt that the other parties who desire to come in would freely make an arrangement with them by which they could enter into the construction of the bridge on mutual account.

I do not want to interfere with these gentlemen. I simply desire to have the bill so framed that it will be a notice to the Engineer Department, to General Casey, under whose direction by the terms of the bill this bridge is to be constructed, the whole conditions of the structure, the strength and everything else, that in approving any plan it shall be one that will accommodate all the interests of the District of Columbia, and everybody else who may seek to get the use of such a bridge. That is my object.

I think, Mr. President, as I said a moment ago, that it would be unfortunate to confine it merely to the purposes of a street railway.

Mr. HIGGINS. Mr. President as the Senator from Maryland has just stated, the idea of granting this company the right to build such a bridge in fact means that it will be required to build a bridge of sufficient strength for the use of steam railways, and yet that obligation he would propose to place upon a company whose only object is to build a street railway. Instead of their capital being $300,000, if they are to be obliged to build a bridge to satisfy all possible railways that may come in at that point to the city or District, rivaling in size and extent and the burden to be carried the Long bridge, they would require a capital of $3,000,000 instead of $300,000.

Now, I submit that it is not the case that but one bridge can be thrown across the Potomac at this point. On the contrary, there is ample room there for other bridges to be thrown across. This bridge would not stand in the way of other bridges to be constructed for steam railways hereafter. But such an amendment as the Senator proposes would clearly be destructive of the object of this bill.

If, therefore, we are to allow to the citizens of this District through this very meritorious measure, as I conceive it to be, the opportunity of getting to Arlington, it can only be done by permitting them to build such a structure as is proposed in the bill. The report of the Secretary of War and the Chief of Engineers against using the Aqueduct bridge put an end to that scheme, and now here we have enterprising gentlemen of capital and responsibility coming forward and offering themselves to go to the great expense, not merely as most street railways do, of laying down their rails on the bed of the street and getting an enormous franchise without cost, but for once in the history and experience of cities and municipalities undertaking to pay for their roadbed in a way that amounts to a very large sum of money.

I think, with all due respect to my friend from Maryland, that his amendment would be destructive of the bill and that the bill is one which ought to be passed.

Mr. BARBOUR. I hope the Senator from Delaware will accept the amendment proposed by the Senator from Maryland. When the bill was under discussion before the committee this very objection was presented. The crossing of the river at The Three Sisters is a great natural advantage possessed by those large rocks, and the construction of piers upon them of course would be very much cheaper than having to build independent piers and abutments in the river, which is so very deep all along that part of the Potomac. These natural piers project, and upon them a comparatively cheap superstructure can be erected.

As representing a part of my State I know there are quite a number of parties who would like to cross the river and would not care to have this important interest under the control of a single party. I think a bridge ought to be a sort of common highway at that point, under the control of these incorporators, of course. Certainly somebody ought to be responsible for the police of the bridge; but I think it is too great an advantage to grant to any street railway company when other

roads, probably through lines from important western and northwestern connections, may want to cross there.

I think, under the circumstances, the bill ought not to pass in the narrow shape in which it is presented by the Senator from Delaware. I believe that important public interests require the bridge to be used by all parties who may desire to connect the traffic of the interior of the country with the city of Washington.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland.

Mr. HIGGINS. Mr. President, I do not see, with all due respect to my friend, the Senator from Virginia, but what the position I took a few moments ago holds, and that is that you can not impose upon this proposed company in building a street railway the obligation to construct a structure that would accommodate steam railways. There are no existing companies now that could undertake such a work. It is not proposed that the District government or the Government of the United States shall undertake to build such a bridge. It is speculative entirely. Clearly this scheme can not be carried out at the present time unless they are permitted to build the bridge, and I do not admit that the suggestion made by the Senator from Maryland and the Senator from Virginia is correct, that this is the only point at which a steam-railway bridge can be constructed.

Mr. GORMAN. The Senator from Delaware is mistaken if he understood me to say—I was unfortunate if I did make the statement—that that is the only point where a bridge can be constructed. I did not mean to say that; but owing to the peculiar conditions there, the narrow gorge of the river, in all probability the Engineer Department would not approve of a bridge at any other point between the Aqueduct bridge and the District line, except at the Three Sisters, and at that point a bridge can be constructed with very much less cost than at any other point, for the reason that the three rocks are there to form the piers of the bridge, already provided by nature.

Mr. HIGGINS. If the Senator will allow me a moment, I will accept the amendment, if it is coupled with——

Mr. GORMAN. I am very glad to hear that the Senator accepts it.

Mr. HIGGINS. I will accept the amendment if it is coupled with the condition that the control of the bridge is not to pass from this railway company or its proper share of it.

Mr. HOAR. I think I must object to the further consideration of this bill at this time. I think from what has been said, if it goes over until to-morrow morning in the morning hour the parties will probably agree on an amendment which will save the necessity of further debate. I therefore object.

The VICE PRESIDENT. Objection being made, the bill goes over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolution:

An act (S. 2237) providing for the maintenance of discipline among customs officers;

An act (S. 4468) to authorize the First National Bank of Fort Benton, Mont., to change its location and name; and

A joint resolution (S. R. 90) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions, for sale.

REVENUE ACT AND TREATY RELATIONS.

Mr. SHERMAN. There is a bill on the table of considerable urgency which was reported yesterday from the Committee on Foreign Relations, that will only take the time it will occupy to read it. It is only a few lines long, and if it creates any debate whatever I shall not press it. The Senate can see when the bill is read that it is a matter of urgency if it is to be passed at all.

The VICE PRESIDENT. Will the Senator from Ohio state the order of business?

Mr. SHERMAN. It is the last bill on the Calendar, Senate bill 4668. It may be not on the files yet, as it was reported yesterday. If it is not there, I will let it go over until a more convenient moment. It is the last bill on page 20 of the Calendar.

The VICE PRESIDENT. The bill is on the table and will be stated by its title.

The CHIEF CLERK. A bill (S. 4668) in respect to certain treaty stipulations.

The VICE PRESIDENT. The bill will be read for information, if there be no objection.

Mr. HOAR. Let it be read subject to objection.

Mr. SHERMAN. Yes, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That nothing in the act approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," shall be held in any way to repeal or impair the force or effect of any treaty between the United States and any other Government, or any laws passed in pursuance of or for the execution of any such treaty, so long as such treaty shall remain in force in respect of the subject embraced in this act; but whenever any such treaty, so far as the same respects said subjects, shall expire or be otherwise terminated, the provisions of this act shall be in force in all respects in the same manner and to the same extent as if no such treaty had existed at the time of the passage thereof.

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

Mr. GORMAN. I ask the Senator from Ohio to explain what this measure is.

Mr. SHERMAN. This identical provision was made a part of the tariff law by the House at the last session and was stricken out by the Senate; but it was not acted upon by the conference committee because there was a desire to look into the treaties and see whether any treaty stipulation was interfered with. Therefore it was neglected afterwards by the committee of conference. However, the Senator will see by the President's message that the law will probably conflict with some of the provisions of the Hawaiian treaty, and one or two minor provisions of the French treaty, and perhaps one with Denmark and Norway. It was not the intention that that should be the case, and therefore we adopted the section sent to us from the House of Representatives, and reported it unanimously from the Committee on Foreign Relations, and we were requested to do so also by the Committee on Ways and Means of the House of Representatives, so that there will be no controversy about it.

Mr. GORMAN. My attention has not been called to the matter for some time past, but my recollection is that when the tariff bill was under discussion the junior Senator from Kentucky [Mr. CARLISLE] dwelt upon that provision of the tariff bill for more than half an hour, and that he pointed out then the exact effect of the provision as it stood in the bill. We endeavored on this side of the Chamber to have it considered, believing with the Senator from Kentucky that there could not be any question as to the construction placed upon the proposed act. Therefore I say to the Senator from Ohio that while I have not looked at the RECORD (but I know that I am perfectly correct in saying it), it was not a mere oversight, as the other ten or twelve propositions which have already come here to correct the conference report, which we have been going through with from the day of the passage of that act until now.

For one, Mr. President, for the moment I must object to the consideration of the bill to-day and ask the Senator to permit it to go over until to-morrow, that we may have an opportunity to examine and consider it.

Mr. MORGAN. I hope the Senator from Maryland will not object to the present consideration of this measure. I think that the bill ought to pass after due examination. It is very true that by hasty legislation upon the tariff bill, and through the instrumentality of a committee of conference, which never fails to interpolate its own judgment in the place of the judgment of the two Houses upon any great measure, we have got into a condition from which we ought to be relieved. We are inflicting a very serious injustice upon the Government of Hawaii and we are doing ourselves a discredit by this formal breach of an existing treaty between this country and that.

In the treaty with Hawaii we have a certain line of reciprocal exchange of commodities free of duty. I can not go over the list and it is not necessary that I should do so. It is only a partial list, however, of the exports and imports to and from that island. But we have solemnly engaged with that government—and its being a small government surely can not make a difference in our favor, at least in the contemplation of the world—we have a solemn engagement with that government that certain articles shall be admitted free of duty, and in consequence of the action taken upon the report of the conference committee on the tariff bill we have imposed duties, and very heavy duties, upon those same articles. We are necessarily proceeding in the collection of those duties and carrying the money into our Treasury, and after awhile, even up to this time, we shall find ourselves under the disagreeable necessity of stating an account with Hawaii and returning from our Treasury the money that we are receiving now daily through the customhouses, contrary to our own solemn treaty engagements. That we ought not to do and that we can not do except with discredit to ourselves.

It makes no difference except amongst ourselves as to what has taken place in the conference committee in respect to this enactment or what has taken place in the debates in the Senate which were founded upon that report. I conceive that it is a just view of politics and political movements that the *locus penitentiæ* ought always to prevail, anyhow. We can not always be wise and we can not always be discreet. There were Senators here, I have not any doubt, who had opposition to the Hawaiian treaty, and perhaps opposition to the whole business of the reciprocal interchange of commerce with foreign countries. Notwithstanding, there was incorporated in that tariff measure a certain formula of pretension upon the subject of foreign reciprocity, which everybody knows, and has known all the time, was impossible of execution. It was a mere tub to the whale. It was a sort of attempt at persuasion that there was in the minds of certain statesmen here a disposition, under circumstances to arise in future and not under existing circumstances, to have real commercial reciprocity with foreign countries, a doctrine to which I have been very much wedded, and I am willing to get at it in any proper way that we can at any time.

But although these disputations have occurred the question recurs, what is the duty of the United States Government under these circumstances? Suppose that for any cause whatsoever we have made a mis-

take in our legislation to the detriment of a power with which we have honorable obligations, ought we not to be in haste to redress that difficulty, to remove it, and to come to such terms as we are bound to come to in honor in consequence of our treaty relations with Hawaii?

More than that, Mr. President, I will not undertake to suppress the expression of a hope and belief that action of this kind taken to-day, taken as soon as the Senate of the United States can do it after fair consideration, will lead to still more intimate relations between the Government of the United States and the Government of Hawaii. I have never been disposed to look upon that as an inconsiderable matter. It has occurred to me always that there was as great political and commercial necessity for a close and intimate relationship with the Government of Hawaii as there is or will be with any government in the world with which we are at all connected by special treaty agreements. I desire very much (and I believe that proper action on the part of Congress at this moment of time will lead up to the realization of that hope) that our relations with Hawaii shall still become more intimate, for I very well understand—and I think that any man of common sense must see—that Hawaii is a coveted prize among the European States, and that any one of them would be only too glad to establish with that Government the same order of intimate relations that we have with it now.

We have very peculiar relations with that Government. They include the proposition that the Government of Hawaii shall not dispose of its crown lands to any foreign country, by mortgage or by sale, without our consent. It has been somewhat surprising to me that other governments, not only by a quiet admission of our right in that direction, but by positive affirmation, as I remember, have consented to this peculiar relation between ourselves and Hawaii. At the moment of time when these treaties were executed there existed on the part of the Government of the United States such a relationship with the Government of Hawaii that it was considered to be a duty on the part of our diplomatists to get these advantages, and the other governments, realizing the necessity of the situation and that we would probably make a serious question of any interruption on their part with our negotiations with Hawaii, have, some of them, acquiesced in it, and others have openly consented to it.

Now, another thing. In the last treaty that we made with Hawaii there was embodied a provision for the acquisition of Pearl Harbor, lying within about 8 or 10 miles of their principal city, their capital. The advantages given to us for a naval station in that place were so important that some Senators of the longest experience in this body were not willing to extend the period of reciprocity with Hawaii for another seven years unless that Government would consent to give us advantages in Pearl Harbor that no other Government would be permitted to acquire. She did so. We have them secured. It is true that there is a protocol to that treaty which in some sense makes it apparently dependent upon the further or longer continuance of the consent of the two Governments after the lapse of a period of seven years, but still I regard that as a perpetual right.

Now I desire, and I do not hesitate to express the wish, that the Government of the United States shall have a perpetual treaty with Hawaii. I am willing to make it entirely free in the interchange of commerce. It ought to be entirely free; and looking forward to a period of extension, which I very much desire shall occur, of the influence and power, not to say the jurisdiction of the United States to Hawaii and to other countries that stand around our borders like a picket line, I am very desirous that we should do what we can, and do it now, to encourage with that Government still more intimate and still firmer relations. But the matter which is involved in this bill is simply a requisition drawn upon our sense of duty, upon the honor of our country, and whatever mistakes we have made or whoever may be responsible for them, Hawaii is not, and we ought immediately to give some such remedy as is sought in this bill.

Mr. HARRIS. Mr. President——

Mr. HOAR. I desire to inquire if the Senator from Maryland [Mr. GORMAN] proposes to insist on his objection.

Mr. GORMAN. I desire to say another word or two at all events, but the Senator from Tennessee [Mr. HARRIS] has the floor.

Mr. HOAR I must object. The Senator from Ohio [Mr. SHERMAN] assured the Senate, when this bill was taken up informally, that there would be no debate on it, as I understood. If there is to be debate, I think it should occur at another time, because the Senator from Maryland proposes, at any rate, to send the matter over.

Mr. HARRIS. I rose simply for the purpose of saying that, while I have no objection to the consideration of this bill and hope it may be considered at the earliest moment possible, inasmuch as the Senator from Kentucky [Mr. CARLISLE], who was one of our conferees on the tariff bill and who called special attention to the fact that we were abrogating the treaty referred to, is absent, I am unwilling that the consideration of the bill shall proceed in the absence of that Senator; but whenever he is here I shall be perfectly willing that we may go on with the consideration of the bill at any hour which may suit the convenience of the Senate.

Mr. SHERMAN. I am quite sure the Senator from Kentucky is in favor of the bill, but as there is objection it may go over.

The VICE PRESIDENT. Objection being made, the bill will go over and be placed on the Calendar.

HOUSE BILL REFERRED.

The bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census was read twice by its title, and referred to the Committee on the Census.

PUBLIC BUILDING AT BEATRICE, NEBR.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2404) to provide for the purchase of a site and the erection of a public building thereon at Beatrice, in the State of Nebraska, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

That the Senate recede from its disagreement to the third amendment of the House, and agree to the same with an amendment, as follows: In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 10, page 1, down to the end of the bill and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Nebraska shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger by fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 4561) authorizing the Bowling Green and Northern Railroad Company to bridge Green and Barren Rivers.

The message also announced that the House had passed the following bills, each with an amendment in which it requested the concurrence of the Senate:

A bill (S. 3173) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; and

A bill (S. 3929) authorizing the city of Albany, in the county of Linn, State of Oregon, to construct a bridge across the Willamette River in said State.

The message further announced that the House had passed a bill (H. R. 9193) to give consent of Congress to the construction of a bridge over the Duck River, in Humphreys County, Tennessee; in which it requested the concurrence of the Senate.

UNITED STATES ELECTIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes.

The VICE PRESIDENT. The Senator from Texas [Mr. COKE] is entitled to the floor.

Mr. COKE. Mr. President, the bill before the Senate, entitled "An act to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes," proposes to take wholly and entirely from the several States, where it has resided and been exercised for one hundred years, their power through their own officers and machinery of electing and certifying their Representatives in Congress, and to lodge it in the hands of Federal officials under Federal laws. Federal, and not State, officers, if this bill becomes law, will pass at the polls upon the right of those who present themselves as voters in Congressional elec-

tions to cast their ballots, and, when voters are registered, upon their right to a place on the registration lists.

State officers, who, since the foundation of this Government, have under State laws performed these duties and executed these trusts, it is proposed by this bill to thrust rudely aside, and in their places to substitute an army of partisan supervisors and deputy marshals who are to direct and control the registration and polling of the votes, and partisan returning boards to do the counting and certification of results. Of course this bill involves the conclusion that the people of the several States are for some reason unfit to be trusted to hold in their own way elections for their Representatives in Congress, as they have always heretofore been doing. Against the bill as a whole and in all its details, and especially against its libelous reflections upon the capacity of the people of the States for self-government, and its audacious assumption that all the honesty, virtue, and intelligence to be found in this country is possessed by Federal officials, I desire to enter my most earnest protest.

This bill, when its relations to the Constitution and to the established precedents and practices of the Government and its object and purpose and its inevitable consequences if enacted into law are considered, is the most important measure which has engaged the attention of Congress since the earliest days of reconstruction, and as such demands the gravest and most serious consideration. Yet the record shows that the original bill was introduced into the House of Representatives on the 14th of June, 1890, and referred to the appropriate committee; that on the 17th of June printed copies of it were laid on the desks of members; that on the 19th of June a substitue for it was reported back to the House by the committee; that this substitute was printed and copies of it delivered to the members on the 21st; that its consideration was commenced by the House on the 26th; and that it was voted on and finally passed through that body on the 2d of July.

When it is remembered that the bill contains seventy-six printed pages and in every one of its fifty-seven sections bristles with legal, constitutional, and other points requiring examination, thought, and elaborate investigation, the country can determine the amount and character of consideration it received before reaching the Senate. The hot haste with which it is sought to be railroaded through the Senate, to say nothing of the revolutionary methods threatened to be resorted to for the suppression of debate in order to effectuate this purpose, is suggestive of anything else more than of the patient deliberation which should mark its consideration in this body.

The Democratic minority on this floor propose, in accordance with established parliamentary law and the unbroken usages of the Senate, as far as in its power lies, to have a full and free discussion of the provisions of the bill, to the end that the American people may be informed of the startling and radical departure proposed in the mode of holding their elections and the fundamental change about to be inaugurated in the character of their Government. If the edicts of a political faction which happens to hold possession of all the departments of our Government, formulated in secret caucus, are to be registered in our statute books for the government of this great country, without debate, without discussion, without examination, and the rules and usages and methods of procedure which for one hundred years have governed and been observed in the Senate are for this purpose to be overthrown; if neither House of Congress is any longer a deliberative body, it is at least proper that the facts be proclaimed, so that the people may be made aware of the change and pass judgment on the political party responsible for it.

The clause of the Constitution under which the power is claimed to pass a bill taking from the States and into the hands of the Federal Government the election of members of Congress is section 4 of Article I of the Constitution, which reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

I do not propose to consume the time of the Senate with a historical review of the circumstances attending the incorporation of this clause in the Constitution, nor to enter upon the argument deduced therefrom which denies to Congress the power to pass this bill. This has been done so ably and exhaustively and with so much research and learning by those who have preceded me in this debate as to leave nothing more to be said.

I am content to express the conviction that no such exercise of power as is contained in this bill is justified by the clause of the Constitution I have read or was ever contemplated by those who framed it, except as a necessary act of self-preservation on the part of the Federal Government when, if ever, the States should fail or refuse to discharge the duty of electing Representatives. Upon this ground alone was the latter portion of the clause of the Constitution under which this bill is framed defended or justified by its advocates in the formation of the Constitution; and the history of the times, as exhibited in the debates in this and the other House on this bill, shows conclusively that the Constitution would never have been ratified with any other understanding of its meaning.

To such an extent is this true that the solemn recorded utterances of the most distinguished jurists and statesmen of this country contemporaneous with the making and ratification of the Constitution show that it was deemed impossible that Congress could assert such power as is exercised in this bill in any other contingency than the one I have indicated. No man dreamed at that time, as the evidence before the Senate overwhelmingly shows, that Congress would ever exercise this power as is now proposed to be done, by ousting and nullifying the jurisdiction of the States over the election of their Representatives in Congress, which are in full and harmonious relations with the General Government and honestly discharging their constitutional duties and obligations. It is difficult to imagine a more flagrant breach of faith or a more open and shameless prostitution of power than is here proposed.

The States of New York, Massachusetts, North Carolina, Pennsylvania, New Hampshire, South Carolina, Virginia, Rhode Island, and Maryland, nine of the original thirteen States which formed our Union and made the Constitution, in their State conventions which ratified the Constitution of the United States, incorporated in their ratifying acts as parts and parcels of them resolutions recommending amendments to the Constitution declaring that Congress should not have the power to interfere with the election of members of the Federal Congress, except in cases where the Legislatures of States shall refuse or neglect to provide for such elections, and then only while such refusal or neglect should continue.

As a specimen of the resolutions, coupled with their ratifying acts by the several States I have named, I give that of the Pennsylvania convention, which recommended that the Constitution be amended in these words:

> That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue.

The resolutions of all the other States are of exactly the same legal effect and purport, and some use even stronger language. These ratifying acts have come down to us with the Constitution to which they gave force and vitality, and, while not a part of that instrument, shed upon it a light by which its inner spirit and intent can be clearly perceived and through which it should be read and construed.

The States of New York, Massachusetts, Virginia, South Carolina, Rhode Island, and others of the nine protesting States, not content with the resolutions referred to, went further in specific instructions to their Representatives in Congress on this subject, those of the New York convention (which are of the same purport with those given by the other States named) being in these words:

> And the convention do, in the name and on behalf of the people of the State of New York, enjoin it upon their Representatives in Congress to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said Constitution in the manner prescribed therein,

the amendment referred to being that on the subject of the election of Representatives in Congress from the several States. The only States taking no action on this subject were the States of Delaware, Connecticut, New Jersey, and Georgia. Of all the great and patriotic men of that period, I repeat, not one ever justified interference by the Federal Government in the election by the several States of their Representatives in Congress on any other ground than that the Federal Government should possess inherent power to preserve itself from falling into desuetude by reason of the failure of the States to elect Representatives.

While the general frame of this bill thus violates the spirit and intent of the Constitution, sets at naught the recorded and plainly expressed will of three-fourths of the States which created that instrument, and shocks the moral sense of the country by its utter repudiation of obligations which since the beginning of the Government have stood not only unchallenged, but have been held sacred by all men of all political parties, many of its most important details, which if stricken out would leave it worthless for any purpose, because devoid of any force or effect, are plainly repugnant both to the letter and spirit of the Constitution.

It is amazing that such a bill, so complicated and intricate, so full of obscurities, so involved in many of its expressions, and so reckless not only of constitutional requirements but of the rights and liberties of the voters of the country, so unfair and partisan in every line and section, should have emanated from the Committee on Privileges and Elections of the United States Senate. For reasons well understood by the whole country, nobody is surprised at the bill which came to us from the House; but the Senate is supposed to be still a deliberative body and its committees to be representative of the conservatism of the parent body; yet the Senate substitute for the House bill, both being now before us, is of such character as to leave but little choice between the two.

These bills are bad enough in themselves for the radical and fundamental changes either would work in the form and character and principles of our Government, refusing as they do to allow the voice of the people to be heard in the election of their Representatives, except through the medium of partisan and irresponsible supervisors, deputy marshals, and returning boards, to be fraudulently modulated and manipulated to meet the exigencies of the party in power, ignoring

contemptuously the State officers, from governor down, who have always heretofore conducted these elections and certified the results; but as a precedent the consequences will be more far reaching still.

The power of Congress over the election of Senators of the United States is precisely the same as that granted over the election of Representatives, "except as to the place of choosing Senators." How much time will elapse before bills like these, taking into the hands of the Federal Government the election of Senators, will be pending in Congress if this bill should become law? Who can predict, when we remember that until within the last two or three years a favorable consideration of such bills as we are now discussing by any committee of either House of Congress was not believed possible. Revolutions, as every reader of history knows, do not travel backwards. The States prescribe the qualifications of their voters, control suffrage, and say who may and who shall not vote.

The Federal Government has no power over and nothing to do with the subject as long as suffrage is not denied or abridged on account of race, color, or previous condition of servitude. Who should know better than the chosen officers of the State who is entitled to register, when registration is required, and who is entitled to vote under State laws when the State's Representatives in Congress are to be chosen? Logically, all would say that these important matters ought to be more fully within the information of State officers than of strangers.

Yet this bill, in the seventh section, proposes to place Federal supervisors at all the places where persons are registered, and at all the polling places when votes are cast, to challenge in their discretion the right of persons to register or to vote; to "personally inspect, examine, and scrutinize" at any time the original books, rolls, or lists of registration, etc.; to attend at all registration places and make lists of all persons applying for registration; to "personally inspect and scrutinize all registry books, check lists, poll lists, tallies, returns," etc.; to verify in cities and towns having 20,000 or upwards of inhabitants, by examination at their places of residence, all such names as the chief supervisor shall require verified; to require the statutory oath put to any voter whose right to vote they may challenge; to examine all ballot boxes on the morning of elections to see that they are not stuffed, etc., besides various other duties enjoined upon them, and among them the making, certifying, and forwarding of returns.

When the Federal Government thus takes possession of the election and registration machinery of the States when persons are being registered as voters and votes being cast for members of the House, why not take similar possession when members of the Legislature are to be elected who are to vote for a United States Senator? Why not have supervisors to examine and pass upon the credentials of the members of the Legislature? The same clause of the Constitution under which the bills before the Senate were framed embraces in the same language both members of the House and Senators, with the single exception of the place where the Senators are to be elected.

If we establish the precedent as to members of the House by this bill, the very next step in the advance towards a central Congressional government will be unquestionably a law controlling the election of United States Senators, and as a necessary incident to that purpose controlling the election of members of the State Legislatures, who must elect the Senators. This latter follows as a logical sequence from the former, so far as the question of power in Congress is concerned, leaving only the matter of expediency to be considered; and no instance is known where power has ever deemed it inexpedient to re-enforce itself with more and greater power.

When the House of Representatives shall be constituted of members receiving their credentials not from the governors of States, as now, but from corrupt partisan returning boards and political judges, and who have been chosen through the agency of partisan supervisors and deputy marshals, irresponsible and with every opportunity for the commission of frauds, when the changes provided for in this bill shall have been consummated, if it becomes law, and the people of the States are robbed of their birthright—local self-government in the vital and fundamental matter of choosing their Representatives, who have been termed the very "breath of the people," with this bill as a precedent, no one knowing the history of the past can doubt, if the Republican party lives and should be in power, the enactment as to the election of Senators of a law similar to that they are now attempting to force through the Senate as to Representatives.

Mr. President, turning from the general frame and features of the bill to its particular provisions, I call attention to the sections, commencing with section 3, which impose duties and obligations on the circuit and district courts of the United States in respect to the appointment of supervisors of elections and the registration and polling of votes and the making of returns. In connection with these I call attention to the first section of the Senate substitute, which I desire to have read by the Secretary, so that it may be incorporated in my remarks.

The VICE PRESIDENT. The section referred to by the Senator from Texas will be read.

The Chief Clerk read as follows:

That the chief supervisors of elections now in office, their successors, and such supervisors of elections as may hereafter be appointed under any law of the United States are charged, in their respective judicial districts, and in such Congressional districts the majority of the counties of which are within their judicial districts, both in person and by and through the supervisors of election who may, from time to time, be appointed, with the supervision of elections at which Representatives or Delegates in Congress are voted for, with the enforcement of the national election laws and with the prevention of frauds and irregularities in naturalization. In all Congressional districts where the counties are equally divided in number between two judicial districts or where they are within more than two judicial districts that chief supervisor of elections is charged with duty hereunder in whose judicial district there shall be the counties which, by the then last national census, contained the greatest number of inhabitants.

The words "judicial district" where hereinafter used in this act or where found in any law of the United States relating to elections in connection with the duties, rights, and powers of chief supervisors of election shall be understood to include all the territory over which jurisdiction is given to any chief supervisor of elections by this act.

Mr. COKE. It will be seen that the chief supervisors of elections now in office and those who may be appointed under this law are charged with the enforcement of the election laws of the United States and the prevention of frauds and irregularities in naturalization. It is safe to say that every supervisor now in office is a Republican, and not only that, but an active, working, partisan Republican. It is equally safe to say that when supervisors are appointed under this act by circuit courts, to be selected by the chief supervisors now in office, the judges of these courts (except an occasional one appointed during the Cleveland Administration, and who for this very reason is not likely to be chosen by the chief supervisor), being universally Republicans, they will also be active partisan Republicans, with the single exception—insignificant and unimportant—where it is provided that one in three of the subordinate supervisors shall be of a different political party from the other two, but must always act with two of the opposite party, who will overrule him.

The deputy marshals, the number of whom is without limit and who are dependent alone on the will of the chief supervisors and United States marshals, are all chosen under the patronage and at the request of the chief supervisors. I mention the name of the notorious John I. Davenport, of New York, as one of these now in office as affording some indication of the character and quality of men who are to be potential in the choice of this army of subordinate supervisors and deputy marshals, all of whom it is not difficult to infer will be active partisan Republican workers like their masters.

There are in round numbers fifty-four thousand election or polling places in the United States, and from this fact, when the bill provides that deputy marshals shall be paid at the rate of $5 a day for not more than eight days, besides large compensation to the chief and subordinate supervisors, three of the latter to be appointed for each polling place, while no estimate can be made of the probable cost of elections under this bill because the number of deputy marshals to be appointed lies solely in the breast of the chief supervisors, it is easy to see that the expense will run high into the millions, and throughout the length and breadth of the country that this army of partisan officials to be paid out of the national Treasury, compactly organized and drilled to united co-operative action, will be a most active and unscrupulous political force.

In the face of recent overwhelming defeat the attempt to drive this bill under whip and spur through the Senate in order to organize this raid upon the rights of the people to free elections and upon the national Treasury for funds for its political campaigns shows the desperate straits to which the party in power has been reduced. This bill is artfully framed to defy public opinion and be above and beyond the reach of the people. The chief supervisors, who are invested with autocratic power over the suffrages of the American people, hold their offices for life. They are not responsible to the people for their conduct; they can snap their fingers in the faces of the people with impunity. They are above the reach of the people. They are responsible alone, if to anybody, to the Federal judges who appointed them; and these judges hold their offices for life and are above the reach of the people. John I. Davenport, whose record as a supervisor is of national notoriety, still holds the office of supervisor of elections in New York.

In order to more fully place this scheme for controlling the vote in Congressional elections in the interest of the Republican party beyond the reach of the people, this bill makes a permanent appropriation to carry out its provisions, so that no verdict of the American people expressed against it at the polls in the election of a House of Representatives can affect it as long as there is a Republican Senate or a Republican President in power. The accounting officers of the Treasury are in addition directed to make all the expenses arising from the execution of this law, when the chief supervisors present their accounts approved by the respective judges, "special" and pay them at once, without any delay, the only discretion allowed them being when "clerical errors are found in figures or footings" they may correct them.

The supervisor chooses the judge under this bill in whose court he will set this law in motion, and the judge so chosen closes up the proceeding when he audits and allows the supervisor's accounts. There is no appeal from the action of either of them in respect to these accounts, which by the terms of this bill must be paid if the last dollar in the Treasury is necessary to do it. Until the elections in November last the machinery for the registration and polling the votes and certify-

ing the results was nearly equally divided between the Democratic and Republican parties, a small advantage being on the Democratic side. Since the November elections the preponderance on the Democratic side in this regard has become very great.

Under existing laws, which leave the conduct of the elections to the several States, the administration of the election laws, so far as concerns the persons who execute them, change with the mutations of the political parties represented by them. This is just and fair and right, and is a distinct recognition of the right of local government, giving Democratic management in Democratic States and Republican management in Republican States; in other words, the majority in each State execute all the laws of the State, including the laws governing elections, as they have a right to do.

The bill before the Senate reverses all this, discards the principle of local self-government in Congressional elections, destroys the equitable division of election management between the parties now existing under State administration, and delivers the election machinery all over the United States into the hands of supervisors, judges, and deputy marshals, all members of the same political party, and that the Republican party. The measure which proposes to perpetrate this outrage on the country is commended to the Senate of the United States by the Senator from Massachusetts as absolutely nonpartisan, just, and fair in all its provisions.

This bill was intended for operation only in the South, but will be enforced throughout the country, North, South, East, and West. Senators on the other side of the Chamber need not lay the flattering unction to their souls that their sections are not to be plagued with it. There are too many offices to be filled, there is too much power to be exercised, there is too much money to be disbursed, there are too many opportunities made by this bill for peculation and plunder; and, besides, the Republican party is sorely pressed all over the country, and the necessity for the services of the well drilled and well paid and well equipped army of Republican partisan mercenaries provided for in this bill is too great to leave a doubt as to a rigorous enforcement of the law in any Congressional district in the Union. It will be put in operation in all of them without a single exception.

The names of the necessary one hundred petitioners for this purpose will be obtained any day in any village of 2,500 inhabitants in any Congressional district of the United States, and this will start the law in motion in the district which the chief supervisor is required by the provisions of this bill to continue moving.

The bill is adroitly framed to make the impression on the public mind that the Federal judiciary, our circuit courts and judges, are the controlling and dominating force under its provisions. The respect of the American people for their judges and courts is so well known that an effort is made throughout the bill to add respectability and an appearance of honest, patriotic purpose to it by frequent reference to the courts and judges in its provisions, when in truth and in fact the courts and judges under the provisions of the bill have little else to do than to register the edicts of the chief supervisors. Nothing is to be done by the courts or judges except upon the request of the chief supervisors. The request of a chief supervisor is the jurisdictional fact which puts the courts in motion, and it is the request of the same official which continues to move them to the end.

I remember at this time but one exception to this, and that is where the judge, after the jurisdiction of the court had been invoked, is required to appoint a board of three citizens to canvass and tabulate the returns of an election which has been held and the returns of which have been forwarded under the direction of the chief supervisor to the clerk of the court. This board certifies the result of its labors to the court, and the court is required to declare who is elected Representative, and may reach its conclusions in this regard "by reference to a master or court commissioner, or otherwise."

The judgment of the court is required to be based on the statements, certificates, and such accompanying papers as shall have been forwarded to the clerk of the court by the chief supervisor and his subordinate election supervisors. While the court exercises discretion in appointing the canvassing board and would appoint the board by direction of a provision of the bill, it can scarcely be said when deciding who is elected, and in doing this being restricted solely to the consideration of evidence furnished by the chief supervisor and his subordinates, that the court is not under the mastery and control of the supervisor. The judges and courts under this bill must yield unquestioning obedience to the supervisors; and the discretion which they may exercise is so small, so restricted, so meager, that the position occupied by them under it is most humiliating.

I protest, Mr. President, against placing our judiciary in this attitude before the American people. I care not how conscientiously the judges may perform the subordinate duties assigned to them in this bill, their names will inevitably be involved in the scandals and mingled in the vituperation of the political canvass. They must, under this bill, appoint the canvassing boards, and then must supervise their work and declare who is elected. This would plunge the judges into the very vortex of party politics, and not one would escape unscathed. How many in the South in any way whatever connected with a canvassing or returning board during the reconstruction period came out without a smirched and blackened name? Not one that I know of.

The very term "canvassing board" or "returning board" has a foul odor, a stench attached to it, surrounding it, issuing from it, offensive to hundreds of thousands of the best people in this country, who associate with it all that is vile and corrupt in politics or base and debauched among men. The ermine should be preserved from this contamination and our judges from its defilement. Judges are, after all, but men. They divide on the bench when politics or political questions intervene exactly as other men do elsewhere. The judges do not elevate politics to their high standard, but are dragged down by politics to the common level. English and American history teems with examples illustrating this truism.

Mr. President, our only safe course is to preserve our judges and our courts, the ultimate arbiters of life, liberty, and property in this country, in the confidence and the esteem of the American people, and, as absolutely necessary to the accomplishment of this purpose, to keep them as far removed as possible from political influences and contentions. The bill before the Senate would make the circuit judges of the United States, with the principal officers of their courts, the central figures in every Congressional contest hereafter waged in the United States. No greater misfortune could in my judgment befall our country than the affliction of partisan judges and courts, such as would inevitably result from the passage of this bill.

Grave and conclusive as are the reasons of policy which forbid the employment of our judges and courts in the administration of our election laws, there are constitutional reasons which seem equally conclusive against it. Section 2 of Article II of the Constitution, among other things, provides that "the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

Under this clause of the Constitution, section 4 of the Senate substitute for the House bill is framed, providing for the appointment of supervisors of election by the circuit courts. Congress has unquestionably the power to make this provision as set out in that section. The corresponding section of the House bill is obviously and plainly unconstitutional; but as it has been amended in the Senate substitute I will not discuss it. This provision in section 4 is the only provision in this bill imposing duties upon the circuit and district courts and judges which is not clearly repugnant to the Constitution. Section 1, Article III, of the Constitution says:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Section 2 of the same article defines the extent of the judicial power thus vested, so far as the purposes of this argument are concerned, in these words:

> The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made in pursuance thereof.

What is judicial power? It is defined, Shultz *vs.* McPheeters (79 Ind. R., 378) thus:

> It is the inherent authority, not only to decide but to make binding orders and judgments, which constitutes judicial power.

Proceeding, the court says:

> No action which is merely preparatory to an order or judgment to be rendered by some other body can be properly termed judicial.

In Curtis's Commentaries on the Constitution, page 96, it is said:

> In order to make a case for judicial action there must be parties to come into court who can be reached by its process and are bound by its powers, parties whose rights admit of ultimate decision by a tribunal to which they are bound to submit, and also that the question to be acted on should be capable of final determination in the judicial department of the Government, without revision or control of either the Executive or Legislature.

Chief Justice Marshall, in his speech (Annals Sixth Congress, 606) in the Jonathan Robbins case before the House of Representatives, on this subject said:

> By extending this judicial power to all cases in law and equity the Constitution had never been understood to confer on that department any political power whatever. To come under this exception a question must assume a form for forensic litigation and judicial decision. There must be parties to come into court who can be reached by its process and bound by its powers, whose rights admit of ultimate decision by a tribunal to which they are bound to submit.

The Supreme Court of the United States have repeatedly held that only judicial power can be vested by Congress in the courts of the United States, and that these courts can not constitutionally exercise any other, and have repeatedly decided what is and what is not "judicial power" in the sense and meaning of the Constitution, and have done this notably in Hayburne's case, reported in 2 Dallas, in the Ferreira case, reported in 13 Howard, and in the Gordon case, reported in 113 United States Reports.

In this last-named case, Chief Justice Taney, in an opinion reviewing elaborately all the cases on this subject, reaffirmed the doctrine laid down by them, which is in full accord with that held by the authorities I have quoted from. In that case, which was an appeal from the Court of Claims of a case in which, under the act of Congress, the judgment had to be certified to the Secretary of the Treasury, whose

duty was to send to Congress an estimate of an appropriation for its payment, the court held that, there being no power in the court to render a judgment which could be enforced with judicial process, but the judgment having to be passed on both by the Secretary of the Treasury and Congress, it was not such a case as under the Constitution the Federal courts could take jurisdiction of, and dismissed the appeal. Among other things the learned judge said:

So far as the Court of Claims is concerned we see no objection to the provisions of this law. Congress may undoubtedly establish tribunals with special powers to examine testimony and decide, in the first instance, upon the validity and justice of any claim for money against the United States, subject to the supervision and control of Congress or a head of any of the Executive Departments. In this respect the authority of the Court of Claims is like to that of an auditor or comptroller, with this difference only, that in the latter case the appropriation is made in advance upon estimates furnished by the different Executive Departments of their probable expenses during the ensuing year; and the validity of the claim is decided by the officer appointed by law for that purpose, and the money paid out of the appropriation afterwards made.

In the case before us the validity of the claim is to be first decided and the appropriation made afterwards. But in principle there is no difference between these two special jurisdictions created by acts of Congress for special purposes, and neither of them possesses judicial power in the sense in which those words are used in the Constitution. The circumstance that one is called a court and its decisions are called judgments can not alter its character nor enlarge its power.

But whether this court can be required or authorized to hear an appeal from such a tribunal and give an opinion upon it without the power of pronouncing a judgment, and issuing the appropriate judicial process to carry it into effect, is a very different question, and rests upon principles altogether different.

Again said the distinguished judge:

The appellate power and jurisdiction are subject to such exceptions and regulations as Congress shall make. But the appeal is given only from such inferior courts as Congress may ordain and establish to carry into effect the judicial power specially granted to the United States. The inferior court, therefore, from which the appeal is taken, must be a judicial tribunal authorized to render a judgment which will bind the rights of the parties ligitating before it, unless appealed from, and upon which the appropriate process of execution may be issued by the court to carry it into effect. And Congress can not extend the appellate power of this court beyond the limits prescribed by the Constitution, and can neither confer nor impose on it the authority or duty of hearing and determining an appeal from a commissioner or auditor or any other tribunal exercising only special powers under an act of Congress, nor can Congress authorize or require this court to express an opinion on a case where its judicial power could not be exercised and where its judgment would not be final and conclusive upon the rights of parties, and process of execution awarded to carry it into effect.

The award of execution is a part, and an essential part, of every judgment passed by a court exercising judicial power. It is no judgment, in the legal sense of the term, without it. Without such an award the judgment would be inoperative and nugatory, leaving the aggrieved party without a remedy. It would be merely an opinion, which would remain a dead letter and without any operation upon the rights of the parties, unless Congress should at some future time sanction it and pass a law authorizing the court to carry its opinion into effect. Such is not the judicial power confided to this court in the exercise of its appellate jurisdiction; yet it is the whole power that the court is allowed to exercise under this act of Congress.

It is true the act speaks of the judgment or decree of this court. But all that the court is authorized to do is to certify its opinion to the Secretary of the Treasury, and, if he inserts it in his estimates and Congress sanctions it by an appropriation, it is then to be paid, but not otherwise. And when the Secretary asks for this appropriation the propriety of the estimate for this claim, like all other estimates of the Secretary, will be open to debate, and whether the appropriation will be made or not will depend upon the majority of each House. The real and ultimate judicial power will, therefore, be exercised by the legislative department, and not by that department to which the Constitution has confided it.

Continuing, Chief Justice Taney said:

Indeed, no principle of constitutional law has been more firmly established or constantly adhered to than the one above stated, that is, that this court has no jurisdiction in any case where it can not render judgment in the legal sense of the term; and when it depends upon the Legislature to carry its opinion into effect or not, at the pleasure of Congress.

The Hayburn case arose under an act of Congress which required the circuit courts to examine into claims of officers and soldiers and seamen of the Revolutionary war for invalid pensions granted by the same act, and to certify their opinions to the Secretary of War. It also authorized the Secretary of War, if he suspected imposition or mistake, to withhold the pensions.

The supreme judges held the law to be unconstitutional and void because the judgment, being subject to the revision of the Secretary of War and Congress, was not the exercise of judicial power. The Ferreira case, in which the opinion was delivered, as in the Gordon case, by Judge Taney, arose under an act of Congress requiring certain Federal courts to examine and adjust certain claims under a treaty with Spain, providing that when the claim was decided in favor of the claimants the claim and the evidence on which it was founded should be reported to the Secretary of the Treasury, who, if satisfied of their justice, should pay them.

The court held that under such a law the power conferred on the courts was not judicial within the grant of the Constitution and could not be exercised as such, that the decision on this law was not the decision of a court of justice, but the award of a commissioner; that the debt found due was adjudged due by the act of the Secretary, not the judgment of a court. The principle was broadly laid down in this as in all the other cases, that the judicial power granted in the Constitution carries with it inherently the power to decide finally and execute the judgment with the process of the court, and that Congress can not grant to the Federal courts, nor can these courts exercise, any other than "judicial power" such as the Constitution intends and signifies.

Mr. President, is the power proposed to be conferred by this bill on the circuit courts of the United States "judicial power" within the sense and meaning of the Constitution when tested by the rules and definitions laid down by the high authorities I have cited? I answer unhesitatingly that it is not. Section 5 of Article I of the Constitution provides that "each House shall be the judge of the elections, returns, and qualifications of its own members." This vests in the House of Representatives the sole, exclusive, controlling, and paramount power to judge of and determine the validity of the title of any member to his seat.

There is no appeal from this tribunal to any power on earth. When the entire jurisdiction over a subject is vested in one tribunal, no other tribunal can possess any jurisdiction over the same subject. There is no residuum left for any other tribunal after the grant to the House by the clause of the Constitution just read. All the duties of election officers from the beginning to the end, from the time the first vote is cast up to the time when the member elected appears in the House with his credentials, are discharged in the preparation of evidences of the title of the member-elect to his seat for the consideration of the House, which alone can pass upon the title. The credential is simply *prima facie* evidence of title upon which a member takes his seat, subject to an adjudication by the House upon the real title.

The circuit court is directed under this bill, on the evidences returned by the chief and subordinate supervisors and the canvassing board, to declare who is elected and to give to the person a certificate of election, which, when presented in the House, will be *prima facie* evidence of his right to a seat, but which may be rebutted by other evidence which satisfies the House that he is not so entitled. If the member is held by the House to have the title to the seat he will hold it by the judgment of the House, and not by the judgment of the circuit court.

Is the act or judgment, or whatever else it may be called, of the circuit court, declaring a certain person elected and giving him a certificate to that effect, which certificate must be passed on by the House and which is subject to rebuttal by other evidence, an exercise of judicial power within the meaning of the Constitution in the light of the authorities I have cited on this subject? It seems to me clearly not. If it is not, then the power attempted to be conferred by this bill on the circuit courts can not be constitutionally exercised by them, and the bill, being based and bottomed throughout all its provisions on this grant of power to the circuit courts, must fall. It will be fortunate for the cause of public justice, for the country, for the character of our courts, and the fame of our judges if this shall be the result.

Mr. President, the mode of voting in this country is universally by ballot. This mode has been adopted as securing more fully than any other that inviolable secrecy so essential to the security of the voter against fraud, intimidation, and improper influences in casting his vote. In all the States of the Union all possible safeguards for the protection of the secrecy of the ballot and consequent independence of the voter have been adopted. In all of them the ballot is in the very highest sense a privileged paper. The voter may disclose its contents, but no other person is permitted to do it, unless he has seen fit to waive his privilege.

The supreme court of Indiana declared void a law which required ballots numbered on the outside with figures corresponding with those set opposite the names of the persons casting them, on the ground that it was a violation of the secrecy of the ballot. See Williams *vs.* Stein, 38 Ind., 90. The supreme court of New York, in People *vs.* Pease, 27 N. Y., 81, per Denio, Ch. J., said:

The right to vote in this manner has usually been considered an important and valuable safeguard of the independence of the humble citizen against the influence which wealth and station might be supposed to exercise. This object would be accomplished but very imperfectly if the privacy supposed to be secured was limited to the moment of depositing the ballot.

The spirit of the system requires that the elector shall be secured then and at all times thereafter against reproach or animadversion, or any other prejudice, on account of having voted according to his own unbiased judgment, and that security is made to consist of shutting up within the privacy of his own mind all knowledge of the manner in which he has bestowed his suffrage.

The supreme courts of Michigan, New York, Illinois, and other States have repeatedly held that a voter can not be compelled to testify as to the contents of his ballot; and while, if he has waived his privilege by declaring publicly for whom he has voted, his public declarations may be proved, that knowledge of the contents of his ballot obtained by artifice, fraud, or trickery, or by those consulted and advised with by him when preparing his ballot will not be permitted to be disclosed by a witness in court. Judge Cooley, on this subject, says on page 605 of his work on Constitutional Limitations:

In order to secure as perfectly as possible the benefits anticipated from this system, statutes have been passed in some of the States which prohibit ballots being received or counted unless the same are written or printed upon white paper, without any marks or figures thereon intended to distinguish one ballot from another. These statutes are simply declaratory of a constitutional principle that inheres in the system of voting by ballot, and which ought to be inviolable whether declared or not. In the absence of such a statute all devices by which party managers are enabled to distinguish ballots in the hands of the voter, and thus determine whether he is voting for or against them, are opposed to the spirit of the Constitution, inasmuch as they tend to defeat the design for which voting by ballot is established, and, though they may not render an election void, they are exceedingly reprehensible and ought to be discountenanced by all good citizens.

