praying that beneficial societies be exempted from the income tax—to the Committee on Ways and Means.

By Mr. RICHARDSON of Tennessee: Petition of James K. P. Bowman, asking passage of bill (H. R. 4839) for his relief—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: Protest of board of supervisors of Yavapai County, Ariz., against passage of a bill granting 1,000,000 acres of desert lands to several States and Territories—to the Committee on Irrigation of Arid Lands.

By the SPEAKER (by request): Memorial from the Commercial Club of Albuquerque, N. Mex., protesting against a removal of the Ute Indians from California to New Mexico—to the Committee on Indian Affairs.

By Mr. WILLIAM A. STONE: Petition of citizens of Haverford, Pa., for passage of a law prohibiting circulation of matter pertaining to lotteries in this or any other country through the mails—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *June 22, 1894.*

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

Prayer by the Chaplin, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the motion of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. VILAS presented the petition of Hans C. Anderson and 27 other citizens of Eau Claire, Wis., praying that the funds of mutual life insurance companies and associations be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

Mr. CAMERON presented sundry memorials of wholesale and retail liquor dealers of various cities of Pennsylvania, remonstrating against an increase of the internal-revenue tax on whisky, and also against an extension of the present bonded period; which were ordered to lie on the table.

He also presented a petition of the Col. Fred Taylor Council No. 762, Junior Order of American Mechanics, of Philadelphia, Pa., praying that the Secretary of the Treasury be authorized to issue Treasury notes in payment of noninterest-bearing twenty-five year bonds deposited in the Treasury for public improvements, etc., in any State, Territory, town, county, etc., whenever it shall be necessary for such improvements; which was referred to the Committee on Finance.

He also presented a petition of Encampment No. 62, Union Veteran Legion, of Kittanning, Pa., praying for the passage of a per diem service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of the Workingmen's Protective Tariff League, of Philadelphia, Pa., remonstrating against the passage of the pending tariff bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Columbus, Pa., and a petition of sundry citizens of Pennsylvania, praying that fraternal beneficiary societies, orders, or associations be exempted from the proposed income-tax provision of the pending tariff bill; which were ordered to lie on the table.

Mr. TURPIE presented a petition of sundry citizens of Noble County, Ind., praying that the funds of mutual life-insurance companies and associations be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

He also presented the memorial of M. Toepp & Co., of South Bend, Ind., remonstrating against an increase of the internal-revenue tax on whisky, and also against an extension of the present bonded period; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of sundry citizens of Clark County, Ohio, praying that the funds of mutual life-insurance companies and associations be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

He also presented a petition of the Builders' Exchange of Cincinnati, Ohio, praying that an appropriation of $25,000 be made to survey routes to determine the most practical and efficient one for a ship canal between Lake Erie and the Ohio River; which was referred to the Committee on Commerce.

Mr. MITCHELL of Oregon. I present resolutions adopted by the Oregon State Grange of the Patrons of Husbandry at the twenty-first annual session, held at Eugene, Oregon, May 22 to 24, 1894. The resolutions memoralize Congress for legislation on various subjects; among others in favor of a bill providing for the free coinage of both silver and gold on equal terms and at the present ratio of 16 to 1, and that the Government use the coins of both metals without discrimination. Also that the metallic currency be supplemented by the issue of United States notes in sufficient amount to prevent the necessity of issuing any more interest-bearing bonds. The memorialists also recommend the passage of a constitutional amendment providing for the election of United States Senators by the people; and "whereas the Government has already guaranteed the payment of bonds almost sufficient to build the transcontinental lines and also has donated vast tracts of valuable lands, more than sufficient to build them, which have not been paid for nor rightfully earned," they demand the absolute ownership on the part of the Government of those railroads.

I move the reference of the resolutions to the Committee on Finance.

The motion was agreed to.

Mr. MCMILLAN presented a petition of the Trades and Labor Council and of 25,000 citizens of Detroit, Mich., praying for the passage of the bill incorporating the telegraph with the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. POWER presented a petition of Local Assembly No. 3298, Knights of Labor, of Helena, Mont., praying for the enactment of legislation to protect free labor against convict labor as employed in some of the several States; which was referred to the Committee on Education and Labor.