The system of ballot-voting rests upon the idea that every elector is to be entirely at liberty to vote for whom he pleases and with what party he pleases,

and that no one is to have the right or be in position to question him for it either then or at any subsequent time. The courts have held that a voter, even in the case of a contested election, can not be compelled to disclose for whom he voted; and for the same reason we think others who may accidentally, or by trick or artifice, have acquired knowledge on the subject should not be allowed to testify to such knowledge or to give any information in the courts upon the subject.

Public policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it; his ballot is absolutely privileged, and to allow evidence of its contents when he has not waived the privilege is to encourage trickery and fraud, and would in effect establish this remarkable anomaly that, while the law from motives of public policy establishes the secret ballot with a view to conceal the elector's action, it at the same time encourages a system of espionage, by means of which the veil of secrecy may be penetrated and the voter's action disclosed to the public.

This universal public policy of the States, as expressed in their ballot systems and the legislation for its protection, having for its sole object the more perfect independence and security of the voter, which has been additionally re-enforced in many of the States by the adoption of the Australian ballot system, a system being examined in all the States where it does not already prevail, with a view to its adoption, is trodden ruthlessly under foot in this bill. The Australian ballot system, or any other secret-ballot system, if this bill becomes a law, will be an impossibility in our Congressional elections.

This bill cuts up by the roots the whole system of ballot-voting, so far as concerns the protection and independence of the voter, when it surrounds the polls with a horde of partisan supervisors and deputy marshals, armed with the extraordinary powers given them. On page 27, section 7, of the bill, the supervisors are commanded "to personally inspect and scrutinize the manner in which all registry books, check lists, poll lists, tallies, returns, voting lists, are, and every other paper connected with the registration or voting is, being kept," etc. Of course this throws open to the supervisors for inspection, and for such uses as they may desire to put the knowledge to, all the ballots cast. No secrecy is enjoined upon them. They can publish any man's ballot to the world, and violate no law and no confidence and incur no penalty.

On page 33, in the same section, the supervisors are required to forward certain ballots to the chief supervisor. All that is needed in order to expose any man's ballot is to challenge it. With a board of three supervisors and as many deputy marshals as they may desire stationed at each one of the fifty-four thousand voting precincts, all anxious to distinguish themselves as efficient party workers, it may be assumed safely that the duty of challenging votes will not be neglected.

Mr. President, a bill like this, which proceeds upon the theory that State officers are unworthy of trust or confidence, which denies to the governors of States the right to accredit the State's representatives to Congress, and which contemptuously overthrows and destroys the cherished policy of the States in the maintenance of purity in their elections and independence in their voters, should not receive the support of the members of this body, who are peculiarly the representatives of the States. The blow which strikes down State sovereignty and the right of local self-government, which degrades the States into mere provinces, which strips the States of their power and importance, and centralizes all government in Washington, should not be delivered in this Hall.

Mr. President, we are not without experience as to the operation and results of the election methods proposed to be extended by this bill over the entire country. There is no section of the country, North or South, where they have been tried, which has not witnessed occurrences growing directly out of and attributable solely to them, which no patriotic American citizen desires to see repeated. Human nature has not changed, nor are the incentives to human action different from those which have heretofore prevailed. Like causes may be confidently expected to produce like results.

The effect of the law proposed by this bill can not better be estimated than by considering the consequences of laws of the same character which have been in operation in our country. These, whether enforced in the North or South, whether in town, city, or country in either section, in Louisiana or South Carolina, or in New York and Pennsylvania, have uniformly been attended by the same vicious and deplorable consequences. In every instance and wherever put in operation the supervisors and deputy marshals appointed have been the instruments of partisan oppression and fraud, unblushing and invariable.

If this country can learn anything from experience it has learned that nothing can be expected from the enactment of the pending bill but debauchery and corruption of the ballot, which, under it, will be handled and manipulated by the worst element of the Republican party, intent, whenever necessary to party success, on the defeat of the will of the people. I invite the attention of the Senate to a very brief statement of some of the evidences of the truth of what I say in what I will read from the reports of committees made to Congress.

I read from a report made by Hon. GEORGE F. HOAR, then a Member of the House, now a Senator on this floor, from the Select Committee on the Condition of the South, in the House of Representatives, January 15, 1875. Mr. HOAR says:

In pursuance of the order of the full committee of December 22, a special committee of three visited New Orleans and proceeded with an investigation, the result of which they report to the general committee as follows.

I will only read portions of the report, as it is too lengthy to consume the time of the Senate to read all of it:

The election laws of Louisiana provide for a supervisor of registration who appoints his own deputies for each ward in New Orleans, and for one supervisor of registration for each parish in the State. These officers were all appointed by Governor Kellogg. In addition to these supervisors, the police jurors (the local authorities of the parishes) appointed three commissioners of election for each poll in the parish, and there were also United States supervisors appointed by the district judge of the United States for each poll.

Again turning to the special results detailed in the report, because I can not read all of it:

The parish of Rapides chose three members of the Legislature—the returns elected all three Conservatives. When the proofs closed, the only paper filed with the returning board was the affidavit of the United States supervisor that the election was in all respects full, fair, and free. It was not known in the parish that any contest existed against these members. They left their homes and proceeded to New Orleans to be present at the opening of the Legislature, no intimation of contesting their seats or objection to their election having been given by their opponents. At one of their last sessions the returning board declared all the Republican members elected from that parish—

that is, Rapides Parish. The committee say, through their chairman [Mr. HOAR]:

Your committee are therefore constrained to declare that the action of the returning board, in rejecting these returns in the parish of Rapides and giving the seats for that parish to the Republican candidates, was arbitrary, unfair, and without warrant of law.

He proceeds to say:

If the committee were to go behind the papers before the board and consider the alleged charge of intimidation upon the proofs before the committee, their finding would necessarily be the same.

* * * * * * *

So in the parish of De Soto, in which the returns showed a Conservative elected by over 1,000 majority, it was alleged that the supervisor of registration had brought the returns to New Orleans and had left them with a woman of bad character, who offered to produce them on payment of $1,000. The Conservative committee took legal proceedings to compel their production; but the court held that it had no jurisdiction to that end. They then caused to be produced before the board the duplicate of those returns from the office of the secretary of state, together with the tally sheets, poll lists, etc., filed there according to law. These duplicates corresponded exactly with the alleged result of the compiled returns which the said woman had produced; and of these alleged facts undisputed proof was also submitted to the board. Nevertheless, the board refused to count the vote for that parish.

So in Winn Parish, where 404 Conservative and 164 Republican votes were cast, upon a verbal protest that the registrar of elections was not properly qualified, of which the only proof was that he had failed to forward his oath of office to the secretary of state—although there was no pretense that the election was not a fair representation of the will of the people—the whole vote of the parish was rejected, and the case referred to the Legislature.

So in Terre Bonne Parish, where there was a Conservative majority, it was proved that the commissioners of election, through misapprehension of their duties, inclosed all the returns in the ballot boxes, and deposited them with the clerk of the court, with whom the law required the boxes to be left. The judge of the court thereupon issued a mandamus commanding the clerk to take the returns from the boxes and forward them to the secretary of state, which was done. Nevertheless the board rejected the returns from these polls, thereby giving the parish to the Republicans, with the result of choosing a Republican senator, two Republican members of the Legislature, and the Republican parish officers.

Without now referring—

Says the committee through its organ [Mr. HOAR]—

Without now referring to other instances, we are constrained to declare that the action of the returning board on the whole was arbitrary, unjust, and, in our opinion, illegal, and that this arbitrary, unjust, and illegal action alone prevented the return by the board of a majority of Conservative members of the lower house.

Again, on page 8 the report says:

That there were turbulent spirits can not be denied. Those returned to office by the returning board, in violation of the wishes of the people, are especially odious.

I now ask the attention of the Senate to a report made February 25, 1881, by Mr. Wallace, of Pennsylvania, then a distinguished member of this body, from the Select Committee to Inquire into Frauds in the Late Elections. I can only read detached portions of it without consuming too much time of the Senate. Referring to the election laws which were being enforced at that time, the report says:

The practical administration of these statutes, so far as your committee has developed it in three great cities they visited, gives just reason to fear that they are to be used to aid in consolidation of the Government and to teach the people to look to the central power as the source of authority, instead of regarding it as limited by the Constitution, and simply the agent for the exercise of their own will legally expressed. The control of their own elections according to their own laws, the free choice of the officers to hold and to canvass them, and the privilege of freedom from arrest, except upon warrants regularly issued, have been repeatedly interfered with by officials appointed by Federal authority, paid from the Federal Treasury, acting in the interest of those holding Federal place, and for the perpetuation of political power in the hands of one class of men.

In 1878, in Boston, 216 deputy marshals were appointed for 108 election precincts. Supervisors were appointed, who canvassed the State registry and returned to the chief supervisor the names of those who they thought were not entitled to vote. About 1,300 names of voters were thus returned; many of these persons were then sent for before election and cautioned by the chief supervisor that if they voted they would be arrested. About 900 of these names were marked for challenge.

The State registrars swear that of the names thus marked and warned the proportion of actual illegal voters was small, and the result seems to justify this conclusion, for 169 warrants for arrest of these alleged illegal voters were issued, while of the whole number but 20 arrests were made on election day, on 116 warrants no arrests whatever were made; of those arrested 8 were discharged and but 12 held for trial. Of those against whom illegal registration was charged and who were warned by the chief supervisor, warrants were issued for 140, no one of whom was tried, all the allegations of fraud having been abandoned. In almost all of these cases the offense charged was inability to comply with that clause of the constitution of Massachusetts which makes the

ability to read and write a qualification for voting, and which was a matter purely of State regulation.

There were eighteen warrants issued against registered voters for refusing to answer questions put to them by deputy marshals, either at their homes or places of business, at a time which was neither election day nor the day of registration, about their qualification for voting. All of these persons were arrested; eleven of them were held to answer at court, yet none of the cases have ever been tried. In the specific orders to supervisors of elections from the chief supervisor they were directed by him to supervise the election of governor as well as that of members of Congress, and to make and return certificates showing the number of ballots cast for each; and he testified that his officials were directed to challenge and arrest voters who voted for State officers alone. These instructions required the supervisor—

Mark you—

These instructions required the supervisor to "count and canvass every ballot in each and every box." The marshals were instructed to, and it is made their duty by law to, arrest any one interfering with the supervisors in the execution of their duty, so that practically Federal officials supervised the election for governor in Massachusetts in 1878, canvassed the returns thereof, arrested voters, and intimidated others from voting by warning them before the election that they would be arrested if they voted. The election of 1878 was a heated gubernatorial election in Massachusetts, and this use of Federal power therein was, in the opinion of your committee, unjust and unwarranted. It was fully shown that there was no large system of false voting in Boston, and this improper use of the Federal authority can find no justification, either upon the ground of its necessity or the innocence of its practical administration.

Again, says this report:

The practical administration of these laws in 1878 in Philadelphia and in Boston was a lever to aid one political organization against another in sustaining State restrictions through the authority of the Federal power and did not aid in either case to purify or unfetter the ballot.

In New York the results were worse, although the effort of the United States officials was directed to prevent an alleged abuse of the election franchise by unnaturalized persons. Its practical result in 1878 was the disfranchisement of from 12,000 to 15,000 legal voters, who were intimidated by the threats of officials or the actual arrest of many who were entitled to vote.

Again, on this same subject, says the report:

One case of a soldier named John Wright was shown, who served four and one-half years in a New York regiment and was naturalized by reason of such services. He tried to vote in November, 1878, after having voted every year since 1868 without difficulty. He was arrested by the deputy marshal at the polls, taken to the Republican headquarters, from thence before Davenport—

John I. Davenport—

detained several hours, imprisoned in an iron cage with some fifteen others in the upper story of the post-office building, and was not permitted to go until he promised not to vote. This promise he kept and lost his vote. All of the men called to testify were men apparently in the lower walks of life, but sober and industrious. Not one of them has ever been held to answer to charges made against him on election day.

It is stated that warrants were issued for a great many thousands, but they were arrested with warrants or without warrants.

In one case a warrant had been executed, the party arrested—

Says the report—

and brought before Davenport; the warrant was signed by Davenport, and alleged information under oath against the party arrested. His counsel followed him and examined into the question. The counsel was sent by the district attorney to an upper room in the post-office building, where he found one Stephen Mosher, who had a large pile of informations before him, which he was signing. He asked for the oath against his client and was handed a bundle of papers, not indorsed or folded, containing about fifty affidavits relating to that assembly district. Not one of these had the name of Davenport or any other official annexed to them. On examination of them he found the information against his client in the same condition, and apparently not sworn to, although his client had been arrested three hours before upon a warrant based upon this information.

The instructions issued by the marshal to his deputies directed them to arrest with warrant and without such, they being constituted the sole judges of the propriety of the arrest. They were also directed that they had power to arrest the officers holding the election if they believed they were acting fraudulently or performing any illegal act, and they were made the judges of this; and these election officers, when arrested, were to be taken at once before a United States judicial officer. The power given by these instructions was not confined to the boxes containing votes for members of Congress, but the marshals were directed to arrest every person "who attempted to prevent or did prevent any United States supervisor who desired to do so from personally scrutinizing, counting, and canvassing every ballot in every box." These instructions practically placed the control of the State election under the supervision of the Federal officials, and the officers appointed under the laws of the State of New York to hold the election were compelled to obey their directions or submit to arrest.

Your committee finds that the history of the administration of these laws in the city of New York, for the government whereof they were originally devised, is a chapter of oppression of innocent men, of intimidation of honest citizens seeking in good faith to exercise the right of suffrage, of arrest without warrant or process legally sworn out, of illegal seizure of private papers, and of willful and determined persistence in enforcing a partisan view of the law never before seen in this country.

Mr. President, I do not wish to take up too much time of the Senate, but the country should know upon what sort of scheme we are about entering with respect to our elections, and I will read a little more:

The ostensible ground for this conduct by the officials executing these laws was the undoubted fact that as grave a wrong had been perpetrated by corrupt and careless officials in the interest of another party ten years prior to 1878. It was alleged, and it was not denied, that in 1868 New York courts and officials thereof had issued or permitted to be issued, large numbers of fraudulent naturalization papers, which were placed by partisans in the hands of foreigners who neither actually were, nor were entitled to be, naturalized, and it was alleged that the number of these still in existence in 1878 and in use was some 10,000.

The existence of this crime ten years before, and its continued fruit, was the sole pretext set up by John I. Davenport, chief supervisor and controlling administrator of these statutes in New York, for utterly denying the validity of any certificate of naturalization purporting to be issued out of certain courts in New York in 1868, no matter whether the same was actually genuine, the law fully complied with, and the person legally naturalized or not. Every technical defect that existed in record or papers was seized upon as a reason for denying the right of suffrage and arresting the citizen.

Witnesses were called before your committee and examined, who testified to their possession of every requisite for the right of citizenship, to the actual naturalization, to the taking of the oath of allegiance, to the production of the required vouchers, and their original papers on file in the court were produced, verified, and identified, so that there was no possibility of mistake as to both the right and the fact of naturalization, and yet these men proved that they were arrested under these laws, and deprived of their right of suffrage, imprisoned for hours, compelled to give security for subsequent appearance, and their genuine naturalization certificates taken from them by the official arresting or examining them.

Mr. President, I have read these reports as to the execution of laws like this not containing such great powers as the bill now before us confers, in Boston, New York, and Philadelphia. I desire now to avail myself of the labors of a member of the other House, Mr. MUTCHLER, of Pennsylvania, who with the report from which I have just read before him made a summary of some of the people who were appointed supervisors and deputy marshals in Philadelphia and New York, and I ask permission of the Senate that the Secretary may read this.

The PRESIDING OFFICER (Mr. BLAIR in the chair). The Secretary will read.

The Chief Clerk read as follows:

"PHILADELPHIA MARSHALS.

"Charles Oliphant, marshal second division, Twentieth ward, drunk on election day and insulting voters; seized Mr. Hackenberg without cause.

"Charles Herr, marshal second division, Twenty-ninth ward, character and reputation bad; had been arrested for crime. On election day he arrested a voter, who was released by Judge Hare and voted. Herr wore a badge and solicited votes as a Republican.

"Arthur Vance, marshal eighth division, Fifth ward, arrested Hutchinson, a voter, without cause. Vance was a notorious Republican worker.

"John Homeyard, marshal sixth division, Sixth ward, drunk, and arrested voters without cause; drew a club on a Democrat for challenging a negro repeater. The police blocked up the poll, acted in concert with Homeyard, and brought voters to the polls. Homeyard vouched for Republican voters and distributed Republican tickets. Shriver, a United States revenue officer, kept Republican window-book.

"J. R. Desano, marshal first division, Fifth ward, drunk all day; too drunk to arrest any one. There were five policemen at these polls. Desano never voted in that division before that day.

"James Brown, marshal fourteenth division, Fourth ward, record of his conviction in 1872 for voting illegally produced. Proof was made that he voted twice on the same day.

"William Augustus, fourth division, Eighth ward, acted as marshal, assuming authority as such, but was not on the list; a Republican worker.

"Joseph Hilferty, marshal twenty-first division, Second ward, held the Republican window-book all day and electioneered; threatened to arrest the Democratic United States supervisor for procuring bail for a legal voter who had been arrested.

"William McGowan, marshal twenty-third division, Second ward. A policeman blocked up the voting window and a Democratic United States supervisor ordered him away, when McGowan and the policeman seized him and locked him up in the station house on a charge of interfering with officers. The case was never tried. McGowan is employed in the gas office and paid by the city.

"Charles N. Miller, detective, testified that in the seventeenth division of Nineteenth ward a gang of repeaters were brought to the polls by a letter-carrier; he had one of the gang arrested.

"Philip Madden, marshal Fourth ward, one of the most dangerous men in the city; has been in prison twice, once for highway robbery and the second time for shooting a colored boy.

"Francis McNamee, marshal Eighth ward, had been arrested for five different robberies.

"Andrew Lenoir, marshal First ward; a warrant had been issued for him for larceny.

"Daniel Redding, marshal First ward, a bad and dangerous man; had been tried for murder.

"Henry Pitts, marshal Seventh ward, a colored man who keeps a gambling house and been arrested twice; distributed Republican tickets and vouched for voters.

"R. S. Stringfield, marshal Fifteenth ward, had been tried for shooting a man; character very bad.

"Michael Slavin, marshal Fifth ward, a thief and notorious repeater; had been arrested for subornation of perjury, but never tried.

"William Glenn, marshal Nineteenth ward, superintendent of Norris square, and paid by the city for his duties.

"Enoch Baker, marshal second division, Third ward, arrested John Carroll, a legal voter, without cause, and locked him up; Carroll was discharged after a hearing.

"J. Roberts, marshal sixteenth division, Third ward, arrested John Johnson, a legal voter, and locked him up all night; case never tried. Roberts electioneered for the Republican ticket; was a clerk in the gas office and paid by the city; there were also twelve or fourteen policemen at that poll all day, and they blocked up the poll.

"Andrew Jackson, marshal twenty-second division, Thirtieth ward, employed in the gas works under the city. Ackerman, Republican, judge of elections, acted as United States supervisor and judge, and refused to vacate the place of judge after written orders by Marshal Kerns and Judge Elcook. Jackson arrested Feeny, who had been legally appointed judge, and took him away from the polls. Did not return to get possession until 2 p. m.

"C. A. Pinnexson, marshal Thirtieth ward, aided in arresting Feeny.

"——Taylor, marshal fifteenth division, Third ward, arrested Sweeny for illegal voting and locked him up; charge was found to be false and he was released and voted.

"James Calligan, marshal eighth division, Sixth ward, so drunk in the afternoon he could not walk; seized a qualified voter by the collar and staggered with him against the wall; policeman brought a repeater to the polls, who was arrested, as was the policeman.

"Henry Scott, marshal second division, Seventh ward, a man of bad repute; colored; keeps a low drinking house; electioneered and gave out tickets and tax receipts; was inside at the counting of the vote, and took tickets out of the box; only 5 votes came out for the Democratic candidate for Congress; Democratic overseer contested this, and Scott allowed 17 to be counted for him.

"Thomas Donlan, marshal seventh division, Sixth ward, an habitual drunkard, and a graduate of house of correction for this; was drunk all day.

"William D. Barth, marshal, same place, blocked up the voting window and would not allow legal voters to come to it; there were two United States marshals and six policemen at the polls.

"John Archer, marshal twenty-seventh division, Nineteenth ward, acted as United States supervisor; was on both lists and paid as both officers; when a marshal was wanted during the day to arrest a Republican repeater he did not

make known that he was a deputy marshal; had no badge; heavy Republican division; no policemen there.

"Joseph T. Fuller, marshal sixth division, Twenty-third ward; a guard in the house of correction and paid by the city.

"William Stringfield, marshal thirty-second division, Twenty-fourth ward, arrested a legal voter and took him to the magistrate's, where he was discharged; Stringfield was discharged from employment the day before election for stealing.

"Charles Male, marshal seventh division, Eleventh ward, keeps a house of prostitution.

"Abraham Hoffman, marshal Eleventh ward, a repeater and had kept a house of prostitution within a year; a thief.

"William Eckenbrim, marshal Eleventh ward, arrested for larceny; bill ignored.

"David Beckman, marshal thirty-second division, Nineteenth ward, held the Republican window book and electioneered; threatened to put the Democratic United States supervisor out of the room for challenging a voter; the vote was rejected and the voter did not return.

"William B. Ahern, marshal ninth division, Twelfth ward, employed in the United States revenue office.

"—— Fleming, marshal sixth division, Eighteenth ward, distributed Republican tickets and challenged voters; a legal vote was rejected on his challenge; intimidated many Democratic voters.

"William Boehm, marshal eighteenth division, Twenty-ninth ward, plug inspector and paid by the city; electioneered and distributed Republican tickets.

"Charles Prenderville, marshal seventeenth division, Fifth ward, arrested a legal voter; case never tried; electioneered for Republicans all day."

This was the record of a two days' investigation at Philadelphia.

NEW YORK MARSHALS.

J. F. Baderhop, appointed by this estimable Judge Woodruff, at the instance of some of my friend's "bucket-men" in New York, some of those "shoulder hitters" and "rat-pit heroes."

"Theodore, alias Mike Anthony, alias Snuffey, of 21 Cherry street, a laborer thirty-five years of age, married, and can not read or write. Anthony was arrested by Detective James Finn, of the fourth precinct, on July 24, 1870, for larceny from the person, and was held in $2,000 bail for trial by Justice Hogan. He was indicted by the grand jury on the charge on the 23d of August last.

"Joseph Frazier, of 279 Water street, is a thief and confederate of thieves."

That is, a union thief. [Laughter.]

"James Miller is the keeper of a den of prostitution in the basement of 339 Water street.

"James Tinnigan keeps a similar den in the basement of 337 Water street.

"James Sullivan, alias Slocum, keeps a house of prostitution at 339 Water street, which is a resort for desperate thieves.

"Frank Winkle keeps a house of prostitution at 337½ Water street. The police are frequently called in to quell fights in Winkle's place, and it bears a hard reputation."

Now I come to a good fellow, a great chap. Of course it could not be supposed that the present chief of the supervisors in New York could appoint now any character holding as high a position as this one evidently does in that fraternity.

"The radical authorities have appointed one John, alias 'Bucky,' McCabe a supervisor of the eighth district, Fifteenth ward. He is now under indictment for shooting a man with intent to kill. This precious 'supervisor' originated here, and was first known to the police for his dexterity in robbing immigrants. His picture is in the 'rogues' gallery' at police headquarters in this city, No. 225. He was known as Pat Maddon, alias 'Old Sow,' alias Honsey Nichols, alias Dennis McCabe. His real name is Andrew Andrews. His wife resides in North Pearl street, and the 'supervisor' of the eighth district, Fifteenth ward, New York, is down in the directory as a citizen of Albany.

"Joseph Hurtnett, supervisor Eighteenth ward. Arrested June 3, 1869, as accessory to the murder of Richard Gerdes, a grocer, corner of First avenue and Twenty-fourth street.

"Henry Rail, supervisor Eighth ward. One of the principals in the Chatham-street saloon murder; went off West to escape punishment, and has only been back a few weeks.

"James Moran, supervisor third district, Eighth ward. Arrested on Sunday last for felonious assault.

"William (alias Pomp) Horton (colored), marshal Twenty-second ward; arrested a few days since for vagrancy.

"Theodore Allen"—

It appears to me my colleague and myself have a sort of recollection of that name—

"Theodore Allen, marshal Eighth ward. Now in prison for perjury and keeps a house, the resort of panel-thieves and pickpockets, on Mercer street."

He is in jail to-day for murder or is out on bail, being charged with murder. Now, who is this man The. Allen? He has been exported from New York into my State in order to interfere in the elections of Connecticut, not I agree by any Government action, not by action of the United States officers; far be it from me to make a charge of that character; but he is well known in our State. One of his brothers served a sentence of six or seven years in the State prison of Connecticut. Another one of them staid in the inside of our jail at Hartford on a charge of burglary longer than he cared to, and so one night he left, and they have not heard of him since in Connecticut. His name is not in this list, but the family are a rising family of honest Republicans!

"Richard O'Connor, supervisor seventh district, First ward; has been for years receiver of smuggled cigars from Havana steamer.

"L. H. Cargill, supervisor Ninth district, Ninth ward; tried in United States court for robbing the mail.

"John Van Buren, supervisor twelfth district, Eighth ward; was at one time in sheriff's office and discharged for carrying a load of seized goods from the establishment of Richard Walters in East Broadway.

"Mart Allen, marshal Eighth ward; served a term of five years in the Connecticut State prison; sentenced to Sing Sing for five years by Judge Bedford. His case was appealed, and while waiting for decision he managed to get out on bail. His case has been decided against him, and he has fled to parts unknown to ply his vocation and help the Radicals elsewhere.

"John McChesney, supervisor fourth district, Ninth ward; associates with thieves; bears a bad character generally.

"William Cassidy, supervisor twelfth district, Ninth ward; is a street bummer, without any visible means of support.

"Thomas McIntire, marshal Eighth ward; has been frequently arrested for beating his aged mother; sent several times to Blackwell's Island.

"Timothy Lynch, marshal sixth district, First ward; a Washington-market lounger.

"Peter Mose, marshal Sixth ward; habitual drunkard.

"John Conner, supervisor first district, First ward; keeps a disorderly gin-mill, resort of lowest characters.

"Francis Jordan, supervisor sixth district, First ward; lives in New Jersey; was turned out of the post office by Postmaster Jones for bad conduct.

"Bernard Dugan, supervisor eighth district, First ward; habitual drunkard. His wife left him on account of his drunkenness and procured a divorce on that ground.

"John Tobin, supervisor ninth district, First ward; arrested about six months ago for grand larceny.

"Patrick Murphy, supervisor fourth district, Sixth ward; two years ago distributed fraudulent naturalization papers, and would furnish them to anybody that would promise to vote for Grant.

"Edward Slevin, jr., supervisor second district, Fourth ward; has an indictment now pending against him in court of general sessions for cutting a boy named Kilkenney.

"Michael Foley, supervisor fourth district, Fourth ward; well-known repeater, voting for anybody that will pay.

"James F. Day, supervisor seventh district, Fourth ward; shot at a man in a fight between the Walsh association and a gang from Water street.

"John Conners, alias 'Jockey,' supervisor third district, Fourth ward; a well-known desperate character.

* * * * * * * *

"Michael Costello, marshal Sixth ward; bounty-jumper during the war.

"Harry Rice, supervisor thirteenth district, Sixth ward; was connected with the Chatham street concert-saloon murder, and fled to Nebraska to escape punishment.

"Thomas Lane, supervisor seventeenth district, Sixth ward; formerly keeper of a notorious den at Five Points, headquarters of thieves and robbers.

"John Lane, supervisor twenty-second district, same ward; was indicted for receiving stolen goods. Has served a term in Sing Sing.

"Edward Foley, supervisor sixth district, Ninth ward; arrested last year for stealing a watch."

Mr. COKE. I ask the Secretary to read the following summary made from the testimony of Judge Thomas J. Mackey, of South Carolina. The summary is made to save time and space. It is very brief.

The Chief Clerk read as follows:

Judge Thomas J. Mackey, testifying before the same committee, tells of the conduct of Federal deputy marshals and United States soldiers at the general election in Chester, S. C., November 7, 1876.

Twenty-nine or thirty deputy marshals, wearing badges, were present at the polls. Several were engaged in distributing Republican tickets. They were uttering oaths, threats, and curses, and abusing and using threats and violence towards negroes offering to vote for Democratic candidates. All these deputy marshals were colored except their leader, a white detective from Columbia, S. C.

The witness saw the commission of one of them, Isaac Cassels, an ex-convict. It was signed by the United States marshal for the State of South Carolina, R. M. Wallace, and bore at the head the indorsment, "Stand by your party." Among others of these deputies were Major Brown, who had served a term in the penitentiary for rape; Alexander George, twice convicted of petit larceny; and Henry Saunders, a negro of notoriously bad character and a drunkard.

A detatchment of military under Lieutenant Hinton were also marched to the polls under pretext of being present to prevent disorder, and voters were forced to walk to the ballot box between two lines of bayonets.—*Senate Report No.* 916, third session, Forty-sixth Congress, page 183.

Mr. COKE. Mr. President, why should we depart from the time-honored methods of arriving at the will of our people as to who shall be their Representatives in Congress, to embrace the plan proposed in this bill, which has produced, whenever tried in the past, and as we must believe will produce in the future, results such as are portrayed in the reports from which I have read? I grant that under the home-rule system we now have there are occasional frauds and acts of intimidation, occasional violations of law, but these are rare exceptions, and by common consent and admission growing each year more rare. The corrective is being applied at home by the people, and a healthy public sentiment, growing stronger every year, is doing more than all the laws that can be passed for the purity of the ballot and the independence of the voter.

In the South the improvement in this regard has been very great and grows constantly greater. Friction between the races has diminished and white and black men are adjusting themselves to the settlement which time is making and only time can ever make of the race question. While the Chinaman and the Indian, the only other colored people on the continent, are being driven out and exterminated, the negro of the South is being civilized, educated, and christianized. All that the South needs is to be freed from the intermeddling of cranks, bigots, and fanatics, and especially of politicians who know nothing and care less about the negro, except to use him for party and personal advantage—in a word, to be let alone.

The leading business men of this country know, and have repeatedly stated within the last few weeks, that the only thing which stands between this country now and the suspension of specie payments and universal bankruptcy is Southern cotton and oil, chiefly the former, the exportation of which is bringing hundreds of millions of gold into this country to relieve the unparalleled pressure; yet the advocates of this bill would strike down and throw into chaos and paralysis the industrial system which is producing it. The people of the South, white and black, are prospering and contented under wise, just, and economical local government, and contributing their full share to the national prosperity. The most intelligent class of Republicans in that section earnestly deprecate and protest against this bill as boding evil and only evil to all classes and conditions of people, black and white.

Mr. President, the question is not whether our present election system is perfect, for no human institution is perfect, but whether it is not a better system and more susceptible of improvement than that proposed by this bill to be substituted for it; whether the evils of the proposed new system do not greatly outweigh those attendant upon the old; whether sectional and race disturbances, social disorders, paralysis of business, and insecurity of investments in the South, and all forms of debauchery in elections both North and South, which we know by experience are the inevitable concomitants of an election presided over by supervisors and deputy marshals, are not greater evils than those found in the present system; whether or not it is wise and expedient to overturn and trample under foot the fixed and cherished policy of

all the States of the American Union, in favor of inviolable secrecy of the ballot, and to render impossible the adoption of the Australian or any other form of ballot for the further protection of the independence of the voter, which this bill will do if passed; and whether or not it is just to the States to make it necessary that all of them shall change and remodel their election laws to avoid collisions with the provisions of this bill.

These are matters of grave importance, Mr. President, and should receive the most serious consideration. If the Federal Government is once committed to the policy of this bill, it will not be easily shaken off, and with chief supervisors appointed for life, responsible to nobody, backed by an unlimited army of subordinate supervisors and deputy marshals, the reports I have read will give some idea of what will transpire throughout the United States in Congressional elections.

The portraiture of elections as held in Louisiana, by the Senator from Massachusetts, of the New York and Philadelphia elections, by Senator Wallace, and the South Carolina elections, by Judge Mackey and others, and the character of the deputy marshals appointed in Philadelphia and New York, as exhibited in the summary which has been read, are destined to reproduction throughout the entire country if this bill becomes law.

It is physically impossible that the circuit judges shall be able to give personal attention to duties imposed on them, embracing, as each of the circuits does, several States, with numerous Congressional districts in each State; and, if they could, this bill subordinates them to the chief supervisors in a way to relieve them of responsibility, while necessarily throwing the whole of the vast machinery of the elections into the hands of incompetent, unqualified, and irresponsible men, with nobody to watch and scrutinize them, with every opportunity for fraud, corruption, and oppression; with no appeal or method of redress provided which does not pass through the hands of partisan officials appointed to do partisan work.

Under existing election laws, citizens of the States are under the protection of State laws and State officials when assembling at the polls for the exercise of their rights of individual sovereignty in casting their ballots. Not so under this bill, when those who trespass upon them are the supervisors and deputy marshals for whom it provides. They are declared by the bill to be "officers of the United States," doubtless for the purpose of exempting them from trial in the State courts and by State laws for violations of the rights of voters.

When they see proper, as we have seen they habitually do under powers like those conferred in this bill, to refuse recognition of the rights of voters, to obstruct them in the enjoyment of their right to cast free ballots, to arrest them without warrant or cause and thereby prevent them from voting, or to intimidate them by threatening arrest and preventing them from voting, as was done in New York and Philadelphia, in South Carolina and Louisiana, they are amenable alone to the courts and laws of the United States, and the State courts and officers must be silent under the infliction. The supervisors, with the deputy marshals under their control, are thus practically supreme, and the people left helpless and remediless.

Such, Mr. President, is the bill before us, the most vicious, the most pregnant with mischief, the most revolutionary, and the most dangerous to the liberties of the people of any measure I have ever known seriously considered in either House of Congress.

Mr. CULLOM. Mr. President, I shall not engage in a discussion of the details of the measure under consideration or of its constitutionality. The gentlemen of the committee which reported the bill are able and distinguished lawyers and expounders of the Constitution, and I rely on them to perform that duty. I must confess, however, that I am disappointed that the committee has deemed it necessary to report a bill of so great length. I had hoped that the present supervisor law could be amended without great difficulty and without adding very many new sections to it; but, as that committee has given the subject long and patient study, I accept the bill as the best that could be framed to meet the evils complained of, with such amendments as can be made to it in the Senate.

Mr. President, the remarks made by the Senator from Alabama [Mr. PUGH] and the Senator from Indiana [Mr. TURPIE] upon the relations of the white to the black race in this country, and by the Senator from South Carolina [Mr. BUTLER] during the last session of Congress upon the bill to provide for the emigration of persons of color from the Southern States, and the sturdy front of opposition made by the Democratic side of the Chamber to every effort to secure the enactment of a law to protect the honest voters in every part of the country in casting their ballots and having them honestly counted, to obtain for the citizens of the Southern States, white or black, security in the exercise of the political rights which are guarantied to them under the Constitution, but which are denied to them under the law of the strong hand armed with violence, all these things have challenged my attention and have suggested to me certain reflections which I desire to submit to the Senate at this time.

In his notable work on the French Revolution, Edmund Burke refers to an observation by Aristotle, that a democracy has many striking points of resemblance with a tyranny, and says that he is certain that the majority of the citizens is capable of exercising the most cruel oppressions upon the minority whenever strong divisions prevail in that kind of polity, as they often must, and that oppression of the minority will extend to far greater numbers and will be carried on with far greater fury than can almost ever be apprehended from the dominion of a single scepter.

In a general way this may be true, but the history of democracy in America shows that it is possible for the most dire of political disasters to be imposed upon a free people by the minority; that the majority is capable of exercising, under circumstances the most aggravating, the most generous kindness to the minority; that the minority, after having been conquered in a wanton and bloody appeal to arms, may become dominant in the affairs of the nation it had sought to destroy and actually may exercise most cruel oppression upon the majority.

Indeed, in enforcement of these propositions it may be stated that the problem required to be solved at this time by American statesmanship is how to require the minority to respect the rights of the majority, how to restrain the minority of the citizens in certain States from preventing the majority of the citizens of those States from freely exercising political rights solemnly guarantied to them by the Constitution and from having even a voice in the management of either their own local affairs or those of the nation.

Out of this condition of affairs has arisen the question of the right of the General Government to exercise its authority in enabling every citizen of the United States, white or black, to exercise freely the rights and to enjoy without fear the privileges conferred by his citizenship.

This bill has been opposed by our friends on the other side of the Chamber, notably by the Senator from Delaware [Mr. GRAY] and the Senator from Mississippi [Mr. GEORGE], on the ground that the General Government has no right, under the Constitution, to control and manage elections of Representatives to Congress in the States; but in this objection there is no virtue. The salt savor of common sense is not in it. Common sense declares from the housetop—and common sense always speaks in the language of the Constitution of the United States—that the General Government has the right, and is bound in duty imposed by the Constitution and the results of the war for the Union, to protect the negro of the South in his right to cast a free ballot and have a fair count, in his right to exercise, without fear of violence and undeterred by threats of any kind, all the political rights of an American citizen.

Mr. President, certainly the Senator from South Carolina [Mr. BUTLER], who has argued that the General Government may make an appropriation of money for the purpose of providing and controlling machinery by which the negro may be emigrated from a State, will not deny that the Government may appropriate money for the purpose of providing and controlling machinery by which the negro may be protected in the political rights possessed by him in virtue of his citizenship. Certainly the power to protect the negro in the exercise of his rights of citizenship is defined as clearly as is the power to emigrate him because he is possessed of those rights.

But this enters upon the constitutional point in the consideration of this bill, which it is not my intention to discuss.

"The craze of universal suffrage came lumbering along on the heels of successful battle," said the honorable Senator from South Carolina [Mr. BUTLER] in his speech on the negro emigration bill. And he added, "the lately emancipated slave was enfranchised."

This the honorable Senator would not say was not natural under the then existing conditions; and he admitted that even he, acting under like circumstances, "might have fallen upon this course;" but he is sure it was not wise, it was not judicious. However, this course was taken; the dire deed of enfranchising the emancipated slave was done; "and," said the Senator with a dash of submissive tenderness in his voice, "I do not see how it can be undone." Nobody does, sir, and it should not be undone. It will not be undone.

Let me add further, Mr. President, that out of this act of justice to the negro no harm, but great good, will come to the Republic if the folly and wickedness of a certain class of white men at the South do not prevent the stream of events from flowing in its natural channel unvexed by artificial obstructions; for how can it be said by any intelligent man who is informed of the history of the past that the conferrence of political equality upon any class of men carries with it social equality? And yet every attempt to elevate the downtrodden out of despotic conditions and to give vitality to the doctrine that all men are created free and endowed by their Creator with certain inalienable rights has been met by the objection that political equality means and is, in fact, social equality.

But this objection has been robbed of any force that it may have had in the past by the fact that in this Republic the rich and the poor, the man of the mansion and the man of the tenement house, the *dilettante* of the club and the rough man of the street, are political equals and yet are not compelled by that fact to consort as social equals. True, the exercise of political rights, by directing to public questions and interesting in the discussion thereof the minds of all those who exercise those rights, elevates the ignorant intellectually and compels even wealth to be less insolent and intolerant than it would be otherwise to the great mass of men who earn their bread by the sweat of the face.

It was, as I remember, the fashion in the time of slavery domination to predict concerning the negro several things:

First, that the freedom of the negro would make him the social as well as the political equal of the white man.

Secondly, that the negro, being free, he and the white man could not live together in peace under the same Government.

Thirdly, that the freedom of the negro would result in the downfall of the Republic.

Concerning the first of the predictions let me inquire whether, in fact, the destruction of slavery has resulted in the social, civil, or even the political equality of the negro with the white man?

It is the opinion of the honorable Senator from South Carolina that if in the year 1860 some prophet had predicted that within ten years from that time the proud Caucasian master would be practicing his profession before a negro judge and addressing a negro jury which had been summoned by a negro sheriff and which was attended by a negro bailiff, all lately slaves, he would have been thought to be on the verge of insanity; or, the Senator continued, if some wiseacre had foretold, about that time, that the then despised slave would at any time occupy a seat in the United States Senate or represent the United States in a diplomatic capacity in a foreign country, he would have incurred ridicule and gibes everywhere as a deluded negrophilist.

And yet—

Exclaimed the Senator, evidently in sadness—

we have lived to see all these things.

Well, Mr. President, so we have; but, as the Senator has informed us, we have lived to see, also, these things all shoved aside, rudely, by the rough hand of the intolerant Democratic minorities of the South, which have not accepted, in good faith, the results of the war so vindictively waged by them in defense of slavery.

But, Mr. President, we have not lived to see the social equality of the negro demanded, nor his civil equality, which has been declared by law, recognized. Nevertheless, the cry of alarm is loud in the land; the apparition of negro equality is abroad again, and an industrious attempt is being made to have this almost wornout ghost do service once more in the cause of race intolerance in the South.

Negro equality! What a goblin it has been! Away back in the years beyond the war upon the Union, this monster was made to do yeoman's service in the cause of human slavery and of the slave oligarchy. Every expression of sympathy for the slaves was rebuked by the declaration, "Hush, you are encouraging the country to run to negro equality!"

Every protest against the slaveholder's insolence in politics and against the introduction of slavery into free territory, every denunciation of cruelty to the slave, every outcry against the blush-creating crack of the slavedriver's whip, against the horrors of the slave market, against the brutality of the Legrees and the Haleys of slavery were resented by the charge that such protests, denunciations, and outcries exercised an almost irresistible influence in favor of the devilish work of the Abolitionists and in the direction of the consummation of negro equality, under the baleful influence of which condition it was asserted that every white man in the Republic would be compelled to take in marriage a negro woman, and the white race would be destroyed finally and the Republic and all its fortunes handed over to negro blood.

Sir, if you were possessed of ears as sensitive as those of the honorable Senators on the other side of the Chamber you would have heard this ghost of negro equality declaring in gibberish tones that it is revisiting the glimpses of the political moon, having been invoked again into ghostly activity by the ballot in the hands of the negro; that it will not down at any bidding until the negro question has been disposed of once more in a manner satisfactory to the Southern minorities that are now managing the colored man by skillful intimidation vigilantly applied, and until the negro has been taught to vote the Democratic ticket or has been driven from the Southern States by some scheme by which compulsion may by applied in such a way as to be effective and yet seem to be something else than compulsion, that it will stay here until doomsday, or until one of the results indicated has been arrived at, and will keep fresh in the public mind a sense of the danger of the people of the nation becoming of every complexion, from black through copper middling tints down to white.

But, Mr. President, this is not an honest ghost and it can do no more satisfactory service. It is not as effective even as the tar-baby of the folk-lore of the Southern negro. It has lost all its terrors; and nothing can be accomplished in this day and generation of schools and newspapers by the cry of simulated fear now being employed by the Democrats of the North and South as they point towards the newly invoked apparition of negro equality, and, using the quaint language of the inimitable Riley, say:

An' the gobble-uns 'll get you
Ef
You
Don't
Watch
Out!

But, now, what of the other dreadful outcry that the negro being free he and the white man can not live together in peace under the same Government; that a war of races will inevitably ensue at the South if the negro is not deported or if he is allowed to vote? The foundation on which is based this outcry against the colored citizens of the South is the constantly recurring, pretended fear of the Democrats that political equality of the negro with the white man will result finally in a complete admixture of blood and the degradation of the white race; but the fact is that the Southern white man has no fear of any danger anticipated as a result of white and black admixture.

The Senator from South Carolina [Mr. BUTLER], in his attempted justification of his negro-deportation-by-emigration scheme, quotes Jefferson's expression, recorded in his Notes on Virginia, that—

Nothing is more certainly written in the Book of Destiny than the emancipation of the blacks; and it is equally certain that the two races will never live in a state of equal freedom under the same government, so insurmountable are the barriers which nature, habit, and opinion have established between them.

In dread of a conflict of races, Mr. Jefferson suggested to the commission appointed in 1776 and charged with the duty of revising the laws of Virginia, of which commission he was a member, the necessity of gradual emancipation and deportation. In his Memoirs, in describing the labors of this commission, he says:

The bill on the subject of slaves was a mere digest of the existing laws respecting them, without any plan for a future and general emancipation. It was thought better that this should be kept back and attempted only by way of amendment whenever the bill should be brought on. The principle of the amendment, however, was agreed on—that is to say, the freedom of all born after a certain day, and deportation at a proper age. But it was found that the public mind would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not distant when it must bear it and adopt it, or worse will follow.

Says Mr. Jefferson:

Nothing is more certainly written in the book of fate than that these people (the slaves) are to be free. Nor is it less certain that nature, habit, opinion, have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation peaceably, and in such slow degree as that the evil will wear off insensibly and their place be *pari passu* filled up by free white labor. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or defection of the Moors. The precedent would fall short of our case.

Mr. President, it is made apparent by this and other writings of Jefferson that he believed that the freedom of the slaves of Virginia and of each of the other slave States would result from one of two causes, namely: they would be emancipated by the State and then deported, or else, freedom being refused to them, they would take it in an insurrection, in which the property of the master would be destroyed, his family murdered, and society thrown into a chaotic condition. Indeed, the dread of a slave insurrection seems to have been never absent in Jefferson's mind. "If something is not done," he wrote in 1797, after the massacre of the whites in St. Domingo, "and soon done, we shall be the murderers of our own children;" and in 1821, writing to John Adams, he said:

The real question, as seen in the States afflicted with this unfortunate (slave) population is, are our slaves to be presented with freedom or a dagger? * * * We have the wolf by the ears and we can neither hold him nor safely let him go.

Mr. President, in his estimate of the nature and disposition of the American negro, Mr. Jefferson was mistaken.

The inventions of Watts, Wyatt, Hargraves, Whitney, and others gave greater value to and made a greater demand for cotton, and in this way increased the value of negro slave labor. Thus the evil of negro slavery was transmuted in the eyes of the Southern people, even before the great statesman of Virginia had been gathered to his fathers, into a great blessing, and thereafter criticism of the institution was resented vindictively.

The number of slaves increased from 697,000, in 1790, to 4,000,000 in 1860; but at no time during this long period of seventy years was there any attempt at insurrection. Even the enthusiasm of John Brown, who called the slaves to arms in 1859 and in the cause of their freedom walked, with the step of a conqueror, to a glorious death on the scaffold, did not stir them out of good-natured submission to their masters. They were docile in their manacles, and on their hands is not a stain of the blood of their oppressors.

But what Jefferson anticipated with constant dread did come to pass in effect; for, although the slaves of the South never rose in insurrection, their masters, uneasy in the possession of the wicked institution of slavery, themselves brought down the wrath of Heaven upon their own heads, and it fell in the storm of shot and shell and fire that raged furiously during four long years of death and desolation. They had followed blind guides. They had trusted in the supporting strength of the staff of a broken reed. They had sown the wind and they were compelled to reap the whirlwind. Their Babylon fell, and great was the fall thereof.

Mr. President, what was the conduct of the Southern negro, then a slave, during all the dreadful time of the war that was waged against the Union for the purpose of establishing slavery upon a permanent foundation? Did the slave, as Jefferson believed he would do, rise in insurrection and apply the torch to the master's property, and rob and murder? No. It is a fact known of all the world that after nearly the entire white male adult population of the South had been mustered into the ranks of the Confederate armies the slaves continued industriously to raise crops, and zealously they guarded and tenderly they cared for the mothers, sisters, wives, and children of their masters.

Mr. President, in the conflict of 1861, the branches if not all the roots of the accursed tree of slavery were destroyed; and, as one of the results of that conflict, the American negro became a citizen of the Republic, and the political rights appertaining to such citizenship were conferred upon him.

What, sir, has been the result of this action of the American people? Have the fears of Jefferson been realized in the conduct of the negro? On the contrary, ever since the day of emancipation and ever since the day when the ballot was put into the hands of the freedmen, the negroes of the South have remained at their work in docile and even pathetic meekness. Under the most distressful circumstances they have accumulated no inconsiderable amount of property, and with rare tact they have adapted themselves to their changed condition.

All this they have done under the most cruel treatment from an intolerant and unfortunately dominant element of the former slave-holding States. The mob has assailed them; lynch law has been applied to them, and they have suffered under the remorseless provisions of that murderous code; they have been intimidated; numbers have been murdered remorselessly in cold blood; they have been denied an equal chance with the white man in the race of life; their political rights have been trampled upon, and now, in several of the States, they are being threatened with expulsion from their homes, in which, indeed, they are surrounded by repressive influences, cruelties, and tyrannies, but which are dear to them, nevertheless, because they are the homes of their childhood. Still they are patient and they have an intuitive belief that they will obtain finally the victory of endurance borne.

Mr. President, how amazing is the situation and yet how easy is it of explanation! Who does not know that nearly all the misfortunes of the Southern negroes have resulted from their devotion to the Republican party. Ignorant of many things they are undoubtedly, and into bad as well as good conduct many of them are led often very easily, almost unresistingly, by the superior intelligence of the white man; but it is a fact over which the Democrats rage furiously that the negro can not be persuaded, bribed, or intimidated into a betrayal of the Republican party. He can be kept from the polls or his ballot can be eliminated from the box, but he can not be induced or compelled to vote the Democratic ticket.

Intuitive knowledge of what has been called the eternal fitness of things has denounced to him the practice of voting the Democratic ticket as the unpardonable sin of politics, as Judas Iscariotism in a freedman. Because of this fact, because the freedman can not be coaxed or compelled to cast his ballot for the Democratic party, the horrid apparition of the kuklux has appeared to him in the dead of night, and his back has been lashed, his cabin destroyed by fire, and he and his wife and little ones have been turned out into the cold and cruel world, naked and breadless. Because of this fact, because he persists in his devotion to the Republican party he is driven from the polls or his ballot is suppressed, he is threatened, he is mobbed.

Sir, the truth of this matter is palpable. The freedman's Republicanism is his cross of suffering. If he were to throw it down, presto! how wonderful the change would be! The men who now revile and despitefully use him would then be a lamp to his feet and a light unto his path. They would

> Take him up tenderly,
> Lift him with care,

and not permit the sun to smite him by day nor the moon by night. They would sing a psalm in his praise. They would speak eloquently and incessantly of his faithfulness to them during the war; his docility would be eulogized; in glowing periods they would comment on his industry; they would call attention in many pronounced ways to the harmonious relation existing between the old masters and the old slaves, living in a state of equal freedom under the same Government, and they would say, "Behold, how good and how pleasant it is for brethren to dwell together in unity!"

Yes, Mr. President, if the freedman were to surrender to the enemies of law and order in the South the race-war clouds that now are gathering over several of the States would be dissipated and the door of egress for the negro from those States, now being held open in a threatening manner, would be closed forever.

And now, Mr. President, what of the other cry of alarm? Is it true that the very existence of the Republic is threatened by the results of emancipation? Who says this? What bad birds of evil omen are they that croak in this way? Are the vultures of 1860 again on the wing, cruel and rapacious, anxious now as then they were to drive their unpatriotic beaks into the breast of the Republic?

Is it true that men who, in 1860, were compelled to listen to predictions of disaster which would befall the Republic if it should refuse to offer incense to the Baal of slavery, who were compelled to listen to the shameful and false charges which at that time were heaped mountain high upon the character of Lincoln, and who were appalled by the bloody threats that fell in torrents from the lips of men who even then were organizing rebellion against the Union—is it true, can it be possible, that these patriotic men recognize in the voices now uttering predictions of a war of races at the South and of the destruction of our republican form of government, the voices of not a few of the very men who uttered the predictions and threats of 1860, talked into existence the rebellion of 1861, and precipitated the country into a war in which many thousands of lives were lost and millions of treasure were expended, and out of which has come a great swarm of political perils? Can it be possible that in 1890, as in 1860, prediction is following upon the heels of determination and preparation to bring about the things predicted? If so, these prophets of their own intended wickedness will ascertain that the conditions of 1860 and those of 1890 are not alike nor similar and they will be taught that the same power that crushed the slaveholders' rebellion can and will command the peace between the white and black races at the South.

But, Mr. President, I do not attach serious importance to the predictions of race troubles that have become lately so general among Southern men of Democratic affiliations. There is enough, however, in these intimations of possible trouble "to give pause," to put us upon inquiry, to make us ask, How can the reign of terror over the negroes at the South be ended? How can all white and colored citizens of the South be secured in their right to cast a free ballot and have a fair count? How can the power of Democratic minorities be destroyed, and that of the majorities, now suppressed by violence, intimidation, and fraud, be established?

Let me say, Mr. President, that this side of the Chamber are seeking nothing else, are trying to accomplish nothing else. We are simply for a law of the Government of the United States that shall secure an honest vote everywhere in this country and protect the people in those sections where they do not get protection, not only in the right to vote without intimidation, but in having the vote honestly counted after it goes into the box.

Mr. President, I desire to say that I do not believe the better element of the Democratic party at the South to be lawless people. I do not believe that citizens of the Southern States, reputable in their communities, that members of the learned professions, that bankers, merchants, honest mechanics, industrious laborers, and intelligent planters are themselves parties to the outrages so frequently perpetrated upon the colored Republicans of the South. But I remember that Lecky, expressing the experience of the world in all ages, has said:

> It is probable that the moral standard of most men is much lower in political judgments than in private matters in which their own interests are concerned. There is nothing more common than for men, who, in private life, are models of the most scrupulous integrity, to justify or excuse the most flagrant acts of political dishonesty and violence, and we should be altogether mistaken if we argued rigidly from such approvals to the general moral sentiment of those who utter them.

And neither do I forget that prior to the war slavery perverted many good, gentle, and patriotic citizens into lawless and cruel characters, transformed men who believed themselves to be law-abiding citizens into proslavery mobites, and made Southern public journals edited by reputed-to-be Christians clamor for the death of every man who did not indorse slavery as a God-ordained institution. "Let them," exclaimed one paper, "expiate the crime of interfering with our domestic institution by being burned at the stake." "Let an Abolitionist," declared one of the most eminent men in South Carolina, says the historian Draper, "come within our borders, and notwithstanding all the interference of all the Governments of the earth, including the Federal Government, we will hang him."

So it may be that in the ashes of the institution of slavery live the wonted fires of intolerance and persecution, but I can not believe that the bitter experiences of the last thirty years have not made the better element of the South discreet at least. Certainly the kukluxism, the lawlessness, the ballot-suppressions, the negro-killings, the Aberdeen ruffianisms, the Florida assassinations, are perpetrated not by respectable white men, but by the lineal descendants, evidently a numerous progeny, of the Legrees, Haleys, Tom Lokers, and Markses of Uncle Tom's Cabin. And yet the better element of the dominating minorities of the South must be held responsible for the condition of affairs in which it has permitted the worse element to precipitate many of the Southern States.

The better element knows the fact, certainly, that the bad men of the worse element of the Democratic party of the South, and not the negroes, have created whatever danger there is of race troubles. And really it must be admitted that the prejudices of the Legrees, Haleys, Lokers, and Markses of the South have been impressed, in some degree at least, upon the Shelbys and St. Clairs, for even so good a man as the honorable Senator from South Carolina [Mr. BUTLER] has said in this Chamber that—

> It is no uncommon thing to hear men say, "Let the negro alone. He makes a good peasant class; he is the best laborer we can get for the cotton field," etc. But do not all such forget * * * that the negro is a free American citizen, entitled by virtue of his citizenship, if on no other account, to equality before the law with the foremost citizen of the land; equality of opportunity, equality of rights. No, sir; you can not afford to let him alone unless you are prepared to admit, what no man has ever dared to affirm, that he is the equal of the Anglo-Saxon in the race of American civilization.

What is this? The indignant wolf refuses to dwell with the dangerous lamb and the proud-blooded leopard will not lie down with the meek and gentle kid. There is no peace, sayeth the strong unto the weak. "The law is open," says Alexander. "To equals only," replies Demetrius.

This is of the very essence of the doctrine of caste; of the doctrine of superiority in government, as well as in social life, of class to class; of the doctrine of the right of the strong in intellect to put into subordination the weak. It is the doctrine that the strong can not let the weak alone while the weak continue to claim equality of opportunity, equality of rights. It is the doctrine that only social equals in the race of American civilization may participate on terms of political equality in the government of the American Republic.

Mr. President, can it be possible that the Democratic party has accepted this doctrine? Does the Democratic party agree with its Southern leaders in the opinion that the application of this doctrine to conditions now existing in the Republic shows that the negro must be disturbed; that not being the equal of the Anglo-Saxon in the race of American civilization he must be driven out, and until that is done he must be denied the rights guarantied him by the Constitution? Is this the present position of the Democratic party on the race question? But why ask this?

But, no matter what may be the determination of the Democratic party on this question, it will transpire, I have no doubt, that a great majority of the American people are firm in the determination that the negro must be let alone, for the paramount reason that he is an American citizen and is entitled by virtue of that citizenship to equality before the law with the foremost white citizen of the land, to equality in opportunity and to equality in political rights.

Sir, permit me to add that it may be set down as a fact, fixed and irrevocable, that the Republican party, having induced the nation to confer citizenship upon the negro, is in duty bound to compel the dominant and domineering minorities of the South—to compel the whole world, if need be—to respect all the political rights implied by such citizenship.

Mr. President, am I asked how this can be done? Then let me reply by saying that the time is at hand when the authority of the nation must be invoked in the negro's behalf, and, in a particular manner, it must be interposed in interference with the action of the Democratic minorities of the Southern States. They must be compelled to respect the political rights of the negro citizens of their several localities. This compulsion must be applied under legal authority. Congress must enact laws under which all elections at which Representatives and Delegates in Congress are voted for shall be conducted. The Government must assume control and management of all such elections and must provide means for the protection of its election officers while they are in the discharge of their duties.

I may be allowed to depart from the line of my remarks one moment to say that all the talk we have heard here for three weeks about the character of the supervisors, that they are this and that and the other thing, has no bearing upon this question. It is the duty of the Government of the United States to see to it that honest men are appointed to these positions and that the spirit and letter of the law shall be obeyed by them as well as by the rest of the people of the country. I am not here as a Senator of the United States to make any apologies for any dishonest man either as a supervisor or in any other office given to him by the Government of which he is a citizen. But the right to pass a law enforcing honest elections by the Government in the conduct of the election of Representatives in Congrsss, it seems to me, can not be questioned under the Constitution, and the fact that some supervisors may have been dishonest is no argument against the enactment of the law and its enforcement.

The National Government must also provide machinery independent of the State governments by the operation of which offenses against law, committed at such elections, or in violation of the political rights of negro or white citizens, may be punished condignly. The malign power of the intimidators of electors must be broken by the authority of the National Government. In short, the bill now before the Senate must be enacted.

I do not mean, sir, that this bill is unobjectionable in general or in detail, and I expressly declare my regret that an existing condition of affairs in my opinion makes such legislation necessary. I would be pleased, if it were possible, to trust entirely to the States to do justice in elections to either white or black voters. I may say, indeed, that in desire that the States shall be left unchallenged in control of the ballot box I walk abreast with the Senator from Delaware [Mr. GRAY]; but I feel compelled by a sense of duty to give my vote for this bill, and will do so in an effort to compel lawlessness, acting under the cover of the doctrine of State rights—that lamb's cloak that hides too often either the political burglar or the fox, the wolf of race persecution or the demon of treason—to forego its easy victories over weakness that has been persecuted until it has no courage left to spur it on to further resistance.

Mr. President, I know full well that the passage of this bill will give to the lawless element of the South a pretended excuse for mob violence and rebellion against the national authority, but I am sure that such result of this proposed legislation, hinted at rather than courageously expressed, will not prevent its enactment into law or its approval.

Mr. President, it is not denied that the negro problem at the South, as the question of the relations of the white man to the negro has been designated, presents at every attempt to solve it many serious difficulties. Without doubt it is a fact that only the most extraordinary circumstances could have justified the people in their action by which the elective franchise was conferred upon the negro immediately after he had come up out of slavery.

But the nation came to the conclusion deliberately, and I believe wisely, that there was, at the time it was taken, a paramount political necessity for such action, and consequently citizenship and equality in political rights were conferred upon him. That he uses the ballot with the intelligence displayed in its use by the professors of our colleges is not asserted; but as a general rule he uses it wisely; but he can use it only to the limited extent permitted by the Democratic minorities of the South. However, notwithstanding the fact that heretofore the negro has made no mistakes in his political action, his lack of education may place him at the mercy, under the control in politics of the Democratic leaders of the South, who are intelligent and educated men and who have become, in the management of their own party, skillful in controlling uneducated masses.

It is, therefore, necessary—absolutely necessary—in the interest of the public welfare that the negro shall be educated; and indeed in the education of the masses—white and black—is in great part the solution of the problem of the stability of the Republic.

The census which has been taken this year shows a population in the United States in round numbers of nearly 63,000,000. In this great mass of humanity are people of every nationality. The foreigners among this mass of people, upon invitation, entered the open doors of the Republic and have cast their lot with us for weal or woe. They must be assimilated.

This great work can not be accomplished so well in any other way as by the instrumentality of the common-school system nationalized. Every child in the Republic, irrespective of nationality or color, must be educated. "We must educate or we must perish." And education must be conferred in schools conducted in such a way that the same patriotic lessons shall be taught in every State and Territory in the Union. In no other way than through the intellect of the people can the stability of our political institutions be assured; and, that the public intellect may be cultivated upon proper and uniform patriotic lines, a system of popular education, national in its character, must be adopted sooner or later. Bring in the school book. Our republican form of government can not be saved without it.

Against the suggested system of national education the objection has been urged that it would be unconstitutional and a dangerous exercise of Federal power; that it would work injustice by applying money raised by taxation in one State to public expenses incurred in another State for purposes and on account of obligations of that State. But this is not, in fact, the real objection the majority of the Southern Democrats have to all schemes of national education. Probably they fear, or, to be more accurate in statement, probably the dominating minorities of the Southern States fear, that if the General Government ever becomes the patron manager of the common schools of the nation centralization will result, that the States will be fused instantly into one political mass, and that the then central authority will compel the rule of the majority under fair laws, firmly enforced.

But, happily, the cry of centralization can be used no longer effectively in efforts to frighten the people from the performance of patriotic duty. And certainly resistance by the dominating class at the South to every effort made by the General Government, directed by the beneficent policy of the Republican party, to help the Southern States in the work of diminishing the illiteracy of that section of the Republic, will convince the people in good time that no State which resents intelligence in a class of its people can be intrusted unconditionally with the duty of applying the nation's money in educational work.

This conviction must result finally in a school system so impressed with nationality that in its management the blessings of popular education will descend, like the dews of heaven, upon all alike, upon black children as well as upon white children, upon all the children of all the States of the Republic.

But, Mr. President, I admit the obvious fact that, even out of laws securing to the Republican majorities of the South a free ballot and a fair count and to the children of the freedmen a common-school education, a solution of the race problem will not come immediately. Resistance to such laws is to be expected, and because of them an outcry will be raised. The now dominating minorities will attempt to retain their power, and in this attempt will denounce fair election laws as acts of Republican tyranny and school laws as evidences of Republican hatred of the people of the South.

But denunciation of honest-ballot legislation and outcries against the Government-protected schoolmaster will not culminate in any overt act by any organized body of protestants against political equality and human progress. No second gun of Sumter will be fired in resistance of that irresistible power that is leading even the Democrats into an understanding of and acquiescence in the doctrines of the Declaration of Independence. In doing justice there can be no danger now, for the roaring of the lion and the voice of the fierce lion and the teeth of the young lion are broken; and out of the acts of justice which I have

suggested there will grow, slowly maybe, but surely, a new condition in which the political equality of all American citizens, of whatever nationality or race, will be recognized and respected in every part of the Union.

Mr. President, I am tempted to close what I have to say upon this occasion by paraphrasing the "First Vision of Camilick," which I have before me in Lord Bolingbroke's works:

In a dream I lifted my eyes and saw a vast field pitched with the tents of the mighty and the strong ones of the earth in battle array. I observed the arms and ensigns of either host. On the banners of the one were pictured the crouching slave and the proud master standing over him, and upon the shields of the soldiers were engraven scourges, chains, iron maces, axes, and all kinds of instruments of violence. The standards of the other bore the likeness of Liberty, and the devices on the shields were the balance, the plowshare, the olive branch, and other emblematic figures of justice, peace, law, and liberty.

I saw both these hosts engaged, and the whole face of the land was overspread with blood.

Then I saw a great servant of the people come forth, pure of heart, patriotic, bearing the duties of his high office patiently and wisely and sign a parchment proclaiming liberty to millions of slaves, and I heard a loud shout from every quarter. The roll of parchment flew into the air, and appeared above the heads of the soldiers of liberty encompassed with rays of glory. I observed that whenever this army moved this glorious apparition attended them, or rather the army seemed only to move as this guided or directed.

At last the long contention ceased. I beheld both armies unite and move together under the same influence. I beheld the whole people bow down before the proclamation of emancipation, which now spread a light over the whole land, and its beams grew so warm that they made the hearts of the people leap for joy. The face of war was no more. The same fields which had so long been the scene of death and desolation were now covered with golden harvests. The hills were clothed with sheep. The woods sung with gladness. Plenty laughed in the valleys. Industry, Commerce, and Liberty danced hand in hand throughout the cities.

The scene entirely changed. The fields and armies vanished, and I beheld a large and magnificent hall, one of the council chambers of the nation. At the upper end of it, under a canopy, I beheld the sacred covenant of the Constitution, amended in accordance with the results of the war, shining as the sun. The great of the land were assembled. They prostrated themselves before the amended covenant and sung a hymn: "Let the nation be glad; let the people be happy. May the light of the covenant be a lanthorn to the feet of the judges; for by this shall they separate the truth from falsehood. O, innocence, rejoice! for by this light shalt thou walk in safety; nor shall the oppressor take hold on thee. O, justice, be exceeding glad! for by this light all thy judgments shall be decreed with wisdom; nor shall any man say thou hast erred. Let the heart of all the people be glad! for this have their grandfathers died, in this have their fathers rejoiced, and in this may their posterity rejoice evermore."

And then another and a larger assembly came forward and joined the first. These paid the same adorations to the covenant; they sang the same hymn, and added a solemn form of imprecation, saying: "Let the words of the covenant be forever in our eyes and graven on our hearts, and accursed be he who layeth hands upon the same; accursed be he who shall remove the writing from the people or who shall hide the law thereof from the nation!"

Then all the rulers and the people took a solemn oath to preserve the Constitution with all its amendments inviolate and unchanged, and to sacrifice their lives and their fortunes rather than suffer themselves or their children to be deprived of so invaluable a blessing.

In the midst of these ceremonies the spirit of slavery, in his hateful habit, as we knew him of old, appeared with a purse of gold in his hand, the gold being the profits of the cotton crops of the South. He threw himself forward into the room in a bluff, ruffianly manner. A smile, or rather a sneer, sat on his countenance. His face was bronzed with the glare of confidence. An arch malignity leered in his eye. Nothing was so extraordinary as the effect of this spirit's appearance. The majority of the members of the larger assembly and the people outside who had elected these members no sooner saw the spirit than they turned their face from the covenant of the Constitution and its amendments and fell prostrate before him. He trod over their backs without any ceremony and took possession of every Southern State. He seized without fear the results of the war. He rumpled them rudely up and crammed them into his pocket.

The noise of fetters were heard again. Statesmen and politicians, Representatives, and even Senators clad in ermine were linked together by him like ignominious slaves. He invoked lawlessness into activity again, and I saw the ruffian in robber's mask assaulting the helpless freedman, burning his cabin and driving him and his family out into the night, without food and with but little raiment. I observed him perverting good citizens into intimidators of weakness and violators of the sacredness of the elective franchise. When some of the former devotees began to murmur he threw gold to them, and they were pacified. At last terror and amazement were impressed upon every countenance, and in exorcism of this dreadful presence the power of the nation was invoked.

Before this power the spirit of Slavery vanished; his influence was lost, and lost forever. The covenant of the Constitution, with its war amendments, again arose, again shone out and reassumed its place above the seat of national power. Every face regained its former cheerfulness. Every section of the Republic resounded with "Liberty! liberty! and political equality!" The heart of the nation was glad and all the people rejoiced.

Mr. BATE. Mr. President, as a defender of the Constitution, as an advocate of local self-government, and as a lover of individual liberty, I oppose this bill. I oppose it because I believe it strikes at the freedom of the ballot, that bulwark of popular government, and tends to breed disturbances and to destroy the peace and quiet of society; that it is an usurper of the rights of States and man. It is a promoter of central power in the Federal Government at the expense of the rights of the States, if not their very autonomy.

It is sectional and strikes at the South. Sir, I believe it to be the most prominent of the many finger boards on our political highway that point to empire.

Such legislation in a republican government is at all times dangerous and vicious, and especially is it so at this time.

Tennessee, which I in part here represent, can take care of her own elections and give, as she does, a free ballot and fair count to all of her citizens entitled to it, regardless of race or color.

When this Congress assembled in its final session it was only three weeks after the people, in every State except Maine and Oregon, had condemned and repudiated the bill now under consideration in the most positive manner by defeating the re-election of almost every supporter and by re-electing every opponent of this bill in the House of Representatives. Hence it was the reasonable expectation of this side of the Senate that the voice of disapprobation and condemnation, so positive and pronounced, would be heeded, and that the further consideration of a bill condemned and rejected by the people would not be permitted to consume the valuable time of the last session of the Congress.

This reasonable hope of the Democratic minority in the Senate was encouraged by the expectation that the Republican majority, recognizing the alarming condition of public affairs, the serious apprehensions of all business men, and the imminent danger of financial panic, would be glad to enter at once upon the consideration of measures of relief. Such would have been the course of any party which respected the public opinion of the country or felt concern at the financial depression that paralyzed its business.

But the desperate political hopes of the majority in this Chamber have ruled otherwise. The proceedings on December 2 and since attest the spirit and purpose of the majority, in its defiance of public opinion, to fasten on the people an obnoxious law, which shall be held on the statute books by the Senate, despite the wishes and will of the people, as indicated in the House of Representatives.

The "now or never" condition of all force bills rendered it necessary to secure the passage of this in the expiring days of a repudiated Congress, and to that end all labor bills were displaced and relegated to the foot of the Calendar, there to await renewed life and vigor at another time and under different auspices. The majority, perhaps, felt something of a grim satisfaction in thus retaliating upon labor for the help it gave and the assistance it rendered in the late repudiation of the party which pretended to a *par excellence* interest in American industry and American labor.

It is not within the charitable nature of the Republican party to listen with placid equanimity to the almost unanimous voice of labor against the McKinley bill, as well as against this force bill. In this determination to make labor stand aside for politics and all bills for labor's benefit give place to this for party safety, there was the shadow of the same arbitrary rulings which elsewhere had become notorious. This side of the Senate entertained the hope that discretion would counsel avoidance in the Senate of those parliamentary devices which have become so obnoxious to the people.

But we have been disappointed. The desperate fortunes of the condemned demand desperate remedies, and the party which defiantly attempts to throttle the liberty of the people will not hesitate to choke labor to death where labor stands in its way; hence the majority set aside all labor bills to give the force bill the right of way.

To that end and by such parliamentary tactics the Senate now, in the last session of the Fifty-first Congress, consuming valuable time to the exclusion of all other business, is discussing the system and details of a bill which has been condemned and repudiated by the people at the late election. If, like the McKinley bill, this force bill had become a law before the late vote of popular condemnation, the majority in this Chamber might have reasonably held that the duty of repealing the obnoxious law rested with the Congress elected.

But the election bill did not become a law, and because it is possible to stop its enactment the voice of the country, as expressed in trumpet tones at the late election, is addressed to the Senate, commanding it to abandon a bill condemned with an unanimity of public sentiment never

before equaled in this country. Such condemnation would have driven the premier and cabinet of England into retirement.

But the desperate condition to which the majority in this Chamber has been reduced by the late election has made it indifferent to the public will and defiant of its expression. Defeated in an appeal to the people, the Republican party seeks restoration to power, not only by extraordinary means, but in the opinion of many of the wisest and best through unconstitutional legislation. This condition of the matter, therefore, entails upon the Democratic party the duty of exhausting all efforts to make the public verdict effectual and to prevent the enactment of legislation already condemned by the emphatic voice of the people.

This side of the Chamber would be as derelict in duty as the other side if we failed to exhaust all parliamentary means to make effectual the declared will of the country. Peaceful but vigorous means may become a duty when necessary to protect the people, and dilatory measures are patriotic when directed to enforce the public verdict. If we should hold our peace the "stones would immediately cry out." It is the command of the people that we obey when even "unreasonable procrastination" is necessary to give effect to the condemnation pronounced by the people at the late election.

It may be well in this connection to say that the cuttlefish tactics of clouding the subject with phrases about "unreasonable procrastination," about Democrats making stump speeches on the labor bill, and the absurdity of saying that the displaced labor bill was still in the hands of the Republican majority will deceive no longer. The people have laughed at that folly and will not again be deceived by its shallowness.

Thus it has been made the imperative duty of this side of the Senate to discuss this bill, notwithstanding the inopportune time, in the last days of an expiring Congress. While regretting the necessity which the majority has placed upon the minority, there is no alternative for this side of the Chamber but to stand forth in defense of the people, and, obeying their voice as declared at the late election, give the reasons for the faith that is in us.

UNCONSTITUTIONAL.

Mr. President, by the language of the Constitution the State "appoints" electors and "chooses" Representatives. Every step in the performance of those duties must remain in the States, and, to be the free and fair and full will of the people, there must be neither restraint from without nor fraud from within. The former would not be less destructive to representative government than the latter; both would be undue influence derogatory to the people and pregnant with vile to our system of government.

The United States have no voters to supervise, they hold no elections to regulate, and they are not intrusted by the Constitution, the only chart of their existence, with any power to take the sense or opinion of the people on any question whatever. But every step in the expression of the public voice or in ascertaining the will of the people, remains exclusively with the States. There it was found before the Declaration of Independence, there it remained during the Articles of Confederation, and there it was left by the Constitution of the United States.

The advocates of election or "force" bills seem to ignore the history of that clause in the Constitution on which they rely for the right to pass such a bill as the one under consideration. To arrive at a correct interpretation of any clause in the Constitution, which on its face is of doubtful import, the history of its adoption should be looked to. To see what those who framed it thought of it at the time of its adoption is certainly the best means of getting at its real meaning. That section 4, Article I, upon which the advocates of this bill rely to relieve it from constitutional objections, does not carry with it the power claimed, it only needs to be read in connection with the debates upon it, together with the action of the States when ratifying and making it a part of the Constitution. The clause upon which the authors and advocates of this bill rely for its constitutional authority reads:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

That it is susceptible of more than one construction is undeniable. The text itself carries with it to different minds, however honest, a susceptibility of wholly distinct meanings. It is not to be successfully denied that the authority vested in the States is original and primary, while that in Congress is only permissive, and, in this instance, contingent. By what authority, then, can Congress interfere to retain the permissive, or, in this case, contingent condition and vitalize it into an active factor when conditions must exist calling this dormant power into action before congressional legislation is presumable?

What these conditions are, if unexpressed in the clause in question, should be ascertained by reference to the history concurrent with its adoption. Whatever doubtful impressions may exist to-day in the minds of interpreters, there certainly was no misunderstanding on the part of those who framed and adopted it. It is history that the delegates to the constitutional convention from Virginia, North Carolina, New Hampshire, Massachusetts, and some other States deferred ratifying the fourth section of Article I until a clear understanding was had as to its meaning and construction. Discussion followed, and the conditions were repeatedly declared to be only two, and they are:

First. Where the States refuse to provide the necessary machinery for elections; and

Second. "Where they are unable to do so for any cause, rebellion," etc.

With this understanding New York ratified the Constitution in the following significant language:

> In full confidence that the Congress will not make or alter any regulations in this State respecting the times, manner, and places of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose or from any circumstance be incapable of making the same, and that in those cases such power will be only exercised until the Legislature of this State shall make provision in the premises.

That this interpretation was the only construction given by the framers of the Constitution to this fourth section of Article I, under which the pretended authority for constitutional right to pass the bill now under consideration is claimed, is beyond question.

How any unprejudiced man who has informed or will inform himself upon these concurrent facts can hesitate in concluding that this "force" bill overrides the spirit and intention of the Constitution is beyond my comprehension. Then neither of the two reasons for such legislation as is proposed exists. Whence, then, comes the constitutional authority for such legislation? Hence, I submit that for the want of one of these conditions precedent such legislation is not authorized by the Constitution.

What, then, is the scope, purpose, and intent of section 4, Article I, of the Constitution, which, while expressly recognizing this repose of the elective power in the States as necessary to the preservation of the confederative idea of our system of government, yet authorizes Congress to make or alter the election regulations of the States, with the exception of the places of choosing Senators?

And what is the extent of that power which in so many words is confined to the "times, places, and manner of holding elections?"

Having expressly declared that the States should regulate the qualification of voters for Representatives by making such qualification identical with that for the Legislatures of the States, was it the purpose of the Constitution to empower Congress to place any restraint whatever upon the will of the people?

Congress may fix the time for holding elections and it may designate the places where the voters shall assemble to express their will; and Congress may select from the manner or modes of voting either by holding up the hands, separating into lines, *viva voce*, or by ballot. All these were manners of holding elections at the time of the adoption of the Constitution, and from them Congress is empowered to select any one for uniformity of manner in ascertaining the sense of the people in an election of Representatives.

Thus the "times, places, and manner of holding elections for Representatives" could be designated by Congress without in the least affecting or influencing the popular will in the States. Was it the intention of the framers of the Constitution to confer by section 4 the absolute and unqualified power of Congress over elections in the States which this bill assumes? If so, it is the only section, clause, paragraph, or sentence in the Constitution which fails to fully indicate its real purpose.

After the States had conferred on the Federal Government every power which their people deemed necessary and proper for the accomplishment of the great objects set forth in the preamble and after having provided for amendments which should grant further powers if, in the course of time, more authority should become necessary, the States ratified the Constitution with certain guaranties of each with the other, which are accepted as the rules of construction provided by the States for ascertaining what is the nature, character of the powers, and rights conferred on their Federal agent. The States declared that—

> All powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Such was the reservation of power. Then out of abundant caution the ninth amendment provided that—

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

These rules of construction as to the powers and rights conferred by the Constitution on the United States must at all times be complied with.

This election bill rests for its constitutional warrant upon what, at best, must be regarded as a doubtful or uncertain power. As I have said, the fourth section of Article I provides, first, that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof." That language lays a positive duty on the States; but, as there could not be provided any positive power to compel the States to perform that duty, the Constitution proceeded to clothe Congress with the power to preserve its existence by providing "but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Does the last paragraph operate to repeal and annul the first whenever Congress may by law alter or make the election regulations? Can Congress by its law alter and annul a provision of the Constitution which imposes an imperative duty on the States?

This section 4 excited the apprehensions of all the States when the Constitution was submitted for ratification, and several of them voiced their distrust of the provision in sharp protest on their ordinances of ratification.

New York resolved that it was only upon the contingency of a State Legislature refusing or neglecting to prescribe the times, places, and manner of holding elections that Congress could exercise the power conveyed in section 4, and then "only until the Legislature of such State shall make provision in the premises."

Massachusetts resolved—

That Congress do not exercise the powers vested in them by the fourth section of the first article but in cases where a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.

North Carolina resolved that—

Congress shall not alter, modify, or interfere with the times, places, and manner of holding elections for Senators and Representatives, or either of them, except where the Legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

Virginia made her ratification with the same resolve as to section 4 that North Carolina used, or rather North Carolina embodied the resolution of Virginia, the two being identical.

Other States presented their apprehensions under more general phraseology, but the purport of all was to confine this power in Congress to what Mr. Jay said was the obvious meaning of the paragraph, "that, if this neglect should take place, Congress should have the power by law to support the Government and prevent the dissolution of the Union." He believed this was the design of the Federal Constitution.

These several ordinances of ratification having put the Federal Government in operation, it will be seen that the First Congress under the Constitution took their apprehensions of the States into consideration and resolved that—

The conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution,

Resolved, That twelve articles as amendments should be proposed to the Legislatures of the States, all or any of which articles, when ratified by three-fourths of the said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution.

Ten of the proposed amendments were duly ratified and are now part of the Constitution. The ninth of those amendments provides that—

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

In that amendment we find the rule of construction, the declaratory and restrictive clause, by which every right and power held equally by Congress and the States shall be construed and understood. In that amendment the "rule of interpretation," as said by the Senator from Delaware, "was put in the bond," and put there by the States at the suggestion of Congress, to allay the fears aroused by the possibility of Congress attempting to do what this bill proposes.

This amendment in its spirit as well as in its words is the high sanction of both Congress and the States that never in the future should Congress construe section 4 so as to deny or disparage the right of the States in the matter of their elections. This amendment left section 4 unaltered in language, but modified its purport to mean that when the necessity indicated by the protesting States arose, either from neglect or refusal or inability on the part of any State, then Congress may make or alter election regulations, so as to preserve the existence of Congress. It denies to Congress any right to disparage the provisions of the State laws. It authorizes Congress to fix the times, designate the places, and select the manner of holding elections, whether by ballot, *viva voce*, holding up of hands, or separating in lines and being counted, all of which were manners of holding elections in the Colonies and States.

The spirit of that "restrictive" amendment is violated when Congress sends a horde of Federal officers to surround the registration, inspect the balloting, arrest voters, citizens of States, for alleged violation of some provision in a Federal law which "denies" and "disparages" the right of the people to select according to their own laws their Representatives in Congress. It is a disparagement of the State for Congress to give precedence in the returns to its own officers over that of the governor of the State and to require the Clerk of the House to accept as *prima facie* right the returns of Federal officers over those of the officers of the State, all of which this bill contemplates.

Section 4 is not among the powers which section 8 confers exclusively on Congress, but is found among the provisions of the instrument for constituting the House of Representatives. It recognizes power and right in the States, and provides for Congress exercising the same right. That exercise of power by Congress must preserve and protect that in the States, not overrule and destroy it. It must be construed not to disparage the right and duty of the States, but must harmonize and co-ordinate with the right in the State. Therefore, Mr. President, the extraneous incidents of times, places, and manner over which Congress is authorized to act must be regulated so as to preserve the right of the State to conduct her elections according to her own laws.

Applying the rule of construction of the ninth amendment to the fourth section of Article I, the latter must co-ordinate with the former whenever Congress asserts the right to regulate elections in the States. While admitting the right of Congress to make or alter the election regulations of the States, all such Federal laws must be so constructed as not to deny or disparage the right of the State to hold and conduct her elections under her own laws. Hence Congress can fix the times of elections and the State can adjust her laws to those times.

Congress can designate the places of voting without disparagement of the laws of the State; and Congress can prescribe whether the vote shall be *viva voce*, or by ballot, or any other way it may prescribe, without denying to the State the right to see, by her officers, that these regulations are observed at every election. It is the duty of Congress to frame its laws according to the rule of construction provided by the States on the Constitution and to exercise the power granted in one section with due recognition of the restraints imposed by the amendments.

This substitute and bill extend the right of regulating the "times, places, and manner of holding elections" over the State officers; it provides that "the chief supervisors of elections * * * are charged * * * with the supervision of elections at which any Representative or Delegate in Congress may be voted for;" it provides for guarding, supervising, and scrutinizing cities, counties, parishes, Congressional districts, without even asking the permission of the State, yet the Constitution expressly requires that the "consent of the Legislature of the State" shall be first obtained before the United States can exercise jurisdiction over even forts, magazines, arsenals, and dock yards.

Does the Constitution require legislative consent to the acquirement of the little patches of ground necessary for forts and public buildings and yet leave the franchise and suffrage of the people all over the land at the grasp and greed of Congress? No! The ninth amendment, if observed, is ample protection both to the right of Congress under the fourth section and to the rights retained by the people. It was never the purpose of the Constitution to have two separate and distinct authorities supervising or conducting the same election; it was never contemplated that a general and permanent national election law would grow out of the simple authority to fix the time, place, and manner of voting. And such power would never have been asserted by any party who respected the rules of construction or who was not totally indifferent to denying or disparaging not only the rights, but the very existence of the States.

In order that a law of Congress shall be the "supreme law of the land," it must be "made in pursuance" of the Constitution. But no law can be in pursuance of the Constitution which violates either the language or the spirit and intent of Article IX or any other article of the instrument.

The apparent conflict between the right of Congress and the State to regulate the elections was among those difficulties of which Mr. Jefferson wrote in 1814 to Mr. Cabell, that—

I have always thought that when the line of demarkation between the powers of the General and State Governments was doubtful or indistinctly drawn it would be prudent and praiseworthy in both parties never to approach it but under the most urgent necessity.

Can any man truthfully avow that an "urgent necessity" for this Federal election bill exists at present?

If so, wherein does that necessity find expression? What causes operate in 1890 which have not with equal force existed since 1789, when the States began under the Constitution to elect their Representatives under their laws and manner of elections? Through every phase of national progress, through all the trials and exigences of civil war, through all the excitements of reconstruction, those State laws and manner of holding elections have preserved the freedom and purity of our elections; they proved equal to every exigency, they stood the strain of every excitement, and no man or party expressed a desire or purpose to interfere with their wholesome and healthful operation.

It was upon the allegation, in 1868, of a partisan newspaper that in the Presidential election "more votes were cast for Seymour in one of the warehouse wards of the city than there were men, women, children, cats, and dogs in it," that the Republican party in Congress made the first innovation upon the election laws of the States, by the supervisor bill, for cities of 20,000 inhabitants. The Senator from Delaware [Mr. GRAY] has read to the Senate the arrogant and insolent conduct of the chief supervisor, Mr. Davenport, in the Heinrich case. Representative CUMMINGS, in the House, when this bill was under discussion, explained the manner of enforcing its provisions in New York. He said:

That city, sir, has more than a vivid recollection of the way in which the Federal election law was enforced in 1872. Our foreign-born citizens will never forget it. It was true, as the gentleman from Massachusetts has observed, that a few fraudulent naturalization papers were issued in 1868. It was upon this pretense that every foreign-born citizen who appeared at the polls with a Democratic ticket in his hand, exhibiting naturalization papers issued in 1868, was arrested and imprisoned. His papers were taken from him, and in hundreds of instances never returned to him. In vain he pleaded at the office of the United States supervisor for their return.

I say that there are to-day hundreds of foreign-born citizens in the State of New York entitled to vote who can not exercise the franchise because they were robbed of their papers at that time.

The New York Herald of November 6 further illustrates the supervisor's expedients to deprive Democrats of their right to vote. It says:

The United States marshals were busily employed during the day in making arrests, but at the close of the polls but four persons remained in durance vile as a reward of their vigilance. The marshals had their offices in the city, one at 41 Charters street, another at the corner of Forty-ninth street and Third avenue, and the third at University Place. From their conduct during the day it was evident that they acted solely with the purpose of intimidating voters, as men were dragged from the polls to the offices upon the slightest pretext, to be instantly released. As the hour for closing the polls drew near the exertions of the marshals were increased, and numbers of persons who were in the act of casting their ballots were prevented from doing so, and lost them, being delayed until after the closing of the polls. The principal charges on which arrests were made were illegal registration and lack of voting papers, but in all instances save four the charges were found to be trumped up.

Thus the first attempt to put in execution the first Federal election law brought out its hideous infringement upon Article IV of the Constitution, which declares—

That the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.

The Senator from Delaware exhibited to the Senate the evidence that Mr. Chief Supervisor Davenport had no respect for that provision of the Constitution which secures a "speedy trial" when he denied one to Mr. Heinrich. He exhibited a very wholesome fear of the newspapers, but no respect for the Constitution. It may be that he was in daily contact with the former and had never read the latter.

The Senator in charge of the bill, when his attention was called to the domiciliary clause, very promptly assured the Senate that the committee had stricken that clause out. In doing so he yielded assent to the expressed indignation that any such provision should be found in an American law. At the same time the Senator from Vermont [Mr. EDMUNDS] thought "the sixth clause ought to stand." It was under just such a clause that Mr. Heinrich was arrested.

Before the American Revolution the King of France exercised the right to issue those terrible secret letters of arrest, by which the person against whom they were directed was thrown into prison or driven into exile. The National Assembly of France decreed their abolition on November 1, 1789, the very year that the Constitution of the United States was declared ratified and put in force. Can it be supposed that our Constitution ever intended that Congress could clothe a subordinate officer with powers of tyranny and oppression which the French people had just wrested from the hand of their king? And yet the original supervisor law of 1871 invested Mr. Davenport with the fullest powers of arrest without complaint, oath, or charge, and enabled him to deny to the citizen thus arrested that "speedy trial" guarantied in the Constitution.

The House bill retained the authority for domiciliary visits and for arrest unsupported by oath or affirmation and the Senate committee reported a substitute which retained the same authority in two places, and though affirming in debate that the obnoxious clauses were there by mistake no Republican has explained how any man, with proper sense of American individual freedom and constitutional guaranties, could have drawn a bill which contained provisions so repugnant to every idea of American freedom.

And, Mr. President, I insist that no evidence of fraudulent voting, no evidence of men having been deprived of their votes, no evidence of false counting as justification of this legislation has been presented to the Congress or to the country that was not hearsay and report. Did any man ever yet hear of an election at the South wherein the losing Republican candidate did not charge bad votes and bad practices upon the Democratic candidate? Discontent and disappointment, the loss of place and the defeat of party, are the common incidents that follow Republican defeat at the South.

The failure of the Republican party to reap the rewards expected from conferring suffrage upon the negroes is a disappointment which that party accounts for only upon the shallow hypothesis of fraudulent practices. It was for the purpose of making votes at the South that the risk of africanization of a whole section of the Union was deliberately taken by the Republican party. In aid of that nefarious scheme a series of laws known as the reconstruction laws was enacted, every one of which has been declared by the Supreme Court to be unconstitutional and swept from the statute book as null and void.

Such a confounding rebuke was never before passed upon any political party since the adoption of the Constitution. Precedents of constitutional construction have been established by the Supreme Court founded exclusively upon that series of iniquitous laws. The very amendments of the Constitution, adopted for the protection of the negro, have proved to be the shield of the country from the partisan legislation of the Republican party, through the medium of the Supreme Court decisions and the reversal of public sentiment from very disgust of its methods. Such an example of retributive justice was never before furnished in the one hundred years of our constitutional existence.

This present bill is of the same spirit and for the same purpose, the defeat of the popular will and the election of Representatives not by votes, but by intimidation and fraud. It is designed and intended to throw around the "repeating" negroes, that large class of voters among whom identification is so difficult, the protection of Federal Republican officers in order that the minority may appear on the face of the returns as the majority. It is a scheme to defeat the popular will and to cover frauds at the election with the panoply of law.

During twenty-five years the Republican party has exhausted every stratagem of politics, every scheme to perplex the people, every expedient to harass; all that a disposition not the mildest when victorious nor the most patient when vanquished, all that wealth, all that wantonness of wealth could do, have been exerted to wrest from the white majority at the South that voice in public affairs which the Constitution and laws conferred. It gives hope and heart for the Government that such nefarious schemes, each and all, have failed. The carpetbagger and the scalawag, the charlatan and the adventurer, have been repeatedly defeated.

At one time the "Confederate brigadier" was posted to politically frighten the North; at another that same Confederate brigadier (Mahone) was accepted in the Senate as a Republican leader and rewarded with the control of Federal patronage. To help that Confederate brigadier in his canvass Republican Senators visited Southern States and spoke to audiences which they had before pretended to the North to be rebels still.

When one looks back through the last twenty-five years at elections in the South and recalls all the shameful and shocking schemes for negro supremacy, practiced with all possible chicanery and wrong, the shameless prostitution of every principle in popular election, the contempt of propriety and defiance of law that culminated in the reversal of the popular will in 1876, it is not surprising to find that same party now, when by recent overwhelming defeat it is seen that power and patronage are slipping from its grasp, attempting to alter the laws which a century of peace and good government has sanctified, running counter to the long precedent of State control of elections and violating, in its effort to retain power, the practice and precedent which came down from Washington. For that object, and that object only, the clause in the Constitution authorizing the Congress to alter State regulations as to the "times, places, and manner of holding elections for Senators and Representatives" is attempted to be twisted out of its plain meaning and made the warrant for a purely partisan code of election.

WHAT REASON JUSTIFIES THIS LEGISLATION.

What good purpose can be served in reopening sectional animosity, in arraying race against race, in encouraging ignorance in lawless men, and holding out to the negro hopes that can never be realized? The day has passed when any Southern State can be africanized, and the day will never come in this country when the Anglo-Saxon race will submit to the rule of the African.

Is it the part of wisdom to arrest the existing condition of prosperity, to stop the magnificent development of resources, and to retard the most unexampled progress which any people ever exhibited? It is important to fully understand the evils that lurk concealed in this bill. It is not the white people at the South who alone will suffer from the evil consequences that must follow if this bill becomes a law. All that immense investment of capital, all the industry, energy, and progress which within a decade, and under Democratic government in every Southern State, have found home and opportunity all over the South, are to be subjected to the blighting influence of negro supremacy which this bill seeks to inaugurate.

Before consummating such an outrage it will be profitable to ascertain the amount of actual wealth which will be endangered, if not destroyed, by this wicked attempt to bolster up the fortunes of a political party. But before examining the material interests to be sacrificed it will be well to take into consideration the excuse offered for the bill.

It has been said, and I believe with truth, that more votes were polled in 1886 in Dakota than in twenty-five Southern Democratic Congressional districts, and from that it has been alleged that intimidation had driven negro voters from the polls or fraud in counting had nullified the results.

Neither hypothesis is the true explanation. Intelligence and property exert among negroes far more potency than among any other people. When peace and order regained sway and the carpetbagger, like the Arab, silently folded his tent and slunk away, and the scalawag sought his hiding place, the negro soon found that his reliance was not to be in the 40 acres and a mule promised by the Republican party, but that the wealth and intelligence of the native white would at the South, as elsewhere all over the world, be the governing factor and that he must make him his aid and assistance in the struggle for prosperity. He soon learned that that help he could only get by ceasing to be a politician and becoming a laborer. He soon discovered that his ignorance was no match for the intelligence of the white man, and that so long as he cast his political fortunes with the political enemies of the South he must rely on his allies for his support.

He soon discovered he was playing a losing game. He ceased to be a politician and became a workingman. He often staid away from the polls; he did not always vote. The Democratic nominee, without a competitor, made no canvass, and but few votes were polled, because there was no party contest. This is the explanation of that small vote in each of the districts. The tutelage by the Republican party of the

negroes has been the true source of most of the ills that have overtaken that race. That party gave to the negroes suffrage at a time when ignorance forbade their understanding its responsibility or even how to perform its functions. They have been instructed to regard themselves, not a part of the citizenship of the country, but as a race to be peculiarly benefited above all other Americans. To secure their votes they witnessed every indignity visited upon the white people and every principle of republican government disregarded.

Is it surprising that foolish and absurd ideas of their importance took possession of their minds and made many of them politicians instead of workingmen? Through these influences the emotional, confiding, and gullible negroes have been divided into the politician, or convention negro, and the workingman? While nearly all are Republicans, it is the former, and small though noisier, class that makes a figure in our politics. These are the "grasshoppers under the fern which," Burke said, "made the field ring with their importunate chinks, while thousands of British cattle chew their cud and are silent." The Republican party created the convention negro, that "American citizen of the African race," with his perpetual platform of race grievances and with the constant agitation of issues and questions peculiar to the negro race.

That part of the negro race, the convention negro—if I may so speak, the Mulberry Sellers of politics—has always a scheme and a plan of relief for his race, one of the last of which is for an appropriation of money for the race to emigrate from the South. Does any man suppose that the negroes desire to emigrate from the South? Where else in this or any other country could the negroes of Georgia have accumulated the $20,000,000 of property which Mr. Grady showed that they had collected in the last quarter of a century?