He also presented the petition of A. Cullen and 10 other citizens of Helena, Mont., praying that fraternal beneficiary societies, orders, or associations be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

Mr. LODGE presented the petition of Joseph J. Stewart and 18 other citizens of Malden, Mass., praying that fraternal beneficiary societies, orders, or associations be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

He also presented the petition of Miner Beal & Co., and 25 other business firms of Boston, Mass., praying that a higher duty of 5 per cent be placed upon clothing than upon the woolen material from which such clothing is made.

Mr. GALLINGER presented additional papers to accompany the bill (S. 2156) to remove the charge of desertion from the military record of Joseph Blanchard, heretofore introduced by him; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. STEWART, April 30, 1894, intended to be proposed to the District appropriation bill, reported it favorably, and moved that it be printed, and, with the accompanying letter from the Commissioners of the District of Columbia, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. GALLINGER on the 16th instant, intended to be proposed to the District appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying letter from the Commissioners of the District of Columbia, referred to the Committee on Appropriations; which was agreed to.

Mr. TURPIE, from the Committee on Foreign Relations to whom was referred the bill (H. R. 6500) to define and establish the units of electrical measure, reported it with amendments.

SUPREME LODGE OF KNIGHTS OF PYTHIAS.

Mr. FAULKNER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 4701) to incorporate the Supreme Lodge of the Knights of Pythias, to report it with an amendment. I ask unanimous consent for its present consideration.

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

The amendment of the Committee on the District of Columbia was in section 2, line 2, after the word "estate," to insert "not exceeding in value $100,000;" so as to read:

That the said corporation shall have the power to take and hold real and personal estate, not exceeding in value $100,000, etc.

The amendment was agreed to.

Mr. FAULKNER. I move to add to the bill as an additional section:

SEC. —. That Congress may at any time amend, alter, or repeal this act.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRIS (at the request of the Commissioners of the District of Columbia) introduced a bill (S. 2152) to amend sections 720, 721, 722, and 723 of the Revised Statutes of the United States relating to the District of Columbia in relation to marriages; which was read twice by its title, and, with the accompanying letter of the Commissioners of the District of Columbia, referred to the Committee on the District of Columbia.

Mr. ROACH introduced a bill (S. 2153) for the relief of certain Winnebago Indians in Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BRICE introduced a bill (S. 2154) to authorize a survey and estimates of cost of deepening and widening the Miami and Erie Canal, in the State of Ohio; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN introduced a bill (S. 2155) to secure to the public the benefit of improvements on patented articles; which was read twice by its title, and referred to the Committee on Patents.

Mr. GALLINGER introduced a bill (S. 2156) to remove the charge of desertion from the military record of Joseph Blanchard; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLANCHARD introduced a bill (S. 2157) providing for the relief of George Baldey, of Louisiana, late Captain Thirty-ninth Infantry, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2158) for the relief of Jacob A. Wolfson; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROACH submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. POWER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. ALLEN (by request) submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

ANTONIO MAXIMO MORA.

Mr. DOLPH. Some correspondence came in yesterday from the Department of State concerning the Antonio Maximo Mora case. There was previous correspondence, but the publication has been exhausted. There are only two copies remaining, I am informed. The previous correspondence ought to be printed in connection with that which came in yesterday. I move that it be so printed.

The motion was agreed to.

REPRINT OF DOCUMENTS.

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

Resolved, That there be printed for the use of the Committee to Establish the University of the United States 2,000 copies of Senator HUNTON'S Report No. 433, on Senate bill 1708, to establish a national university; also 2,000 copies of Miscellaneous Document No. 95, entitled "A Solution of the Labor Problem," for the use of the Committee on Education and Labor.

EMMA A. RIPLEY.

Mr. McMILLAN. I ask unanimous consent to call up the bill (S. 447) to authorize the Secretary of the Interior to issue a duplicate of a certain land warrant to Emma A. Ripley. The Senator from Florida [Mr. CALL] objected to this bill some days ago, but afterwards looked into it very carefully and came to me and said he would withdraw his objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to issue to Emma A. Ripley duplicate of one Porterfield land warrant issued in pursuance of the act of Congress approved April 11, 1860, for 40 acres, upon satisfactory proof of ownership and loss of same, and the execution of a bond, with good and sufficient sureties, in double the market value of the warrant so to be issued, to be approved by the Secretary of the Interior, conditioned to indemnify the United States against the presentation by an innocent holder of the alleged lost warrant; and the duplicate shall have all the legal force and effect as had the original.