Does the 7,500,000 bales of cotton produced principally by negro labor attest any reason for the alleged desire to emigrate? What would be the effect on national prosperity if the 7,500,000 bales of Southern cotton had failed? What scarcity would have followed every industry if these Southern States had not, with more than Roman charity, "Put the full breast of its useful embrace to the mouth of its exhausted parent."

The convention negro, or professional colored politician, who toils not, neither does he spin, yet Solomon, in all his glory, was not his equal in politics—this convention negro is the scholar of Republican pupilage. The teaching of the Democratic party to the negro has been that politics was not the sphere of his usefulness; that he must first educate himself to understand that politics means that he must first accumulate property to know how it is to be taxed; and the fruits of this Democratic teaching are witnessed in the mighty product of annual cotton and cereal crops.

Talk of panics that now call for immediate legislation to save our financial and commercial interests! Why, Mr. President, but for the 7,000,000 bales of cotton now gradually going to market, worth $280,000,000, what would become of American and European commerce and finance? They would take the "dry rot," and New York Bay and Boston Harbor would be shipless; Liverpool would cry out in the agony of despair; Wall street would be Wall street no more; and the stock board, instead of noting values and margins, would have written upon it, Ichabod, Ichabod!

And yet, and yet this Congress, representing in part and speaking for that mighty cotton interest, are to-day striking at its root, yea, withering its fields as they even now stretch out in our Southland like snow-laden forests, bending with that wonderful fruit which inspires the spindles of New England to whirl and her shuttles to fly.

Yes, trying against the recently expressed will of the people to disturb the political, social, and material interests of the locality where those 7,000,000 of bales alone are grown. Verily, Mr. President, "Whom the gods would destroy they first make mad."

THE AMERICAN REPUBLIC.

Mr. President, our population is now vast and extends over the largest territory of any nation, except Russia and China. These are despotisms. Ours is a self-governing representative national Republic. All the governing forces are representative. Their purpose is to impart the popular will to the government, which is the only organized expression of the people's wants, purposes, and aims. It is manifest that only the resultant of the various forces of the Republic can be in harmony with the general voice. One section can not act for the others. All must be present from which a fair resultant can be had. The government of a section is no better than the government of an individual. It is virtually a despotism.

The attitude of this Administration in its twofold urgency of this bill (for it is recommended by President Harrison in both of his annual messages) is subversive of the life and soul of the Republic. One-half of the Republic is carefully and purposely excluded from the executive department. The President, Vice President, and the eight members of the Cabinet are all from the same section. The wants, habits, and interests of the entire South have no voice in this powerful department. True, the Pacific States are left out, but the sentiments of these States have an expression in the Cabinet. It is not so in the South. A different climate, a different soil, productions, mode of life have produced a different people in many respects. Only those reared among them, who have the same habits of thought and action, can so properly and so fairly represent the interests of the people. A justice-loving administration can not dispense with their presence.

This principle of denying representation to a section is an element of modern Republican faith and life.

This is one of the most flagrant outrages against the welfare and the perpetuity of the Republic that can be committed. It is not enough to say the laws must be executed. They are to be executed in equity, in mercy, and in justice. This can only be done by the people whom they are to govern. The man reared and living in Maine has no unbiased intelligent conception of the wants of the people of Louisiana. You can just as well dispense with the intelligence of the Senators and Representatives in legislation as with the intelligence and character of the people in the executive department.

It is not a violation of the Constitution and the laws of the Republic. But this wholesale exclusion, for purely sectional reasons, of one-third in territorial domain, in population, and in intellectual capacity and culture, as well as material resources, is a violation of the unwritten and sovereign principle on which the Republic reposes.

It is lamentable to think of excluding nearly one-half of the Republic from its just and necessary rights. The right of representation is based upon the absolute necessity to freedom, equality, and rational government. Can it be that the American people will perpetrate an injustice that will in time work out untold evils as certainly as that public justice will prevail?

The exclusion is unnecessary. The President had members of his party in the South equal to any in his Cabinet in all the elements of learning, character, and qualifications. There are patriotic and competent men there who would discharge faithfully and patriotically the functions of any of these places. In the present instance there is happily no occasion for the President to leave the ranks of his own party in the South to find suitable material. Added to this, it is proposed by this iniquitous bill to so shape elections in that section, thus comparatively unrepresented in Cabinet or department, as to throttle the expression of the popular will at the ballot box and virtually deny representation in the lower House of Congress, the only place now left where a voice can be heard coming directly from the people.

When this is done representative government and popular liberty may well exclaim, "It is finished." With Executive, with Cabinet council, with heads of Departments all from one section, and the representative branch chosen or rather dictated by the sectional powers that be, what is left of popular government? What becomes of the constitutional rights of citizens, of individual liberty, and local self-government?

Mr. President, when this bill goes into effect, if it ever should, it will be a cold day and a dark hour for this Republic. "O Liberty! Liberty! how many crimes are committed in thy name."

The same disorganizing elements have appeared in this Republic that worked the downfall of the Roman Republic, that worked out the revolution in England under the reign of Charles I, and the revolution in France under Louis XVI. It is the conflict between labor and capital, the poor wage-worker and the rich capitalist and corporation. Every year brings its conflicts. Thus far they have been in the main peaceable, but it promises under growing conditions serious work, and either a new rule of distribution must be found or a collision of forces is inevitable. As yet the South, since the day of carpetbaggery, has been comparatively free from such mobocratic outcroppings.

Strikes and tramps are not habitués of her borders, and, if let alone, anarchy and confusion will not infest her cities or her fields. The racial problem will in nature's own good time solve itself. It needs no foreign interference, no spies, no supervisors, no bayonets. The modified Australian system of holding elections has removed all causes of irritation at the polls. Under modern registration laws "bossism" is not an occupation and elections are conducted quietly and with order. Registration has deprived negro "repeaters" of their favorite and successful calling. These systems recently put in operation in many States have told against the Republican ticket. Let us hope that this fact is not one of the inspiring causes to the Republican urgency for the passage of this bill, before Democrats take possession, on the 4th of March next, of the House of Representatives at the other end of the Capitol.

To change the peaceful prosperity of our Southern people, who have measurably recuperated from the ravages of war, by putting in their midst informers and surrounding them with spies for political purposes, would be "tearing agape the healing wound afresh" and breaking that peaceful repose which engenders prosperity and patriotism.

If the waters are troubled, Mr. President, let us pour oil upon them; and if on the body politic there are unhealed wounds let us apply the healing balm.

But, Mr. President, where are these stealthy and insidious encroachments (now becoming open and defiant) of the Administration party on the rights of the States and the principle of local self-government to stop? We are told that this law is necessary for the protection of the

citizen in the free exercise of the right of suffrage. This is the pretext, and like all pretexts it is a subterfuge concealing the real purpose, centralization of power in the hands of Federal authorities, the one grave danger by which constitutional freedom is threatened and the success of which, I fear, means the overthrow of the Republic.

And this monstrous iniquity is to be perpetrated in the name of liberty and law. Such a measure, if enacted, will furnish a precedent which can not fail to be productive of the most disastrous results. It is aimed at the South, but it strikes at the whole country and undermines the very foundation of free institutions. The poison injected into any of the veins of the body politic must permeate and paralyze the whole system.

It is asserted that the most ample safeguards are provided against the abuse of power vested in the officials appointed under the bill and that the severest penalties will be inflicted upon them for any violation of its provisions; but I insist that the authority conferred by the measure is in itself a violation of the vital principle of self-government, and the question of duties will be subordinated to the interests and demands of party, whatever that party may be, whether Republican or Democratic.

It will indeed be a sad, a gloomy day for the Republic when the voice of its great founder, warning his country against the spirit of party, will have lost its influence. He pointed out the perils to the country from this prolific source of disaster and tells us that it is seen "in its greatest rankness in the popular forms of government" and that it "is truly their worst enemy." "The spirit of encroachment," he adds, "tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism."

There never was an occasion in the history of the country when these words of wisdom were more applicable than they are at the present juncture. The various acts passed, and some now on the stocks here, are but finger boards pointing to empire.

Mr. President, what is the true meaning of this measure, the most dangerous that has been presented for the action of Congress? It is the perpetuation in office of the party which to-day controls the Federal Government, the same party which but fourteen years ago set aside the verdict of the people, trampled the Constitution under foot, and declared its determination to seat its defeated candidate in the executive chair if need be by the strong arm of the military power, and took steps to that end by concentrating troops.

There is but one step from the expropriation of the Presidency to the spoliation and enslavement of the States. What does this bill actually propose to do? It proposes—if I may in this connection employ the significant language of the Declaration of Independence in its indictment of the British king—"to erect a multitude of new offices" and to send "swarms of officers to harass our people." Its enactment will establish in our midst a system of espionage against which the sanctity of the home affords no protection, and the ballot will lose its virtue by being, according to the desire expressed by the Senator from Maine [Mr. FRYE], pinned to the bayonet.

In the parallels of history can there be found a more striking resemblance than is here presented to the tyranny against which our fathers fought, a resemblance which is not affected by the lapse of a century? Here is a measure which actually proposes to "erect a multitude of new offices" and to "harass the people with swarms of officers." What is the next act in this political drama? Is not the military arm of the Government to be called in to the aid of "the swarms of officers" who are to have charge of our Congressional elections? And, if Congressional elections are to be put under the control of Federal officials, why not Presidential elections?

Are we to have a repetition in our free land of the methods practiced by the late Emperor of the French and the ex-chancellor of the German Empire or Diaz in Mexico? If such things are possible in the "green tree, what shall be done in the dry?" But we are told that we have nothing to fear in these United States from such a bill. Why, this is the very folly, "the midday madness" of overconfidence in the permanency of our free institutions; this supreme sense of security is where the real danger lies. Rome fell from similar causes.

The bill is so replete with possibilities of evil that we may well stand aghast at the prospect which it presents of the political future of the country. "A swarm of officers," indeed, armed with the power to enter the house of the citizen on the pretense of detecting and preventing fraud upon the suffrage and to examine the right of those of foreign birth to vote, may well be regarded as the precursors of that other army, which on the no less plausible pretense of preserving order and maintaining the laws may be used to eventually accomplish the disfranchisement of the people.

This bill is indeed a long stride towards the European systems, and a continuance on this course will so materially reduce the lines of divergence as to leave but few, if any, points of difference. Our rulers have evidently taken a leaf from the English policy in Ireland and may look forward with sanguine and possibly sanguinary expectations of establishing within the limits of the Republic such a condition of coercion as exists between the two islands, and which one of the founders of the Republican party once professed to hold in such abhorrence, as "a Union pinned together with bayonets."

Let us not think too lightly of the teachings of history. The wise man has said, "What has been may be and there is nothing new under the sun." Then we should be on our guard as to such insidious encroachments, for "eternal vigilance is the price of liberty."

Mr. GORMAN. I ask the Senator from Tennessee if he will yield to me.

Mr. BATE. Certainly, sir.

Mr. GORMAN. I understand the Senator from Tennessee can not possibly finish his speech this afternoon. With the consent of the Senator from Massachusetts, which I trust we shall have, I ask that the pending bill may be laid aside temporarily, so that we may go on with other business this afternoon or adjourn, whichever suits his convenience.

Mr. HOAR. It seems to me we ought not to adjourn at 4 o'clock in the afternoon, or a quarter past. It is very early.

Mr. GORMAN. I suggest to the Senator from Massachusetts that it is not necessary for the Senate to adjourn, but with his consent the bill may go over until to-morrow morning and the Senator from Tennessee can finish his speech then, for reasons which the Senator understands. The Senate can go on for an hour or two with other matters if the Senator prefers that course.

Mr. HOAR. Could not the Senator from Tennessee go on until 5 o'clock?

Mr. BATE. Not with convenience; but I shall do so if the Senator insists upon it.

Mr. HOAR. I should hope that the Senator would speak for half an hour longer.

Mr. BATE. I prefer not to do so. It would suit me better to go on to-morrow morning. I have been speaking nearly an hour and a half now and my voice is out of tune, as you see.

Mr. HOAR. I thought the Senator's voice so much better than mine——

Mr. BATE. I am constantly clearing my throat; but that makes no difference. I hope we can go to some other business without incommoding the Senator. I thought it was agreeable to the Senator that that course should be taken.

Mr. HOAR. I am very unwilling to resist anything that comes in the nature of an appeal if I understand that the Senator's, or any Senator's, health or personal comfort is involved in the request.

Mr. BATE. My health is good, but, as you see, I am coughing this evening constantly.

Mr. HOAR. Very well; I will yield if the Senator says he is unable to proceed with comfort to himself. I will not object, and if no other Senator will take the floor we can take up the Calendar.

Mr. GORMAN. Certainly, we can go on with other business, laying aside the pending bill informally, to be called up to-morrow morning.

The VICE PRESIDENT. The unfinished business will be laid aside informally.

Mr. HOAR. Unless some other Senator on that side is ready to proceed upon it.

Mr. GORMAN. I think that is not the case.

PUBLIC BUILDING AT DANVILLE, ILL.

Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 4493) for the erection of a public building at Danville, Ill., reported by the Committee on Public Buildings and Grounds yesterday.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus; elevators, and approaches, for the use and accommodation of the United States post office and other Government offices, in the city of Danville and State of Illinois, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $100,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the

Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Illinois shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Danville, in the State of Illinois."

FIRST NATIONAL BANK OF NEWTON, MASS.

Mr. HOAR. I ask the Senate to take up the bill (S. 182) for the relief of the First National Bank of Newton, Mass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in section 1, line 4, after the words "rate of," to strike out "5" and insert "4½;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay interest, at the rate of 4½ per cent. per annum, on the judgment rendered in favor of the First National Bank of Newton, Mass., against the United States in the sum of $371,025, from March 1, 1867, to the date of payment.

SEC. 2. That the sum of $249,039.95 is hereby appropriated for the purposes set forth in section 1, out of any money in the Treasury not otherwise appropriated.

Mr. COCKRELL. Before action is had upon the amendment, I should like to hear some explanation of the bill. I think that is a bill which was before the Committee on Claims when I was a member of it a number of years ago. I know there were a number of bills in regard, I suppose, to the same matter, and that was the robbery of the subtreasury in Boston by some clerk. It is my recollection that there were some clerks there who stole some gold certificates, and there were suits brought against the United States for the recovery of the money that they represented, and the parties finally got a judgment, and this Newton bank never brought its suit within the time, and we passed a special law.

Mr. SPOONER. They brought the suit.

Mr. COCKRELL. No; we passed a special law, if my recollection serves me, authorizing the bank to sue after the period of limitation had expired; and this is the second suit of the bank, it seems to me.

Mr. HOAR. If the Senator will allow me, I will state that this case was very fully debated in the Senate, when it was here before, on the report of the Senator from Tennessee, Mr. Jackson, who made the report, and I think only some eight or ten Senators voted against it. The United States seized, if the Senator will give me his attention one moment——

Mr. COCKRELL. I am listening.

Mr. HOAR. The United States seized the interest-bearing securities of this bank, and the bank being authorized to bring a suit it waited until the other suits were settled, by an understanding with the officers of the Government, and did not bring its suit. Then Congress authorized a suit in the Court of Claims, and the Court of Claims held that they had no authority to render judgment for interest. They gave judgment for the principal. Then the parties came to Congress saying that as the United States had seized their interest-bearing securities, which they had in the ordinary course of their banking, and seized them without right, as the judgment of the court found, and as there is no question whatever, it was no more than fair that they should be reimbursed the interest as well as the principal. That is the whole story in a nutshell. As I said, on a very full debate here, a debate which lasted two or three days, I think, only about eight Senators voted against the bill.

Mr. COCKRELL. I knew that there had been a bill passed authorizing the bank to bring suit. I remember that very distinctly.

Mr. HOAR. The United States got the benefit of the coupons. It seized its own interest-bearing bonds, claiming them as its property, and they turned out to be the property of the bank, but the Court of Claims had no authority to render judgment for anything but the principal. Then the bank came here and said it was entitled to be reimbursed that interest.

Mr. COCKRELL. Is the decision of the Court of Claims here?

Mr. HOAR. You will find it there. The whole matter was reviewed by the then Senator from Tennessee, Mr. Jackson, very carefully, and as I said, after a discussion in the Senate lasting a day or two, there were a very small number of votes against the bill when it was up before.

Mr. GORMAN. Let that decision be read.

Mr. COCKRELL. I should like to have a part of the decision of the Court of Claims read. Was the case appealed the last time from the Court of Claims to the Supreme Court?

Mr. HOAR. I think so, but that I will not affirm absolutely. The essence of it is that the United States, a debtor, owing me a hundred thousand dollars with lawful interest, seizes the note that it has given and holds on to it for ten or fifteen years, under a claim of right, of course. Thereupon its own court says it is wrong and I am entitled to have my hundred-thousand-dollar note back, but that the Government has not authorized the payment of interest. Therefore, the United States would have pocketed for this time interest at the rate of 6 per cent., or 5 per cent., or whatever per cent. the Government was paying during the time on its note. If it had not done that wrongful act I should have had my interest every six months regularly. But the Court of Claims had no authority to give judgment for anything but the principal. Then the bank comes to Congress and says, "We are entitled as much as any other bondholder of the United States to have that interest paid to us." That is the case in a nutshell.

Mr. COCKRELL. Mr. President——

Mr. HOAR. Of course, I do not want to force the bill through against any Senator's desire to examine it fully.

Mr. COCKRELL. I know as much about it now as I suppose I shall know on a further examination, and I will state my objection to it.

Julius F. Hartwell, who was the cashier of the United States subtreasury at Boston, embezzled quite a large sum of money. It was done, I believe, in the use of gold certificates, and some of the bank officials, not the officers proper, but some of the subordinates of some of the banks at least were parties to it. They would bring the gold certificates there and leave them with the cashier, so that when they were examined they would be there. Then he would stick them in his pocket and take them out, and in that way the discovery was not made promptly. When it was discovered the United States authorities seized on the securities which the bank had there, and there was a controversy as to whether the United States Government was entitled to them or not.

Mr. HOAR. That was another case, the Mellen case, in which a State bank brought its suit against the United States and recovered judgment. That was a case where the teller of a State bank and a clerk and the subtreasurer in Boston had a criminal arrangement. The teller speculated with the funds of his own bank, but made it good on the examination day by getting the subtreasurer to bring him those little gold certificates, and he deposited them as part of the assets of the bank.

Then after the examination was over the teller would send them back; and it is a very curious fact, throwing the hardship on our subtreasurer for that responsibility. When this clerk was led by his conscience or his fear of detection to confess the wrongdoing to the subtreasurer he went into the subtreasury in the evening and restored what he had got from the teller of the bank, the securities. When they went out, after the crime was all confessed and the subtreasurer thought he was safe by having the securities restored, they were walking down the street, and the teller carried in his waistcoast pooket the securities to the amount of hundreds of thousands of dollars—I do not remember the amount, but a very large amount. In that case the United States Supreme Court held that under the circumstances of the transaction between the clerk and the teller the securities belonged to the State or the Merchants' Bank, I think it was, of Boston, and that was recovered. That is another case.

Mr. COCKRELL. I remember there were several cases.

Mr. HOAR. This Hartwell case was a case where the teller of another bank—the Newton National Bank—a bank about 10 miles out of Boston, had a similar arrangement; not, I think, with the same official of the bank, but at any rate he had in the same way turned over the securities of the bank and had received the securities of the United States, the securities of the bank being Government bonds—bonds of the United States—what would be called bonds, but in fact were promissory notes of the United States payable with interest. The United States seized them and held on to them, claiming them as their property. Then the Newton bank brought a suit; there were several of these suits brought. The Newton bank in consequence of an understanding with the United States officers did not bring its suit in time, but awaited the termination of a suit between the other national banks, the Boston bank, and the United States.

Then when that was decided in favor of the plaintiff Congress authorized this bank to bring its suit, and the court held that these securities were the property of the bank and the transaction never divested the property; that the United States officials had no right to seize them, and the bank got a judgment for the principal amount, whatever it was, $200,000 or $300,000. Now, they say, as these were securities bearing interest, not the securities of a stranger, but the United States' own promises, it is not just that the Government should hold on to the interest for the time it confiscated the principal. That is the story in brief.

Mr. COCKRELL. Was the question of interest raised in the other suits?

Mr. HOAR. Yes, sir; the court held that they had no authority to render judgment for the interest; but there are some very strong expressions, and one of the judges regretted that they had not the authority, and, with the statement that it ought to be done, that they ought to apply to Congress, as I recollect it.

Mr. COCKRELL. I was under the impression that in the other suits where judgment was rendered, where suits were brought within the time limited by law, no interest was allowed.

Mr. HOAR. The other suits were not on account of the seizure of interest-bearing securities. They were the seizure of gold certificates.

Mr. COCKRELL. That is the point I want to get at; what is the difference between them? If I understand this report of the distinguished chairman of the Committee on Claims, he puts it upon the ground of the Choctaw case and he quotes that case very largely, and a number of other cases, and it is establishing, as it seems to me, a principle that we have not adhered to, if it has ever been adopted in the Senate, and that is the payment of interest upon claims which are purely claims and do not exist by virtue of any written contract or obligation.

Mr. HOAR. Let me illustrate my own proposition in this way. Suppose there was a law that there was no interest recoverable against the private citizen at all and I had seized my own promissory note in possession of the Senator from Missouri for $10,000. The Senator sues me and recovers the value of that $10,000 note at the time it was seized. Then suppose the Senator should turn round and say that although ordinarily against an individual interest is not allowable, yet as I had promised to pay that note with interest and the contract would have been running along all the time if I had not seized the document, certainly it was just that I should pay him interest during the time that I held it in my possession. That would make a parallel case.

Mr. COCKRELL. If these were securities. Now, if these were such securities as the Senator refers to—interest-bearing securities—there is force in his position; but if they were not, then this claim is upon an equality with other claims, and we shall have to pay interest on them, although we have already appropriated the money, and it will be opening a new field. Now, I see the report says——

Mr. HOAR. Let the matter go over for a day, and the Senator can examine it.

Mr. COCKRELL. The report says:

> This deposit of its funds and assets was made without the knowledge and consent of the president and directors of the First National Bank of Newton. Hartwell's default was discovered on the night of February 28.

There were funds and assets. I admit there is force in what the Senator from Massachusetts says is justice and is right. If these were Government securities that the Government seized, if they were interest-bearing, interest should be paid; but if there was a mere cash balance in the bank, or anything of that kind, it is then upon an equality with these other cases.

Mr. SPOONER. If the Senator will allow me——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. COCKRELL. Yes, sir.

Mr. SPOONER. It is some time since this case was reported and I have not now in mind (not expecting it to be called up) all of the facts, but I remember generally about it and I have looked hastily over the report.

The general rule undoubtedly is that the Government does not pay interest. That applies, however, mostly to claims where the amount is unliquidated or where the claim is a disputed one. There is another element to be taken into account, and that is as a rule that principle is applied to voluntary transactions between the citizen and the Government, the citizen knowing generally that the Government does not allow on such transactions interest. But one distinction between a case of this kind and the ordinary case grows out of the fact that without any lawful warrant in the world the Government of the United States seized property which did not belong to it, seized either securities or money (and I care not which it was) which belonged to the First National Bank of Newton as completely as my watch belongs to me.

The Government had no earthly claim upon it. It was a transaction which was adverse to the bank. It was no voluntary transaction between the bank and the Government, and the committee could see no good reason why in a case where wrongfully the Government seized and took into its Treasury money which belonged to a citizen, as in this case, it should not, the wrongful act having been declared by the court, make reimbursement to that bank.

The mere payment of the money which was seized does not reimburse the First National Bank of Newton. Upon what principle of common honesty or common decency can the Government of the United States, seizing unlawfully the money of stockholders and the money of depositors of a bank, taking it into its Treasury, and retaining it unlawfully, discharge its obligations in equity by simply paying back after the lapse of years that money.

This case was examined with the utmost care by one of the most painstaking and able lawyers who ever sat upon the Committee on Claims, the late Senator Jackson, of Tennessee, and he has given here in his report—and I adopted his report, not, however, without careful examination and without original inquiry into the case—a large number of precedents which are exactly in point, in which the Government had paid interest.

If my friend will turn to item 49, on page 12 of the report, he will find—

> 49. An act approved March 2, 1817, directed the Secretary of the Treasury to pay the balance due to the Bank of Metropolis for moneys due upon the settlement of the account of the bank with the United States, with interest thereon from the 6th day of March, 1838. (9 Statutes at Large, 689.)

There are a large number of cases similar in principle, although none of them are as strong to my mind as this case, where the Government not only refunded the money, but paid interest upon it.

I can not for the life of me see any good reason why, if the Government of the United States sends its officers into a bank and takes unlawfully from the vaults of that bank money which is there deposited by citizens, bringing ruin to the bank and involving some of the stockholders in ruin, it should keep that money for months and years until the Supreme Court has decided that the transaction was unlawful, that the title never passed from the bank to the Government, as it could not by an unlawful transaction of that kind—should forbear for a moment to do exact justice in the matter by returning the money with interest upon it.

So far, if at all, as there enters into this claim in any amount interest-bearing securities there could be of course no question. In our dealings with States where we are refunding money advanced for the purpose of carrying on the war the practice of Congress always has been, if the money was raised by taxation and was simply money in the treasury of the State, not to pay interest, but if in order to raise the money the State sold interest-bearing securities or borrowed the money, issuing bonds upon which it paid interest, then the Government pays interest

The general law under which these claims of the States were adjusted provided for the payment of interest in such cases. I have thought sometimes that the rule of the Government in its dealings with its citizens in regard to the payment of interest was little short of infamous. I do not know why the Government should deal with its citizens upon any different basis, as a rule, than men are required in every State and in every country to deal with each other.

I think in a great many cases in which the Government of the United States refuses to pay interest to its citizens we deal with them unjustly and dishonestly. If a man enters into an obligation with the Government he is not on an even footing with it, as you and I are as to each other.

Mr. COCKRELL. That is so.

Mr. SPOONER. If you owe me and do not pay me, I can go into court and compel you to pay me the principal and interest. A man can not go into court and get his judgment against the Government of the United States unless he is authorized by the Government to sue, and then he goes into court only on the terms prescribed by the Government. He may get his judgment and wait for a great many years to receive his money. He can issue no execution. He is entirely in the power of the Government, and in a great many cases, I repeat, in which we have felt obliged, following precedents, to deny to claimants, people whose claims were honest and who had been unjustly delayed in the collection of those claims, interest, I have felt as if we were the instruments of a gross injustice.

But take this case as it stands, beyond any possible question, Mr. President. In a court of the United States in a suit to which the Government was a party, it is determined that the money of this bank was seized without authority of law. No lawyer in the world would claim that that affected the title of the bank to the money. The title of the bank could not be transferred to the Government by a fraud on the part of one of its agents or by unlawful seizure on the part of one of its agents; and this bank—it had done a prosperous business and it was a bank which had and which deserved the confidence of the people in the locality—was overwhelmed with ruin by this transaction, obliged to close its doors, and its stockholders were compelled by suit under the national-banking act to pay again for their stock in order to protect the depositors and billholders.

To say that the Government of the United States has dealt fairly or even honestly with them by simply giving them back the money which it unlawfully took, it seems to me, is a proposition which can not be maintained.

Now, there is a contrariety of precedent on the subject of paying interest. In very many cases referred to by Judge Jackson interest has been paid. In some instances since I have been in the Senate, in the case of claims against the Government for unliquidated amounts, interest has been paid and I have been utterly unable to see any ground upon which the Government could honestly refuse to put this national bank where it would have been but for the unlawful act of the Government agents, and that can only be done by giving them back their money and by paying the interest upon it—we fixed the rate at a low rate as I remember it now, 4½ per cent.—while the Government kept it.

Mr. COCKRELL. Mr. President, there are a number of cases——

Mr. PASCO. If the Senator from Missouri will permit me I will state that I in common with the other members of the committee gave this matter a good deal of examination and attention, and I know that the committee were thoroughly satisfied that the claim was a just and valid one. The vote in the committee was a unanimous one both during the present Congress and the last.

I will not attempt, after the very full statement of the case by the chairman of the committee, to go over the ground again, but will state that the committee were unanimous in recommending the passage of the bill. It did pass at the last Congress, and in my judgment, after a careful examination of the law and facts of the case, I fully concur in what has been said by the chairman of the committee.

Mr. COCKRELL. Mr. President, this bill was called up out of its order, and, as usual, I did not have the opportunity of even casting my eye along the report to see the points made in it.

I remember distinctly when these cases were before the Committee on Claims, and I remember reporting one of the cases, if I am not mistaken. I was under the impression that this First National Bank of Newton was the bank which did not bring its suit within the time prescribed by law, six years, and that we passed a special bill for it. I am sure the Senator from Massachusetts agreed with me in that.

Mr. HOAR. Yes, I did. I have not looked at the facts for some time.

Mr. COCKRELL. While the Senator was speaking I was listening to him very attentively, but I was at the same time reading the report, and I discovered the fact as set forth in the report that this is not the bank for which Congress passed an act authorizing it to bring a suit after the limitation. This bank brought its suit on the 24th of February, 1873. The defalcation or the robbery occurred the last of February or the first of March, 1867, and it prosecuted its suit to judgment. The judgment was finally rendered for $371,000.

Mr. HOAR. The Senator will pardon me; I have not looked at the report for a good while. The bill came up unexpectedly to me as well as to the Senator, but the error in my memory undoubtedly grows out of their having waited, by an understanding probably, to the very last moment of the six years.

Mr. COCKRELL. They did. They brought the suit just within a few days of the expiration of the six years. But there was one bank, as the Senator will remember, for which we passed an act authorizing it to bring a suit, that did not bring the suit within the time. But this bank did bring the suit within the time, and this is simply to pay it interest from the date the assets were seized until the payment when the transcript of the judgment of the Supreme Court was filed in the office of the Secretary of the Treasury.

I remember some of the cases. This bank, in the hurried examination I have made of this report, I observe was not in the condition of those institutions that were using gold certificates. I see that these assets were not of that kind, payable to the bearer. There was a distinct assignment, and it was evidently a fraudulent act and a grossly fraudulent act upon the part of the United States officials in converting these assets in the way they did, and I think it places it upon a different ground from the other.

I know what the rule of the Government has been. The Government is always supposed to have money enough on hand to pay its debts, and therefore it pays no interest. Great injustice has been done in many cases, and in other cases injustice has been done in making the Government pay. So I think they about equalize each other all around.

I think some of the decisions referred to here are grossly inequitable in making the Government to pay interest, although they are quoted as precedents. I simply desired to have the facts in this case presented, so that we should know what we were acting upon.

Mr. BERRY. What is the question before the Senate?

The VICE PRESIDENT. The question is on the amendment reported by the Committee on Claims.

Mr. HARRIS. Let the amendment be stated.

Mr. SPOONER. The amendment is simply to lower the rate of interest.

Mr. COCKRELL. To lower the rate from 5 per cent. to 4½ per cent.

Mr. BERRY. I did not fully catch the remarks of the Senator from Missouri [Mr. COCKRELL], but, as I understand the bill, it is a proposition for the Government to pay interest.

Mr. COCKRELL. To pay interest upon certain funds from the date they were seized by the Government in 1867 up to about the spring of 1882, when the principal was paid upon a judgment of the Supreme Court of the United States. The last payment was made August 30, 1882.

Mr. BERRY. I do not know upon what grounds the committee report that this interest should be paid. I know that the general rule is otherwise as to claims against the Government. Men have bought land and paid their money and afterwards failed to get the land, and the money has lain in the Treasury for years, but the Government has never paid them any interest. I want to understand why it is that an exception should be made in favor of this bank which does not apply generally to those having claims against the Government.

Mr. SPOONER. The ground for the distinction, if there be one—I do not say it is fair to treat any citizen in that way—is, as I undertook to say a few moments ago, that men who deal with the Government voluntarily do it with knowledge of the general rule that the Government does not pay interest, and in this case the securities and money seized belonged to the First National Bank of Newton, Mass. The Government seized them and they were paid into the Treasury of the United States. The bank recovered a judgment against the Government, the court deciding that the seizure was entirely unlawful, but the Government, because of the failure to draw a bill so as to provide for interest, paid back only the principal. This was not a case of contract, but where the Government forcibly seized, unlawfully seized, money that belonged to this bank and put it into the Treasury. This bill pays them interest on this sum at 4½ per cent. while the Government had their money in the Treasury.

Mr. BERRY. Mr. President, I fail to discover any difference between this and other cases where the Government owes individuals money.

As I stated awhile ago, as I understand the universal rule has been that the Government pays no interest.

Mr. SPOONER. Not universal.

Mr. BERRY. It is the universal rule except where specifically provided otherwise in the law making the appropriation. The law on the statute books to-day, for instance, in regard to the payment of money where parties pay for public land and the title afterwards fails does not provide for paying interest. There is a number of cases where small amounts, $150 or $200, have been paid for land and the title afterwards failed and the money has been in the Treasury of the United States for years, and yet when the money is paid back the individual only receives back the amount of the principal without any interest.

Mr. HOAR. Does not the Senator think that is a great injustice?

Mr. BERRY. I think, Mr. President, if it is justice to those individuals to have that kind of a rule the same should be meted out to this bank, and that the Senate ought not to adopt a rule to pay a bank interest when it does not pay interest to the ordinary citizen.

I do not wish to appeal to any prejudice against banks, but I think they should stand precisely upon the same footing as any private individual, and I think it is a gross injustice for the United States to pay them 4½ per cent. interest when the Government, as a general rule, refuses to pay interest to other individuals who have an equal right to it. I am opposed to making this distinction.

Whether or not the general rule is a just or an unjust rule, it is one which has been established since the Government began, and, as it holds in all other cases, an exception ought not to be made in favor of this bank.

The VICE PRESIDENT. The question is on the amendment reported by the Committee on Claims, which will be stated.

The CHIEF CLERK. In section 1, line 4, after the words "rate of," it is proposed to strike out "5" and insert "4½;" so as to make the section read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay interest, at the rate of 4½ per cent. per annum, on the judgment rendered in favor of the First National Bank of Newton, Mass., against the United States in the sum of $371,025, from March 1, 1867, to the date of payment.

The amendment was agreed to.

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

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

Mr. BERRY. On the passage of the bill I am compelled to ask for the yeas and nays.

Mr. MANDERSON. Oh, let it go.

Mr. BERRY. Then I ask for a division.

Mr. HOAR. I hope the Senator will not.

Mr. BERRY. Mr. President, I am compelled to ask for a division upon the passage of the bill. I regard it as wrong in principle, and I do not think the bill ought to be passed without a vote of the Senate in favor of it.

The VICE PRESIDENT. On the question Shall the bill pass? a division is called for.

The question being put, the ayes were 23——

Mr. BERRY. As there seems to be a majority in favor of the bill I will not ask for any further count.

The VICE PRESIDENT. No further count being demanded, the bill is passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. Res. 253) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1890, on the 20th day of said month; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2404) to provide for the purchase of a site

and the erection of a public building thereon at Beatrice, in the State of Nebraska; and it was thereupon signed by the Vice President.

MARY B. HASCALL.

Mr. MANDERSON. I ask the consent of the Senate to call up a pension bill that has very great merit and in which there is necessity for haste. It is Senate bill 4585.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4585) granting a pension to Mary B. Hascall.

The bill was reported from the Committee on Pensions with an amendment, in line 1, before the word "dollars," to strike out "one hundred" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary B. Hascall, widow of Herbert A. Hascall, deceased, late captain and brevet lieutenant colonel Fifth Artillery, United States Army, at the rate of $40 per month.

The amendment was agreed to.

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

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

LEVI DANLEY.

Mr. CULLOM. I ask that the bill (S. 337) granting a pension to Levi Danley be now considered. This applicant is a person who is about ninety years old.

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

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Levi Danley, late corporal in Captain McClure's Company, Illinois Mounted Infantry Volunteers, in the Black Hawk war of 1832, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. COCKRELL rose.

Mr. CULLOM. I see the Senator from Missouri is disposed to make an inquiry, and I simply desire to state that there is a report on file; but I have known this man myself for forty years or more, and he is absolutely penniless and about ninety years old, between eighty-nine and ninety years old. The record is on file showing his service in the Black Hawk war.

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

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

PUBLIC BUILDING AT ROME, GA.

Mr. PASCO. I ask unanimous consent that the bill (H. R. 3279) for the erection of a public building at Rome, Ga., be now considered.

No objection being made, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

PUBLIC BUILDING AT REIDSVILLE, N. C.

Mr. RANSOM. I ask the consent of the Senate to call up the bill (H. R. 630) to provide for the erection of a public building at Reidsville, N. C.

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

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

JOHN W. WEST.

Mr. COCKRELL. I ask the Senate to consider the bill (S. 4487) granting a pension to John W. West. He was a soldier in the Black Hawk war, the same as in the case of the bill that has just been passed. He is now seventy-five or seventy-eight years old, and the report shows he is helpless and in an impecunious condition.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John W. West, late a soldier in Captain James's company of Illinois Volunteers, in the Black Hawk Indian war, and to pay him a pension of $12 per month.

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

HENRY W. BURLINGAME.

Mr. STOCKBRIDGE. I ask the Senate to proceed to the consideration of the bill (H. R. 4728) for the relief of Henry W. Burlingame. I am advised that Mr. Burlingame is very sick, and the necessity for the passage of the bill is urgent.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Henry W. Burlingame.

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

PUBLIC BUILDING AT SOUTH BEND, IND.

Mr. TURPIE. I ask the Senate to take up for consideration the bill (H. R. 256) providing for a public building in South Bend, Ind.

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

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

PUBLIC BUILDING AT BLOOMINGTON, ILL.

Mr. CULLOM. I should like to call up the bill (H. R. 196) for the erection of a public building at the city of Bloomington, Ill.

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

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 12, before the word "thousand," to strike out "one hundred" and insert "seventy-five," and in line 21, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to read:

The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $75,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $75,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

Mr. CULLOM. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. MORRILL, and Mr. VEST were appointed.

NATHAN C. MOORE.

Mr. COCKRELL. There is another pension bill just like the two that have been passed giving pensions to soldiers in the Black Hawk war. I ask the Senate to consider the bill (S. 4299) granting a pension to Nathan C. Moore. He was a soldier in the Seminole Indian war.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Nathan C. Moore, late a private of Captain Byram's company (E), of Colonel Benjamin Snodgrass's regiment, North Alabama Mounted Volunteers, in the Seminole Indian war, and to pay him a pension of $12 per month.

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

ELIZA B. DORRANCE.

Mr. SAWYER. I ask the Senate to proceed to the consideration of the bill (H. R. 1676) increasing the pension of Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain, United States Navy.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mrs. Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain, United States Navy, a pension at the rate of $40 per month during her widowhood, in lieu of the pension she is now receiving.

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

HOUSE BILLS REFERRED.

The bill (H. R. 9193) to give consent of Congress to the construction of a bridge over the Duck River, in Humphreys County, Tennessee, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 253) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1890, on the 20th day of said month was read twice by its title, and referred to the Committee on Appropriations.

BRIDGE AT ALBANY, OREGON.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3929) authorizing the city of Albany, in the county of Linn, State of Oregon, to construct a bridge across the Willamette River, in said State.

The amendments of the House of Representatives were to add to the bill the following additional sections:

SEC. 5. That said city of Albany, or any county or counties, corporation, or persons owning, controlling, or operating the bridge built under the authority of this act shall build and maintain at all times as accessory works to said bridge such booms, piers, dikes, guard fences, and similar devices as may be necessary

to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for guiding of rafts, steamboats, and other watercraft safely under or through said bridge, as may be prescribed by the Secretary of War.

SEC. 6. That, in case the bridge authorized by this act shall be constructed to provide for the passage of railroad trains, then all railroad companies desiring the use of the bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge and approaches shall be granted to all telegraph and telephone companies.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of approval thereof.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require the entire removal of the bridge constructed under the provisions of this act, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

Mr. DOLPH. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

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 eight minutes spent in executive session the doors were reopened and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 19, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 18th day of December, 1890.

APPOINTMENTS IN THE ARMY.

To be post chaplains.

Rev. Edward J. Vattmann, of Ohio, December 6, 1890, *vice* Wilson, retired from active service.

Rev. Cephas C. Bateman, of Oregon, December 6, 1890, *vice* Herrick, retired from active service.

Rev. Walter Marvine, of New York, December 6, 1890, *vice* Lewis, wholly retired from the service.

PROMOTIONS IN THE ARMY.

Ordnance Department.

Maj. Lawrence S. Babbitt, to be lieutenant colonel September 15, 1890, *vice* Flagler, promoted.

Capt. John G. Butler, to be major September 15, 1890, *vice* Babbitt, promoted.

First Lieut. John T. Thompson, of the Second Artillery, to be first lieutenant December 15, 1890, to fill the vacancy created by the death of Col. Thomas C. Baylor.

Second Lieut. Charles B. Wheeler, of the Fifth Artillery, to be first lieutenant December 15, 1890, to fill the vacancy created by the death of Capt. Joseph C. Clifford.

Cavalry.

Capt. Henry Wagner, of the First Cavalry, to be major of cavalry, December 17, 1890, *vice* Russell, retired from active service.

First Lieut. Herbert E. Tutherly, First Cavalry, to be captain of cavalry, December 17, 1890, *vice* Wagner, promoted.

Infantry.

First Lieut. James C. Ord, Twenty-fifth Infantry, to be captain of infantry, November 11, 1890, *vice* Reade, wholly retired from the service.

First Lieut. Charles A. Williams, of the Twenty-first Infantry, to be captain of infantry, November 14, 1890, *vice* Rheem, deceased.

Second Lieut. William N. Hughes, of the Thirteenth Infantry, to be first lieutenant of infantry, November 11, 1890, *vice* Ord, promoted.

Second Lieut. Edward S. Avis, of the Fifth Infantry, to be first lieutenant of infantry, November 12, 1890, *vice* Craft, deceased.

Second Lieut. Alfred B. Scott, of the Thirteenth Infantry, to be first lieutenant of infantry, November 14, 1890, *vice* Williams, promoted.

Second Lieut. Harris L. Roberts, of the Nineteenth Infantry, to be first lieutenant of infantry, November 20, 1890, *vice* Turner, dismissed.

ASSISTANT TREASURER UNITED STATES.

Martin P. Kennard, of Massachusetts, to be assistant treasurer of the United States at Boston, in the State of Massachusetts, to succeed Samuel N. Aldrich, resigned.

UNITED STATES ATTORNEY.

Allan T. Brinsmade, of Ohio, to be attorney of the United States for the northern district of Ohio, *vice* Isaac N. Alexander, deceased.

UNITED STATES MARSHAL.

Frederick W. Collins, of Mississippi, to be marshal of the United States for the southern district of Mississippi, *vice* Simon S. Matthews, resigned.

POSTMASTERS.

Frederic B. Fay, to be postmaster at Union Springs, in the county of Bullock and State of Alabama, in the place of James W. Satcher, whose commission expired May 6, 1890.

Morgan S. Russell, to be postmaster at Tuskegee, in the county of Macon and State of Alabama, in the place of Samuel Q. Hale, whose commission expires January 10, 1891.

Nathaniel P. Noyes, to be postmaster at Stonington, in the county of New London and State of Connecticut, in the place of Elias B. Hinckley, whose commission expires January 29, 1891.

Samuel R. Henry, to be postmaster at Elmwood, in the county of Peoria and State of Illinois, in the place of Frederic D. Jay, whose commission expires January 13, 1891.

Robert Robinson, to be postmaster at El Paso, in the county of Woodford and State of Illinois, in the place of Allison M. Cavan, resigned.

Josiah J. Irvine, to be postmaster at Bardstown, in the county of Nelson and State of Kentucky, in the place of Mary McAtee, whose commission expired December 21, 1890.

Mattie D. Todd, to be postmaster at Cynthiana, in the county of Harrison and State of Kentucky, in the place of Mattie D. Todd, whose commission expires January 10, 1891.

Richard E. Bouldin, to be postmaster at Bel Air, in the county of Harford and State of Maryland, in the place of John S. Richardson, whose commission expires January 6, 1891.

James M. Thomason, to be postmaster at Sauk Centre, in the county of Stearns and State of Minnesota, in the place of Uriel M. Tobey, whose commission expires February 14, 1891.

Albert M. Bradshaw, to be postmaster at Lakewood, in the county of Ocean and State of New Jersey, in the place of William J. Harrison, whose commission expires January 10, 1891.

George W. Darling, to be postmaster at Wellston, in the county of Jackson and State of Ohio, in the place of Benjamin C. Ridgway, removed.

Charles H. Kimball, to be postmaster at Medina, in the county of Medina and State of Ohio, in the place of Egbert Green, resigned.

Herman Hofercamp, to be postmaster at Sehome, in the county of Whatcom and State of Washington; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

William J. Mallman, to be postmaster at Sheboygan, in the county of Sheboygan and State of Wisconsin, in the place of Carl Zillier, whose commission expires January 13, 1891.

George E. Reed, to be postmaster at River Falls, in the county of Pierce and State of Wisconsin, in the place of Roderick McGregor, whose commission expires January 13, 1891.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 18, 1890.

ASSISTANT TREASURER.

Martin P. Kennard, of Massachusetts, to be assistant treasurer of the United States at Boston, Mass.

POSTMASTERS.

Samuel Owens, to be postmaster at Tower, in the county of St. Louis and State of Minnesota.

Samuel Daniels, to be postmaster at Marion, in the county of Linn and State of Iowa.

Philipp Gerlach, to be postmaster at Orangeburgh Court House, in the county of Orangeburgh and State of South Carolina.

Duncan Jordan, to be postmaster at Cuthbert, in the county of Randolph and State of Georgia.

John G. Gatlin, to be postmaster at Darlington Court House, in the county of Darlington and State of South Carolina.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 18, 1890.

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

The following members appeared: Mr. GIFFORD and Mr. YARDLEY.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE OVER GREEN AND BARREN RIVERS.

The SPEAKER laid before the House the bill (S. 4561) authorizing the Bowling Green and Northern Railroad Company to bridge Green and Barren Rivers.

The Clerk proceeded to read the bill.

Mr. BAKER. Mr. Speaker, this bill is identical with the House bill of the same purport reported from the Committee on Commerce, and I think it is hardly necessary to take up the time of the House to read it. I ask, therefore, unanimous consent that the reading of the bill be dispensed with.

Mr. SPRINGER. I object, Mr. Speaker.

Mr. GOODNIGHT. I would like to have the bill read, and I will then ask for its passage.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for the Bowling Green and Northern Railroad Company, a corporation created and existing under and by virtue of the laws of the State of Kentucky, to build or cause to be built a bridge across Green River at a point near the mouth of Bear Creek; also one across Barren River near Graham's Landing, or at such other points as may be selected by the said railroad company, and to lay on or over said bridge or bridges railway tracks, for the more perfect connection of the railway tracks they may hereafter build, to the points to be selected for crossing said rivers.

SEC. 2. That any bridge or bridges built under the provisions of this act may, at the option of said railway company, be built as a drawbridge or with unbroken or continuous spans: *Provided*, That if any such bridges shall be built with unbroken and continuous spans the spans thereof over and above the channels of said river or rivers shall not be less than 200 feet in length in the clear, and the main span or spans shall be over the main channels of the above-mentioned rivers. The lowest part of the superstructure of said bridges shall be of such height above extreme high-water mark, as understood at the points of location, as the Secretary of War may prescribe, and the bridges shall be at right angles to and their piers parallel with the current of the rivers: *And provided also*, That said bridges, at the option of the corporation or company by which they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 3. That any bridge or bridges authorized to be constructed under this act shall be lawful structures and shall be recognized and known as post routes, and they shall enjoy all the rights and privileges of other post roads in the United States, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for through passengers or freight passing over said bridge or bridges, than the rate per mile for the transportation over the railroads leading to said bridge or bridges; and the United States shall have the right of way for a postal-telegraph and telephone lines without charge therefor across said bridge or bridges.