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

ST. CHARLES COLLEGE.

Mr. COCKRELL. I ask for the present consideration of the bill (S. 211) for the relief of St. Charles College.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged use and occupation, by the United States military authorities, for Government purposes, during the late war, of the college buildings and grounds of St. Charles College in St. Charles County, Mo., the actual value of such use and occupation, and certify to the Secretary of the Treasury what amount, if any, is equitably due to St. Charles College from the United States as the reasonable value of such use and occupation.

The bill was reported from the Committee on Claims with an amendment, in line 13, after the word "occupation," to strike out the remainder of the bill in the following words:

And that the Secrerary of the Treasury is hereby authorized and directed to pay to said St. Charles College, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found to be due from the United States; and the acceptance by said St. Charles College of any sum paid under the provisions of this act shall be in full satisfaction of all claims of every kind and nature for said use and occupation, and all damages resulting therefrom.

Mr. COCKRELL. The amendment proposed by the committee was made doubtless supposing that the same bill was before the committee which was first before it, and not the bill passed at the last Congress. I suggest therefore that the amendment be disagreed to, in order that the bill may be passed just as it has passed Congress twice before.

The amendment was rejected.

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

DISTRICT WATER-MAIN ASSESSMENTS.

Mr. PROCTOR. I ask the Senate to proceed to the consideration of the bill (H. R. 6893) to regulate water-main assessments in the District of Columbia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an mendment, after the word "assessment," in line 10, to strike out the remainder of the bill in the following words:

And provided further, That in all cases now pending where assessments have been regularly made, and where there has not been paid a sum equal to $1.25 per linear foot, as estimated above, then only so much shall be collected as will make the whole sum paid equal to $1.25 per linear foot. But this act is not intended to give any ground of action for the refunding of any sum already paid in excess of $1.25 per linear foot.

So as to make the bill read:

Be it enacted, etc., That hereafter assessments levied for laying water mains in the District of Columbia shall be at the rate of $1.25 per linear front foot against all lots or land abutting upon the street, road, or alley in which a water main shall be laid: *Provided*, That corner lots shall be taxed only on their front, with a depth of not exceeding 100 feet; any excess of the other front over 100 feet shall be subject to above rate of assessment.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PROCTOR. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

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. PROCTOR, Mr. FAULKNER, and Mr. MARTIN were appointed.

TIMBER INVESTIGATIONS.

Mr. ROACH. I ask unanimous consent to call up the bill (S 313) appropriating funds for investigations and tests of American timber.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $40,000 for the continuance of the timber investigations and the speedy publication of results, to be expended under the direction of the Secretary of Agriculture through the Forestry Division.

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

The preamble was agreed to.

LABOR DAY.

The VICE-PRESIDENT. The Calendar, under Rule VIII, is in order.

Mr. KYLE. We are on the Calendar just about down to Order of Business No. 245, which is Senate bill 730. I ask that the Senate proceed to the consideration of the bill (S. 730) making Labor Day a legal holiday.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, ect., That the first Monday in September in each year, being the day celebrated and known as labor's holiday, is hereby made a legal public holiday, to all intents and purposes, in the same manner as Christmas, the 1st day of January, the 22d day of February, the 30th day of May, and the 4th day of July are now made by law public holidays.

Mr. KYLE. I should like to say for the information of those who do not know, that something like twenty-five States of the United States have now settled upon the first Monday of September or the 1st day of October. In order to make the observance uniform, that all may enjoy vacation privileges upon the same day, the labor organizations of the country have united in asking that the first Monday of September be set apart as a holiday.

Mr. ALLISON. Is the day mentioned in the bill the 1st day of September?

Mr. COCKRELL. The first Monday of September. It ought to be the 1st day of September. I move to strike out "Monday" and insert "day;" so as to read, "the 1st day of September."

Mr. MITCHELL of Oregon. Then it would come on Sunday once every few years.

Mr. COCKRELL. So does the 4th of July, and so does any fixed holiday fall upon Sunday occasionally.

Mr. MITCHELL of Oregon. It should be fixed on a week day.

Mr. SHERMAN. I think if the labor organizations have fixed their own time, as it is said twenty-three States have done, we had better let them have a week day. I do not myself like to encourage holidays on Sunday. There is too much old Presbyterianism in me for that.

Mr. COCKRELL. Neither do I like to encourage holidays on Sunday; but if there is to be any symmetry in our holidays this one ought to be fixed on the first day of the month, just as we have the 4th of July, the 25th of December, the 30th of May, and so on, for public holidays. However, I have no objection to letting it go; and I withdraw my amendment if there is any objection to it.

Mr. SHERMAN. We had better leave it the first Monday, as we now create the holiday. The 4th of July was created by a great event, and could not be changed.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri is withdrawn.

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

LIME POINT MILITARY RESERVATION.

Mr. PERKINS. I ask unanimous consent to call up the bill (*H. R. 4961*) granting certain rights over Lime Point military reservation in the State of California.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the citizens of the town or city of Sausalito, Marin County, Cal., the right to occupy and improve for the purpose of a road only for the use and benefit of the citizens of the United States, and for no other purpose whatever, a portion of the tract of land owned by the United States in the State of California, known as the Lime Point military reservation.

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

MOLLIE CRANDALL.

Mr. MITCHELL of Oregon. I should like to call up a little pension bill. I ask the Senate to proceed to the consideration of the bill (S. 1490) to pension Mollie Crandall.

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 Mollie Crandall, widow of Clark P. Crandall, deceased, and late captain of Company C, First Regiment Oregon Volunteer Infantry, and to pay her at the rate of $20 per month.

The bill was reported to the Senate without amendment.

Mr. GALLINGER. I suppose Mrs. Crandall is now receiving some pension.

Mr. MITCHELL of Oregon. She is.

Mr. GALLINGER. I suggest that the words be added—

In lieu of the pension she is now receiving.

Mr. MITCHELL of Oregon. I have no objection to that amendment.

The amendment was agreed to.

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

E. R. SHIPLEY.

Mr. COCKRELL. I ask for the present consideration of the bill (S. 199) for the relief of E. R. Shipley. A similar bill has passed Congress three times heretofore without objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $450 for the payment in full to E. R. Shipley for moneys paid, by direction of Post-Office Inspector Edgerton, to parties having money in registered packages stolen from the post-office in Springfield, Mo., on the 23d day of June, 1884.

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

JOSEPH G. UTTER.

The VICE-PRESIDENT. The Calendar, under Rule VIII, will be proceeded with.

The bill (S. 1343) to remove the charge of desertion standing against the name of Joseph G. Utter was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, 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. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. 6558) to amend section numbered 2324 of the Revised Statutes of the United States relating to mining claims;

A bill (H. R. 7334) to sell certain lands in Montgomery County, Ark., to the Methodist Episcopal Church South;

A bill (H. R. 7489) to amend section 3 of an act to withdraw certain public lands from private entry, and for other purposes, approved March 2, 1889; and

A joint resolution (H. Res. 193) to appoint three members of the Board of Managers of the Home for Disabled Volunteer Soldiers.

CORPORATE INTERFERENCE IN ELECTIONS.

Mr. CALL. I desire to give notice that to-morrow morning at the conclusion of the regular morning business I shall ask the privilege of calling up the resolution I introduced some days ago relative to the appointment of a special committee to investigate the organized efforts of corporations to control elections of members of State Legislatures and members of Congress.

THE REVENUE BILL.

The VICE-PRESIDENT. The hour of half past 10 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

THE INCOME TAX.

Mr. KYLE. Mr. President, the subject of taxation has puzzled statesmen and economists long before this body came into existence. It is as old as organized society. Government is for the people and they must contribute to the support of national organization and public institutions. All agree to this; but how to raise the revenue most easily and distribute the burden equally and justly is the problem that puzzles and which now confronts us. Whether on land or chattels, on neccessaries or luxuries consumed, or on annual incomes, taxation is a burden, and the province of legislation should be to administer public affairs in an economical manner, causing the burden to fall lightly on the shoulders of all, especially the poor. The toiler whose life is spent in the yoke—almost like the beast of burden—gives of his lifeblood to add to the material wealth of the nation and knows little of ease or luxury. The rich are often the children of fortune, living on the fruits of others' labor, and it is right economically and morally that they should bear the larger share of public expense.

There is no better law than the Biblical laws on which to found a prosperous government. The sum of all those teachings

is that the rich or favored should not oppress the poor, and that all citizens should recognize government and contribute to its support as they are prospered. Adam Smith, one of the fathers of political economy, says:

The subjects of every state ought to contribute towards the support of the government as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state. The expense of government to the individuals of a great nation is like the expense of management to the joint tenants of a great estate, who are all obliged to contribute in proportion to their respective interests in the estate. In the observation or neglect of this maxim consists what is called the equality or inequality of taxation.