Said bridge or bridges shall be built and located under and subject to such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge or bridges and a map of the location or locations, giving, for the space of 1 mile above and 1 mile below the proposed location or locations, the topography of the banks of the river or rivers, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan or location of the bridge or bridges are approved by the Secretary of War the bridge or bridges shall not be built; and should any change be made in the plan of said bridge or bridges during the progress of construction such changes shall be subject to the approval of the Secretary of War.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, or the corporation or persons controlling the same, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The SPEAKER. The question is on ordering the bill to a third reading.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GOODNIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

By unanimous consent, the House bill of the same purport was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The morning hour commences at 12 o'clock and 10 minutes.

Mr. ALLEN, of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk to be read.

The SPEAKER. The morning hour has commenced.

Mr. ALLEN, of Michigan. I tried to get the ear of the Chair before he made the announcement. I will ask unanimous consent, if it is not out of order.

The SPEAKER. The call rests with the Committee on Commerce.

AMENDMENT TO THE INTERSTATE-COMMERCE ACT.

Mr. BAKER. Mr. Speaker, the bill which was last under consideration is Senate bill 3173, an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887. The bill was read through when it was last under consideration. There is an amendment.

The SPEAKER. The question is on agreeing to the amendment.

Mr. SPRINGER. Let the amendment be read.

The SPEAKER. The amendment has already been reported.

Mr. SPRINGER. We want to hear it now.

The SPEAKER. The bill has been read once in the House.

Mr. SPRINGER. This morning?

The SPEAKER. Not this morning; but it is not necessary to read a bill every morning hour that it comes up for consideration.

Mr. HOLMAN. I hope that we shall hear what is in that bill before we act upon it.

The SPEAKER. The gentleman has already heard it.

Mr. MCMILLIN (to Mr. HOLMAN). Take the floor and have it read in your own time.

Mr. BAKER rose.

The SPEAKER. What does the gentleman from New York desire?

Mr. BAKER. I did not understand what the gentleman from Indiana said.

Mr. SPRINGER. Mr. Speaker, the amendment is not very long, and we shall save time by having it read.

The SPEAKER. It seems to the Chair as if it would be wasting the morning hour to require a bill or amendment to be read every time its consideration is resumed, when the rules of the House do not call for such reading and do not permit it except by unanimous consent.

Mr. SPRINGER. If the Chair will pardon me, it seems to me that it is a travesty upon legislation to proceed to pass upon an amendment when no member of the House knows anything about what it is.

The SPEAKER. The bill and amendment were read on a previous day, and the title has just now been read.

Mr. SPRINGER. So have many other things been read. Robinson Crusoe has been read, but most of us have forgotten the details of it. We want to know what we are acting on now.

Mr. BAKER. I ask unanimous consent for the reading of the amendment.

There being no objection, the amendment was read, as follows:

Add to the bill the following:

"Witnesses whose depositions are taken pursuant to this act and the magistrate or other officer taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States."

The amendment was agreed to.

The bill as amended was ordered to a third reading.

Mr. HOLMAN. I now call for the reading of the bill.

The Clerk proceeded to read the bill.

Mr. BAKER (during the reading). This bill embodies simply a brief amendment to section 12 of the existing law. It seems to me hardly necessary to read the whole bill.

The SPEAKER. This is the third reading of the bill, at which stage under the rules a member is entitled to have the bill read in full; and the gentleman from Indiana [Mr. HOLMAN] has called for the reading.

The Clerk resumed the reading.

Mr. SPINOLA (interrupting the reading). Mr. Speaker, this appears to be a bill of a great deal of importance; and I would like the gentleman having it in charge to state who has asked for its passage.

The SPEAKER. The gentleman from New York is not in order. The Clerk will continue the reading.

The reading of the bill was resumed and concluded.

Mr. HOLMAN. Mr. Speaker, this seems to be quite an important measure. I suppose there is some report accompanying it. I do not remember that any report upon the bill has ever been read to the House.

Mr. BAKER. Section 12, which the Clerk has just finished reading, is the existing law with a brief amendment providing simply for the taking of depositions in different parts of the country by a notary in the same manner as is now done in cases in the United States courts; that is all.

Mr. HOLMAN. But the bill authorizes the subpœnaing of witnesses wherever they may be.

Mr. BAKER. The bill is designed to facilitate the taking of testimony. Instead of requiring witnesses to travel from distant points to Washington, the bill authorizes the taking of their depositions at their residences before a notary and requires their attendance as witnesses before such an officer.

Mr. HOLMAN. Independently of the provision to which the gentleman has just referred is there not, however, a provision expressly authorizing the summoning of witnesses, wherever they may be, to the place where the hearing is had?

Mr. BAKER. Of course witnesses may be subpœnaed before the commission; but this bill will save very considerable expense in that direction.

Mr. HOLMAN. But under the bill both things can be done. The commission may summon a witness before it from any part of the United States to the place of hearing, or his deposition may be taken. It seems to me that the taking of the deposition is the proper mode; that the witness should not be required to travel possibly a long distance for the purpose of testifying before such a tribunal.

Mr. BAKER. The bill as now proposed applies the same rule in these cases that controls the taking of testimony in the United States courts. It will save much expense and trouble.

Mr. HOLMAN. The taking of depositions would do so; but the other method does not. The taking of depositions at the residence of the witness would result in the saving of expense and trouble, but the effect of subpœnaing a witness from his place of residence to the hearing would be just the contrary.

Mr. BAKER. Oh, no. Under the existing law witnesses are subpœnaed to come to Washington, which, of course, involves often great expense.

Mr. HOLMAN. And that is authorized by this bill.

Mr. BAKER. Yes; but this amendment to section 12 of the existing law simplifies the practice in that respect and saves in these cases the expense now incurred in all cases.

Mr. HOLMAN. That is to say, the commission may adopt either method of taking testimony?

Mr. BAKER. They may do either.

Mr. HOLMAN. Now, I object to that feature of the bill. I think that the taking of depositions is the proper method.

Mr. BAKER. I think the matter ought to be left to the discretion of the commissioners.

Mr. HOLMAN. I think not.

Mr. CULBERSON, of Texas. If the gentleman from New York [Mr. BAKER] will allow me——

Mr. BAKER. I yield to the gentleman.

Mr. CULBERSON, of Texas. I wish to say I do not think the bill is subject to the objection made by the gentleman from Indiana. As I understand, this amendment to the existing law provides simply that testimony may be taken before this commission, as is now done before the courts. Under the existing law the courts have no discretion to issue a subpœna to a witness unless he lives within a hundred miles. Therefore I do not think the bill is subject to the objection stated by the gentleman from Indiana.

Mr. HOLMAN. As I understand, it is stated distinctly in the bill that subpœnas may be issued to witnesses wherever they may be to appear before the commission at the place of hearing.

Mr. CULBERSON, of Texas. That is the existing law; and I supposed the Committee on Commerce desired to amend the law in that respect.

Mr. HOLMAN. That is what I had hoped myself.

Mr. BAKER. Mr. Speaker——

Mr. OATES. Will the gentleman allow me a question?

Mr. BAKER. Certainly.

Mr. OATES. Is this a unanimous report of the committee?

Mr. BAKER. Yes, sir.

Mr. OATES. Will the gentleman have the report read?

Mr. BAKER. It has been read. With the consent of the House, I will have read a brief letter from one of the commissioners in regard to this bill. It will occupy but a moment and will give all the explanation, I think, that can be desired.

The Clerk read as follows:

INTERSTATE-COMMERCE COMMISSION, *Washington, March* 13, 1890.

MY DEAR SIR: I inclose you herewith draught of amendments to the twelfth section of the act to regulate commerce referred to in our conversation this morning. The amendment of this section is one of great importance in the practical administration of the law, and probably no objection will be made to it from any source. As there is immediate necessity for the amendment of this section, it is desirable that it should be acted upon independently, so as not to be delayed by the discussions that might be called out upon other subjects. A brief reference to the reasons for this amendment will be found on page 108 of the Third Annual Report of the Commission. I have not been able to have the other amendments to the law, which are of a more general character, copied, so as to transmit them to you to-day, but I will endeavor to send them to you to-morrow.

Very truly yours,

A. SCHOONMAKER, *Commissioner.*

Hon. CHARLES S. BAKER,
House of Representatives.

Mr. BAKER. Following that I ask the Clerk to read now two brief references to the law which I have marked and which cover the whole subject.

The Clerk read as follows:

[An amendment to the twelfth section, relating to the attendance of witnesses and to the taking of testimony by deposition.]

Objection has been made that the attendance of witnesses can not be required outside of the judicial district in which they reside. The commission believes the objection is not well founded and that the law could not be effectually administered under such a rule. As the fact that the objection has been made indicates that obstructions and delays may occur, it is better that the language of the act should be open to no misconstruction.

Depositions are authorized by law to be taken for use in the Federal courts, but there is now no provision for taking testimony by deposition to be used before the commission, and it can only be done by the consent of parties. This practice has been followed in many instances, but it is obvious that it ought not to be merely voluntary. As the taking of testimony in that manner is a great convenience and lessens expense as well as facilitates business, it should manifestly be authorized.

Mr. CULBERSON, of Texas. It clearly appears from this that the bill is not obnoxious to the objection which has been stated by the gentleman from Indiana. The only object is to allow the testimony to be brought before the commission by deposition, as in the courts of the United States.

Mr. BAKER. I ask a vote on the passage of the bill.

Mr. MILLS. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 217, nays 6, not voting 108; as follows:

YEAS—217.

Abbott,	Bland,	Burrows,	Cheadle,
Adams,	Blount,	Burton,	Cheatham,
Alderson,	Boatner,	Butterworth,	Chipman,
Allen, Mich.	Boothman,	Bynum,	Clancy,
Allen, Miss.	Boutelle,	Caldwell,	Clark, Wyo.
Andrew,	Breckinridge, Ark.	Campbell,	Clarke, Ala.
Atkinson, Pa.	Brewer,	Candler, Ga.	Clements,
Atkinson, W. Va.	Brickner,	Candler, Mass.	Cobb,
Baker,	Brookshire,	Cannon,	Cogswell,
Banks,	Brosius,	Carlton,	Coleman,
Bartine,	Brown, J. B.	Carter,	Comstock,
Beckwith,	Brunner,	Caruth,	Connell,
Belknap,	Buchanan, N. J.	Caswell,	Cooper, Ind.
Bergen,	Buchanan, Va.	Catchings,	Crisp,
Culberson, Tex.	Herbert,	Oates,	Stewart, Tex.
Cummings,	Hermann,	O'Ferrall,	Stewart, Vt.
Cutcheon,	Hill,	O'Neil, Mass.	Stivers,
Dalzell,	Holman,	Osborne,	Stockdale,
Darlington,	Hooker,	Outhwaite,	Stone, Mo.
Dickerson,	Houk,	Owens, Ohio	Stone, Pa.
Dingley,	Kennedy,	Parrett,	Struble,
Dockery,	Kerr, Iowa	Payne,	Sweney,
Dolliver,	Kilgore,	Paynter,	Taylor, E. B.
Dorsey,	Kinsey,	Payson,	Taylor, Ill.
Dunnell,	Knapp,	Penington,	Taylor, J. D.
Dunphy,	Lacey,	Perkins,	Thomas,
Edmunds,	Laidlaw,	Perry,	Thompson,
Ellis,	Lane,	Pickler,	Townsend, Colo.
Enloe,	Langston,	Post,	Townsend, Pa.
Evans,	Lanham,	Pugsley,	Tracey,
Farquhar,	Laws,	Quinn,	Turner, Ga.
Finley,	Lester, Ga.	Raines,	Turner, Kans.
Fithian,	Lewis,	Randall,	Turner, N. Y.
Flick,	Magner,	Ray,	Vandever,
Forman,	Mansur,	Reed, Iowa	Van Schaick,
Forney,	Martin, Ind.	Richardson,	Vaux,
Fowler,	Mason,	Rife,	Walker,
Frank,	McAdoo,	Robertson,	Wallace, Mass.
Funston,	McClellan,	Rockwell,	Wallace, N. Y.
Gear,	McComas,	Rowell,	Washington,
Geissenhainer,	McCreary,	Russell,	Wheeler, Ala.
Gest,	McKenna,	Sanford,	Wheeler, Mich.
Goodnight,	McMillin,	Sawyer,	Whitelaw,
Greenhalge,	McRae,	Sayers,	Whitthorne,
Grout,	Mills,	Scranton,	Wike,
Hansbrough,	Moffitt,	Scull,	Williams, Ill.
Hare,	Montgomery,	Seney,	Williams, Ohio
Harmer,	Moore, N. H.	Sherman,	Wilson, Ky.
Haugen,	Moore, Tex.	Shively,	Wilson, Wash.
Hays, E. R.	Morey,	Simonds,	Wilson, W. Va.
Haynes,	Morrow,	Smith, W. Va.	Wright,
Heard,	Mudd,	Smyser,	Yardley.
Hemphill,	Mutchler,	Spinola,	
Henderson, Iowa	Niedringhaus,	Spooner,	
Henderson, N. C.	Nute,	Springer,	

NAYS—6.

Flower,	Martin, Tex.	O'Neill, Pa.	Wilcox.
Ketcham,	Morse,		

NOT VOTING—108.

Anderson, Kans.	Crain,	Lehlbach,	Reilly,
Anderson, Miss.	Culbertson, Pa.	Lester, Va.	Reyburn,
Arnold,	Dargan,	Lind,	Rogers,
Bankhead,	Davidson,	Lodge,	Rowland,
Barnes,	De Lano,	Maish,	Rusk,
Barwig,	Dibble,	McCarthy,	Skinner,
Bayne,	Ewart,	McClammy,	Smith, Ill.
Belden,	Featherston,	McCord,	Snider,
Biggs,	Fitch,	McCormick,	Stahlnecker,
Bingham,	Flood,	McDuffie,	Stephenson,
Blanchard,	Geary,	McKinley,	Stewart, Ga.
Bliss,	Gibson,	Miles,	Stockbridge,
Bowden,	Gifford,	Miller,	Stone, Ky.
Breckinridge, Ky.	Grimes,	Milliken,	Stump,
Brower,	Grosvenor,	Morgan,	Sweet,
Browne, T. M.	Hall,	Morrill,	Tarsney,
Browne, Va.	Hatch,	Norton,	Taylor, Tenn.
Buckalew,	Hayes, W. I.	O'Donnell,	Tillman,
Bullock,	Henderson, Ill.	O'Neall, Ind.	Tucker,
Bunn,	Hitt,	Owen, Ind.	Waddill,
Clark, Wis.	Hopkins,	Peel,	Wade,
Clunie,	Kelley,	Peters,	Whiting,
Cooper, Ohio	Kerr, Pa.	Phelan,	Wickham,
Cothran,	La Follette,	Pierce,	Wiley,
Covert,	Lansing,	Pindar,	Wilkinson,
Cowles,	Lawler,	Price,	Wilson, Mo.
Craig,	Lee.	Quackenbush,	Yoder.

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. MCCORMICK with Mr. REILLY.

Mr. PETERS with Mr. DOCKERY.

Mr. GIFFORD with Mr. MORGAN.

Mr. BLISS with Mr. WHITING.

Mr. LEHLBACH with Mr. STUMP.

Mr. CLARK, of Wisconsin, with Mr. ANDERSON, of Mississippi.

Mr. DE LANO with Mr. ROWLAND.

Mr. MCCORD with Mr. TARSNEY.

Mr. STEPHENSON with Mr. MCCLAMMY.

Mr. TAYLOR, of Tennessee, with Mr. BARWIG.

Mr. BOWDEN with Mr. LESTER, of Virginia.

Mr. THOMAS M. BROWNE with Mr. BANKHEAD.

Mr. GROSVENOR with Mr. COWLES.

Mr. HOPKINS with Mr. HATCH.

Mr. STOCKBRIDGE with Mr. RUSK.

Mr. HITT with Mr. PRICE.

Mr. MORRILL with Mr. STEWART, of Georgia.

Mr. COOPER, of Ohio, with Mr. DAVIDSON.

Mr. BROWNE, of Virginia, with Mr. NORTON.

Mr. FLOOD with Mr. TUCKER, for this day.

On this vote:

Mr. BINGHAM with Mr. DARGAN.

Mr. O'DONNELL with Mr. WILEY.

Mr. WADDILL with Mr. STAHLNECKER.

Mr. LIND with Mr. W. I. HAYES.

Mr. MILLIKEN with Mr. DIBBLE, until January 2, 1891.

Mr. WADE with Mr. WILSON, of Missouri, until January 5, 1891.

Mr. HALL with Mr. SKINNER, until January 5, 1891.

The result of the vote was then announced as above recorded.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE WILLAMETTE RIVER, OREGON.

Mr. BAKER. I call up for present consideration the bill (S. 3929) authorizing the city of Albany, in the county of Linn, State of Oregon, to construct a bridge across the Willamette River, in said State.

The bill was read, as follows:

Be it enacted, etc., That the city of Albany, in the county of Linn, State of Oregon, be authorized and permitted to build a wagon and foot bridge across the Willamette River, at such point as may be selected opposite the said city, and between the counties of Linn and Benton, in said State of Oregon. Such bridge may also, at the option of said city, be so constructed as to be available as a railroad bridge: *Provided*, That in either case said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river by reason of the construction of said bridge, the cause may be tried before the circuit court of the United States in and for the district in whose jurisdiction any portion of said obstruction or bridge may be.

SEC. 2. That such bridge, built under the provisions of this act, may, at the option of the city of Albany, be built as a drawbridge or with unbroken, continuous spans: *Provided*, If such bridge shall be made with unbroken, continuous spans the main span shall be over the main channel of such navigable river, and shall be of such width and the lowest part of the superstructure shall be of such height above extreme high-water mark as the Secretary of War may prescribe, and such bridge shall be at right angles to and its piers parallel with the channel or current of said river. And if such bridge, built under this act, shall be constructed as a drawbridge the same shall be constructed with the opening over the center or channel of the river, and shall be of such width and character of construction as the Secretary of War shall prescribe, and the piers of such bridge shall be parallel with the current, and the draw of such bridge shall be over the main or deep channel of the river: *Provided, also*, That said draw shall be opened promptly upon a reasonable signal for the passage of boats, and in no case shall unnecessary delay occur in opening said draw.

And said city of Albany shall maintain at its own expense, from sunset to sunrise, such lights or other signals on such bridge as the Lighthouse Board shall prescribe: *Provided, also*, That said bridge, at the option of the said city of Albany, may be used for the passage of wagons or vehicles of all kinds, for the transit of animals and foot passengers for such reasonable rate of toll as may be approved from time to time by the Secretary of War, but the same may, at the option of the city of Albany, be a free bridge for the passage of vehicles and foot passengers thereon.

SEC. 3. That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the rights and privileges of other post roads in the United States, and no higher charge shall be made for the transmission over the same of the mails, troops, or munitions of war of the United States or for other passengers or freight passing over said bridge than the rate per mile paid for transportation over any railroad leading to said bridge. And the United States shall have the right of way for a postal telegraph across said bridge and its approaches.

Said bridge shall be built and located under and subject to such regulations for the security of navigation on navigable rivers as the Secretary of War shall prescribe. To secure that object the said city of Albany shall submit to the Secretary of War, for his examination and approval, a design and drawing of such bridge, and a map of the location, giving, for the space of 1 mile above and 1 mile below the location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed and channel of the stream, and the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until the said plans and location of the bridge are approved by the Secretary of War the bridge shall not be built, and any change made in the plans of such bridge during the progress of the work thereon shall be subject to the approval of the Secretary of War.

SEC. 4. That such alterations or changes as may be required by the Secretary of War or Congress in the bridge constructed under the provisions of this act shall be made by the said city of Albany at its own expense, and at any time after the completion of such bridge the said city of Albany may, at its option, surrender and transfer to the counties of Linn and Benton, in the State of Oregon, said bridge and the entire control and management thereof, in which event and in case of the acceptance thereof by said counties they shall thereafter be subject to all the obligations and conditions imposed upon the city of Albany by the provisions of this act.

The committee recommend the adoption of the following amendments.

Add to the bill the following additional sections:

SEC. 5. That said city of Albany, or any county or counties, corporation, or persons owning, controlling, or operating the bridge built under the authority of this act shall build and maintain at all times as accessory works to said bridge such booms, piers, dikes, guard fences, and similar devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for guiding of rafts, steamboats, and other water craft safely under or through said bridge, as may be prescribed by the Secretary of War.

SEC. 6. That in case the bridge authorized by this act shall be constructed to provide for the passage of railroad trains, then all railroad companies desiring the use of the bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge and approaches shall be granted to all telegraph and telephone companies.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of approval thereof.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require the entire removal of the bridge constructed under the provisions of this act, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

The amendments recommended by the committee were adopted.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill H. R. 10841, of the same title, was ordered to be laid on the table.

BRIDGE ACROSS DUCK RIVER, TENNESSEE.

Mr. BAKER. I also call up for present consideration the bill (H. R. 9193) to give consent of Congress to the construction of a bridge over the Duck River, in Humphreys County, Tennessee.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the county of Humphreys, in the State of Tennessee, to construct and maintain a bridge and approaches thereto over the Duck River, at or near the present crossing of any public road leading from Waverly to Bakerville, in the said county of Humphreys, Tennessee. Said bridge shall be constructed to provide for the free passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, and it shall enjoy the rights and privileges of other post roads in the United States: *Provided*, That the United States may construct a postal telegraph over said bridge without charge therefor.

SEC. 3. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said county shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built, and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The committee recommended the adoption of the following amendments:

Add after the word "War," in line 19 of section 3:

"And the said bridge shall be at all times so managed and kept as to offer reasonable and proper means for the passage of vessels through or under said bridge; and to secure the safe passage of vessels at night there shall be displayed on said bridge, from sunset to sunrise, such lights or other signals as may be prescribed by the Lighthouse Board."

Also add a new section, 5, as follows:

"SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof."

The SPEAKER. The question is on agreeing to the amendments reported by the Committee on Commerce.

Mr. ALLEN, of Mississippi. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield the floor?

Mr. BAKER. No; we want to dispose of several little matters to-day. I yield to the gentleman for a question, if that is what he desires.

Mr. ALLEN, of Mississippi. No, sir; I want to speak. [Laughter.]

Mr. BAKER. I do not yield the floor. Much as I desire to hear the gentleman's speech, I can not give way now.

Mr. MORSE. But there are some ladies in the gallery who want to hear Brother ALLEN.

Mr. BAKER. Oh, the galleries are pretty empty to-day. I demand the previous question on the bill and amendments.

The previous question was ordered; there being, on a division—ayes 102, noes 24.

Mr. ALLEN, of Mississippi. Mr. Speaker, I believe under the rule we are now entitled to debate for forty minutes. [Laughter.]

The SPEAKER. Under the rule, there having been no debate before the previous question was ordered, twenty minutes are allowed for and against the measure. The gentleman from New York is entitled to twenty minutes in support of the bill, and the Chair will recognize the gentleman from Mississippi in opposition.

Mr. BAKER. Mr. Speaker, being entitled to twenty minutes, in view of the fact that only five minutes remain of the morning hour and in view of the further consideration that I have been trying to pass a little bridge bill for my friend from Tennessee [Mr. WASHINGTON], if the gentleman from Mississippi [Mr. ALLEN] thinks that he can improve the time more profitably by defeating the bill of his friend on that side, he may occupy the five minutes remaining.

Mr. ALLEN, of Mississippi. Mr. Speaker, I do not wish to defeat the bill of the gentleman from Tennessee. I believe this committee will have an hour to-morrow, will it not?

Mr. CUTCHEON and several other MEMBERS. No; this is the last hour.

Mr. WASHINGTON. I have been trying to get this bill through for a long time.

Mr. ALLEN, of Mississippi. I will not occupy the time to defeat the passage of the bill, though I have some observations that would be of great benefit to the House to listen to. [Laughter.]

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. BAKER 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.

TUNNEL UNDER THE BAY OF NEW YORK.

Mr. BAKER. I offer the following bill, which I think can be disposed of in the remaining time in the morning hour, and I yield the floor to my colleague from New York [Mr. COVERT].

The Clerk read as follows:

A bill (H. R. 12042) to authorize the construction of a tunnel under the waters of the bay of New York, between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post road.

Be it enacted, etc., That it shall be lawful for the New Jersey and Staten Island Junction Railroad Company, a corporation existing under the laws of the State of New York, to build and maintain a tunnel under the waters of the bay of New York, from a point in the town of Middletown, in the county of Richmond, in said State, to a point in the town of New Utrecht, in the county of Kings, in said State, for the passage of railroad trains, engines, and cars in and through the same, and to lay in and through said tunnel such and so many railway tracks as may be necessary for the use of said company, and such connections or extensions thereof as may be made, and for the use and more perfect connection of any and all railroads that are or shall be constructed to the said points, and that all railway companies desiring to use the said tunnel shall have and be entitled to equal rights and privileges in the passage through the same, and in the use of the tracks and fixtures thereof, and of all the approaches thereto, for a reasonable compensation, to be paid to the owners of said tunnel, under and upon such terms and conditions as shall be agreed to by the owners of said tunnel and such other railway companies: *Provided, however*, That, in case such parties can not so agree, then and in such case such other railway companies shall have the right to so use the tunnel under such terms and conditions as shall be prescribed by the Secretary of War, after hearing the allegations and proof of the respective parties.

SEC. 2. That said tunnel shall be so constructed as not in any manner to interfere with the navigation of ships, steamboats, and other water craft in the said bay of New York; and shall be at a sufficient depth below the waters in the said bay so that a sure and safe archway be constructed therein, so as to save and protect the waters of the said bay and the currents and channels thereof from any change or alteration by reason of the construction of the said tunnel or any part thereof.

SEC. 3. That any tunnel constructed under this act and according to its terms and limitations shall be a lawful structure and shall be recognized and known as a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to said tunnel; and the United States shall have the right of way for postal-telegraph purposes through and in said tunnel.

SEC. 4. That the plan and location of said tunnel, with a detailed map of the bay of New York at, over, and near to the proposed site of the said tunnel, exhibiting the depth of water and the currents and channels thereof, shall be submitted to the Secretary of War for his approval, and until he shall approve the plan and location of said tunnel it shall not be built, but upon the approval of said plans by the Secretary of War the said company may proceed to the building of the said tunnel in conformity with said approved plan; and no change shall be made in the plan or location of said tunnel during the progress of the work thereon, except the same be first approved by the Secretary of War.

If the Secretary of War shall at any time deem any change or alterations necessary in the said tunnel, so that the same shall not interfere with the navigation of ships, steamboats, and other watercraft, or if he shall deem the disuse of the whole structure necessary for the preservation of the harbor for the purpose of navigation, the alteration so required shall be made at the expense of the parties owning said structure.

SEC. 5. That if work shall not be commenced upon said tunnel within three years after the passage of this act the rights and privileges hereby granted shall determine and cease.

SEC. 9. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read, as follows:

Section 2, strike out the words "and shall" of line 3, and all of lines 4 and 5, and insert in lieu thereof the words "that the upper surface of the covering arch of the said tunnel shall be placed at a depth below the bed of the said bay sufficient to."

At the end of section 2 add the following words, "and no obstruction either of a temporary or permanent character to the free and unrestricted navigation of the said bay of New York shall be built anywhere within the waters of said bay in connection with the construction of the tunnel or any part thereof."

At the end of section 3 add "and over the approaches thereto."

Section 4, line 15, after the word "with" insert the words "or endanger."

Section 3, line 1, after the word "act" insert the words "together with the approaches thereto."

Section 5, line 2, after the word "years" insert the words "and completed within ten years."

Pending the reading of the amendments,

Mr. SPINOLA said: Mr. Speaker, I desire to discuss the merits of this bill at the proper time. Is that in order now?

The SPEAKER. The reading of the bill and proposed amendments has not yet been completed. It is not in order.

The Clerk then resumed and completed the reading of the amendments.

ORDER OF BUSINESS.

Mr. FARQUHAR. Mr. Speaker, the sixty minutes of the morning hour having expired, I now move that the House resolve itself into the Committee of the Whole for the consideration of the bill (S. 3738) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations and the substitute therefor offered by the Committee on Merchant Marine and Fisheries.

Mr. BLOUNT. Mr. Speaker, I wish to make a parliamentary inquiry.

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

The SPEAKER. The Chair will state the question. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill S. 3738 and the substitute therefor by the Committee on Merchant Marine and Fisheries.

Mr. BLOUNT. Mr. Speaker——

Mr. SPRINGER. I make the point of order that the committee has not authorized this report to be considered at this time or authorized this motion to be made.

Mr. FARQUHAR. I wish to say to the gentleman from Illinois that the committee has authorized the offering of this substitute and a majority of the committee have signed a report to that effect.

Mr. BLOUNT. That is not the point.

Mr. SPRINGER. That is not the point.

Mr. FARQUHAR. And at a meeting of the committee they have twice authorized this bill to be brought before the House, and the substitute accompanying Senate 3738, which is now on the Calendar, was authorized by the majority of the committee at that time to be called up.

Mr. BLOUNT. That does not meet the rule.

Mr. SPRINGER. I make the point that the committee have not authorized this motion to be made.

The SPEAKER. The Chair must take the statement of the chairman of the committee.

Mr. MCMILLIN. But the gentleman has not stated that the committee have authorized the making of this motion. He says the committee have authorized him to try to get the bill up, but the authorization must be strictly within the wording of the rule, and he has not yet stated that that has been done.

Mr. FARQUHAR. The authorization is made in the original report on Senate bill 3738.

Mr. BLOUNT. I would like to ask the gentleman a question.

Mr. FITHIAN. Mr. Speaker——

Mr. FARQUHAR. And the committee also authorized me as chairman to take all steps needful and possible for calling up Senate bill 3738 and the substitute.

Mr. FITHIAN. Mr. Speaker, will the gentleman——

The SPEAKER. One moment. Let us get at this question of fact. It can not be gotten at by everybody talking at once. Does the gentleman from New York state that he was authorized by the committee to make the motion that he has made?

Mr. FARQUHAR. I do. I say it now explicitly.

Mr. SPRINGER. I state from what I know that the committee has not made this authorization.

Mr. FARQUHAR. What is the gentleman's authority for his assertion?

Mr. SPRINGER. I make this statement now and I want to be heard. [Cries of "Regular order!" on the Republican side.] Mr. Speaker, I have a right to be heard.

Mr. FITHIAN. Mr. Speaker——

Mr. SPRINGER. I state positively that the committee has not made this order, and I will state what order was made if I can be heard, and the gentleman from New York [Mr. FARQUHAR] will not deny it.

Mr. FITHIAN. Mr. Speaker, will the chairman of the committee allow me to ask a question?

The SPEAKER. One moment. The gentleman from Illinois [Mr. SPRINGER] is recognized.

Mr. SPRINGER. Mr. Speaker, the committee authorized the gentleman last summer, as he states, to call up House bill 4663. The committee at this session authorized the gentleman to report a substitute for the Senate bill to the House, which has been done, and I have a copy of it here before me; authorized him to report Senate bill 3738, with the recommendation that all after the enacting clause be stricken out and that another bill be inserted in its place; but the motion that the gentleman has now made is to take up Senate bill 3738. The committee made no recommendation in regard to the consideration of that bill, but simply authorized the gentleman to report it to the House.

Mr. FARQUHAR. If the gentleman will examine the report on Senate bill 3738, he will discover there the very terms of the order in the very preamble of the report.

Mr. SPRINGER. I make the point that last summer the committee could have given authority on the Senate bill, but it could not make any order as regards this bill.

Mr. FARQUHAR. Does the gentleman pretend to say that there was no authorization on the part of the Committee on Merchant Marine and Fisheries to report the bill S. 3738 and ask for its immediate consideration?

Mr. SPRINGER. I state that the committee authorized you to report the Senate bill with a substitute. That is all.

Mr. FARQUHAR. How, then, could the report on the bill S. 3738 have come into the House?

Mr. SPRINGER. It came by authority of the committee; but that did not give you the right to make this motion.

Mr. FARQUHAR. Is the gentleman aware that there are three reports in connection with this measure?

Mr. SPRINGER. The gentleman has made a motion to take up the Senate bill under a special order; and he can not make that motion unless the committee has specially authorized him to make that motion on this bill; and I appeal to my colleague [Mr. FITHIAN] to verify my statement that he is not so authorized.

Mr. FARQUHAR. I say that the committee authorized the report on the bill S. 3738 and it also authorized me to report a substitute.

Mr. SPRINGER. That is true; but not to be taken up under this order.

The SPEAKER. The Chair must insist upon order. Has the gentleman from Illinois finished?

Mr. SPRINGER. I appeal to my friend [Mr. FITHIAN], a member of the committee, for a verification of what I have said.

Mr. FITHIAN. Mr. Speaker, as a member of the Committee on Merchant Marine and Fisheries I desire to be heard. The authorization of the committee to the chairman was made on the 13th, and was to substitute this bill, which he has reported, for the bill S. 3738. There was an authorization made to the chairman of the committee by the committee upon the original House bill; but there has been no authorization made by the committee to the chairman upon the Senate bill nor upon the proposed substitute to the Senate bill; and I call for the minutes of the committee, in the hands of the clerk of the committee, for a verification of what I have said.

Mr. BLOUNT. I would like to ask the gentleman from Illinois a question in regard to the rule. The rule provides—

> After one hour shall have been devoted to the consideration of bills called up by committees it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill—

And I wish to ask if the formal motion has been considered in the Committee on Merchant Marine and Fisheries, that the gentleman from New York be authorized to make the motion that the House resolve itself into a Committee of the Whole House on the state of the Union for the consideration of the bill he has designated.

Mr. FITHIAN. I say it has not. If the chairman of the committee will read the authorization that he has there, signed by the majority of the committee, it will make the matter plain to the House, so that there can not be any controversy as to the facts.

Mr. FARQUHAR. Controversy! Mr. Speaker, if the gentleman——

Mr. MCMILLIN. I desire to ask the gentleman from Illinois if there was a written authorization and what the authorization was.

Mr. FITHIAN. There is a written authorization given to the chairman of the committee authorizing him to substitute the bill which has recently been reported by the committee for the Senate bill 3738. That is the only authorization he has.

Mr. FARQUHAR. Ah, yes. That the authorization was to report the Senate bill to the House——

Mr. FITHIAN. If you read it you will find there is authorization to substitute the bill for the printed bill 3738 of the Senate. In the authorization no authority——

Mr. FARQUHAR. Was the gentleman present in the Committee on Merchant Marine and Fisheries when the bill S. 3738 was ordered to be reported?

Mr. FITHIAN. On the final hearing of the bill I was present.

Mr. FARQUHAR. Were you there when authority was given to report the bill——

Mr. FITHIAN. I was there when authority was given to report the House bill.

Mr. FARQUHAR. And to arrange for its consideration in connection with the bill S. 3738?

Mr. FITHIAN. I have called for the minutes; and if you have such an authorization the minutes can show it.

Mr. BLOUNT. I would like to ask the gentleman from New York in charge of the bill if he states there was a distinct action in the committee authorizing him to make a specific motion that the House resolve itself into Committee of the Whole House on the state of the Union after sixty minutes of the morning hour shall have expired for the purpose of considering the bill which he has designated.

Mr. FARQUHAR. In answer to the gentleman I will state that the committee passed a resolution to have a special order made for the consideration of the bill and the substitute; and it is before your committee now, if you please.

Mr. BLOUNT. Is that your answer to my question?

Mr. FARQUHAR. That is one feature of it. The authorization of the committee was general. It was to take the first opportunity, either by a special order or otherwise, to get the floor for its consideration.

Mr. BLOUNT. You never have had any distinct motion submitted to your committee and acted upon it authorizing you to move to go into Committee of the Whole after sixty minutes of the morning hour have expired to consider this bill which you presented by name?

Mr. FARQUHAR (referring to the minutes of the committee). At the meeting of the committee December 13——

Mr. FITHIAN. What date is that?

A MEMBER. December 13.

The SPEAKER. The Chair thinks that the chairman, as he is the authorized organ of the committee, must make such a statement of fact as he is willing to stand by. The Chair does not see any other way of getting at the matter.

Mr. FITHIAN. Then, Mr. Speaker, I would like to know what right the committee have if the whole matter is to be left with the chairman.

Mr. STEWART, of Vermont. We can not try an issue of fact here.

The SPEAKER. That is a question to be determined in some other way, the Chair thinks.

Mr. BLOUNT. Mr. Speaker, if the chairman of the committee sees fit to refresh his memory from the minutes of the committee I do not see that there is any objection to it, and I ask unanimous consent that he be allowed to state to the House what appears on the minutes of the committee.

Mr. BLAND. Mr. Speaker, I do not see why minutes should be kept at all if they are not to be used for the purpose of determining what the committee has done.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent that the chairman be allowed to refer to the minutes of the committee to ascertain the facts or that he be allowed to read the minutes to the House if he desires.

The SPEAKER. The Chair thinks it is better for the chairman, in his position as chairman of the committee, to state its action to the House.

Mr. BLOUNT. But the chairman wants to consult the minutes, and the Speaker makes the point that that is not in order. Therefore I now ask unanimous consent that he be allowed to do so.

Mr. BUCHANAN, of New Jersey. I object to that. We can not have a jury trial here.

The SPEAKER. Objection is made. Gentlemen will see from what has already occurred that it would be impossible to have a trial of fact in this way, and that the only thing which the Chair can look at is the statement made by the chairman of the committee on his official responsibility.

Mr. MCMILLIN. The chairman has made his statement——

The SPEAKER. The chairman is making his statement and now has the floor.

Mr. MCMILLIN. Well, if he is not through I do not wish to interrupt him.

The SPEAKER. The Chair will state—perhaps it will aid the chairman in making his statement—what the Chair considers to be the meaning of the rule; which is, that if the chairman of a committee makes this motion it must be because his committee has authorized him to make it. The Chair thinks that is clear; and now the Chair will hear the statement of the chairman of the committee.

Mr. FITHIAN. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. FARQUHAR] has the floor.

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

Mr. BURROWS. The Speaker has already asked him a question.

Mr. FARQUHAR. Mr. Speaker, if I can proceed I will do so. I can state officially, as chairman of the committee, that in reporting bill 4663, which is the House bill and which in terms is nearly the same as Senate bill 3738, I was authorized to ask of the Committee on Rules a special order for its consideration. When bill 3738 came from the Senate and was referred to the committee, in the last session, we reported back that Senate bill 3738 with authority to call that bill up in the House instead of bill 4663, and two amendments were framed by the committee at that time to meet points that had been omitted in the Senate bill as it came over and that were not in the original House bill.

That authority was written. When the substitute came under consideration authority was given them to report the substitute, and also to report to the House a request to have a special order setting apart last Tuesday and Wednesday for the consideration of this bill and the substitute, and that the other bills lie on the table. Officially the minutes carry that out. That is all the statement I desire to make, but I am ready to answer any question that may be asked.

The SPEAKER. The Chair decides, upon that statement, that the gentleman has not been authorized by his committee to make the motion. [Applause on the Democratic side.] The Chair hopes that there will be no such manifestations upon the floor.

Mr. MCMILLIN. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. FARQUHAR] can move to go into the Committee of the Whole on the state of the Union.

Mr. FARQUHAR. I make that motion.

The question was taken on the motion of Mr. FARQUHAR; and the Speaker announced that the ayes seemed to have it.

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

The yeas and nays were ordered, 65 members voting in favor thereof.

The question was taken; and there were—yeas 126, nays 110, not voting 95; as follows:

YEAS—126.

Adams,	Darlington,	McKinley,	Smith, Ill.
Allen, Mich.	Dingley,	Miles,	Smith, W. Va.
Atkinson, Pa.	Dolliver,	Moffitt,	Smyser,
Atkinson, W. Va.	Dunnell,	Moore, N. H.	Spooner,
Baker,	Evans,	Morey,	Stewart, Vt.
Banks,	Farquhar,	Morrow,	Stivers,
Bartine,	Finley,	Morse,	Stockbridge,
Beckwith,	Flick,	Niedringhaus,	Stone, Pa.
Belknap,	Frank,	O'Donnell,	Struble,
Bergen,	Funston,	O'Neill, Pa.	Sweney,
Bingham,	Gear,	Osborne,	Taylor, E. B.
Boothman,	Gest,	Payne,	Taylor, Ill.
Boutelle,	Greenhalge,	Payson,	Taylor, J. D.
Brewer,	Grout,	Perkins,	Thomas,
Brosius,	Hansbrough,	Pickler,	Townsend, Colo.
Brower,	Harmer,	Post,	Townsend, Pa.
Buchanan, N. J.	Haugen,	Pugsley,	Turner, Kans.
Burrows,	Henderson, Iowa	Quackenbush,	Vandever,
Burton,	Hill,	Raines,	Waddill,
Caldwell,	Houk,	Ray,	Wade,
Cannon,	Kelley,	Reed, Iowa	Walker,
Carter,	Kerr, Iowa	Reyburn,	Wallace, Mass.
Caswell,	Ketcham,	Rife,	Wallace, N. Y.
Cheadle,	Kinsey,	Rockwell,	Wheeler, Mich.
Clark, Wyo.	Knapp,	Rowell,	Wickham,
Cogswell,	Laidlaw,	Russell,	Williams, Ohio
Coleman,	Laws,	Sanford,	Wilson, Ky.
Connell,	Lodge,	Sawyer,	Wilson, Wash.
Culbertson, Pa.	Magner,	Scranton,	Wright,
Cummings,	McComas,	Scull,	Yardley.
Cutcheon,	McDuffie,	Sherman,	
Dalzell,	McKenna,	Simonds,	

NAYS—110.

Abbott,	Crisp,	Lester, Ga.	Robertson,
Alderson,	Culberson, Tex.	Lewis,	Rogers,
Allen, Miss.	Dickerson,	Lind,	Sayers,
Andrew,	Edmunds,	Maish,	Seney,
Barnes,	Ellis,	Mansur,	Shively,
Blanchard,	Enloe,	Martin, Ind.	Spinola,
Bland,	Fithian,	Martin, Tex.	Springer,
Blount,	Flower,	McClellan,	Stewart, Tex.
Boatner,	Forman,	McCreary,	Stockdale,
Breckinridge, Ark.	Forney,	McMillin,	Stone, Ky.
Breckinridge, Ky.	Fowler,	McRae,	Stone, Mo.
Brickner,	Geary,	Mills,	Tillman,
Brookshire,	Geissenhainer,	Montgomery,	Tracey,
Brown, J. B.	Gibson,	Moore, Tex.	Turner, Ga.
Brunner,	Goodnight,	Mutchler,	Turner, N. Y.
Buchanan, Va.	Grimes,	Oates,	Vaux,
Bynum,	Hare,	O'Ferrall,	Washington,
Campbell,	Hays, E. R.	O'Neall, Ind.	Wheeler, Ala.
Candler, Ga.	Haynes,	O'Neil, Mass.	Whitelaw,
Candler, Mass.	Heard,	Outhwaite,	Whitthorne,
Caruth,	Hemphill,	Owens, Ohio	Wike.
Catchings,	Henderson, N. C.	Parrett,	Wiley,
Chipman,	Herbert,	Paynter,	Willcox,
Clancy,	Holman,	Peel,	Williams, Ill.
Clarke, Ala.	Hooker,	Penington,	Wilson, Mo.
Clements,	Kilgore,	Perry,	Wilson, W. Va.
Cobb,	Lane,	Pierce,	
Cooper, Ind.	Lanham,	Richardson,	

NOT VOTING—95.

Anderson, Kans.	Cowles,	Kerr, Pa.	Phelan,
Anderson, Miss.	Craig,	Lacey,	Pindar,
Arnold,	Crain,	La Follette,	Price,
Bankhead,	Dargan,	Langston,	Quinn,
Barwig,	Davidson,	Lansing,	Randall,
Bayne,	De Lano,	Lawler,	Reilly,
Belden,	Dibble,	Lee,	Rowland,
Biggs,	Dockery,	Lehlbach,	Rusk,
Bliss,	Dorsey,	Lester, Va.	Skinner,
Bowden,	Dunphy,	Mason,	Snider,
Browne, T. M.	Ewart,	McAdoo,	Stahlnecker,
Browne, Va.	Featherston,	McCarthy,	Stephenson,
Buckalew	Fitch,	McClammy,	Stewart, Ga.
Bullock,	Flood,	McCord,	Stump,
Bunn,	Gifford,	McCormick,	Sweet,
Butterworth,	Grosvenor,	Miller,	Tarsney,
Carlton,	Hall,	Milliken,	Taylor, Tenn.
Cheatham,	Hatch,	Morgan,	Thompson,
Clark, Wis.	Hayes, W. I.	Morrill.	Tucker,
Clunie,	Henderson, Ill.	Mudd,	Van Schaick,
Comstock,	Hermann,	Norton,	Whiting,
Cooper, Ohio	Hitt,	Nute,	Wilkinson,
Cothran,	Hopkins,	Owen, Ind.	Yoder.
Covert,	Kennedy,	Peters,	

So the motion of Mr. FARQUHAR was agreed to.

The following additional pairs were announced:

Mr. CLUNIE with Mr. MILLIKEN, for the remainder of the day.

Mr. MUDD with Mr. DARGAN, on this vote.

Mr. SPRINGER. Let the names of those voting in the affirmative and negative be recapitulated, in order that we may know how members are recorded.

The Clerk proceeded to recapitulate the vote.

Mr. DINGLEY (interrupting the Clerk). I ask unanimous consent to dispense with the recapitulation.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] desires to hear the names.

The recapitulation was resumed and concluded.

Mr. DOCKERY. I am paired with the gentleman from Kansas [Mr. PETERS]. If he were present, I should vote "no" on this question.

The SPEAKER. On this question the yeas are 126, the nays 106; and accordingly the House resolves itself into Committee of the Whole on the state of the Union. The gentleman from Michigan [Mr. BURROWS] will please take the chair.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BURROWS in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union; and under the rule the Clerk will report the first bill on the Union Calendar.

Mr. FARQUHAR. I move that the Committee of the Whole take up for consideration Senate bill No. 3738, now on the Calendar of the Committee of the Whole on the state of the Union.

Mr. SPRINGER. I make a point of order on that motion. Under clause 4——

The CHAIRMAN. The gentleman from Illinois will suspend a moment. What is the motion of the gentleman from New York?

Mr. FARQUHAR. That the Committee of the Whole House proceed to the consideration of Senate bill No. 3738 now on the Calendar of the Committee of the Whole on the state of the Union.

Mr. SPRINGER. I make the point of order——

The CHAIRMAN. The Chair will state the motion. The gentleman from New York [Mr. FARQUHAR] moves that the Committee of the Whole House on the state of the Union proceed to the consideration of Senate bill No. 3738 on the Union Calendar.

Mr. SPRINGER. I make the point of order that appropriation bills are now in order, and first in order as against this bill or any other bill not a revenue or appropriation bill or river and harbor bill.

Mr. BRECKINRIDGE, of Kentucky. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] has the floor.

Mr. SPRINGER. Clause 4 of Rule XXIII provides:

> In Committees of the Whole House business on their Calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

Now, Mr. Chairman, on page 22 of the Calendar, immediately following the bill mentioned by the gentleman from New York, is a bill making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes. I make the point of order that that bill is now in order in the committee.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman will allow me, I wanted to submit a parliamentary inquiry, Mr. Chairman, on the very matter which he has suggested.

Mr. SPRINGER. I yield for that purpose.

Mr. BRECKINRIDGE, of Kentucky. Can there be a point of order made against this bill until the bill has been read, so that the committee may learn what is the nature of the bill? For all we know it may be a revenue bill.

Mr. MCKINLEY. I hope the gentleman from Kentucky [Mr. BRECKINRIDGE] will speak a little louder; we can not catch the point that he is making.

Mr. BRECKINRIDGE, of Kentucky. I have asked whether it is not necessary to have the bill read so that we may know what it is and whether a point of order will lie against it. I suggested that as a parliamentary inquiry.

The CHAIRMAN. The Chair thinks the bill can not be read at this time. It can be examined by the gentleman if he desires to make a point of order.

Mr. BRECKINRIDGE, of Kentucky. How can we know whether it is liable to a point of order?

Mr. BLOUNT. I make this additional point of order: That before the gentleman from New York [Mr. FARQUHAR] can make his motion the Committee of the Whole must determine in what order bills shall be considered, whether in their regular order on the Calendar or in some other manner.

Mr. FARQUHAR. The object of my motion is to determine that.

Mr. BLOUNT. I understand that is the view the gentleman takes.