It is common law and common sense that

PROPERTY HOLDERS SHOULD CONTRIBUTE THE LARGE SHARE

to the support of government. The Constitution guarantees to all alike protection to life and property; but nine-tenths of our laws concern the protection of property. Our Federal, State, and county courts, our police power, the militia, and national Army are for the protection of people in their rights to property, not primarily to protect the life of individuals. In barbarous countries where no government exists people look out for their lives. Quarrels between tribes, when such occur, are largely caused by violation of customs as to property rights.

When civilization appears and individuals begin to acquire personal and real property, governments are formed to protect the weak against the strong, and insure justice between man and man as to property. The well-to-do citizens of our country own our factories, palatial residences, mercantile institutions, our railroads, banks, etc., to the amount of three-fourths of the nation's wealth; and it is for the protection of such property that taxes are levied. The annual income of the nation is a little over $7,000,000,000, but 10 per cent of the people absorb the large part of it. Why should they not contribute of their abundance to support the Government which makes their wealth secure? Ninety per cent are small property holders with small incomes, and under present economical arrangements pay a larger portion per capita of tax on property than the rich for the support of the Government.

On this point the Senator from Ohio [Mr. SHERMAN] in his speech of March 15, 1892, used these words:

The public mind is not yet prepared to apply the key of a genuine revenue reform. A few years of further experience will convince the whole body of our people that a system of national taxes which rests the whole burden of taxation on consumption and not one cent on property and income is intrinsically unjust.

While the expenses of the National Government are largely caused by the protection of property, it is but right to call property to contribute to its payment. It will not do to say that each person consumes in proportion to his means. That is not true. Everyone must see that the consumption of the rich does not bear the same relation to the consumption of the poor as the income of the rich does to the wages of the poor. As wealth accumulates this injustice in the fundamental basis of our system will be felt and forced upon the attention of Congress.

IT IS A JUST TAX.

Many objections may be raised against this system, but few can be found to question its justness. It compels those who receive the protection of law to pay the bills incurred by such protection. The system has commended itself to the wisdom and judgment of nearly all civilized nations, and prominent political economists have pronounced it the best and most just method of raising revenue. Prof. Ely, our freshest writer on modern economics, says of the income tax:

The central and variable tax in a proper system of state taxation ought to be an income tax. This should vary from year to year according to the needs of the state government, and its rate should be calculated after the revenues from other sources have been estimated,

Again he remarks:

First. It is universally, or almost universally, admitted that no tax is so just provided it can be assessed fairly and collected without difficulty. More nearly than any other tax does it answer the requirements of that canon of taxation which prescribes equality of sacrifice. Furthermore, it is of moment that the income tax, unlike license charges, does not make it more difficult for a poor man to begin business or to continue business. Its social effects, to the contrary, are beneficial, because it places a heavy load only on strong shoulders.

Even for men of large means engaged in business it is a tax to be strongly recommended, for such men will in some years make little or nothing, or even lose money. Now, our property tax is merciless, it exacts as much in a year when a business man is struggling to keep his head above water as in a year of rare prosperity; whereas the income tax exacts much only when much can be given without financial embarrassment. If it were practicable to substitute an income tax for the whole of the property tax it would save many a man from bankruptcy.

Referring to annuitants and others who escape taxation, he says:

Again, why should the man with a large income but with no property escape all share in the common burdens? There is a considerable and increasing class living in great comfort on incomes of large proportions, say five, ten, twenty, thirty, or forty, or even fifty thousand dollars, who by insurance and various devices, protect themselves and their families for the future, and yet pay no taxes. This is an injustice to other classes and a harm to the commonwealth, because these men are often careless and indifferent about their public duties, knowing that their income is not affected by high or low taxation. They appear to pay nothing to Government, and as it seems to cost them nothing, they too often care little for it.

Touching the apathy of professional men as to public affairs of government, he says:

One of the reasons of poor government in our States and cities is to be found in the failure of large and influential classes to concern themselves about practical politics. They often speak of politics with an affectation of superiority, as if they were above anything so base and common. This attitude is not uncommon among professional people, as lawyers, physicians, and teachers. These men have opportunities for personal cultivation and for gathering knowledge which are better than those enjoyed by other members of the community, and their influence ought to be large and beneficial. They must pay taxes, because indirect Federal taxes form a part of the price of commodities which they purchase, and because a considerable portion of our direct taxes, like the tax on house property, is shifted, and reaches them indirectly.

This, however, is not noticed. What is needed is a tax varying with public needs, and with the integrity and efficiency of administration, which will reach the great mass of citizens—a tax which will directly and immediately rest upon the tax-bearer. We have too few payers of direct taxes in our States and cities; but the income tax is a tax which is felt and which must be paid by the tax-bearer. It is precisely the kind of tax needed, and it is beyond question that it would change the attitude of a large portion of the community towards government.

The incomes enjoyed by the professional and salaried classes and some others are frequently the results of large expenditures in cultivating one's powers, and they create what can be called personal wealth. One man spends $10,000 in preparing himself for some lucrative position and derives therefrom an income, but pays no taxes, while the man who spends $10,000 on a farm must contribute every year a sum large in proportion to his income for the support of government.

Prof. Wayland, the distinguished economist of Brown University, says:

Theoretically, this is the most equitable of all taxes, since it touches men exactly according to their abilities. But, as we have seen, if the percentage is uniform for all incomes, it involves an inequality which bears heavily on those whose incomes are small. To relieve this two measures are employed. The first is to exempt all income below a specified amount. The other is to establish two or three grades of income and make the percentage greater on the larger incomes. The chief objection to an income tax is the difficulty, almost impossibility, of ascertaining men's real incomes; partly because many keep no accurate accounts, and partly because few comparatively will make truthful report of their incomes.

Inquisitorial measures to discover actual incomes are exceedingly offensive. * * * Actual experience under the law tended to relieve difficulties and objections. When most efficiently carried out, concealment and dishonesty were not probably greater under this form of tax than are practiced continually under the attempts of the States to levy taxes on miscellaneous personal property. In both cases the needed relief must come from the moral culture which forms good consciences.

Prof. Thompson, of the chair of social science in the University of Pennsylvania, commends the system in these strong terms:

The most modern, and theoretically the fairest, form of taxation is the income tax. It seems to make everyone contribute to the wants of the State in proportion to the revenue which he enjoys under its protection; while, "by falling equally on all, it occasions no change in the distribution of capital, or in the material direction of industry, and has no influence on prices."—(McCulloch). No other is so cheaply assessed and collected; no other brings home to the people so forcibly the fact that it is their interest to insist on a wise economy of the national revenue.

Mr. N. A. Dunning, who is as well posted in economics as any journalist in the country to-day, says in a recent editorial in the National Watchman:

This whole objection is founded on a desire to shift the burdens of taxation upon other shoulders, and thereby avoid the payment of a proper share of the expenses of government, and at the same time keep the common people in ignorance of the vast incomes that are now being received by the plutocratic and wealth-absorbing classes.

A graduated income tax, which increases with the amount of income, is the most equitable form of taxation. We should favor beginning with incomes of $1,000, so as to reach a large class of annuitants and professions. It is capable of being demonstrated that with this tax placed on incomes of $1,000 and over, fully 50,000,000 out of our 65,000,000 of people would not be taxed. Such are the inequalities of the distribution of the fruits of industry that full 50 per cent of the families of this country live on yearly incomes of less than $500. Indirect taxation reaches this class in far greater proportion than it does the wealthy. And while they have nothing for government to protect, they are compelled to pay for protecting the property of the rich. This is manifestly unfair, and can only be remedied through a graduated income tax rigidly administered.

Prof. Levi, of Kings College, London, comments on the income tax favorably in the Statistical Journal of 1874:

Ever since Sir Robert Peel, in a moment of financial perplexity, hit upon the happy expedient of appealing to the wealthy class of people to contribute in a direct manner such a sum as might enable him to establish a proper equilibrium between the revenue and expenditure, and to induce wholesome and radical reform in the custom and excise revenue, every chancellor of the exchequer has clung to the income tax as the main prop of all his budget, in peace or war; with a wholesome surplus or with a deficiency to meet this tax has always been found most welcome, and notwithstanding all the grumbling and objections urged against it at its first imposition, and at every subsequent revival of the same, the income tax still brings a handsome contingent to the national revenue.