Mr. FARQUHAR. Of course the status of the motion is not changed by any argument.

The CHAIRMAN. The Chair thinks there is no difficulty at all about this question. The Chair announced that the House, having resolved itself into Committee of the Whole House on the state of the Union, the Clerk would report the first bill on the Union Calendar. At that moment the gentleman from New York moved to proceed to the consideration of a certain bill on the Union Calendar under the rule which provides that bills may be taken up in regular order, but the Committee of the Whole may determine to take up any designated bill. The gentleman from New York moves to proceed to the consideration of the Senate bill named, pending which the gentleman from Illinois makes the point of order that under the rule an appropriation bill takes precedence. That is the present status of the question.

Mr. BLOUNT. I desire to make a parliamentary inquiry. Is this motion debatable?

The CHAIRMAN. It is not debatable.

Mr. SPRINGER. I desire to add one further observation. The Chair should have announced, when the House resolved itself into Committee of the Whole, that appropriation bills were first in order, that being the rule.

The CHAIRMAN. The Chair would suggest that it is hardly the duty of the Chair to repeat the rules of the House. The pending question is on the motion of the gentleman from New York. As many as are——

Mr. SPRINGER. Oh, no, Mr. Chairman; that is not the first thing in order. I desire to raise this question of order first. I have made the point of order that the motion submitted by the gentleman from New York is not in order until we shall first dispose of the army appropriation bill, which is ahead of his bill on the Calendar.

The CHAIRMAN. And the Chair overrules the point of order.

Mr. SPRINGER. Then I appeal from the decision of the Chair, and upon the appeal I wish to be heard.

The CHAIRMAN. The Chair would state in ruling upon the point of order submitted by the gentleman from Illinois that no gentleman has made a motion to proceed to the consideration of the appropriation bill.

Mr. SPRINGER. But, Mr. Chairman——

The CHAIRMAN. The gentleman will permit the Chair to proceed for a moment. The rule provides:

4. In Committees of the Whole House business on their Calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

Now clearly if any member of the committee, having authority, should move to proceed to the consideration of the appropriation bill, that motion would take precedence.

Mr. WHEELER, of Alabama. Mr. Chairman, I move to proceed to the consideration of House bill 12573——

The CHAIRMAN. But the question of appeal is now pending.

Mr. SPRINGER. And on that I wish to be heard.

Mr. WHEELER, of Alabama. Then I withdraw the motion for the present until the appeal is heard.

Mr. SPRINGER. I made the point that the first business in order in Committee of the Whole was the consideration of the army appropriation bill under the rule which gives appropriation bills precedence; so that the Chair should have announced first that the army appropriation bill was now before the committee. When that bill was disposed of then it would be in order to proceed to the next. That is the first point I make. And since the appropriation bill is here and undisposed of, I hold that it is not in order to move to take up bills that are not appropriation bills and are not priviliged.

This proposition as submitted is privileged as against bills which are not revenue or appropriation bills; but as to the bills which are privileged, there is no provision in the rule to get rid of them and they must be in order first in the committee. That is undoubtedly the intention of the rule, from the fact that if you recur to the old rule, when we found a revenue bill or an appropriation bill on the Calendar we could get rid of it by the committee rising, reporting the objection to its consideration to the House, and the House directing the committee to pass over the bill. But the rule now provides that the committee shall first proceed to the consideration of appropriation bills, which have special preference, and after these have been disposed of then we can go to other bills and dispose of them in such order as the committee may determine.

Now, Mr. Chairman, if the committee will pardon me, I want to call your attention to the fact that, if you allow this precedent to be set, hereafter when the Committee on Appropriations desires to proceed with the consideration of appropriation bills, any member of the Committee of the Whole may move to take up any other bill on the Calendar and continue to repeat such motion in order to defeat the consideration of the appropriation bills, these important measures necessary to keep the wheels of government in motion. You place a weapon in the hands of the committee to absolutely block the wheels of legislation and prevent them from moving by bringing up measures of this character, or any other measures, as against appropriation bills, or by allowing motions to be made to proceed to the consideration of any other bills on the Calendar in preference to the appropriation bills.

The rule requires, first, that we shall dispose of the appropriation bills on the Calendar, and it is manifestly not in order to proceed to consider any other bill, except by unanimous consent, until we have first disposed of such bills on the Calendar as are privileged. And if you make this precedent now, I give you notice when you want to consider the appropriation bills hereafter you will be confronted with motions to consider every bill on the Calendar, which you must dispose of in some way before you can reach the appropriation bills.

Mr. BUCHANAN, of New Jersey. Do you make that as a threat?

Mr. SPRINGER. I say I want to call attention to the fact that you are making a precedent that will have that effect, a precedent from which you will retreat before this session is half over. You are seting a precedent for the purpose of getting this bill up that you must recede from or else you destroy the possibility of the committee disposing of the appropriation bills. You can not get rid of the army bill on the Calendar, except by unanimous consent, until it is disposed of. That is the meaning of the rule, the evident meaning of it; and if you will compare this rule with the old rule you will find that there can be no other meaning.

The idea of allowing the committee to take up any bill on the Calendar is a part of the new régime, a part of the new code of rules submitted to this House at the beginning of last session for "facilitating business." But this is the first time that the committee has ever been brought to consider a question of this character since the new code was adopted. You are now brought face to face with it, and it is for you to determine how you will dispose of it. This is the first time that I remember, at all events. If there has been any other case I would like it to be called to my attention. Hence it is a departure from the precedents established for a hundred years, namely, that appropriation bills were first in order and could not be got rid of or set aside by any motion, except by unanimous consent, or by reporting the objection to the House to their consideration and getting an order of the House to pass them over.

Mr. CASWELL. Will the gentleman yield for a question?

Mr. SPRINGER. Certainly.

Mr. CASWELL. Do you hold that this appropriation bill is an absolute bar to other proceedings?

Mr. SPRINGER. I hold that the appropriation bill must be disposed of before you can proceed to other bills which are not privileged.

Mr. CASWELL. But suppose the Committee on Appropriations should not call it up at this time?

Mr. SPRINGER. Then let the House lay it aside or direct consideration of another bill. There is no means of disposing of it here except by unanimous consent. I call attention to the fact that when we were considering the oleomargarine bill under the old rules we found other privileged matters were ahead of it on the Calendar, and we could not jump over them, but took them up as we reached them on the Calendar, and got an order from the House to pass them over, and we had to bring a bill to the House and strike out the enacting clause to enable us to get rid of it.

Mr. DINGLEY. But that was under the old rule. There is a specific provision to meet such cases in the new rules.

Mr. SPRINGER. That was under the old rule, as I have said, but it has been changed to provide that appropriation bills were first in order and must be first considered. We are not permitted to consider the bill the gentleman from New York calls up as long as there is a privileged bill ahead of it on the Calendar, except by unanimous consent. The gentleman from Alabama, a member of the Military Committee, is here to call up the appropriation bill for consideration in the committee. The bill is here on our Calendar. It is here to be considered, and I hold that it is not in the province of the committee to lay it aside when the House has made it privileged and put it within the right of any member to force its consideration here.

Mr. CULBERSON, of Texas. What is the force and meaning of this new rule, if it can be evaded in this way?

Mr. SPRINGER. The gentleman from Texas [Mr. CULBERSON] has very well suggested that in that case this rule is absolutely useless. Why was it adopted if it was intended to evade the business of the House, as this motion does? We are here now to consider general appropriation bills. They are in order. Nothing else is in order in this committee. No other motion is in order in regard to these bills as long as an appropriation bill is here on the Calendar in a condition to be considered. That is the point that I make, that no motion is in order which disposes of these bills and ignores their presence here. The bill is here. It is privileged above all other bills, and the consideration of that appropriation bill is now in order and you can not get rid of it in this way.

Mr. WILSON, of West Virginia. Because the rule says "it shall have precedence."

Mr. SPRINGER. It shall have precedence. It must have precedence, says the rule, and "precedence" does not mean that the Committee of the Whole, by a majority vote of that committee, can change the rules and give some other bill precedence. Nothing but a change or suspension of the rules can give some other bill precedence in this committee. The rule puts it here and gives it precedence, and it is not within the power of this committee to destroy that precedence which the rule gives it. I hope gentlemen will not set the precedent of changing this rule in the Committee of the Whole House, changing this rule of the House on this appeal from the Chair, and allowing the committee to make other bills privileged which the rules of the House say are not privileged.

There is nothing in order except this appropriation bill, and no motion can make anything else in order except this appropriation bill. The others are not privileged. This is privileged, and it is the privilege of every member to assert the right to its immediate consideration. The committee can not take away the privileges that the members of the committee have under the rules.

Mr. TAYLOR, of Illinois. Will the gentleman allow me a question?

Mr. SPRINGER. Yes, sir.

Mr. TAYLOR, of Illinois. Do you give that opinion as Speaker of the next House?

Mr. SPRINGER. I give it as a member of this committee.

Mr. SPINOLA. And a member of this House.

Mr. SPRINGER. The next House will not be troubled with this code of rules. [Applause on the Democratic side.] It will adopt a code that will be easily understood.

Mr. ROGERS. And there will not be Republicans enough to demand a call of the House.

Mr. BLOUNT. I wish to differ with my friend from Illinois [Mr. SPRINGER] in reference to this bill. When these rules were reported to the House, I took occasion to say that this was a contrivance to allow not only a majority, but 51 gentlemen in a House of 330 members, to go into Committee of the Whole and get hold of any job it saw fit. I predicted at the time that by reason of this very rule there would be in this House a movement to utilize it for the purpose of getting at this job. We are here. The Committee on Rules have been unwilling to take the responsibility, all of them.

The Committee on Merchant Marine and Fisheries did not notify the House of any special purpose to take this up. Gentlemen staggered there, but finally we have come to the committee, where there is no record, where 51 gentlemen can determine what we are to do, to go forward and take up a measure that has been trampled upon by the legislative force of this country for twenty-odd years, to take up a measure stinking with the memories of the scandals of the Pacific Mail lobbies of years ago, a measure recalling scene after scene of lobbies in this Capitol, a measure generally distrusted by the people, which has led the House of Representatives, when brought to a vote, always to reject it.

Why, sir, when we on this side had a majority of only twenty-odd members, we were enabled to defeat this measure by eighty-odd. We have drawn a majority against it from the other side to a considerable degree; but to-day there is no development of the action of the individual member, and I insist that this was well devised to do this thing. I want the committee to go on in this work. I want, when it is completed and comes out of the Committee of the Whole, a yea-and-nay vote, that the country shall see who consummated what shall occur here. Now, Mr. Speaker, having taken this ground in the beginning, being satisfied now that it was devised in order to facilitate the progress of measures of this kind, I am not willing to repudiate views which were well considered, and which, I believe, are justified, by taking a contrary view to that taken by my friend from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Will the gentleman explain what is meant by the latter clause of the rule which says:

Bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence?

Mr. BLOUNT. Mr. Speaker, I have no doubt as to the true meaning of that. I have no doubt, if any gentleman desires to bring an appropriation bill before this House, that the Speaker would entertain that motion rather than the motion of the gentleman from New York [Mr. FARQUHAR]. In that sense it has precedence. But I do not understand any such motion is pending. I do not understand there is any disposition to take up any appropriation bills. I understand the only motion pending is that which the Chair proposes to submit.

Mr. SPRINGER. I made a point that the gentleman did not quite catch, that this appropriation bill, having precedence, was the bill now before the committee, and that without any motion by the House, we having gone into the committee to take up bills in their order, this appropriation bill is the first bill on the Calendar that is to be considered, and it can not be gotten out of the way by a motion.

Mr. BLOUNT. Mr. Chairman, I have given my opinion. The gentleman from Illinois has given his. I would be glad to concur with him, and would be glad to take up the appropriation bills, involving hundreds of millions of dollars and examine them carefully in all their details, and when they were completed to send them to the Senate to be acted upon, and avoid the expense of an extra session. But it has not seemed to be the purpose of the majority to do that. We are asked to take up this subsidy; and I think they have made the way easy for their work.

Mr. SPRINGER. The point I made, that the gentleman does not seem to catch, is that when the House resolved itself into Committee of the Whole House on the state of the Union the first bill in order was a revenue bill, if there was such a bill on the Calendar. There was such a bill. It is not, then, in order to set aside a revenue bill on a motion to take up a bill that is not privileged.

Mr. BLOUNT. I catch my friend's point, but do not understand it as he understands it.

Mr. SPRINGER. This is to set aside a privileged bill and take up one that is not privileged.

Mr. BLOUNT. I understand the point as you made it, but you do not know how well these rules are made.

Mr. SPRINGER. I know they were made to accomplish nearly everything.

Mr. DINGLEY. Mr. Chairman, I trust that we may have a vote upon this appeal. The rules are so plain that I do not think it is necessary for any discussion as to what they are.

The CHAIRMAN. The Chair will state the question to the committee.

Mr. SPINOLA. Mr. Chairman——

Mr. WHEELER, of Alabama. Mr. Chairman——

The CHAIRMAN. The gentleman from New York.

Mr. SPINOLA. The proposition of the gentleman from Illinois——

The CHAIRMAN. Does the gentleman desire to discuss the appeal?

Mr. SPINOLA. Yes, sir; and I ask the gentleman from Illinois to withdraw the appeal, so that we may make a motion to take up the army appropriation bill.

Mr. SPRINGER. This will not interfere with that at all.

The CHAIRMAN. The question before the committee is the point of order made by the gentleman from Illinois [Mr. SPRINGER]. When the House went into Committee of the Whole House on the state of the Union the Chair directed, under the rule, the title of the first bill on the Calendar to be read. Thereupon the gentleman from New York [Mr. FARQUHAR] made a motion that the committee proceed to the consideration of the bill S. 3738, upon which the gentleman from Illinois [Mr. SPRINGER] made the point of order that under Rule XXIII, clause 4, appropriation bills and bills raising revenue have precedence under the rule, without any motion.

Mr. SPRINGER. And there is a gentleman on the floor who now demands that such a bill be taken up.

The CHAIRMAN. The gentleman from Illinois made the point of order that by virtue of that rule appropriation bills or revenue bills must first be considered, and that it was the duty of the Chair to direct those bills to be taken up; which point of order the Chair overruled, holding that it was necessary to make a motion to that effect and that such bills had precedence if a motion was made to take them up. The question now is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the chairman announced that the "ayes" seemed to have it.

Mr. ROGERS. Division.

The committee divided; and there were—ayes 86, noes 28.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. SPRINGER. Mr. Chairman——

Mr. WHEELER, of Alabama. Mr. Chairman, I now call up for consideration the army appropriation bill, H. R. 12573.

The CHAIRMAN. If the gentleman from Alabama will permit, the Chair will state the pending question, which is upon the motion of the gentleman from New York to proceed to the consideration of the bill S. 3738.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I raise the point that before we can be called to vote upon that motion we are entitled to have the bill read, so as to see whether it is such a bill as the House desires to consider. I think that is undoubtedly proper.

Mr. McCREARY. Mr. Chairman, a parliamentary inquiry.

Mr. WHEELER, of Alabama. Mr. Chairman——

The CHAIRMAN. The Chair can not hear three gentlemen at one time. The gentleman from Kentucky [Mr. BRECKINRIDGE] has the floor.

Mr. BRECKINRIDGE, of Kentucky. I do not put this in the way of a parliamentary inquiry, but present it in the shape of a demand, that, before the question is submitted whether the committee will proceed to take up the bill which has been described by number and title, the said bill be read at the Clerk's desk, so that the committee may understand it, for the purpose of seeing what the bill is and what its objects are. In support of that demand I think, sir, it is the universal practice in the House that if any gentleman arises and asks for the consideration of a bill any other member can demand that it shall be read. I can not understand how it can be denied, because otherwise the question of whether the House understands what its effect would be could have but one answer.

No one could tell from the number whether it is the particular Senate bill which it desires to consider; and it would simply mean that if any gentleman gets the floor he could require the House to vote ignorantly upon the question of consideration. Now, I do not mean to say that this bill is an improper bill. I do not mean to say that the attack of the gentleman from Georgia [Mr. BLOUNT] was that it was a "job" or that it was simply in fulfillment of his prediction that these rules were made for the purpose of getting at this particular job. I do not know whether that is correct or not.

Mr. DINGLEY. Mr. Chairman, what is under consideration?

Mr. BRECKINRIDGE, of Kentuckey. I do not mean to say the charge is well founded; but I do mean to say that the House of Representatives has the right, whether it be in the House or in committee, to have a proposition upon which it is going to vote submitted to it by having it read at the Clerk's desk; and that is the only mode in which you can know what a proposition is, if it is a bill: to have it read at the Clerk's desk. The question is not now—the House having gone into Committee of the Whole to consider a certain bill which is not a revenue bill; the gentleman has risen, not as chairman of the Com-

mittee on Ways and Means nor the chairman of the Committee on Appropriations, and proposed to go into Committee of the Whole to take up for consideration a certain bill, the House having a description of the bill; but when the House goes into committee for the purpose of considering that bill and when it enters upon the consideration of it, the bill is read before debate.

Now this is not that regular, usual, and traditionary mode of procedure to which the country has been accustomed. This is a new mode by which the House goes into committee to consider bills on the Calendar, and the very question presented to the House is, Will it consider the following bill? It does seem to me, sir, absolutely clear that any member who must vote upon the bill has a right to ask to have it read at the Clerk's desk.

Mr. CANNON. Why is there any more necessity to have the bill read at the Clerk's desk in this case than there is to have it read when the motion is made in the House?

Mr. BRECKINRIDGE, of Kentucky. I know of no instance during my service in this House where, when a bill has been asked to be considered, it has not been, upon the demand of a member, read at the Clerk's desk.

Mr. CANNON. I never knew it to be read at the Clerk's desk except when the House commenced to consider it.

Mr. BRECKINRIDGE, of Kentucky. I venture the assertion that the gentleman has heard bills so read this session not less than five hundred times. I mean that they were read in his hearing. I will not contradict him by saying that he has heard them read. I only mean to say that he has had an opportunity to hear them read. There is not a single instance within my knowledge where a gentleman rises and asks the House to consider a bill that it is not read before the Speaker submits the question Will the House give unanimous consent for its consideration?

Mr. CANNON. Precisely.

Mr. BRECKINRIDGE, of Kentucky. But where there is not unanimous consent asked, if the bill is entitled to be considered under the rules, then it is always read before consideration is entered upon. It is a matter of right to demand the reading of a bill not merely at its second reading, but even after the House has considered it, upon the question Shall the bill be read a third time? A member is entitled to have it read in full at that time.

Mr. CANNON. Oh yes.

Mr. McCREARY. Mr. Chairman, I rise to a parliamentary inquiry. The gentleman from New York [Mr. FARQUHAR] moved to take up a bill entitled "An act to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations," which, manifestly, is not an appropriation bill. The gentleman from Alabama [Mr. WHEELER] moved to take up a bill making appropriation for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes.

Now, I hold, sir, that the titles of those respective bills show how they stand under the rule. It is manifest that the bill which the gentleman from New York seeks to call up is not an appropriation bill and it is equally manifest that the bill which the gentleman from Alabama [Mr. WHEELER] seeks to call up is an appropriation bill; and the rules of this House provide that precedence shall be given in Committee of the Whole (and we are now in Committee of the Whole) to general appropriation bills. My parliamentary inquiry therefore is: Is not the motion made by the gentleman from Alabama the motion that is now in order?

The CHAIRMAN. The gentleman from Kentucky [Mr. BRECKINRIDGE] demands the reading of this bill before the vote is taken upon the question whether the committee will proceed to consider it.

Mr. HOLMAN. Mr. Chairman, I desire to say a word on that. I have a case in point which I think involves exactly the same principle.

The CHAIRMAN. The Chair thinks that if he can be permitted to read the rule it will solve the question.

Mr. HOLMAN. But if I can state a precedent in point, it will throw light upon the question.

The CHAIRMAN. Rule XXXI provides that—

> When the reading of a paper other than the one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Now, this is not a final vote upon this bill. It is simply a motion to proceed to the consideration of the bill, and the Chair will submit the question whether there is objection to the reading demanded by the gentleman from Kentucky, as it can only be read by unanimous consent.

Mr. BRECKINRIDGE, of Kentucky. With great respect to the Chair, I desire to suggest that, in the hurry of the moment, he has read a rule which has absolutely nothing to do with the question involved in the demand which I have made, no more to do with it than any other rule has, except, possibly, to sustain me in the position I have taken. If the Chair will turn to the Digest he will see that he has been misled into a blunder that he could hardly have stumbled into by himself.

The language which the Chair has read refers to a case where a gentleman wants a paper read merely for the information of the House, where he calls for the reading of a paper upon which a vote is not to be had, where, for instance, a member in debate desires a report or other paper read for information. That has nothing to do with the question of the right of a member to have read a paper upon which he is to vote and which the House is asked to consider.

The CHAIRMAN. Will the gentleman pardon the Chair a moment?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

The CHAIRMAN. Would the gentleman from Kentucky claim that, upon a motion to go into Committee of the Whole on the state of the Union to consider bills on the Union Calendar, it is the right of a member to have all the bills read on such Calendar before the motion is put? [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. No, sir, I do not claim that.

The CHAIRMAN. Why not, on the same principle?

Mr. BRECKINRIDGE, of Kentucky. I do claim that where the motion is to go into Committee of the Whole to take up a specified bill—a bill named—in that case the member has a right to have the bill read for his information——

The CHAIRMAN. Suppose the motion was to go into Committee of the Whole to consider bills reported from a certain committee. Would it be the right of any member to demand the reading of all the bills on the Calendar reported from that committee?

Mr. BRECKINRIDGE, of Kentucky. No such motion as that which the Chair states is admissible under the rules.

The CHAIRMAN. The Chair rules that it is not the right of any member of the Committee of the Whole to demand at this stage the reading of the bill named.

Mr. BRECKINRIDGE, of Kentucky. Of course "the gentleman from Kentucky" is bound to submit to the ruling of the Chair, but "the gentleman from Kentucky" is glad to see that it is not supported by the reasons given.

The CHAIRMAN. The Chair rules as he has stated.

Mr. WHEELER, of Alabama. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will suspend a moment. The pending question is the motion of the gentleman from New York to proceed to the consideration of the bill named by him. For what purpose does the gentleman from Alabama rise?

Mr. WHEELER, of Alabama. I ask if my motion is entertained by the Chair, the motion to take up House bill No. 12573, under the provisions of clause 4 of Rule XXIII.

The CHAIRMAN. The Chair has not recognized the gentleman for that purpose.

Mr. WHEELER, of Alabama. When will it be in order for the Chair to "recognize the gentleman from Alabama for that purpose?" [Laughter.] I want to make the motion at the proper time and am very desirous to proceed in order.

The CHAIRMAN. The impression seemed to prevail that the Chair had recognized that motion of the gentleman from Alabama, but the Chair has not yet recognized it.

Mr. WHEELER, of Alabama. "The gentleman from Alabama" certainly had the impression that he was recognized, and I think the impression was very general on both sides of the House.

The CHAIRMAN. The pending question is on the motion of the gentleman from New York. As many as are in favor——

Mr. WHEELER, of Alabama, addressed the Chair.

Mr. SPRINGER. The gentleman from Alabama is endeavoring to get the attention of the Chair.

The CHAIRMAN. The gentleman from Alabama will be recognized.

Mr. SPRINGER. I hope the Chair will recognize him now, not after the question has been put to the House.

The CHAIRMAN. The Chair will recognize the gentleman under the rules. The Chair stated that the pending question was on the motion of the gentleman from New York to proceed to the consideration of the bill named by him. The gentleman from Alabama addressed the Chair before he had concluded the statement of the pending proposition. Now, the gentleman from Alabama makes what motion?

Mr. WHEELER, of Alabama. I make the motion to consider House bill 12573, for the support of the Army for the year ending June 30, 1892.

Mr. FARQUHAR. By what authority does the gentleman make that motion?

Mr. WHEELER, of Alabama. On this authority——

Mr. FARQUHAR. Has the gentleman authority from the committee?

Mr. WHEELER, of Alabama. When the parliamentary situation was developed by which this bill was brought before the House, not especially by myself, but by the operation of Rule XXIII, I sent for the chairman of the Committee on Military Affairs and informed him that the bill had been thrust before the House and had to be disposed of in some way.

A MEMBER. He is here.

Mr. WHEELER, of Alabama. He was not here when I made the motion, and not finding the chairman I sent for the other members of the committee. It appeared to me that they had all abandoned their interest in the bill and left me here alone to defend the Army and the

provision for its maintenance. Every one of them seemed to be willing that the bill should take care of itself.

Mr. SPINOLA. I have been here all the time. [Laughter.]

Mr. WHEELER, of Alabama. I am referring to the members on the other side of the House. The Democratic members are always on duty.

Mr. CUTCHEON. Mr. Chairman, I have been out of the Hall for a few moments. I do not know exactly the status of this business.

Mr. WHEELER, of Alabama. I will state the status. A parliamentary situation was reached under the rules of the House by which the bill of which the gentleman should have charge was brought before the Committee of the Whole.

The CHAIRMAN. The Chair will say to the chairman of the Committee on Military Affairs [Mr. CUTCHEON] that the House being in Committee of the Whole on the state of the Union a motion was made by the gentleman from New York [Mr. FARQUHAR] to proceed to the consideration of a Senate bill, pending which the gentleman from Alabama makes a motion to proceed to the consideration of the army appropriation bill, under the rule which provides that bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence in the Committee of the Whole on the state of the Union.

Mr. CUTCHEON. I desire to say that that is the individual motion of the gentleman from Alabama. The Committee on Military Affairs have taken no action in regard to the matter, but we expect at a very early day to ask the House to take up that bill—some day next week.

Mr. WHEELER, of Alabama. Mr. Chairman, have I the floor?

Mr. CUTCHEON. The chairman of the Committee on Military Affairs made the report on the army appropriation bill and has charge of the bill.

The CHAIRMAN. The Chair understands——

Mr. WHEELER, of Alabama. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WHEELER, of Alabama. I desire to state that the parliamentary situation required this bill to be brought before the House at this time.

The CHAIRMAN. But this proposition is not debatable.

Mr. WHEELER, of Alabama. I have the right to say that as a member of the House, even if I were not a member of the committee.

The CHAIRMAN. There is no trouble about this question. The rule is very plain:

> In Committees of the Whole House business on their Calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee; but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

That is very plain. Now, pending the motion of the gentleman from New York a motion is made to proceed to consider a certain appropriation bill, and the rule does not in terms restrict the maker of that motion to the chairman of the committee or that the motion must even be authorized by the committee. The question presented is a new one, and, although the practice has been otherwise, the Chair will for the present hold that the motion of the gentleman from Alabama is in order (he being a member of the Committee on Military Affairs which reported the bill) and takes precedence of the motion of the gentleman from New York [Mr. FARQUHAR].

Mr. PAYSON. Will the Chair hear a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. In the confusion prevailing it has been impossible to hear the ruling of the Chairman in this part of the Hall. Does the Chair hold that any member not a member of the Appropriations Committee, of his own volition, on his own motion, may call up a general appropriation bill, as against the protest of the chairman of the committee making the report, simply because the rule allows a precedence to that class of bills over the bill called up by the gentleman from New York?

Mr. WHEELER, of Alabama. The rule does that. The rules adopted last winter bring about this parliamentary situation. [Applause on the Democratic side.]

Mr. PAYSON. I was addressing myself to the Chairman of this committee, not to the gentleman from Alabama.

The CHAIRMAN. If the gentleman from Illinois can cite the Chair to any rule which would restrict the motion to any member of the committee, the Chair would be very glad to see it.

Mr. PAYSON. The universal custom would seem to restrict it.

The CHAIRMAN. The Chair agrees with the gentleman from Illinois that such has been the custom, but the rule in terms provides that bills raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

Mr. PAYSON. I desire to suggest, Mr. Chairman, that the meaning of the rule is that, while revenue bills, general appropriation bills, and the river and harbor bill have precedence, yet such precedence is not to be exercised unless asked, and it can not be asked in behalf of any of these classes of bills except by the member in charge of the bill or some one authorized by the committee reporting it. The precedence given by the rule to certain bills is a privilege to be invoked in behalf of the bill only when desired by those having the bill in charge. Certainly members of the House generally have no right to call up bills with which they have never been connected in any way.

The business of the House, especially the general appropriation bills and revenue bills, can not be put in charge of those opposed to them, as would be easily practicable under your ruling, which, as I understand it, should be reversed.

Mr. ROGERS. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Alabama,

The question was taken; and on a division there were—ayes 87, noes 112.

Mr. WHEELER, of Alabama. Let us have tellers.

Tellers were ordered.

Mr. WHEELER, of Alabama, and Mr. FARQUHAR were appointed tellers.

The committee again divided; and the tellers reported—ayes 88, noes 98.

So the motion was rejected.

Mr. WHEELER, of Alabama. I move that the committee rise.

The CHAIRMAN. The pending question is on the motion of the gentleman from New York.

Mr. WHEELER, of Alabama. Is it not in order to move that the committee rise?

The CHAIRMAN. It is.

Mr. WHEELER, of Alabama. I make that motion.

The question was taken; and on a division there were—ayes 51, noes 95.

Mr. WHEELER, of Alabama, and others demanded tellers.

Tellers were ordered.

Mr. WHEELER, of Alabama, and Mr. FARQUHAR were appointed tellers.

The committee again divided; and the tellers reported—ayes 76, noes 92.

So the motion was rejected.

Mr. WHEELER, of Alabama. Now, Mr. Chairman, I move that the committee proceed to consider the bill, H. R. 12729, a bill making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892.

The CHAIRMAN. The pending question is the motion of the gentleman from New York to proceed to consider the Senate bill, pending which the gentleman from Alabama rises to submit a motion to consider the District of Columbia appropriation bill. The Chair desires to ask the gentleman from Alabama if he is a member of the Committee on Appropriations.

Mr. WHEELER, of Alabama. I am a member of this House.

The CHAIRMAN. Or is he chairman of that committee?

Mr. WHEELER, of Alabama. I am not chairman. I am a Democrat, and no Democrat is chairman of a committee of this House. [Laughter.]

Mr. FARQUHAR. Mr. Chairman, I wish also to make the point on the motion of the gentleman from Alabama that this is certainly a dilatory motion.

The CHAIRMAN. The Chair desires to state——

Mr. WHEELER, of Alabama. I am a member of the Committee of the Whole.

The CHAIRMAN. The Chair desires to state to the committee, upon further reflection, that this motion of the gentleman from Alabama is inadmissible. If the previous ruling of the Chair was correct this proceeding would reverse the uniform custom of the House, and the Chair is inclined to think that he was in error in holding that any member of the Committee of the Whole could call up an appropriation bill. Under the rule such bills have precedence, but in order to entitle such motion to precedence it must be made by the member in charge of the bill or by direction of the committee reporting it.

Mr. CRISP. Is the Chair holding that now?

The CHAIRMAN. Permit the Chair to proceed. If that were true, any member of the committee might call up a bill, an appropriation bill, for instance——

Mr. DINGLEY. Or a tariff bill.

The CHAIRMAN. Where the other members of the Committee on Appropriations were absent, and the Chair thinks (and his attention has been called to several rulings by Speaker CARLISLE where the rule provided that a certain measure might be called up, and the Speaker replied, "But it is not called up by the gentleman having the matter in charge," which would seem to support this view) that, under this rule and the uniform practice of the House, in order that the appropriation bill should take precedence, it must be called up by the chairman of the committee or by some member of the committee having it in charge. Hence the Chair declines to recognize the motion of the gentleman from Alabama.

Mr. WHEELER, of Alabama. I appeal from the decision of the Chair.

Mr. SPRINGER. An appeal is taken——

Mr. WHEELER, of Alabama. How long have I time to debate the question of appeal?

The CHAIRMAN. The Chair declines to recognize the gentleman for that motion.

Mr. SPRINGER. But an appeal has been taken.

The CHAIRMAN. And the pending question is on the motion of the gentleman from New York.

Mr. SPRINGER. Mr. Chairman, the Chair will not certainly refuse an appeal upon a matter of this kind.

The CHAIRMAN. The Chair has declined to recognize the gentleman from Alabama.

Mr. SPRINGER. But an appeal has been taken.

The CHAIRMAN. The gentleman knows that there can be no appeal on a matter of recognition.

Mr. SPRINGER. But it is not a matter of recognition.

The CHAIRMAN. The Chair declines to recognize the gentleman from Alabama to make the motion. The Chair inquired of the gentleman from Alabama if he was a member of the committee having the bill in charge or was its chairman. He replied that he was not; thereupon the Chair declined to entertain the motion. The question now is on the motion of the gentleman from New York.

The CHAIRMAN proceeded to submit the motion, and declared that the ayes seemed to prevail.

Mr. WHEELER, of Alabama. Division.

Mr. SPRINGER. I hope the Chair will not adopt the arbitrary methods that have been repudiated by the country already. [Applause on the Democratic side.] You will not advance the business of the House by this arbitrary procedure. You are seeking to emulate the conduct of a man who has already gone down to history as the tyrant of the House.

The committee divided; and there were—ayes 108, noes 95.

Mr. WHEELER, of Alabama. Tellers.

Tellers were ordered; and Mr. WHEELER, of Alabama, and Mr. FARQUHAR were appointed.

The committee again divided; and the tellers reported—ayes 111, noes 85.

So the motion of Mr. FARQUHAR was agreed to.

THE SHIPPING BILL.

The CHAIRMAN. The committee determines to proceed to the consideration of the bill, the title of which the Clerk will read.

Mr. WHEELER, of Alabama. Will it be in order to move that the committee do now rise? [Cries of "Regular order!"]

The Clerk read as follows:

A bill (S. 3738) to place the American merchant marine, engaged in the foreign trade, upon an equality with that of other nations.

Mr. WHEELER, of Alabama. Now, Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] moves that the committee do now rise.

Mr. MILLIKEN. I submit, Mr. Chairman, that that is a dilatory motion.

Mr. FARQUHAR. I make the point that that is a dilatory motion.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHEELER, of Alabama. I appeal from the decision of the Chair.

Mr. PAYSON. There is no appeal from that.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after the passage of this act there shall be paid, out of any moneys in the Treasury of the United States not otherwise appropriated, to any vessel of more than 500 tons gross register, whether sail or steam, constructed in and wholly owned by citizens of the United States or so owned and registered pursuant to the laws thereof, and which shall be engaged in the foreign trade, plying between the ports of the United States and foreign ports, the sum of 15 cents per gross registered ton for the first 500 miles or fraction thereof sailed outward, and the same sum for the first 500 miles or fraction thereof sailed inward, on any voyage or voyages; 15 cents per gross registered ton for the second 500 miles or fraction thereof sailed outward, and the same sum for the second 500 miles or fraction thereof sailed inward; and 30 cents per gross registered ton for each 1,000 miles thereafter, and pro rata for any distance sailed less than 1,000 miles after the first thousand miles sailed: *Provided*, That the foreign port to which the voyage is made shall be distant more than 70 miles seaward from the ocean or gulf boundary of the United States; and such payments to any vessel as aforesaid shall be paid to the owner or owners thereof, upon proof of the distance actually sailed, to be ascertained and the payment to be made under such regulations as the Secretary of the Treasury shall prescribe and promulgate, distances between ports to be determined by measurements which shall be furnished by the United States Hydrographic Office to the Bureau of Navigation. The payments at the rate of 30 cents per ton for each 1,000 miles sailed, as herein provided, shall continue for the term of ten years at that rate, and thereafter for another term of nine years at a reduction of 3 cents per ton each year upon each 1,000 miles sailed, and pro rata for any less distance.

SEC. 2. That no vessel shall be entitled to the benefits of this act unless its entire cargo shall be loaded at a port or ports of the United States and discharged at one or more foreign ports, or shall be loaded at one or more foreign ports and discharged at a port or ports in the United States; nor shall a vessel be entitled to receive payment under this act unless it shall have freight on board at the time of sailing to the amount, in tons' weight or measurement, of at least 25 per cent. of the net register tonnage, 2,240 pounds or for 40 cubic feet to make a ton of cargo; nor shall a vessel be entitled to payment under this act that makes any discrimination between or gives unequal facilities to competitive transportation lines in the receiving or forwarding of freights or passengers at any port or ports in the United States or at any foreign port.

SEC. 3. That no vessels shall be entitled to the benefits of this act unless all the officers thereof shall be citizens of the United States, in conformity with the existing laws; nor unless upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years this act shall be in force, one-sixth thereof, during the next three succeeding years, one-third thereof, and during the remaining term of this act, at least one-half thereof; nor unless there be carried on vessels of less than 1,000 tons gross register one native-born apprentice, and on vessels of 1,000 tons and upward one such apprentice for each thousand tons or three-fourths fraction thereof.

SEC. 4. That, to owners of vessels already built, payments under this act shall be made for such time only as each shall stand inspection and hold character, if wood built, not lower than the second grade (A1½), in a scale of six grades, in the Record of American and Foreign Shipping, or the corresponding classification in any other incorporated American register of shipping that has or shall have the unqualified indorsement of the boards of marine underwriters of New Orleans, La., New York, N. Y., Philadelphia, Pa., Boston, Mass., and San Francisco, Cal. If iron or steel built, payments shall be made for such time only as each vessel shall stand inspection and hold character not lower than the second class (A1, thirteen years), in the Record of American and Foreign Shipping or the corresponding classification in any other incorporated American register of shipping that has or shall have the unqualified indorsements of the boards of marine underwriters of New Orleans, La., New York, N. Y., Philadelphia, Pa., Boston, Mass., and San Francisco, Cal.

SEC. 5. That vessels keel laid and built after the passage of this act, in order to be entitled to payments after losing or lapsing from class in the first grade if wood built, or from the first class or division if iron or steel built, must have been so well constructed as to have been classed originally in the highest grade of the first class, or first division, to wit: If wood built, A1, twelve years, and if iron or steel built, A1, sixteen years, in the Record of American and Foreign Shipping or the corresponding classification in any other incorporated American register of shipping that has or shall have the unqualified indorsements of the boards of marine underwriters of New Orleans, La., New York, N. Y., Philadelphia, Pa., Boston, Mass., and San Francisco, Cal., the foregoing classification to be subject to the approval of the Bureau of Navigation, in the discretion of the Secretary of the Treasury. Vessels so built and classed for the highest character shall receive payments as in section 4 provided for vessels already built. Vessels unclassed in the register named in this act, or in an American register whose rules for building and inspection are fully equal in requirements, and all vessels whose class has expired or been suspended or withdrawn shall be disentitled to payments while this disqualification exists.

SEC. 6. That the Government of the United States shall have the right, during the time this act shall be in force, to purchase or charter any vessel receiving the benefits of this act at a price to be fixed by agreement with their owners or agents or by the judgment of appraisers, mutually selected in case of disagreement.

SEC. 7. That the Secretary of the Treasury shall fix the times and manner of payments, prescribe the vouchers, with forms of account and verifications, upon which payments shall be made, and shall adopt whatever regulations may be necessary to carry out the provisions of this act.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DINGLEY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2664) terminating the reduction in the numbers of the Engineer Corps of the Navy; and

A bill (S. 165) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources.

The message also announced that the Senate had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2404) to provide for the purchase of a site and the erection of a public building thereon at Beatrice, in the State of Nebraska.

THE SHIPPING BILL.

The committee resumed its session.

Mr. FARQUHAR. Mr. Chairman——

The CHAIRMAN. The gentleman from New York.

Mr. WHEELER, of Alabama. Mr. Chairman, the substitute has not been read.

The CHAIRMAN. The substitute is not before the committee at this time. The bill has been read and the gentleman from New York [Mr. FARQUHAR] is entitled to the floor.

Mr. FARQUHAR. Mr. Chairman, the bill now read is substantially, or I might say, with the exception of certain amendments, exactly in terms the same as House bill 4663, which was reported to this House accompanied by a volume of hearings, which book was ample in its contents to educate as well as to assist the members of this House in reaching a conclusion as to the exact condition at the present time of the merchant marine of this country in the foreign trade.

A bill came from the Senate, No. 3738, which was also accompanied by another bill providing for subsidizing mail steamers, commonly known as the Frye bill, No. 3739. When the Senate bill reached the Committee on Merchant Marine and Fisheries it was promptly considered by the committee and reported back to the House and placed upon the Calendar; and the committee then took upon themselves to pass upon several amendments which had been framed after the old bill (4663) had been reported to the House.

In searching out the various changes that were needed, we found that nearly every paragraph of the Senate bill had to be materially amended, and so the committee set about recasting what you now find reported with this bill, 3738, as the substitute proposed by the House committee. This substitute covers the material points of the old House bill and also the so-called Frye subsidy bill. In the first place, the first change that was made in both bills was to place the sailing ships and the steam vessels under 11 knots at 20 cents, and then to provide an ascending scale of speed, with the cost graduated from 20 cents up to 30 cents. In addition to that there is provided in section 7——

Mr. FITHIAN. In section 7 of the bill or of the substitute?

Mr. FARQUHAR. In section 7 of the substitute.

Mr. FITHIAN. Mr. Chairman, I rise to a parliamentary inquiry. I desire to know whether it is proper to discuss the substitute until it has been offered by the chairman of the committee.

Mr. WHEELER, of Alabama. The substitute is not yet before the House. The bill is before the House. It is not in order to discuss the substitute now.

The CHAIRMAN. The gentleman from New York will proceed, and the Chair hopes gentlemen will allow him to proceed in his own manner.

Mr. FARQUHAR. I hope the gentleman will allow me to deliver my speech in my own way, subject only to the Constitution of the United States.

Mr. WILLIAMS, of Illinois. And the rules of the House.

Mr. FARQUHAR. I will take my chances as to complying with the rules of the House.

Mr. FITHIAN. We want to know what we are discussing, that is all, and we want to know how the substitute gets before the committee when it has not been read or offered.

Mr. FARQUHAR. I will attend to that matter and the gentleman can attend to his own. It is not very courteous that there should be these interruptions on the part of the minority at the present time.

Mr. FITHIAN (derisively). Oh, I beg your pardon.

Mr. ROGERS. We will not be in the minority a great while.

Mr. WILLIAMS, of Illinois. They have only a few days longer on the other side.

Mr. FARQUHAR. As I was stating, Mr. Chairman, the Frye bill proper is a subsidy bill, for the subsidizing of steamship lines, at so many dollars per ton. The House bill is a bounty bill, and it covers the steam and sail marine, all the craft engaged in the foreign trade, belonging to Americans. A subsidy, as I take it, is simply a largess to a class. The House Committee on Merchant Marine determined to frame a bill that would be a bounty bill, covering the building of the ship, the sailing of the ship, the cargo, and the nation, and substantially those four conditions were reached in the substitute accompanying Senate bill 3738.

Now, Mr. Chairman, I want to briefly call the attention of the House first to the cost. To bounty the whole sailing and steam marine of this country under the original House bill 4663 would have cost $2,718,004 for the first year. In changing the rate from 30 cents to 20 cents for sail vessels it will make the cost the first year, under this bounty, $2,190,808. It shows an average abatement, under the former conditions of the bounty, of 22.37 per cent.

Mr. BLOUNT. Will the gentleman pardon an interruption?

Mr. FARQUHAR. Certainly.

Mr. BLOUNT. I do not wish to interrupt unless the gentleman is entirely willing.

Mr. FARQUHAR. Certainly, I am.

Mr. BLOUNT. Suppose the vessels engaged in the coastwise trade should go into the foreign trade? The gentleman does not make any allowance for that, does he, in this calculation?

Mr. FARQUHAR. None whatever. And I would also state to the gentleman in further answer that for several months of the year quite a number of the Gulf vessels engaged in the regular coastwise trade find it of the greatest advantage in the tropical season to go into the foreign trade, and they do; and when the return of the seasonable trade comes they go into the coastwise trade again.

Mr. BLOUNT. They did not calculate that period they were in the coastwise trade.

Mr. FARQUHAR. We have calculated when that portion of the time expires they will enter the foreign trade. That is in accordance with the calculation of the Commissioner of Navigation.

COST OF THE BILL.

Now, I want to say incidentally that you will find in the reported hearings, as well as in the larger report that is sent in with bill 4663, the presumptive cost of this bounty bill for ten years. These calculations were made by the Commissioner of Navigation, Captain Bates, of whom I may say I believe he is one of the most experienced men on matters of merchant marine of any public officer we have. He is a man whose strict trustworthiness in figures has never been questioned in thirty years of public and private life, and who under every condition of inquiry is able to give us the truth.

These tables of the Commissioner of Navigation are taken exactly as indicated by the documented papers in that office. It is impossible to mistake one ship or one ton of tonnage, and whatever trade she is engaged in. It is also impossible to make any mistake in her age or in her classification; so that we have from the Commissioner of Navigation a mathematically perfect view of the exact state of the merchant marine engaged in the foreign trade which may receive benefit under this bill.

Now, if my memory serves me aright, in the calculation of the increased tonnage that would be built under this bounty, the tonnage that is naturally lost and that goes out of class, we find that for ten years the average cost would be about $5,000,000.

Mr. HENDERSON, of Iowa. The average per annum?

Mr. FARQUHAR. Per annum. Perhaps I had better print the Commissioner's letter.

AMOUNT OF BOUNTY UNDER THE SUBSTITUTE BILL.

TREASURY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, D. C., December 10, 1890.

SIR: Your request for an estimate of the abatement of bounties that would result from certain changes proposed in your [substitute] bill as it was reported to the House has had due consideration.

SAIL VESSELS.

If sailing vessels shall receive but 20 cents a ton, in place of 30 cents as formerly calculated, the abatement would be one-third, or $380,784. Against this amount there is an increase from extending the former limit of 500 tons downward. This increase admits 181 vessels of an aggregate measurement of 63,350 tons. At 20 cents a ton this increase would sum up to $164,710, leaving a net abatement of $216,074 for sail vessels.

STEAMERS.

If steamers below 11-knot speed receive but 20 cents a ton, instead of 30 cents, then, as it is unknown how many of them there are and how much tonnage they would aggregate, I will assume this class constitutes 20 per cent. of the whole steam fleet in foreign trade. The abatement would be one-third on this proportion, or on 6⅔ per cent. of the whole amount formerly estimated, which would be $110,488. The extension of limit from 500 tons downward only includes four vessels of 1,842 tons aggregate; these would increase the payment by $12,894, leaving an abatement so far of $97,594.

Then, taking the steamers above 11-knot speed, it may be assumed that their rate would be fairly averaged at 13 knots. Indeed, this may be too high, but at this rate, paying 21 cents for 12 knots, 22 cents for 13 knots, and so on up to 30 cents per knot, the average of present fleet at 13 knots and 22 cents therefor would abate the portion of the former estimate, which would remain subject to this reduction, 26.66 per cent.; in other words, this part of the abatement would amount to $392,050. Adding the net abatement above of $97,594, we find a total of $489,644 for steam vessels.

THE TOTAL ABATEMENT.

Adding together the abatements for sail and steam, we find a total of $608,124.

THE TOTAL OF BOUNTIES.

As the former estimate was $2,718,004 for both sail and steam the first year, deducting the above abatement we have a total payment of $2,109,880. This shows an average abatement of 22.37 per cent.

THE PAYMENTS OF FOLLOWING YEARS.

From the foregoing calculations I think a general conclusion may be made that the modifications proposed would abate the payments that I had estimated for the tonnage bill (as reported by your committee and passed by the Senate) during the lifetime of the measure over 20 per cent., and perhaps 25 per cent., because it is doubtful if so great an abatement will leave encouragement enough to induce the measure of enlargement of the marine that was expected under a bounty of 30 cents a ton per 1,000 miles sailed.

RATIO OF BOUNTY TO WHOLE COST OF TRANSPORTATION.

As for the ratio of bounty to whole cost of transportation, my former estimate will have to be revised in the light of the modifications proposed. The whole cost of ship transportation includes the interest, insurance, and depreciation of the ship, besides the running expenses while loading, sailing, and discharging.

Taking an average of voyages to Europe and to ports around the capes, I found the average ratio of bounty under the reported bill to whole cost of transportation was 12.38 per cent. for sailing ships. Under the modifications proposed this ratio will shrink to 8.25 per cent.

In the case of steamers running to ports in the West Indies and Mexico, I found the average ratio of bounty to whole cost of transportation was 10.93 per cent. Under the changes proposed, there being twice as much sail as steam, this ratio would fall to about 8.16 per cent. For the entire marine under bounty and during the term of the bill when steam will be gaining on sail, an average ratio of 8 per cent. may be estimated as a fair approximation.

In this connection it may be instructive to examine in a practical way how far the proposed bounty of 20 cents a ton (in place of 30) would go towards equalizing the footing of our sailing ships with those of foreign flags. There are now (or were on the 3d instant) in the harbor of San Francisco "under charter" and loading grain for Europe, 27 ships of large tonnage. Of these 24 are foreign, 20 being British, 3 German, and 1 Norwegian. Only three are American, so that foreign flags prevail in the ratio of 9 to 1. The average foreign ship has been thirty-five days in port, the average American ship forty-eight days, or 37 per cent. longer time in waiting. The average rate of freight to the foreign ship is £2 0*s.* 5*d.*, but the average rate to the American ship is only £1 16*s.* 3*d.*, a difference in favor of the foreign ship of 11.51 per cent. The German and Norwegian vessels have full as much advantage as the British.

The American ships average a size of 1,878 tons and will carry 2,689.22 tons gross of grain. As their rate of freight is $8.82 per ton, the average earning of each for the carriage of a cargo will be $23,719. Foreign ships of same size getting 11.51 per cent. more freight money for the same load would receive $2,730 in excess of our ships. But there is one of our ships chartered by a British firm getting only £1 12*s.* 6*d.* in contrast with British ships chartered by the same firm getting £2, a difference in favor of the British flag amounting to 24.6 per cent. The discrimination against our ships has often been much greater. (See my report, pages 99 to 104.)

In view of this discrimination, existing to-day as for many years past, let us see how much bounty, as an offset, would be paid under the 20-cent provision of the bill now proposed on ships of 1,878 tons. The bounty would amount to $2,629, as against a discrimination of $2,730, so there would be a shortage of $101 on freight discrimination alone, and nothing for the longer time of waiting for charters and greater expense of running American vessels. This is exactly the situation with the fleet loading grain at San Francisco to-day.

Nine ships foreign to one American chartered and loading, and freights to American ships so discriminative as to drive them out of the trade, which is in the possession of foreign merchants, foreign underwriters, and foreign shipping. It must be evident that our country is gaining nothing by having foreigners to transact our commerce and transport our products; but rather every interest of the country is being laid under contribution for the aliment of foreign nations. This condition of our foreign trade has not improved in years past, and never will improve until American ships shall be sustained by American spirit and American law.

Very respectfully yours,

WM. W. BATES, *Commissioner.*

Hon. JOHN M. FARQUHAR,
Chairman of Committee on Merchant Marine and Fisheries.

Now, the manner of paying this bounty is very much patterned in one way after the French bounty. We have now the exact figures of the status of the French marine for ten years, and in verification of

the very figures given by the Commissioner of Navigation the French figures bear out Captain Bates in nearly every particular year by year.

I would, Mr. Chairman, briefly say that the members of this committee are certain that they have reached a remedy for our stricken merchant marine. So industrious has the committee been to find out all classes of opinion that they had before them men engaged immediately in transportation, men in railroading and owners of ships, and men engaged in the insurance and banking businesses of the country; so that it is supposed that we have reached a perfect remedy in this bill that is offered as a substitute.

I was very sorry to-day to hear a characterization from the other side of the House which seemed to me somewhat gross and malicious, that somewhere in this bill, somewhere in the management of bringing this bill before the House, there was a "job." I can not think that the gentleman meant to reflect particularly on the committee. Still he may mean a reflection of venality upon their part or it may be of ignorance of the committee; but I assure you that from the very first to the last—and I think the gentlemen of the minority of this committee will bear me out—in all our investigations, in all our hearings, in all our inquiries, there has not been a harsh word.

There has never been one suspicion that there was any particular interest standing persistently there as job-makers for this bill or for the substitute. The only organization of which I have any knowledge, if I may say it is an organization, that ever appeared before the committee, was the American Shipping League, of which the gentleman from Alabama, General JOSEPH WHEELER, is the president and has been for three years.

Mr. WHEELER, of Alabama. I was once its president.

Mr. FARQUHAR. I believe for three years you were president of that Shipping League.

Mr. WHEELER, of Alabama. I was elected three times, each time for a year, against my protest. On the last occasion I resigned and kept on resigning until they finally accepted my resignation.

Mr. FARQUHAR. Well, I knew that the gentleman served for three years as president of this association.

Mr. WHEELER, of Alabama. Yes.

Mr. FARQUHAR. For I was present at a meeting of that association on one occasion when it passed very complimentary resolutions to him for the interest he had taken in a bill of the very character that is now under consideration.

Mr. WHEELER, of Alabama. At that time this bill had not been introduced. I am in favor of reviving American shipping, but that is not involved in this bill. There are other ways of reviving American shipping.

Mr. FARQUHAR. I am simply saying that this was the only organized body that came before our committee through their representatives. So that if any criticism was intended, wittingly or unwittingly, by the gentleman from Georgia directed towards any member of this committee, it certainly falls without any force so far as I am concerned, and I think every member of the committee on this floor can say the same. This is a bill that cares no more for the Pacific Mail Company than it does for the owner of a coal schooner sailing out of the harbor of Philadelphia, and the man never read the bill and does not know its merits who claims that any corporation or organization in this country gets one dollar more out of this bill than it is fairly entitled to in sailing on even keel in competition with its neighbors.

Mr. OUTHWAITE. Can the gentleman inform us how much the Pacific Steamship Company will receive the first year as a subsidy under this bill?

Mr. FARQUHAR. If the gentleman will read the hearings—I have not got them at hand at this moment—he will find in the statement of Mr. Felton, from the Pacific coast, all the figures he desires. If he will look over the hearings he can see there what every line in this country will receive. The amounts are in the hearings, dollar for dollar, so that it does not need any side argument to find them out.

Mr. OUTHWAITE. How about the Brazilian lines?

Mr. FARQUHAR. They have all been reported in the hearings of the committee, and at any time when I am not making this opening speech I shall be very happy to answer any questions the gentleman may ask.

Mr. OUTHWAITE. I asked the question for information now. I will ask the gentleman another question. Can he tell us how many points Pacific Mail Steamship stock went up yesterday in expectation of the action of this committee to-day?

Mr. FARQUHAR. Well, I am not particularly aware whether the stock went up or went down. That is the fact of the matter, if the gentleman will take it as an answer. Not being interested in the Pacific Mail—not nearly so much as some Ohio men—I do not know anything about it, and I do not intend to have any interest in it.

A MEMBER. It went up four points.

Mr. OUTHWAITE. I do not know of any Ohio men who are interested in it.

Mr. FARQUHAR. I am very well aware that there are some.

Mr. OUTHWAITE. Then you do know who are interested?

Mr. FARQUHAR. I speak from newspaper and common reports.

UNITED STATES TONNAGE.

Now, Mr. Chairman, I want to briefly call the attention of the committee to the state of our merchant marine. At the present time, according to the latest official documents, our registered marine is 946,695 tons and the enrolled and licensed marine is 3,477,801 tons, making a total of 4,424,496 tons.

As reported by the Bureau of Navigation, the totals of the entire tonnage of the United States for 1888, 1889, and 1890 are as follows:

Vessels.	1888.		1889.		1890.	
	No.	*Tons.*	*No.*	*Tons.*	*No.*	*Tons.*
Registered.....	1,530	943,783.95	1,681	1,021,594.84	1,527	946,695.69
Enrolled and licensed.....	21,751	3,248,131.82	21,942	3,285,880.40	21,940	3,477,801.75
Total	23,281	4,191,915.77	23,623	4,307,475.24	23,467	4,424,497.44

Now, these statistics are followed up from year to year and they are very misleading. I want to make the statement authoritatively that these figures are misleading, because, in order to figure up so much tonnage as that, the statisticians have counted every kind of craft that floats on the canals, the rivers, the harbors, and the lakes.

Mr. BLOUNT. Whose statement is that?

Mr. FARQUHAR. I am making this statement myself as to how the statisticians reach this amount. It is not fair to take into account in such a case any vessel that is not seagoing. Less than one-half of our total statistical tonnage is seagoing. Foreign statisticians, especially the British Lloyds' Register, put down ours at 1,823,822 in 1889, and in so doing are approximately correct for the present. Our own statistics nowhere give the exact figures of our seagoing tonnage.

The registered tonnage of the country has increased 2,912 tons in two years and decreased 74,899 tons in the past year, while the enrolled and licensed tonnage has increased 229,670 tons in two years and increased 191,922 tons during the past year.

From the above loss of 74,899 tons the past year in registered tonnage it will be seen that the rate is 6,241 tons monthly and 205 tons daily.

The sailing tonnage in the domestic trade has increased 10,235 tons, while the steam tonnage has increased 93,537 tons as compared with the tonnage of last year. The tonnage of vessels lost at sea and wrecked is 135,600 tons, being greater than that lost last year by 34,469 tons. The tonnage abandoned at sea is 29,908 tons, being greater than that abandoned last year by 4,262 tons, and the tonnage of vessels sold to foreigners 13,322 tons, being greater by 3,451 tons than that so sold in 1889.

The coasting fleet in the United States far exceeds that in the foreign trade. The total number of vessels engaged therein is 20,481, their tonnage being 3,409,434.

The total number of vessels employed in the coast and river trade in the country, including the fisheries of the Atlantic and Pacific coasts, but not the vessels on the Northern lakes, was 18,430, and aggregated 2,414,738 tons on June 30, 1890.

The total number of vessels engaged in the coastwise trade, excepting those engaged in the fisheries and upon the Northern lakes and Western rivers, is 15,748, and their tonnage 2,051,925.

THE WORLD'S TONNAGE.

The number of vessels in the United States has decreased 156 in the last year, while the total tonnage has increased 117,022 tons.

Similar facts appear as regards the tonnage of the world. Estimated on a basis excluding certain small vessels, the number of vessels of the world has diminished by 3,110 since 1885, although the total tonnage aggregates about 643,795 tons more than in 1885, as shown in the tables following.

There is a constant tendency on our coast, on the lakes, and in the world at large to build vessels of greater tonnage, and, in the case of steam vessels, of increased speed, both in the merchant marine and in the Navy. The total tonnage built in the United States in 1890 aggregates 294,134 tons, it being larger than in any year since 1875, when it was 297,639 tons. Great Britain, of course, stands first as a shipowning and shipbuilding country.

The tonnage of sailing vessels as compared with that of steam vessels continues to decrease except in Norway, which has increased its sailing tonnage by about 66,821 tons. Cheaper labor in Norway, aptitude for the sea, and satisfaction with small profits and poor fare may account, in part at least, for the fact that the Norwegians are able to materially increase their sailing fleet.

Germany has increased her steam vessels by 202,867 tons, France 69,273 tons, and Norway 61,270 tons. The depression that has been experienced in freights is attributed to the expansion in the tonnage of the world, which is much greater than would appear from the figures representing tonnage. Steam tonnage is as effective as two or three times a corresponding sailing tonnage, and computed on this basis the increase in the world's tonnage in the five years ending in 1890 amounts to over 6,000,000 tons. Of the steam tonnage built in the world it is claimed that Great Britain constructed 88.73 per cent. in 1887, 88.7

per cent. in 1888, and 84.15 per cent. in 1889. Other portions of the world built more largely of sailing vessels, chiefly of wood.

The following figures embody many interesting facts upon these subjects and will well repay examination.

Number, tonnage, and description of the steamers of one hundred tons gross and of sailing vessels of one hundred tons net and upwards, belonging to each of the several countries of the world, as recorded in Lloyd's Register Book, together with the proportion of tonnage under each flag.

Flag.	Gross steam tonnage.	Net sail tonnage.	Total steam and sail tonnage.	Percentage of total tonnage.
British:				
United Kingdom	7,774,644	2,467,212	10,241,856	46.23
Colonies	461,210	894,040	1,355,250	6.11
Total	8,235,854	3,361,252	11,597,106	52.34
American	517,394	1,306,488	1,823,882	8.22
Argentine	21,245	21,897	43,142	.19
Austro-Hungarian	151,166	118,482	269,648	1.21
Belgian	106,467	4,104	110,571	.49
Bolivian		2,303	2,302	.01
Brazilian	67,707	81,359	149,066	.67
Chilian	30,934	71,457	102,391	.64
Chinese	44,558	1,282	45,840	.20
Columbian		444	444	
Costa Rican	528	288	816	
Danish	159,072	120,993	280,065	1.26
Dutch	217,022	161,762	378,784	1.79
French	809,598	235,504	*1,045,102	4.71
German	928,911	640,400	1,569,311	7.07
Greek	83,839	223,801	307,640	1.38
Hawaiian	13,838	5,567	19,405	.08
Haytian	3,401	989	4,390	.01
Italian	300,625	515,942	816,567	3.68
Japanese	138,431	33,123	171,554	.77
Mexican	7,733	3,308	11,041	.04
Montenegrin		3,282	3,282	.01
Norwegian	246,669	1,337,686	1,584,355	7.17
Persian	838		838	
Portuguese	44,701	46,501	91,202	.41
Peruvian	2,188	8,860	11,048	.04
Roumanian	529	407	936	
Russian	156,070	271,265	427,335	1.92
Sarawak	2,269	347	2,616	.01
Siamese	644	3,519	4,163	.01
Spanish	414,817	119,994	534,811	2.41
Swedish	181,781	294,183	475,964	2.14
Turkish	71,607	158,170	229,777	1.03
Uruguayan	9,111	2,903	12,014	.05
Venezuelan	2,635	1,123	3,758	.01
Zanzibar	4,723		4,723	.02
Other countries	8,467	7,295	15,762	.07
Total	12,985,372	9,166,279	22,151,651	100.00

OUR TONNAGE IN FOREIGN TRADE

Now, I will not delay the House by reading further from these statistics, because I want to call attention to the decline in our tonnage proper.

United States shipping in foreign trade: Table showing its growth, thrift, and premature decline.

Year.	Tonnage in the foreign trade.	Shipping per capita.	Commerce per capita.	Proportion of American carriage in foreign trade.	
				Imports.	Exports.
	Tons.	*Cubic feet.*		*Per cent.*	*Per cent.*
1789	123,893	3.64		17.5	30.0
1790	346,254	9.75	$12.17	41.0	40.0
1791	363,110	9.81	13.03	58.0	52.0
1792	411,438	10.55	13.39	67.0	61.0
1793	367,734	8.96	13.95	82.0	77.0
1794	438,863	10.32	15.91	91.0	86.0
1795	529,471	12.03	26.76	92.0	88.0
1796	576,733	12.53	32.28	94.0	90.0
1797	597,777	12.45	27.54	92.0	88.0
1798	603,376	12.06	26.01	91.0	87.0
1799	657,142	12.63	30.33	90.0	87.0
1800	667,107	12.33	30.04	91.0	87.0
1801	630,558	11.26	36.06	91.0	87.0
1802	557,760	9.74	26.04	88.0	85.0
1803	585,910	9.84	20.33	86.0	83.0
1804	660,514	10.82	26.67	91.0	86.0
1805	744,224	11.81	34.31	93.0	89.0
1806	798,507	12.28	35.53	93.0	89.0
1807	810,163	12.54	*36.84	94.0	90.0
1808	765,252	11.09	11.51	93.0	88.0
1809	906,855	12.77	15.71	88.0	84.0
1810	981,019	*13.43	20.84	93.0	90.0
1811	763,607	10.18	15.29	90.0	86.0
1812	758,636	9.78	14.91	85.0	80.0
1813	672,700	8.40	6.23	71.0	65.0
1814	674,633	8.17	2.41	58.0	51.0
1815	854,295	10.05	19.47	77.0	71.0
1816	800,760	9.12	26.10	73.9	68.0
1817	804,851	8.94	20.76	79.0	74.0
1818	589,954	6.39	23.31	85.0	80.0
1819	581,230	7.08	16.55	87.0	82.0
1820	583,657	5.95	14.70	90.0	89.0
1821	593,825	5.88	12.63	92.7	84.9
1822	582,701	5.63	14.05	92.4	84.1
1823	600,003	5.63	14.03	92.1	87.4
1824	636,807	5.79	14.23	93.4	87.8
1825	665,409	5.88	17.33	*95.2	89.2
1826	696,221	6.00	14.01	95.0	*89.6
1827	701,515	5.87	13.54	94.3	87.5
1828	757,998	6.18	13.12	91.4	84.5
1829	592,859	4.70	11.65	93.0	86.0
1830	537,563	4.15	11.14	93.6	86.3
1831	538,136	4.94	13.80	91.0	80.6
1832	614,121	4.48	13.74	89.4	75.8
1833	648,869	4.63	14.11	90.7	75.5
1834	749,378	5.18	15.97	89.0	74.4
1835	788,173	5.32	18.25	90.2	77.3
1836	753,094	4.95	20.94	90.3	75.4
1837	683,235	4.38	16.56	86.5	77.6
1838	702,962	4.39	13.84	90.6	82.8
1839	702,400	4.25	17.13	88.7	78.3
1840	762,838	4.48	14.05	86.6	79.9
1841	788,398	4.48	14.13	88.4	77.8
1842	823,746	4.53	11.23	88.5	76.3
1843	856,930	4.36	11.50	77.1	77.0
1844	900,471	4.66	11.38	86.7	70.5
1845	904,476	4.54	11.65	87.3	75.8
1846	943,307	4.60	11.48	87.1	76.2
1847	1,047,454	4.96	14.46	77.2	65.3
1848	1,168,707	5.38	14.24	82.9	71.1
1849	1,258,756	5.62	13.10	81.4	68.9
1850	1,439,694	6.23	14.28	77.8	65.5
1851	1,544,663	6.46	18.22	75.6	69.8
1852	1,705,650	6.93	17.18	74.5	66.5
1853	1,916,471	7.50	19.60	71.5	67.1
1854	2,151,918	8.18	22.16	71.4	69.3
1855	2,348,358	8.63	19.72	77.3	73.8
1856	2,302,190	8.19	22.83	78.1	70.9
1857	2,268,196	7.83	24.33	71.8	69.2
1858	2,301,148	7.72	20.27	72.0	75.0
1859	2,321,674	7.58	22.73	63.7	69.9
1860	2,379,396	7.58	24.27	63.0	69.7
1861	*2,494,894	7.76	18.19	60.0	72.1
1862	2,173,537	6.62	13.28	44.8	54.5
1863	1,926,886	5.75	17.46	43.3	40.0
1864	1,486,749	4.35	19.61	24.6	30.0
1865	1,518,350	4.36	17.36	29.9	26.1
1866	1,387,756	3.91	28.47	25.1	37.7
1867	1,515,648	*4.18	24.28	28.0	*39.1
1868	1,494,389	4.06	23.02	33.0	36.6
1869	1,496,220	3.97	23.25	31.3	34.1
1870	1,448,846	3.76	25.76	*33.1	37.1
1871	1,363,652	3.45	28.70	31.0	32.6
1872	1,359,040	3.37	30.80	26.8	29.8
1873	1,378,533	3.33	32.42	27.0	25.7
1874	1,389,815	3.27	30.88	30.2	24.6
1875	1,515,598	3.48	28.00	29.2	23.7
1876	1,553,705	3.46	25.51	30.8	25.4
1877	1,570,600	3.41	25.95	31.5	23.7
1878	*1,589,348	3.36	25.59	32.2	22.6
1879	1,451,505	3.00	24.60	31.6	17.6
1880	1,314,402	2.62	32.21	22.0	13.7
1881	1,297,035	2.51	*32.52	19.9	13.3
1882	1,259,492	2.38	20.59	19.2	12.8
1883	1,269,681	2.33	29.51	20.7	13.4
1884	1,276,972	2.28	27.06	22.4	14.4
1885	1,262,814	2.20	24.48	21.3	13.7
1886	1,088,041	1.81	23.80	20.0	13.6
1887	989,412	1.63	24.89	18.6	12.2
1888	919,619	1.48	24.60	18.5	11.7
1889	999,619	1.57	22.37	17.08	11.62
1890	928,062	1.45	25.73	16.6	9.03

United States shipping in foreign trade: Table showing its growth, thrift, and premature decline—Continued.

*War.

I hold in my hand an official table which gives our tonnage from the year 1789 down to 1890, our whole tonnage in the foreign trade, the shipping per capita, the commerce per capita, and the proportion of American carriage in the foreign trade. From this table it appears that up to 1810 we had carried 93 per cent. of the whole commerce of the United States. The war of 1812 came on, but still we held our ground until 1815, when changes in our laws were made touching reciprocity with other nations.

In 1817 there was another change, in 1824 another, and in 1828 and 1830 still others. Now, standing as I do in this House, and having gone through all this investigation, I want to say, Mr. Chairman, that from the whole history of the American marine and its foreign trade, as presented by these tables, there is evidently a "hole in the protection dike."

There has been from 1815 a gradual sapping away of the protective or American principle which had governed in caring for all our ship-

ping outside of our coast line. I lay this result to what is called the reciprocity feature. I lay all this undermining to what was desired from 1815 to 1828, namely, to have what they called then "reciprocal liberty of commerce."

That word "commerce" was a misnomer, because instead of our treaties at that time being reciprocal as to commerce they turned out to be reciprocal as to the carrying trade alone, and thereby, for what little benefit we gained in reaching for the colonial trade on the north or for the West Indian trade, we sacrificed in 1828 every protective principle that there had been in the navigation laws or the commercial laws of this country. Now, I desire the Clerk to read the law of May 28, 1828, in which, as I claim, the American Congress opened the doors of the whole world to compete against American ships.

The Clerk read as follows:

CHAPTER CXI.—An act in addition to an act entitled "An act concerning discriminating charges of tonnage and impost, and to equalize the duties on Persian vessels and their cargo."

Be it enacted, etc., That upon satisfactory evidence being given to the President of the United States by the Government of any foreign nation that any discriminating duties of tonnage or impost are imposed or levied in ports of said nations upon vessels wholly belonging to citizens of the United States or upon produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is hereby authorized to issue his proclamation declaring that the said foreign discriminating duties of tonnage or imposts within the United States are and shall be suspended and discontinued as far as respects the vessels of said foreign nations, and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nations, or from any other foreign country; the said suspension to take effect from the time such notifications being made to the President of the United States, and to continue so long as reciprocal exemption of vessels belonging to citizens of the United States and their cargoes as aforesaid shall be continued and no longer.

Mr. FARQUHAR. That is the law of 1828 which surrendered all the protective rights that Americans had in the foreign carrying trade. Again, following immediately the abrogation of the British navigation law, the then Secretary of the Treasury, Mr. Meredith, issued instructions calculated to still further deplete the whole power of this country in protecting our nautical people. I ask the Clerk to read those instructions.

The Clerk read as follows:

[Circular instructions to collectors and other officers of the customs.]

TREASURY DEPARTMENT, *October* 15, 1849.

In consequence of questions submitted by merchants and others, asking, in consideration of the recent limitations of the British navigation laws, to what footing the commercial relations between the United States and Great Britain will be placed on and after the 1st day of January next, the day on which the recent act of the British Parliament goes into operation, the Department deems it expedient at this time to issue the following general instructions for the information of officers of the customs and others interested:

First. In consequence of the limitation of the British navigation laws above referred to, British vessels from British and other foreign ports will, under our existing laws, after the 1st of January next, be allowed to enter in our ports with cargoes of the growth, manufacture, and production of any part of the world.

Second. Such vessels and their cargoes will be admitted on and after the date above mentioned on the same terms as to duties, imposts, and charges as vessels of the United States and their cargoes.

W. M. MERIDITH,
Secretary of Treasury.

Mr. FARQUHAR. Now I want to call the attention of the House to what I contend were the destructive effects of these reciprocity treaties. I am not talking of a tariff reciprocity; I am talking of the reciprocity of what they call "reciprocal liberty of commerce." Take, for instance, the treaty with Sweden, about 1816, whereby the first advances were made in this matter. Look at the results of a treaty of that kind. I grant that the United States were very anxious at that time to have recognition all over the world.

I do not blame our Government for going to the small towns, like the Hanseatic towns and others, to find friends. But think of the fact that we have continued this policy until 1890 of permitting foreign nations to plunder us without stint, when we had simply to give one year's notice of abrogation. Now, in the case of Sweden I take the official figures for one year from the report on trade and commerce. In 1887 there arrived in the ports of Norway and her dominions only 26 American vessels of 12,500 tons, while of Swedish and Norwegian vessels there arrived in the ports of this country 1,291 ships of 764,000 tons. Why, what reciprocity is there in that? It is utter nonsense to speak of it as such.

Mr. OUTHWAITE. Whose fault was it?

Mr. FARQUHAR. This is the remedy we are now offering for the fault, whosesoever it was. I propose as a remedy that this nation shall be placed on a fair footing with all others. As I have said outside of this House I say inside of it, that if we intend by legislation, from the State Department, or otherwise to put the American merchant marine on a footing to defy the world and even to reach England in the course of twenty years, all we have to do is to go back to the protective policy of our fathers with these differential duties. By this policy 12½ per cent., the beggarly amount of the commerce of our country that we are carrying to-day, can be increased to 90 per cent. in twenty years.

That is what is wanted. But it seems that under the courtesy of reciprocal relations this can not be done. The nearest way to reach the result is, instead of placing differential duties in favor of American bottoms, to pay this bounty to every American vessel engaged in that trade. That is the exact position our committee has taken after full deliberation.

Mr. CANDLER, of Massachusetts. I would like to ask the gentleman a question.

Mr. FARQUHAR. I shall be pleased to answer it.

Mr. CANDLER, of Massachusetts. What would be the result if England should give a higher bounty than you propose to give?

Mr. FARQUHAR. Well, that is a supposition. I hear it claimed by the advocates of British ships that the British Government pays only 2 per cent. of bounties for British commerce. If she paid 4 per cent. or 20 per cent. we would have to meet it; and you as an American [addressing Mr. CANDLER, of Massachusetts] would be ready to meet it, I hope.

Mr. CANDLER, of Massachusetts. No, I do not think I should.

Mr. FARQUHAR. No?

Mr. CANDLER, of Massachusetts. As I understand the gentleman's answer, he concedes that, if we pass this tonnage bill and a higher tonnage rate should be adopted in foreign countries, we must relegislate in order to meet it.

Mr. FARQUHAR. But no foreign country has adopted a higher rate.

Mr. CANDLER, of Massachusetts. I asked the gentleman the question what we should do if they did.

Mr. FARQUHAR. Meet it, I say; meet it. There is no claptrap in this argument with me. I say it openly, meet it; and I believe that under the provisions of this bill you can meet it. It would pay the United States to disburse $10,000,000 annually to put, as this bill proposes, your naval cruisers on the waters in time of peace to carry your cargoes north, south, east, and west, and in time of war put on your guns. Therein is a policy of economy as well as Americanism.

Mr. BLOUNT. Will the gentleman yield for a question?

Mr. FARQUHAR. Certainly.

Mr. BLOUNT. The gentleman from Massachusetts asked what proportion of the British tonnage was subsidized, as I understand it.

Mr. FARQUHAR. I did not hear that question.

Mr. BLOUNT. I understood the gentleman to ask that, and understood the response to be about 2 per cent. Now, I would like to ask the gentleman, when he proposes to subsidize all of the ships here, if he can tell us what proportion of the British tonnage is actually subsidized?

Mr. FARQUHAR. I do not know that I can exactly. I think in the hearings you would find the answer perhaps.

Mr. BLOUNT. I read the hearings attentively and do not see anything but the denial even of the 2 per cent.

Mr. FARQUHAR. According to my figures Great Britain at the present time allows subsidies to the amount of $4,269,000, France $6,000,000, Italy $3,000,000, Germany $3,000,000, the Argentine Republic $3,000,000, Brazil $1,700,000, Spain $1,571,000, and so on. But here is a table which shows the—

WORLD'S SUBSIDIES.

France	$6,792,778	Belgium	$430,127
Great Britain	4,269,870	Austria-Hungary	336,000
Italy	3,503,035	Australia	280,000
Germany	3,131,610	Chili	225,000
Argentine Republic	3,000,000	Portugal	108,000
Brazil	1,700,000	Trindad	98,000
Spain	1,571,035	Barbadoes	90,000
Netherlands	775,191	Jamaica	72,000
Mexico	730,000	New Zealand	56,000
Canada	730,000	United States	48,966
Russia	454,306	Norway and Sweden	41,655
Japan	500,000		

Now, further, Mr. Chairman, in answer to the gentleman from Massachusetts, let me ask is it fair that any Congress, when they know that every one of these countries is subsidizing its ships against the Americans—is it fair play to meet these subsidies and fight these nations on the same ground, or not? That is the position I occupy as a member of this committee.

Mr. FITHIAN. Will the gentleman yield for a question?

Mr. FARQUHAR. Presently. Now when you talk of Great Britain subsidizing, let me show you what she does. I hold in my hand the record of her subsidies from 1820 to 1890, and in that time she has subsidized or subventioned her commerce to the extent of $219,000,000 and over. I would like the Clerk to read first a simple summary of these things.

Mr. FITHIAN. Will you allow me a question?

Mr. FARQUHAR. After this is read.

The Clerk read as follows:

The following is a statement compiled from the official blue books and other parliamentary papers showing the amount paid by the admiralty and post-office departments to the British packet service under contract, subsidies, subventions for transporting the mails from 1820 to 1889.

Mr. FITHIAN rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. FITHIAN. I desire to know if the gentleman from New York would allow a question.

Mr. FARQUHAR. I have stated that as soon as this table was read I would. I ask the Clerk to continue.

The Clerk read as follows:

	£	s.	d.	
The admiralty and post-office departments paid from 1820 to 1848	8,885,914	1	7 =	$43,274,401.56
In 1848 the post-office department by law assumed control and the amount paid from 1848 to 1868	17,392,113	10	6 =	84,699,592.87
The amount paid from 1868 to 1889 was	18,832,307	0	10 =	91,713,338.00
Total	45,110,334	12	11 =	219,687,332.43
The total cost of subsidy and subvention for all American mails from 1868 to 1889 was	5,667,931	14	8 =	27,602,827.56

Contract subsidies paid for carrying mails to and from Liverpool, Boston, and New York:				
1811 to 1846	52,361	7	11 =	2,550,000.00
1847 to 1868	3,350,124	0	0 =	16,315,103.88
1868 to 1889	1,855,500	0	0 =	9,036,285.00
	5,257,985	7	11 =	27,901,388.88

BRITISH PACKET SERVICE.

Statement showing the expense incurred by the admiralty and post office from the year 1820 to 1847.

[See Parliamentary Papers, volume 60, 1847-'48.]

Year.	Admiralty.	Post office.			Total.		
		£	s.	d.	£	s.	d.
1820	(*)	82,951	10	7	82,951	10	7
1821	(*)	119,558	7	7	119,558	7	7
1822	(*)	98,536	11	7	98,536	11	7
1823	£71,826	58,751	11	7	130,577	11	7
1824	111,425	85,570	4	9	196,995	4	9
1825	85,162	76,676	9	3	161,838	9	3
1826	109,135	112,772	13	11	221,907	13	11
1827	100,447	124,373	11	9	224,820	11	9
1828	96,973	71,871	7	1	168,844	7	1
1829	150,882	65,020	9	2	215,902	9	2
1830	161,252	64,549	3	11	225,801	3	11
1831	129,287	86,226	10	4½	215,513	10	4½
1832-'33	76,583	82,233	5	5	158,816	5	5
1833-'34	72,616	69,842	9	3½	142,458	9	3½
1834-'35	125,979	95,502	19	6	221,481	19	6
1835-'36	134,380	65,709	13	7½	200,089	13	7½
1836-'37	164,479	76,459	15	6½	240,938	15	6½
1837-'38	265,537	60,662	17	6	326,199	17	6
1838-'39	360,759	8,637	11	3	369,396	11	3
1839-'40	450,075	12,034	16	6	462,109	16	6
1840-'41	417,744	8,146	19	2	425,890	19	2
1241-'42	473,068	7,419	8	7	480,487	8	7
1842-'43	560,413	7,029	1	0	567,442	1	0
1843-'44	564,577	7,071	15	2	571,648	15	2
1844-'45	554,197	6,500	8	9	560,697	8	9
1845-'46	655,418	6,736	0	9	662,154	0	9
1846-'47	717,960	6,446	16	0	724,406	16	0
1847-'48	701,580	6,867	12	0	708,447	12	0
Total	7,311,754	1,574,160	1	7	8,885,914	1	7

*No payments made these years by the admiralty for this service.

	£	s.	d.	
Admiralty	7,311,754	0	0 =	$35,608,241.98
Post office	1,574,160	1	7 =	7,666,159.58
Total	8,885,914	1	7 =	43,274,401.56

Based upon £1=$4.87.

BRITISH PACKET SERVICE—POST OFFICE.

Statement of cost of the British post-office department, foreign mails (steam-packet contract service), separated from navy estimate, but prepared by the naval department, from the year 1848-'49 to 1867-'68.

[From Parliamentary Papers of the said years.]

	Total cost of packet service.			Cost of foreign contract service.	Contract for mails to and from Liverpool, New York, and Boston.
	£	s.	d.		
1848-'49	814,360	0	0	£652,662	£145,000
1849-'50	748,296	0	0	636,616	145,000
1850-'51	764,236	0	0	629,290	145,000
1851-'52	809,496	0	0	727,425	145,000
1852-'53	870,153	0	0	792,287	171,364
1853-'54	835,212	0	0	813,170	173,340
1854-'55	812,826	0	0	807,335	172,840
1855-'56	755,239	0	0	749,499	172,840
1856-'57	756,487	0	0	750,599	172,840
1857-'58	965,064	0	0	939,255	172,840
1858-'59	988,488	0	0	982,859	172,840
1859-'60	1,004,008	0	0	999,146	176,340
1860-'61	1,069,778	0	0	1,064,605	176,340
1861-'62	994,956	0	0	991,095	171,840
1862-'63	915,897	0	0	911,992	174,840
1863-'64	956,878	0	0	952,987	174,840
1864-'65	860,276	0	0	856,307	184,840
1865-'66	841,867	0	0	837,984	174,840
1866-'67	821,163	13	3	817,248	174,840
1867-'68	807,427	17	3	802,649	162,500
Total	*17,392,113	10	6	†16,735,070	3,350,124

*Equal to $84,699,592.87. †Equal to $81,499,790.90.

Total cost of packet service, 1848-'49 to 1867-'68, post office	£ 17,392,113	s. 10	d. 6 =	$84,699,592.87
Contract subsidies from 1847-'48 to 1867-'68, inclusive	3,350,124	0	0 =	16,315,103.88

Estimate, £1=$4.87.

BRITISH PACKET SERVICE—POST OFFICE.

"A," statement showing the expenditure on account of the post-office packet service from the year 1868-'69 to 1888-'89, inclusive (see Consul-General New's report, 1889), and "B," amounts paid for transportation American mails, North and South America, also sums paid for carrying mails to United States from 1868 to 1884, and from 1886 to 1889 (from Parliamentary Papers).

Year.	"A."	"B."	
		All American mails.	Deduct mails to United States, Liverpool to and from New York.
		£ s. d.	
1868-'69	$5,454,530	382,948 0 0	£110,000
1869-'70	6,043,630	393,523 0 0	112,500
1870-'71	6,091,345	405,423 0 0	105,000
1871-'72	5,721,370	392,004 6 2	105,000
1872-'73	5,695,510	391,703 14 10	105,000
1873-'74	5,596,060	393,718 16 5	105,000
1874-'75	4,920,770	370,619 2 3	105,000
1875-'76	4,433,235	274,015 0 0	105,000
1876-'77	4,255,130	253,572 17 11	86,000
1877-'78	3,813,800	185,074 7 4	30,000
1878-'79	3,891,205	188,969 0 0	52,000
1879-'80	3,895,260	183,458 15 6	52,000
1880-'81	3,592,230	184,111 14 3	57,000
1881-'82	3,524,330	190,760 0 0	71,000
1882-'83	3,600,800	191,100 0 0	97,000
1883-'84	3,608,355	215,700 0 0	80,000
1884-'85	3,642,065	216,000 0 0	97,000
1885-'86	3,662,505	242,375 0 0	116,000
1886-'87	3,625,913	215,625 0 0	100,000
1887-'88	3,490,860	192,500 0 0	80,000
1888-'89	3,184,435	202,700 0 0	85,000
Total	*91,713,338	†5,667,931 14 8	‡1,855,500

*Equal to £18,832,307 0s. 10d. †Equal to $27,602,827.56. ‡Equal to $9,036,285.

Total cost packet service (post office) from 1868-'69 to 1888-'89	£ 18,832,307	s. 0	d. 10 =	$91,713,338
Contract subsidies from 1868-'69 to 1888-'89, mails to and from Liverpool, New York, etc., exclusive of postages	1,855,500	0	0 =	9,036,285

Based upon $4.87.

Mr. FARQUHAR. Mr. Chairman, I desire the whole table may be printed. Now I will yield to the gentleman for his question.

Mr. FITHIAN. Can you point to any single act of the British Parliament granting subsidies to its marine?

Mr. FARQUHAR. Oh, Mr. Chairman, I would characterize that question as a good deal of a "chestnut."

Mr. FITHIAN. You need not answer it if you do not want to.

Mr. OUTHWAITE. Perhaps he can not answer it.

Mr. FARQUHAR. The gentleman speaks of "subsidy" as an unknown term. Why, when you have the words "subsidy" and "subvention" used in the very acts of the British Parliament, what is the use of this contention here? It is simply begging the question. We all know, and every blue book shows, and the facts are here in committee to prove it, that the English Parliament call it "subvention" and the British admiralty call it "subvention," and what is the use of quarreling over the term here? Call it what you will, it means the same thing.

The time has gone by to question the fact. I know that by an unfortunate mistake of one of our consul generals (some idiotic clerk over there by some transplanting of words or a verbal omission, probably because there was quite a row over it in London) put in a sentence saying that Great Britain had not paid any subsidies at all. But everybody knows the statement is not true. Why, the Cunard line has always been subsidized. The discussion in the Parliamentary Papers will show that the word is in common use over there, as it is here.

FREE RAW MATERIALS.

Now, Mr. Chairman, one thing further. I know that there is a presumption on the part of many that this bill is somewhat in line with the so-called McKinley bill or tariff bill, and that both are in the same strain of politics. Some members say that this bill itself is antagonistic to the other. Others claim that they are working in harmony. Now, the fact is that there is nothing in common between the two bills. One provides exclusively for our whole domestic trade and business; the other provides for all our outside or foreign trade and business.

But this question has entered in, whether in granting these bounties we are able to get the return cargoes. Well, I think that even the last tariff bill gives an equal and open door in the matter of free raw material with a rebate. It is certainly plain that if an American vessel goes to Buenos Ayres with machinery, or such other cargo as is carried by the Brazilian line to Rio de Janeiro, it must return with some material, and most possibly raw material.

Now, I am free to say, and see no reason to hide or undertake to cover it, that, under that section of the McKinley bill, so called, which allows drawbacks, that ship can have a full return cargo, provided that all the conditions of this tariff bill were carried out. There is certainly as much free trade in that as the Democratic side of the House could desire, because there is not a nation on the face of the earth that has got as fair a free-trade proposition as that very section in the tariff bill on drawbacks; and in case some of the members have forgotten the terms of the section since the election, I would like the Clerk to read section 25.

We are giving them all a chance to make as large a trade as they can, and I am willing, and the majority of the committee are willing, to see that everything should be done, whether in the tariff bill or some separate measure or in reciprocity treaties, to bring in these return cargoes for our merchant marine. That is good enough free-trade doctrine for me, as far as it goes.

Mr. OUTHWAITE. Well, are you in favor of it because it is?

Mr. FARQUHAR. I am in favor of it because it is the law now. I ask the Clerk to read the section I indicated.

The Clerk read as follows:

SEC. 25. That where imported materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the exportation of such articles a drawback equal in amount to the duties paid on the materials used, less 1 per cent. of such duties: *Provided*, That, when the articles exported are made in part from domestic materials, the imported materials, or the parts of the articles made from such materials, shall so appear in the completed articles that the quantity or measure thereof may be ascertained: *And provided further*, That the drawback on any article allowed under existing law shall be continued at the rate herein provided. That the imported materials used in the manufacture or production of articles entitled to drawback of customs duties when exported shall in all cases where drawback of duties paid on such materials is claimed be identified, the quantity of such materials used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, to the agent of either, or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe.

Mr. FARQUHAR. Mr. Chairman, there you see a rebate of the whole of the impost duties with the exception of 1 per cent., which is kept simply to cover the expense of the clerical work of the Treasury.

PROTECTION AND COMMERCE.

Now, when I said that the impression was that the tariff bill just passed and this bill would not work together, as the former was in almost entire restraint of the provisions of this tonnage bill, I want to call the attention of the House just for one minute to a fact that was not brought out properly in the tariff debate.

It may sound singular to some, but the fact of the matter is that our foreign commerce per capita has grown greater under protection than it ever did under free trade. I repeat it, that the American foreign commerce is greater per capita under protection than it ever was under free trade.

Mr. SPRINGER. We never had free trade.

Mr. BLOUNT. Will my friend allow me to ask what are the principal items entering into that trade, so that we can see whether protection does it or not?

Mr. FARQUHAR. I will explain.

Mr. SPRINGER. We never had any free trade.

Mr. FARQUHAR. Tariff for revenue. What was the Walker tariff?

Mr. SPRINGER. It was not free trade.

Mr. FARQUHAR. What was the tariff that followed after 1836?

Mr. SPRINGER. It never has been free trade.

Mr. FARQUHAR. No, there never has been free trade; but we had to use the expression "free trade" or "tariff reform" in opposition to protection.

Mr. DOCKERY. Or reciprocity.

Mr. FARQUHAR. The great argument of those who want to exclude American mechanics from earning a living and to shut up our shipyards is that there was unbounded prosperity before the war and that "everything was lovely." Those of us who are old enough know the history of those times. I think many of us especially know the history of the finances of this country and its trade and commerce under Buchanan's administration.

Mr. WILLIAMS, of Illinois. Just give the McKinley bill a chance.

Mr. FARQUHAR. Now, I wish simply to present some totals of figures here.

Mr. DOCKERY. Will the gentleman allow me a question.

Mr. FARQUHAR. Yes, sir.

Mr. DOCKERY. Your statement leads me to the reflection that if our foreign commerce is prospering to the degree that you seem to indicate, what is the necessity for a subsidy bill?

Mr. FARQUHAR. I did not say our foreign marine and I did not say our marine in the carrying trade. I am taking the word commerce in its full meaning.

Mr. SPRINGER. Commerce carried in British ships.

Mr. FARQUHAR. I suppose no one will have any question about what that definition is. I am not talking about our own marine. Our own marine, since 1860, has gone back 30 per cent.; but the foreigners have carried this commerce.

Mr. SPRINGER. Our own marine has gone back under protection.

Mr. FARQUHAR. Why? Under the lack of a bounty bill like this one, under lack of properly placed subsidies, subsidies not confined to one port or two ports, but subsidies that cover fifteen ports of the Republic. I am for such a subsidy as that. But when I can make a bounty bill that will cover every port from Portland, Oregon, around to Portland, Me, and then pay not over $2,000,000 the first year, I think it is good finance and good Americanism. That is the subsidy that I go for, a subsidy that is as good for Galveston, Mobile, and Savannah as it is for Baltimore, Philadelphia, and New York.

The Committee of the Whole rose informally to receive a message from the Senate; and having resumed its session,

Mr. FARQUHAR said: Mr. Chairman, as I was saying, I have a table here prepared which shows twenty-four years before the war, or rather extending back from 1861 to 1838, and another from 1866 to 1889, in which the average of the first period was $17.39 and the average of the second was $26.24. Now, if the net exports and imports were taken, the average of the first period of tariff reform or Walker bill, or whatever you call it, was only $14.13, while the average of the second period, under what they call "war protection," was $25.55.

It is not a reasonable supposition that protective duties necessarily and always lessen the volume of foreign commerce. In fact, it is quite unfounded, as any man may learn from the experience of the United States.

In considerable periods of time under unprotective duties, our people have invariably become too poor to sustain a large volume of commerce. Take as an illustration the following periods in history: The average foreign commerce per capita for the five years 1790 to 1794, inclusive, while a marine of our own was being built up under protection of the navigation laws, was $13.69. From the close of the Revolution until 1790 the volume of our foreign commerce was even less, and for six years of this time we had free trade.

The average foreign commerce per capita for the thirteen years 1795 to 1807, inclusive, while our protected marine carried 90 per cent. of our traffic, our prosperity phenomenal, before the British began breaking up our trade, was $20.82.

In the first case poverty and in the second prosperity ruled the volume of trade. "Tariff taxes," so miscalled, cut no figure in either case. Shipping of our own figured influentially in the latter period, when we had become "our own merchants and carriers."

So much has been said of the "war tariff," let us compare its effect upon the volume of foreign commerce with that of a revenue tariff before the war.

The average foreign commerce per capita for twenty-four years of "war tariff," 1866 to 1889, inclusive, all our industries but shipping well protected, the country fairly prosperous, though under the disadvantage of a fluctuating currency fourteen of the twenty-four years, was $26.24. With a marine of our own our trade would have been a great deal more.

For the period of twenty-four years before the war, 1838 to 1861, inclusive, with considerable shipping of our own, and our industries but incidentally protected most of the time, it was per capita only $17.39. This *ante bellum* volume of foreign commerce is barely 66.27 per cent. of that during the period of "war tariff."

For this comparison the total of imports and exports, merchandise and specie, at specie values, has been taken. If the net imports and exports be taken, then the figures change to $25.55 per capita for the "war tariff" period, and $14.13 for the low-tariff period, which is 55 per cent. of the present volume of foreign trade.

If the best ten years of the *ante bellum* period, 1852 to 1861, inclusive, be taken for comparison with the best ten years of the present period (while the currency has been on a specie basis), 1880 to 1889, inclusive, it will be found that the protective-tariff period shows a volume of foreign commerce per capita of $27.19, and the *ante bellum* low-tariff period a volume of $21.21 only, or 78 per cent. of current volume of trade.

The following table shows the annual volume of foreign trade for twenty-four years before and since the war:

Foreign commerce per capita.

Years.	Population.	Imports and exports.	Per capita.	Years.	Population.	Imports and exports.	Per capita.
1838.....	16,050,000	$222,204,020	$13.84	1866 ...	35,500,000	$880,415,751	$24.80
1839.....	16,520,000	283,120,548	17.13	1867 ...	36,200,000	777,206,084	21.36
1840.....	17,020,000	239,227,465	14.05	1868 ...	36,850,000	747,361,809	20.28
1841.....	17,600,000	249,797,980	14.13	1869 ...	37,700,000	780,570,332	20.70
1842.....	18,150,000	204,853,621	11.23	1870 ...	38,500,000	913,305,021	23.72
1843.. ..	18,700,000	149,100,279	11.50	1871 ...	39,450,000	1,082,755,874	27.44
1844.....	19,300,000	219,633,081	11.38	1872 ...	40,300,000	1,164,393,886	28.89
1845.....	19,900,000	231,901,170	11.65	1873 ...	41,350,000	1,270,705,643	30.73
1846.....	20,500,000	235,180,313	11.48	1874 ...	42,500,000	1,248,774,693	29.38
1847.....	21,100,000	305,194,260	14.46	1875 ...	43,550,000	1,159,481,006	26.62
1848.....	21,700,000	309,031,059	14.24	1876 ...	44,800,000	1,073,568,844	23.96
1849.....	22,400,000	293,613,259	13.10	1877 ...	46,000,000	1,150,731,997	25.01

Foreign commerce per capita—Continued.