The taxation of the country is now very much simplified. In 1873 70 per cent of the whole amount of governmental revenue was derived from the sources, namely: Of spirits, malt, tobacco, sugar, and tea, and the income tax; but none of these branches of taxation is less objectionable in relation to the production of wealth, expensiveness of collection, or certainty of result than the income tax, and I do not wonder that with perfect machinery at work, with the assessment, and with the national mind accustomed to the burden, the chancellor of the exchequer is unwilling to relinquish so good a contributor to his "ways and means."

Prof. Cossa, of the University of Pavia, Italy, says in his recent work on taxation, its principles and methods:

In the year 1776 Adam Smith stated four rules of taxation which have been accepted by the whole civilized world and by all governments in it as the maxims of justice applied to that matter. The first of these rules says that the subjects of every state ought to contribute as nearly as possible according to their respective abilities. This means, of course, that a man whose income is $5,000 ought to pay ten times as much as the one whose income is $500. Nobody denies the truth of this maxim, except some writers who contend that the man whose income is $500 or less ought not to pay any taxes.

Lastly, John Stuart Mill, in his Political Economy, says:

We now pass from taxes on the separate kinds of income to a tax admitted to be assessed fairly upon all kinds—in other words, an income tax. This tax, and the conditions necessary to make this tax consistent with justice, has been investigated in the last chapter. We shall suppose, therefore, that these conditions have been complied with, and they are, first, that incomes below a certain amount should be altogether untaxed. This minimum should not be higher than the amount which suffices for the necessaries of the existing population. The exemption from the present income tax of all incomes under £100, and the lower percentage levied on all those between £100 and £150, are based upon the ground that almost all indirect taxation bears more heavily on incomes between fifty and one hundred and fifty than on any others whatever.

The second condition is, that incomes above the limit should be taxed only in proportion to the surplus by which they exceed the limit. All sums saved from the income and invested should be exempt from tax, or if this should be found impracticable that the live incomes and incomes from business professions should be less heavily taxed than such inheritable incomes and in a degree as nearly as possible equivalent to the increased need of economy arising from their termable character, allowance being also made in the case of available incomes for their vicariousness.

Mr. President, an income tax is right and just because

WEALTH HAS BEEN FAVORED.

Discriminations have been practiced, and geographical sections have been favored until to-day classes of society are as clearly marked as they are in almost any country of Europe. Our national condition is dark and threatening; the ranks of the ignorant poor are fast being swelled, while the ranks of the *élite* four hundred is to be found in every important city—a thing utterly undemocratic, un-American, and nationally suicidal. To refuse to see the suppressed wrath of a country full of honest laborers is unstatesmanlike; nay, more, it is criminally wrong.

Revolutions have occured with less ferment than we see in the United States to-day. Nero fiddled while Rome was burning, and the capitalistic press of the United States to-day jeer and taunt the efforts of the bond-burdened serfs on the farms and in the workshops who attempt to rise from their pitiful condition. It is a sorrowful sight to see an army of penniless laborers marching from every quarter of our bountiful country to the nation's capital to petition for deliverance from bondage. It is a sadder thought that the country has so far fallen into the hands of the oppressor as to make an uprising of the people necessary. Sitting in our comfortable homes, surrounded with happy families who are free from the burdens and the cares of poverty, we little know the sufferings that fall to the lot of the toil stained, poorly clothed and poorly fed laborer.

The papers of our great cities have contained heartrending stories during the past winter and spring of the famished condition of 3,000,000 of people out of employment, ready for riot and plunder. The Master Workman of the Knights of Labor has spent his time in trying to curb the mad haste of thousands of strong men who vowed vengeance upon capital. He tells me we do not know the condition of the people. Mr. President, I think I do understand the feeling among workingmen, but I am powerless to help matters. All this is happening in our prosperous Government—the flower of the civilization of the nineteenth century, and at the close of thirty years of Republican rule! Only the ignorant and unsophisticated can be made to believe that the present ills are the result of the incumbency of the Democratic party just come into power.

The fact is, Mr. President, that thirty years with Shylock in power has left the country burdened with indebtedness, exaggerated in all lines of business; and worst of all, with the wealth of the nation centralized in a small area and in few hands. A few have become immensely rich, while the millions have grown poorer. The middle classes of society, consisting of farmers, mechanics, and small tradesmen, are rapidly disappearing. Under the present order of things the end will not come until the American farmer is on a level with the Irish tenant, and mechanics and tradesmen are made the servants of the rich.