Years.	Population.	Imports and exports.	Per capita.	Years.	Population.	Imports and exports.	Per capita.
1850.....	23,100,000	330,037,038	14.28	1878 ...	47,300,000	1,195,478,737	25.20
1851.....	23,850,000	434,612,943	18.22	1879 ...	48,700,000	1,201,510,657	24.65
1852.....	24,600,000	422,603,808	17.18	1880*..	50,100,000	1,613,770,633	32.21
1853.....	25,450,000	498,954,804	19.60	1881 ...	51,500,000	1,675,024,318	32.52
1854.....	26,300,000	582,803,445	22.16	1882 ...	52,950,000	1,567,071,700	29.59
1855.....	27,200,000	536,625,366	19.72	1883 ...	54,450,000	1,607,330,040	29.51
1856.....	28,100,000	611,604,850	22.83	1884 ...	55,900,000	1,512,770,947	27.06
1857.....	29,750,000	723,850,823	24.33	1885 ...	57,400,000	1,405,190,932	24.48
1858.....	29,950,000	607,257,571	20.27	1886 ...	59,900,000	1,426,018,032	23.80
1859.....	30,600,000	695,557,592	22.73	1887 ...	60,450,000	1,504,671,462	24.89
1860.....	31,400,000	762,288,550	24.27	1888 ...	62,000,000	1,525,663,790	24.60
1861.....	32,150,000	584,995,066	18.19	1889 ...	63,500,000	1,613,137,633	25.40
Average of the period...			17.39	Average of the period ...			26.24
Highest of the period...			24.27	Highest of the period ...			32.52
Lowest of the period...			11.23	Lowest of the period ...			20.28
If net imports and exports be taken, then the—							
Average of the period...			14.13	Average of the period...			25.55

*Specie payments resumed.

Now, in connection with that we have another problem. Some say you can not trade with any nation unless they trade back. That is what they call the "goods-for-goods" theory.

Mr. WILLIAMS, of Illinois. That is good Democratic doctrine.

Mr. DOCKERY. Or reciprocity, in other words.

Mr. FARQUHAR. No; reciprocity, properly understood, carries with it amity, friendship, and strength. There is no reciprocity on the high seas where every nation fights for an advantage. Not a single American ship to-day travels the wide ocean but has to compete with a parallel subsidized line, and the American ship receives not a dollar of assistance.

Now, under the "goods-for-goods" theory, whether we pass a bounty bill or not, we can not get the trade; and I want to call the attention of the House for a minute to a single fact in that connection. In 1889, for the first time in the history of English commerce, Russia placed more wheat in the English market than the United States. Russia placed 36.38 per cent. and the United States 29.04 per cent.

If there was an equal return of commerce as between nations, which I believe is advocated by parties on the other side of the House, we would look for something of that character of returns between Russia and England and between the United States and England, yet the singular statement is made that the British imports from Russia were £27,160,360 in 1889 and the British exports were only £5,335,328 sterling.

Well, now, in further verification of that, all that the members of the House have to do is simply to take the report of the Secretary of the Treasury, page 46, and just look at the excess of imports from Mexico, Central America, the West Indies, and South America. Look what a tremendous balance of trade there is against us there. Now, what inducement can this country give to these Latin-American countries if to make trade there is a difference of $80,000,000 in the rough at once? We have now a carrying trade that extends to only two main lines; all the rest is in the hands of foreigners.

The foreign merchants, foreign bankers, foreign shipmasters, foreign insurers, and foreign carriers almost, you may say, control the United States. How much do we control? Only what is controlled by the Red line to Venezuela, and the Cuban line to Cuba, and Thurber's line to Brazil. We shut ourselves out because we make so small allowance as we do to the Cuban line. That line only gets $300 a quarter for carrying the mails from the United States, when it is paralleled by the Spanish line, that gets $5,440 for the round trip.

How can an American line live against that? It is simply a question of how long they can live at all. It is deplorable that we have got down from carrying 65 per cent. of our commerce at the beginning of the war until we are now away down to 12.29 per cent. That is all that American ships carry to-day, of all our export and import trade. Why? Simply because every foreign line is subsidized against you. Now, I do not mean to say that that subsidy to foreign lines applies to every tramp steamer. It does not; but I state what they do. They subsidize some at a rate which amounts to 8 per cent. of guaranty.

The Peninsular and Oriental Company have fourteen or sixteen fast steamers, and as tenders to those fast mail steamers they have forty freight steamers following in the line, owned by the same men, and a division is made. If you will look at the Parliamentary Papers you will find there in the investigation of the Peninsular and Oriental Company these very facts were laid bare by the president of the company when he substantially said: "You cut down the amount of your subsidy or subvention and you drop from that line ten or twelve of my ships that are indirectly receiving the benefit of it."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHEELER, of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman from New York, the chairman of the committee, be allowed such time as he may need. It is a very important subject and the chairman of the committee ought to have no limit as to his time.

Mr. ALLEN, of Mississippi. We want "a full and free discussion." [Laughter.]

Mr. FARQUHAR. And "deliberation" afterwards.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] asks unanimous consent that the gentleman from New York may be permitted to proceed without limit as to time. Is there objection? [After a pause.] The Chair hears none.

Mr. FARQUHAR. Mr. Chairman, I wish to get through quickly, and shall simply ask the indulgence of the committee to allow me to print several tables not read in full.

FREE SHIPS.

I want to come to one other point. There has been a demand in this country for what is called "free ships." You have only two propositions in the line of marine before this House that may come up. There are only two great propositions in the carrying interest of the merchant marine in the foreign trade.

Now, shall we take care of the ships we have now with a bounty which is only about 11½ per cent. of the cost of running a ship? Will you take care of your own marine and will you ship by ships built here, or will you buy your ships anywhere you wish and put the American flag over anything of foreign manufacture?

Now, I believe the whole matter has just these results. First of all, France, when she framed her bounty act ten years ago, as she had no ships of her own, adopted the policy of allowing Frenchmen to incorporate themselves under the laws of France, and Englishmen with them, and to buy their ships on the Clyde, and it was done. France stood honorably by her ten-year law, but after ten years' experience with that bounty law (30 cents per ton, very much as is proposed here) she has adopted a new law, as follows:

ARTICLE 1. The regulations provided in articles 9 and 10 of the law of 29th January, 1881, relative to the bounties on navigation, will continue to be in force until 29th January, 1892, subject to the modification notified in article 2 of the present law.

ART. 2. Until the 29th January, 1892, ships of foreign construction naturalized after the 29th January, 1891, will not have any right to the bounty established by article 9 of the law of 29th January, 1881.

Mr. BLOUNT. Does that still leave the right to purchase?

Mr. FARQUHAR. No more bounties to foreign built-ships in France.

Mr. BLOUNT. My friend did not understand my question. I asked him if the right to purchase ships abroad was still left to the French citizen.

Mr. FARQUHAR. Not to sail them under a bounty.

Mr. BLOUNT. No; not under a bounty, but the right to purchase ships abroad is still left, is it not?

Mr. FITHIAN (to Mr. FARQUHAR). Were you reading from the act of French Chambers extending the bounty?

Mr. FARQUHAR. Certainly. The truth of the matter is that under the French building-bounty law, I will not say half, but a large proportion of the French lines were owned by Englishmen. They reaped the benefit of the French bounty. The French did, however, recover in their tonnage, and more particularly in the movements of tonnage. They have made a total gain in tonnage, not counting the difference between sail and steam, of 10 per cent. from the start. They have now as fine a class of tonnage as can be found anywhere on the face of the sea, and instead of extending the ten-year bounty law, as was expected, they simply extended the bounty, but cut out foreign-built ships from receiving any more bounties on building, and they intend to abrogate their reciprocity treaties. That is just what I said some time ago would be the proper thing to do in this country in order to build up a merchant marine.

Now as to free ships, it is utterly impossible for any nation that exists or that has ever existed since the Phœnicians to hold its power in the world unless it holds its power on the ocean. When you have only a navy of a few cruisers and a few gunboats, and some battleships, yet to be built, suppose you did get into a war, suppose that Samoa was enlarged in territory so that, instead of the little peaceful conference that was held for the settlement of the difficulties there, it had amounted to a seal-fishery fight, where would be your shipyards in this country or your trained seamen? Why, you would be utterly helpless, a nation fighting behind sandbanks with muskets.

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

Mr. FARQUHAR. Certainly.

Mr. HERBERT. Before the gentleman gets away from the French merchant navy and the effect of the French subsidies for ten years, I want to ask him if it is not a fact that for the past four or five years the steam tonnage of the French merchant marine has been declining. Is it not so stated on pages 120 and 121 of the exhibits to the report of your committee?

Mr. FARQUHAR. No; there is no decline.

Mr. HERBERT. There is no decline?

Mr. FARQUHAR. No. I read from page 143:

Ten years have passed and the United States have not yet accomplished a work that took the French Republic but ten months to begin and finish. In that ten years our loss of tonnage in the foreign trade has been 30 per cent.,

an average of 38,634 tons annually, 3,219 tons monthly, 743 tons weekly, and 105 tons daily. In the same ten years the French, by their bounty protection, have not only arrested their decline, but made gains in tonnage and in the protection of French carriage of about 10 per cent.

Foreign sail vessels are being rapidly driven out of French trade by new French steamers, and a new marine, mostly steam, has taken the place of the old marine, mostly sail. The British consul general at Havre, in his recent report, remarks as follows:

"The cost to the country is about £400,000 ($2,000,000) per annum, and the results are that while in 1879 France had only 599 steamers of 255,959 tons, the number had increased in 1888 to 1,015 of 509,800 tons.

Mr. HERBERT. But that is not an answer to my question.

Mr. FARQUHAR. Why not? You said there was a decline.

Mr. HERBERT. I asked the gentleman whether during the last four or five years the steam tonnage of France had not declined. Let me read to the gentleman from pages 120 and 121 of the exhibits to his report.

Mr. FARQUHAR. I understand. I recollect that.

Mr. HERBERT. Well, the statistics do show a decline, do they not?

Mr. FARQUHAR. And the statistics that I have read are just two years later. That is all the difference between us. That is for 1890.

Mr. HERBERT. This is for 1888.

Let me read to the gentleman, so that there can be no misunderstanding about this matter:

By these statistics we ascertain that France alone, among the great nations, sees its merchant service decreasing in importance. The second place she occupied in 1888, owing to her steam navigation, she has just lost.

Mr. FARQUHAR. The "second place." Who got ahead of her? Germany.

Mr. DOCKERY. That is not the question.

Mr. FARQUHAR. If the gentleman intends to debate that matter he had better look at the Lloyds' Register.

Mr. HERBERT. I am inquiring as to the fact. I ask the gentleman not to evade the question but to answer it; is it not the fact that during the last few years, according to the statement here, the steam tonnage of France has declined and she has fallen from the second to the third place?

Mr. FARQUHAR. Yes; but why? Germany with her bounties has stepped to 928,910 tons. That is the reason Germany has passed France.

Mr. BLOUNT. But does not France give larger bounties than Germany?

Mr. FARQUHAR. But smaller to begin with.

Mr. BLOUNT. How less?

Mr. FARQUHAR. When you are considering steam tonnage and comparing the position of France with her position ten years ago, you must take into account the fact that in supplanting sail by steam you are supplanting an equivalent of three to one. The gentleman from Alabama does not appear to see that.

Mr. HERBERT. I understand the fact to be——

Mr. FARQUHAR. You are counting bare tonnage, but you ought to count the equivalent of tonnage, and that makes the difference.

Mr. HERBERT. I understand the fact to be as stated here, that during the first period of ten years after the bounties were granted the steam tonnage of France rapidly increased, but that for the last five years her steam tonnage has rapidly fallen off, so that she has lost her second place and declined to the third; and the cause of this falling off, as given here, was a fear on the part of the shipowners and shipbuilders that the French Government might not continue the subsidy for another term of ten years.

Mr. FARQUHAR. Only for their own ships.

Mr. HERBERT. But the falling off was in consequence of this fear. And under this bill, after the expiration of ten years, it will be necessary to increase these bounties for another ten years. When this policy is once begun, like the tariff there is no possible end to it; it must go on with a continually increasing demand.

Mr. FARQUHAR. If the gentleman had read a sentence or two further he would have obtained some light on this subject.

Mr. HERBERT. I will read on, if the gentleman will allow me.

Mr. FARQUHAR. I will allow you.

Mr. HERBERT (reading):

By these statistics we ascertain that France alone, among the great nations, sees its merchant service decreasing in importance. The second place she occupied in 1888, owing to her steam navigation, she has just lost. Will she still continue to retrograde? We can not tell; but it seems to us that this lamentable situation is to be attributed to the approach of 1891, when the premiums granted to navigation are to be abolished.

That is just as I stated the matter.

Mr. FARQUHAR. That means that the premiums were to be abolished so far as foreigners were concerned.

Mr. HERBERT. No, that was the limitation of the law.

Mr. FARQUHAR. I understand it so.

Mr. HERBERT. Those ten years would expire in 1891; and it was the fear of the expiration of the law that caused this falling off, showing that the shipping of that country had not gotten on a footing of its own on which it could stand, but still depended upon the continuance of the bounty. I read further:

Several shipping companies have ceased renewing their ships or adding to their fleets in the fear of creating an unproductive capital.

The gentleman asked me to read on. If he is tired I will stop.

Mr. DINGLEY. Instead of an article from a newspaper, why not read the official statistics to show what the growth of steam tonnage has been?

Mr. HERBERT. I will read on:

Despite the premiums granted to shipbuilding, the principal French shipyards would have remained idle and would have been compelled to dismiss their force if they had not found considerable assistance in orders received from the navy, assistance which is necessarily temporary.

Now the gentleman from Maine [Mr. DINGLEY] asked me to refer to the official statistics. I suppose he alluded to those which are on the opposite page, page 121. Turning to that page, I find a table of the number of steamers belonging to different countries, with their tonnage during four years, 1885 to 1888 inclusive. Here is England, which has increased her tonnage 11.2 per cent. during that time. Here is France which has increased hers twenty-seven hundredths of 1 per cent—only that! Here is Germany, with a far less bounty than France ever had; and Germany during this period has increased her tonnage 20 per cent.

Here are also the figures for the United States, the country for which this plea is put up that she needs subsidies, and the example of France is quoted. Here France and the United States are placed side by side. France, with a subsidy, has not increased her tonnage during that time 1 per cent.—only twenty-seven hundredths of 1 per cent.—while the United States has increased her tonnage 4 per cent.

Mr. FARQUHAR. How much did France increase her steam marine during these years?

Mr. HERBERT. This is steam tonnage; the statement gives the number of steamers, with their tonnage.

Mr. FARQUHAR. What was the increase?

Mr. HERBERT. The increase for France was twenty-seven hundredths of 1 per cent., while America, without any subsidy whatever, shows an increase of 4 per cent. Yet you are citing the example of France and telling us to imitate it.

Mr. FARQUHAR. Yes, I am citing the example of France in this way. I grant that for the last two or three years there has been a decrease or a decline in the shipping. But why was that? Why, Mr. Chairman, it has been a common report what the French Chambers intended to do with the bounty bill. Many thought that bill would never be re-enacted; but the French Chambers did not propose to take care of foreigners, but to take care of their own marine. Why were premiums given on French ships and not on German-built ships by that Government? Why do we ask to build American ships instead of buying foreign ones? The logic is all the same.

Mr. HERBERT. Do I understand the gentleman from New York to say that France has continued the bounty for another term of ten years?

Mr. FARQUHAR. She has conditionally continued the building bounty for French-built ships until 1892, but not for Clyde-built ships. She is taking care of her own, as we ought to do.

Mr. HERBERT. Then if France found it necessary at the end of ten years, in order to stop this disastrous decadence and decline in her steam tonnage, to re-enact the law and give another ten years' bounty, why do you ask us to be guided by the example of France and undertake a policy here which would result necessarily in the same condition of things? For, after ten years, as the example of France shows, we would have to do the same thing over again; while a country without any subsidy at all, like our own, can outstrip a country like France which has a subsidy, as the figures show.

Mr. FARQUHAR. Mr. Chairman, I recur to the problem of free ships. It is just simply this, as I was saying when I was interrupted by the gentleman from Georgia, there is no country on earth that can hold a supreme place among the councils of the nations unless she is measurably strong, at least in the control of the ocean. Now, we have no control of the ocean.

This bill proposes, by paying bounty on every new steamship that makes more than 12 knots an hour and shall come under the supervision and inspection of the Navy Department, to build up the American merchant marine. It provides that such ships shall be certified and enrolled. How much cheaper are you going to make your defenses on the ocean than that? let me ask. At the very beginning, at the very genesis of this bill, it is made conditional that the tonnage shall be of first character.

Again as to the postal matters. They offer now under this bill to turn in the sea and inland postage, amounting to hundreds of thousands of dollars a year, and instead of paying a profit to other nations running a ship, this bill proposes to carry every mail free. What better proposition can you have than that every port in America can be a port for the mails?

Mr. BLOUNT. Let me interrupt the gentleman just there. He speaks of carrying the mails free. Let me ask, how do you carry the mails free when you take the money out of the Treasury and turn it over in the shape of bounty to these ships?

Mr. FARQUHAR. That is the proposition of the Postmaster-General himself, that the sea and inland postage shall be turned into the Treasury, so that every ship sailing from the United States shall under the provisions of this bill carry the mails free.

Mr. BLOUNT. Yes, but you do not stop there. You take the money back and give it to the owners of the ship. How, then, do you call it free mail service?

Mr. FARQUHAR. Does the gentleman from Georgia mean to say that the sea and inland postage are to be additional to the bounty?

Mr. BLOUNT. No; but the gentleman said that there would be no charge for carrying the mails, and illustrated it by showing that the money received for sea and inland postage would go into the Treasury. But he says that money is to be paid to the owners of these ships. Hence it is a charge upon the Treasury, and I do not understand where his claim of free mail service comes in.

Mr. FARQUHAR. Mr. Chairman, I want to say a word further about this free-ship matter. You will find none of those who desire free ships particularly who have given one phase of this question much consideration. I suppose the House is aware of the fact that the last tariff law has enlarged the provisions with regard to importations of certain shipbuilding materials, so that all plates, TTs, beams, and angles for the construction and equipment of vessels built in the United States for foreign account or ownership, or for the purpose of being employed in foreign trade, are now, under the provisions of the law, imported free into the United States.

Under the present tariff act there is not anything that enters into the construction of an iron ship, or a wooden one either, but what can be imported into this country free of duty. What more do you ask in the way of free ships? Do you want also to constitute a foreign-built ship simply a piece of "shelf goods," or is the mechanic to be shipped to the other side if he can not get work here, to do the work on a foreign ship? We have all of the material free and the bill covers everything down to a ten-penny nail, and yet because the friends of the American shipyards and the American sailor and carpenter do not see, in addition to what is conceded them, that you shall import the whole ship, assembled as a ship, why then we are under "restraints" in American commerce, and there is no relief to any man who is engaged in that business!

Why, it would seem that such complaints are absolutely childish when such a law as that is on the statute books. Now, your free traders and free shippers have for years knocked at the door of Congress, as they claim, and got this legislation; yet when they get it, oh, the British organs, the organs of British opinion, not French opinion, not German or Spanish, or even poor little Italy, but the organs of British opinions say, "No, you will have to take the whole ship, labor as well as material," buy it as shelf goods and run up the American flag to the peak as a lie.

Although, Mr. Chairman, I was born on the other side of the ocean, yet there is enough Americanism in me to deny that privilege to Great Britain, which systematically, for a hundred years, has trampled on the rights of this country and on the rights of her colonies. She is a bulldog among the nations. I say it is time that we arrested public opinion in that regard, and arrested the strides of a nation that claims everything for herself and finds supporters even in high bodies in this land.

Newspapers that are supported by Americans, with a few crumbs of foreign advertisements, turn their editorial columns to favor the abolition of the American sailor, the American Navy, the American mechanic, and American trade. Oh, it is a fearful spectacle, that of men who, forgetting the land of their birth and the blood in their veins, have taken a partisan line that leads to the destruction of American pride and American honor. [Applause on the Republican side.]

Now, in conclusion, Mr. Chairman, I simply want to make one remark. This is not a caucus bill. It does not come in under any special order. It has been my individual request to let this bill come fairly onto this floor for a fair fight from beginning to end. I was sorry this morning to have my friend, with whom I have had so many years of congenial intercourse, the gentleman from Georgia [Mr. BLOUNT], start in to assist the gentleman from Illinois [Mr. SPRINGER] in obstructive tactics. There is no need of them.

This bill is on this floor. Whatever may be its fate I will accept it as a member of this House. Vote it up or vote it down, but I beg of you to remember that in the relations I have borne among you for years, in all that time I can stand in my place in this American Congress and say that no harsh word in debate or otherwise has ever crossed my lip or that middle aisle to your side of the House. I have contended, and I contend now, that this bill builds up the North, the South, the East, and the West. It is American. It is a bill that can bring us back to the ocean.

I am willing to take a bill which shall be less in its conditions; but I do ask of this House fair play in the discussion, fair play in all the parliamentary work, and that the scenes of this morning, I beg of you gentlemen, especially on the other side of the House, may not be repeated. If this bill is worth anything it is worth gentlemanly and parliamentary treatment; and I ask of those who oppose it, instead of dilatory tactics, that they may make arguments fair and square, and if those arguments can not be met, vote the bill down, and I shall take the result as a man. [Applause on the Republican side.]

Mr. WHITTHORNE. Mr. Chairman, I desire to offer certain amendments to the pending proposition and to ask that they be printed in the RECORD for consideration. I shall first move to strike out the first five sections of the pending bill, and then offer the amendments which I shall submit in lieu of the remaining provisions of the bill.

Mr. DINGLEY. These are offered simply to be printed in the RECORD.

Mr. WHITTHORNE. Yes, sir.

The CHAIRMAN. The gentleman from Tennessee [Mr. WHITTHORNE] asks unanimous consent for the printing in the RECORD of certain amendments which he offers.

Mr. WHITTHORNE. And that they be considered as pending.

The CHAIRMAN. The amendments offered by the gentleman from Tennessee [Mr. WHITTHORNE] can not be considered as pending. They are offered for the purpose of being printed in the RECORD for the information of the committee. Is there objection to this? [After a pause.] The Chair hears none.

Mr. OUTHWAITE. Why can they not be considered as pending?

The CHAIRMAN. The bill at present is being considered under general debate, and the time for amendment and debate under the five-minute rule has not been reached.

Mr. WHITTHORNE. I give notice that I will move the adoption of these amendments at the proper time.

The CHAIRMAN. After the general debate has closed, the bill will then be considered by sections for debate and amendment under the five-minute rule.

The amendments submitted by Mr. WHITTHORNE are as follows:

SEC. —. That the Navy Department shall cause examination to be made of the steamships engaged in the lake, foreign, and coasting trade and carrying the flag of the United States, so as to ascertain their availability in each case for use by the Government as auxiliary cruisers. And, within the limitations and upon the terms herein prescribed, the President is authorized to cause to be enrolled and borne upon the Naval Register, as auxiliary cruisers and subject to the immediate call of the Government upon demand, upon terms of hire or purchase to be agreed upon and fixed prior to such enrollment, such limited number of merchant steamships as shall be deemed necessary for the purposes of the Government, and as shall fall within the requirements and limitations of this act. No steamship shall be enrolled that shall not have been constructed according to the requirements of the Secretary of the Navy or been pronounced suitable for armed auxiliary cruisers by a board of naval officers to be appointed by the Secretary of the Navy, and for such use subject to annual inspection. No steamer shall be so enrolled that shall not be capable of mounting not less than two rifled guns of modern construction, nor until the same shall have been prepared and fitted at the expense of the Government for carrying the necessary equipment and guns, and adapting her for the use of the Government as an auxiliary cruiser. For the purpose of compensating owners of such steamships for the expense and trouble necessary to be incurred by them in complying with the conditions of such enrollment, the President is authorized to prescribe an annual compensation to the enrolled list of auxiliary cruisers, to be graded and based upon tonnage, strength, and speed and adaptability for the Government service, not exceeding 8 per cent. yearly upon the value of such steamship, as determined by the Navy Department. And to the end that due encouragement may be afforded to persons contemplating the construction of merchant ships to fit them to answer the purposes of the Government for fast and powerful cruisers, the President may authorize contracts to be entered into for the enrollment of such steamships, when constructed, upon the naval auxiliary list, upon the terms and conditions of this act, and may bind the Government for not exceeding six years to the payment of an annual compensation: *Provided*, That the plans of such steamships shall first be submitted to and approved by the Navy Department and certified to by such Department as embodying the necessary strength for the carrying of armament and having the necessary speed, fittings, etc., for the Government service; and in all cases preference shall be given to those steamships having the highest characteristics: *And provided*, That no compensation shall be paid for any vessel whose average trial speed at load draught for a continuous six hours' run is less than 15 knots if engaged in the foreign or coasting trade, nor less than 12 knots if engaged in the trade of the Great Lakes: *And provided further*, That the maximum compensation shall not be paid for any vessel whose average trial speed at load draught for a continuous run of six hours is less than 19 knots: *And provided further*, That whenever the owner, officers, or seamen of any vessel of the United States shall propose to enroll themselves and vessels as part of the auxiliary Navy of the United States, without cost to the Government, and the said vessel shall be approved by the Secretary of the Navy as fit for dispatch, torpedo, or other naval auxiliary service, he is authorized to enroll the same upon terms as to the charter or purchase of such vessels and to execute a provisional contract with the owner to this effect, which contract shall become operative whenever the said vessel is taken into the public service; and, in the event of the loss or destruction of said vessel while in the public service under charter, the said purchase price as agreed upon as above shall be the compensation paid to her owners.

SEC. —. That any vessel commanded by an officer of the naval reserves, and which shall have in her complement five other officers and men belonging to the naval reserves, shall have the right to fly from her mainmast head a distinctive flag or pennant with the letters U. S. N. R.: *Provided*, That the color, shape, and size of such flag or pennant shall be prescribed by the Secretary of the Navy and furnished by the Navy Department.

SEC. —. That the sum of $1,000,000 is hereby appropriated for carrying into operation this act, and the same shall constitute a continuous annual appropriation, payable out of any moneys in the Treasury not otherwise appropriated, for the purpose of inaugurating and continuing the operation of the naval reserve of men and ships contemplated by this act, the same to be expended under the direction of the Secretary of the Navy.

SEC. —. That all vessels receiving the benefits of this act shall carry the mails of the United States without additional compensation, when required by the Postmaster-General, to the port or ports for which they may be destined, and under such regulations as may be prescribed by the Postmaster-General, and for all mails so carried the Post-Office Department shall turn into the Treasury the sea and inland postage thereon. Upon each of said vessels the United States shall be entitled to have transported free of charge such mail messengers as in the judgment of the Postmaster-General may be necessary, whose duty it shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of messengers and the mails.

Mr. HOLMAN. Mr. Chairman, in view of the lateness of the hour, it is hardly fair to the gentleman from Alabama [Mr. WHEELER] to require him to proceed to-night in a matter of so much importance. I therefore trust there will be no objection to the committee rising; but, before moving that the committee rise, I ask that the same privilege

be extended to the gentleman from Alabama [Mr. WHEELER] that was extended to the gentleman from New York [Mr. FARQUHAR], to speak without limitation.

Mr. FITHIAN. I object to that arrangement unless there is some further understanding as to the time.

Mr. HOLMAN. I hope there will be no objection.

Mr. DINGLEY. We want to know when this matter can be brought to a vote.

Mr. HOLMAN. I ask that the gentleman from Alabama [Mr. WHEELER] may speak without limitation.

Mr. FITHIAN. I withdraw the objection.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that the gentleman from Alabama [Mr. WHEELER] be permitted to speak without limitation.

Mr. DINGLEY. We want to know when this debate is to close before we agree to anything like that.

Mr. HOLMAN. Mr. Chairman, I hope the same courtesy may be extended to the gentleman from Alabama that was extended to the gentleman from New York [Mr. FARQUHAR].

Mr. BINGHAM. With the understanding, I suppose, that the remaining time shall be equally divided.

Mr. MCMILLIN. Of course that would be so.

Mr. DINGLEY. But, Mr. Chairman, this bill must be brought to a vote at some time, and if there is to be this unlimited extension of time I am afraid we will not reach a vote.

Mr. MCMILLIN. I would beg of my friend from Maine that the same courtesy be extended to the gentleman from Alabama [Mr. WHEELER] that was extended to the gentleman from New York [Mr. FARQUHAR].

Mr. HOLMAN. Then I ask that the gentleman from Alabama may be permitted to take the same time as was taken by the gentleman from New York [Mr. FARQUHAR].

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Alabama [Mr. WHEELER] may be permitted to proceed for the same length of time as was occupied by the gentleman from New York [Mr. FARQUHAR]. Is there objection? [After a pause.] The Chair hears none.

Mr. HOLMAN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (S. 3738) to place the American merchant marine, engaged in the foreign trade, upon an equality with that of other nations, and had come to no resolution thereon.

SALARIES OF EMPLOYÉS FOR DECEMBER.

Mr. ALLEN, of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Joint resolution (H. Res. 253) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1890, on the 20th of said month.

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employés of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1890, on the 20th day of said month.

The SPEAKER. Is there objection to the present consideration of the resolution just read? [After a pause.] The Chair hears none.

The Committee of Accounts was discharged from the further consideration of the resolution; which was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House do now adjourn.

The SPEAKER. Pending the motion of the gentleman from Indiana, the gentleman from Alabama desires to submit a request.

REPRINT OF A BILL.

Mr. OATES. I ask unanimous consent for the reprint of the substitute reported by the Committee on the Judiciary for the bill (H. R. 63) to prohibit aliens from acquiring title to or owning lands within the United States of America, which contained an error. I ask that it be reprinted in the corrected form, which I will furnish.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BULLOCK, indefinitely, on account of sickness.

To Mr. DARGAN, for two weeks from Friday, the 19th instant.

ENROLLED BILL SIGNED.

Mr. MOORE, of New Hampshire, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 2404) to provide for the purchase of a site and the erection of a public building thereon at Beatrice, in the State of Nebraska; when the Speaker signed the same.

ADDITIONAL COPIES OF REPORT.

Mr. DUNNELL. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That 5,000 additional copies of Report 3280, to accompany the apportionment bill, be printed for the use of the House.

The SPEAKER. Is there objection? The Chair hears none.

The resolution was adopted.

The motion of Mr. HOLMAN was then agreed to; and accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

SCHOOL BUILDINGS, ETC., NEAR THE CROW CREEK AGENCY.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting an estimate of $54,900 for the construction of agency and school buildings at a point on the Missouri River near the Crow Creek agency—to the Committee on Indian Affairs.

BUILDINGS FOR THE CHEYENNE RIVER AGENCY, SOUTH DAKOTA.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting an estimate of $24,700 for the construction of agency buildings at the new site selected on the Missouri River for the Cheyenne River agency, South Dakota—to the Committee on Indian Affairs.

THOMAS HIGHTOWER VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas Hightower against The United States—to the Committee on War Claims.

ANDERSON A. CLEM VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Anderson A. Clem against The United States—to the Committee on War Claims.

WILLIAM ROULETTE VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Roulette against The United States—to the Committee on War Claims.

DISMISSED CASE, C. O. SPENCER VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the order dismissing the case of C. O. Spencer against The United States—to the Committee on War Claims.

DISMISSED CASE, J. C. BARNETT, ADMINISTRATOR OF WILLIAM E. BARNETT, DECEASED, VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court dismissing the case of J. C. Barnett, administrator of William E. Barnett, deceased, against The United States—to the Committee on War Claims.

CHARLOTTE A. WADDELL, EXECUTRIX OF WILLIAM C. H. WADDELL, VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charlotte A. Waddell, executrix of William C. H. Waddell, against The United States—to the Committee on Claims.

ELK RIVER, WEST VIRGINIA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the Elk River, West Virginia—to the Committee on Rivers and Harbors.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. STEWART, of Vermont:

Resolved, That ——, immediately after the expiration of the morning hour, be set apart for the consideration of Senate bill 174, relating to salaries of United States district judges, and H. R. 866, relating to salaries of United States circuit judges;

to the Committee on Rules.

By Mr. COLEMAN:

Resolved, That the United States Fish Commissioner be, and is hereby, requested to report to this body the desirability of the Government's establishing a fish hatchery in Southern Louisiana, at or near New Orleans, La.;

to the Committee on Commerce.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. HALL, from the Committee on Indian Affairs, reported favorably the bill of the House (H. R. 12631) granting to the Missoula and Northern Railroad Company the right of way through the Flathead Indian reservation, in the State of Montana, accompanied by a report (No. 3317)—to the House Calendar.

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill of the Senate (S. 2808) for the relief of Amos Gilbert, accompanied by a report (No. 3318)—to the Committee of the Whole House.

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. HEMPHILL: A bill (H. R. 12730) to amend and re-enact sections 718 to 723 of the Revised Statutes of the United States, relating to the District of Columbia—to the Committee on the District of Columbia.

By Mr. SPINOLA (by request): A bill (H. R. 12731) to amend an act entitled "An act to reduce the revenue and equalize the duty on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

By Mr. STOCKBRIDGE: A bill (H. R. 12732) to suspend the operation in certain cases of the statute of limitations in force in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GEISSENHAINER: A bill (H. R. 12733) to determine and increase the pay of keepers of life-saving and lifeboat stations, and of crews of surfmen employed at the life-saving and lifeboat stations—to the Committee on Expenditures in the Treasury Department.

By Mr. SANFORD: A bill (H. R. 12734) to refund the 4 and 4½ per cent. bonds into bonds bearing 2 per cent. interest, and convert the United States notes into certificates of indebtedness without interest, and for other purposes—to the Committee on Ways and Means.

By Mr. PEEL: A bill (H. R. 12750) to dispose of the timber lands of the State of Arkansas at cash entry—to the Committee on the Public Lands.

By Mr. OUTHWAITE: A joint resolution (H. Res. 257) confirming title to certain land in the State of Ohio—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ATKINSON, of West Virginia: A bill (H. R. 12735) for the relief of John G. W. Tompkins and John C. Brown, administrators of estate of Rachel M. Tompkins, deceased—to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 12736) to remove the charge of desertion against Charles L. Coder—to the Committee on Military Affairs.

By Mr. COGSWELL: A bill (H. R. 12737) to remove the charge of desertion from the record of Charles G. Pyer—to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 12738) for the relief of Henry Lane—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 12739) to authorize the Department of State to deliver certain medals to the officers and crew of the United States steamship Baltimore—to the Committee on Foreign Affairs.

By Mr. JOSEPH: A bill (H. R. 12740) for the relief of J. H. Blazer, of Mescalero, N. Mex.—to the Committee on Indian Affairs.

By Mr. LODGE: A bill (H. R. 12741) to increase the pension of Allen J. Maker—to the Committee on Invalid Pensions.

By Mr. MOORE, of New Hampshire (by request): A bill (H. R. 12742) granting a pension to Mary De W. Young—to the Committee on Invalid Pensions.

By Mr. ROWELL (by request): A bill (H. R. 12743) for the relief of Maria O. Biondi—to the Committee on Pensions.

Also (by request), a bill (H. R. 12744) for the relief of John Hickey—to the Committee on Claims.

Also (by request), a bill (H. R. 12745) for the relief of George A. Williams—to the Committee on Claims.

By Mr. SAYERS (by request): A bill (H. R. 12746) for the relief of Mrs. Emma M. Moore—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 12747) granting a pension to Joseph W. Baxter—to the Committee on Invalid Pensions.

By Mr. SIMONDS: A bill (H. R. 12748) for the relief of Thomas F. Rowland—to the Committee on War Claims.

By Mr. STONE, of Missouri: A bill (H. R. 12749) granting a pension to Mrs. Ann Bradford—to the Committee on Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 12751) to correct the military record of Jonathan Murphy—to the Committee on Military Affairs.

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. BELDEN: Petition of Cobb & Perkins, and 10 other grocers of Cortland, N. Y., asking for an amendment to the tax and tariff bill to provide for the payment of rebates on original and unbroken packages of manufactured tobacco and snuff—to the Committee on Ways and Means.

By Mr. BOUTELLE: Petition of citizens of Maine for establishment of a life-saving station at or near Cutler Harbor, Maine—to the Committee on Commerce.

By Mr. CASWELL: Petition of the Chickasaw commissioners for an appropriation to reimburse the general fund of the Chickasaw Nation—to the Committee on Indian Affairs.

By Mr. CLUNIE: Resolution of the Board of Trade of San Francisco, Cal., *in re* transpacific cable—to the Committee on Commerce.

By Mr. COMSTOCK: Petition from St. Vincent, Minn., asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of citizens of Marshall County, Minnesota, asking passage of same measure—to the Committee on Agriculture.

By Mr. COOPER, of Indiana (by request): Petition of Amor Crow, for increase of pension—to the Committee on Invalid Pensions.

By Mr. FLOWER: Petition of the Leaf Tobacco Board of Trade, asking that the bonded period be extended to July 1, 1891—to the Committee on Ways and Means.

By Mr. FUNSTON: Affidavit relating to pension for David Hartly—to the Committee on Invalid Pensions.

By Mr. GEST: Petition of 27 citizens of Sunbeam, Ill., for passage of House bill 5353, defining options and futures—to the Committee on Commerce.

By Mr. HARE: Petition of Edward G. Bradley, praying that his claims for property taken by the Army during the late war be referred to the Court of Claims under act of March 3, 1887, the Tucker act, by resolution of the House—to the Committee on War Claims.

By Mr. HEARD (by request): Resolutions adopted by the Father Matthew Society, of Washington, D. C., in favor of the passage of the high license bill now pending before Congress and approved by the commissioners of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENDERSON, of Iowa: Resolutions of Grand Mound Alliance, No. 1599, Clinton County, Iowa, urging the speedy passage of House bill 5353, defining options, futures, etc.—to the Committee on Agriculture.

Also, resolutions of Indian Hill Alliance, Iowa, favoring passage of same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance No. 1276, Guthrie County, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of Independence Alliance, No. 1552, Dickinson County, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of Lancaster Alliance, No. 1464, Lancaster, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of Sigourney Farmers' Alliance, No. 1807, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of Central Farmers' Alliance, No. 1780, and Randalia Alliance, No. 1846, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of Montpelier Farmers' Alliance, No. 1797, Montpelier, Iowa, urging passage of same measure—to the Committee on Agriculture.

By Mr. KERR, of Iowa: Petition of Springdale (Cedar County) Alliance, for passage of the Butterworth bill—to the Committee on Agriculture.

Also, petition of citizens of same county, for passage of the bill to prevent dealing in futures—to Committee on Agriculture.

Also, petition of citizens of Benton County Bridge Alliance, Iowa, for passage of the Butterworth option bill—to the Committee on Agriculture.

By Mr. KETCHAM: Petition of Anna M. Near, for a pension—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of T. F. Allsop and others, in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, petition of Hazel Dell Alliance, in favor of same measure—to the Committee on Agriculture.

Also, petition of Cleveland Farmers' Alliance, Wapello County, Iowa, in favor of same measure—to the Committee on Agriculture.

By Mr. McADOO: Petition of letter-carriers of New Jersey, asking an increase in their salaries—to the Committee on the Post Office and Post Roads.

By Mr. McCLELLAN: Petition of W. A. Kelsey and 30 others, citizens of Allen County, Indiana, who respectfully, yet earnestly, urge upon the Congress of the United States the necessity for the speedy passage of the option bill, stating that they are profoundly impressed with the conviction that the gigantic gambling devices known as short selling, in which one party agrees to sell what never did and never will exist and the other agrees to buy what is never to be delivered to him, has been a potent cause in producing the ruinous agricultural depression from which the country has suffered and has caused unjust and fictitious prices to be established by the chance of game in which the actual producers have not consented to participate. Firmly believing that the products of toil should not be compelled to compete with the products of mere gambling audacity, they solicit the passage of said bill to the end that the real, sweat-created products may no longer be mere

shuttle-cock in the monstrous gambling game between "bulls and bears"—to the Committee on Agriculture.

By Mr. MORROW: Resolution of the Board of Trade of San Francisco, *in re* transpacific cable—to the Committee on Commerce.

By Mr. POST: Petition of Catlin Brothers and others, citizens of Peoria, Ill., relative to the rebate amendment to the tariff bill—to the Committee on Ways and Means.

By Mr. PUGSLEY: Petition of members of the Religious Society of Friends of Center Quarterly Meeting, held August 2, 1890, at Center, Clinton County, Ohio, representing 726 adult members, praying for the passage of the bill providing for a commission on the subject of the social vice—to the Committee on Education.

Also, petition of 30 citizens of same county, for same relief—to the Committee on Education.

Also, petition of the Woman's Christian Temperance Union of same county, for same relief—to the Committee on Education.

By Mr. ROGERS: Petition for claim of Margaret Cordingly—to the Committee on War Claims.

Also, memorial of the State, county, and city officials of Little Rock, Ark., to donate the arsenal ground of said city to the said city for school purposes—to the Committee on the Public Lands.

By Mr. RUSK: Petition of Baltimore Drug Exchange, for free alcohol for industrial purposes—to the Committee on Ways and Means.

By Mr. SENEY: Petition of the Methodist Episcopal Church of Fostoria, Ohio, favoring Senate bill 4173, authorizing an inquiry touching the social evil—to the Committee on the District of Columbia.

Also, petition of J. A. Sites and others, favoring Senate bill 4173, providing for a commission of inquiry touching the social evil—to the Committee on the District of Columbia.

By Mr. SIMONDS: Petition of Charles D. Crego, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. STRUBLE: Resolutions of Farmers' Alliance No. 1763, Iowa, urging passage of House bill 5353—to the Committee on Agriculture.

Also, petition of W. B. Brown and 15 others, citizens of Plymouth County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of G. G. Parrott and 15 others, citizens of Sioux County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance No. 909, Clay County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Champion Hill Alliance, No. 673, Sac County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Albert Williams and 15 others, citizens of Buena Vista County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. TILLMAN: Memorial of sundry citizens of Aiken County, South Carolina, praying for the passage of an amendment to the tariff bill granting a rebate to the holders of tax-paid tobacco and snuff—to the Committee on Ways and Means.

By Mr. TURNER, of Kansas: Resolutions asking for the passage of the option bill—to the Committee on Agriculture.

By Mr. VANDEVER: Petition of Robert S. Crane and numerous other settlers on forfeited railroad lands in California, for relief—to the Committee on the Public Lands.

By Mr. WILSON, of Missouri: Petition and resolutions of Eureka Farmers' Alliance, No. 83, of Holt County, Missouri, in favor of the farmers' anti-option bill, H. R. 5353—to the Committee on Agriculture.

By Mr. WIKE: Petition of H. A. Kespohl & Co. and others, of Quincy, Ill., praying for rebate on certain manufactured tobacco—to the Committee on Ways and Means.

SENATE.

FRIDAY, *December* 19, 1890.

The Senate met at 10 o'clock a. m.

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

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

PETITIONS AND MEMORIALS.

Mr. ALLISON presented petitions of the West Side Farmers' Alliance, No. 678; of Whitebreast Farmers' Alliance, No. 982; of the Ojeddo Farmers' Alliance, No. 826; of the Hazel Dell Farmers' Alliance, No. 1792; of the Invincible Farmers' Alliance; of the New Albany Farmers' Alliance, No. 470; of the Centennial Farmers' Alliance, No. 1423; of the Excelsior Farmers' Alliance, No. 1311; of the Union Farmers' Alliance, No. 1270; of the Oakland Farmers' Alliance, No. 1491; of the Hamilton Farmers' Alliance, No. 1703; of the Dodge Center Farmers' Alliance, No. 1207; of the Champion Hill Farmers' Alliance, No. 673; of the Lee Township Farmers' Alliance, No. 909; of the Pleasant Farmers' Alliance, No. 1713; of the Frankfort Farmers' Alliance, No. 1220; of the Douglas Farmers' Alliance, No. 403; of the Elwood Farmers' Alliance, No. 1726; of the Middle River Farmers' Alliance, No. 1091; of S. H. Ensign and 32 other citizens of Dubuque County, of W. S. Jordan and 69 other citizens of Marion County, of W. O. Templeman and 15 other citizens of Story County, of James Carberg and 8 other citizens of Guthrie County, of T. F. Allsup and 14 other citizens of Keokuk County, of H. Lindmark and 51 other citizens of Boone County, of J. O. South and 14 other citizens of Marion County, of Alvin Lock and 11 other citizens of Lucas County, of G. L. Chapman and 16 other citizens of Harrison County, of P. B. Hummel and 20 other citizens of Adams County, of F. H. Clark and 25 other citizens of Clinton County, of P. H. Doty and 21 other citizens of Hardin County, of J. W. Rees and 11 other citizens of Warren County, of J. W. Fisher and 12 other citizens of Marion County, of W. B. Brown and 15 other citizens of Plymouth County, of A. D. Hoyer and 14 other citizens or Harrison County, of Albert Williams and 15 other citizens of Buena Vista County, of G. G. Parratt and 13 other citizens of Sac County, of John White and 22 other citizens of Union County, of Samuel Toovey and 33 other citizens of Decatur County, and of Franklin Fair and 17 other citizens of Pottawattamie County, all in the State of Iowa, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the petition of George W. Jones, of Dubuque, Iowa, praying that a pension be granted to him on account of his services in the Black Hawk war, and also that a bounty land warrant be issued to him for 160 acres; which was referred to the Committee on Pensions.

Mr. HALE presented the petition of C. G. Chandler and other citizens of Presque Isle, Me.; the petition of A. W. Powell and others of Danforth, Me.; the petition of Veda C. Marcia and others of Fairfield, Me.; the petition of Gustavus Hussey and others of Vassalborough, Me.; the petition of F. H. Bubar and others of Linneus, Me.; and the petition of George Leavitt and others of Machias, Me., praying for the passage of the bill prohibiting the transportation of alcoholic liquors to be used as a beverage; which were referred to the Committee on Education and Labor.

Mr. DAWES. I present the petition of 574 mechanics and other employés of the Government in Boston and in the Charlestown navy yard, praying for the speedy passage of the bill adjusting the accounts of laborers, etc., with an amendment that will relieve them from the burden of commencing a suit in the Court of Claims for the allowance of what is due them under that bill. As the bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. VEST presented the petition of N. S. Shull and other citizens of Maitland, Holt County, Missouri, and the petition of the Farmers' Alliance, No. 83, of Eureka, Holt County, Missouri, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the memorial of Odon Guitar, C. H. Waugh, and other citizens of Columbia, Boone County, Missouri, remonstrating against the passage of a bankruptcy law at this time; which was ordered to lie on the table.

Mr. STANFORD presented a memorial of the Board of Trade of Los Angeles, Cal., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of the Coast Seamen's Union of San Francisco, Cal., praying for the repeal of certain laws in relation to the shipment of crews; which was referred to the Committee on Commerce.

Mr. QUAY presented a petition of Lancaster Typographical Union, No. 70, of Lancaster, Pa.; a petition of Typographical Union, No. 7, of Pittsburgh, Pa.; and a petition of Typographical Union, No. 141, of Williamsport, Pa., praying for the restoration of wages of employés of the Government Printing Office to the rates paid prior to March 3, 1877; which were ordered to lie on the table.

Mr. TURPIE presented petitions of citizens of Elkhart and Allen Counties, in the State of Indiana, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the petition of Bathsheba Sharkey (formerly McBroom), praying for the correction of the military record of Joseph Nearhoof; which was referred to the Committee on Military Affairs.

Mr. SHERMAN presented a petition of 161 citizens of Zanesville, Ohio; a petition of 44 citizens of New Concord, Ohio; a petition of 45 citizens of Unionville, Ohio; a petition of the Congregational Church of Hampden, Ohio; a petition of the Congregational Church of Chagrin Falls, Ohio; a petition of the Congregational Church of Rockport, Ohio; a petition of the Congregational Church of North Ridgeville, Ohio; a petition of the Jennings Avenue Methodist Episcopal Church of Cleveland, Ohio; a petition of the First United Presbyterian Church of Xenia, Ohio; a petition of the Congregational Church (180 members) of Lorain, Ohio; a petition of the United Presbyterian Church of Unity, Ohio, and a petition of 102 citizens of Norwich, Ohio, praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. INGALLS presented the petition of the county officers of Jackson County, Kansas, praying that a pension be granted to Sarah W. Hamin, widow of George W. Hamin, late a private in the Kansas Cavalry Volunteers; which was referred to the Committee on Pensions.

Mr. SPOONER presented a petition of citizens of Vernon County, Wisconsin, praying for the passage of House bill 5353, defining options