PRINCELY FORTUNES.

We are living in a day of princely fortunes. By hook or crook—possibly in both ways—the United States have outstripped the world in less than half a century. The fortunes of single individuals in the United States have scarcely been equaled in the world's history. Authorities place the wealth of the Marquis of Bute at $30,000,000, the Duke of Westminster at $50,000,000, and the Duke of Norfolk at $40,000,000.

In the United States several men in a single city surpass the highest. The Rockafellers are rated at $200,000,000. The Goulds at between $100,000,000 and $200,000,000, and the late Vanderbilt at $200,000,000. A simple problem in arithmetic will reveal to any interested person the threatening evil of such enormous fortunes and of concentrated wealth. Sixty-three billion dollars of national wealth do not represent that degree of prosperity. The large bulk of it is congested in a few money centers, while more than 40,000,000 of people have practically nothing. Let me read from the New York World some striking facts comparing our condition and showing our drift:

A CENSUS STUDY.

In 1860 our total wealth per capita was $993. The assessed value was $383, or .3873 of the true wealth—51 per cent escaping taxation, and 49 per cent being assessed at an average of 75 per cent of its value. In 1890 the per capita wealth was $999 and the assessed value $384. In other words:

Year.	Assessed value.	Actual wealth.
1860	$12,084,500,005	$31,201,000,000
1890	24,249,589,804	62,000,000,000

Year.	Population.	Per capita.
1860	31,443,321	$993
1890	62,622,250	999

There had been no increase practically in the wealth in thirty years, although in the ten years between 1850 and 1860 the per capita wealth nearly doubled, rising from $591 to $993, of which only $21 was from the discovery of gold.

In 1860 the wealth of this country was very evenly distributed; there were no multi-millionaires, very few millionaires, few large fortunes. No special wealth statistics were collected, but the census of 1860 shows half the wealth in possession of half the people. There were no bonanza farms and no tenant farmers. One-half the male workers were on farms they owned, and the average land value of each farm was $3,251, while few went much over or under. Poverty was confined to the cities, and to small sections of them. It is perfectly safe to assert that 91 per cent of the people held in fair and even measure 91 per cent of the wealth, while 4 per cent of the people owned the remaining 9 per cent, leaving not more than 5 per cent practically paupers.

The per capita wealth is the same to-day as in 1860. Each man eats and drinks, and any great change that has come must of necessity have been by a redistribution of wealth—by taking from many and giving it to one.

The census of 1890 shows that the conditions of 1860 have been reversed; that 91 per cent of the people of the United States are to-day practically paupers, living from hand to mouth, dependent upon their daily labor for their daily bread, while 9 per cent are capitalistic employers, owning 84 per cent of the wealth. It divides the wealth among three classes of families in 1890—(1) multi-millionaires, (2) employing capitalists, (3) wage-workers, as follows:

Class.	Families.	Total wealth.	Per family.
1	4,074	$12,400,000,000	$3,000,000
2	1,092,218	31,620,000,000	28,000
3	12,010,000	17,980,000,000	1,497
Total	13,102,292	62,000,000,000	4,732

In the wage-working class are included all families worth $5,000 or less, or all having their share of the wealth. Now, remember that the wealth that must be created and consumed yearly in order to live—$800 the census says for each family of five, $140 for each person—is included by the census in this. It is a small matter to the multi-millionaire, but a great one to the wage-worker. The actual wealth, omitting our daily bread, is as follows:

Class.	Families.	Wealth.	Wealth per family.
1	4,074	$12,396,768,800	$3,000,000
2	1,092,218	30,746,225,600	28,000
3	12,010,000	8,272,000,000	697
Total	13,102,292	51,414,994,400	3,932

Think what this means. While the average wealth is $3,932 per family, 1,096,292 families (all worth over $5,000) hold an average of $40,000 each, and 12,010,000 families (worth under $5,000) hold an average of only $697 each.

The 4,074 multi-millionaires have 50 per cent more wealth than the 55,000,000 members of the 12,010,000 families belonging to the wage-working class, or 24 per cent of it all. The capitalist employers have 60 per cent, and the masses of the people (91 per cent of them) have only 16 per cent of the wealth.

In 1840 England had been for eight centuries the strongest of protection countries. According to the legacy and succession returns of that year the wealth of the United Kingdom was distributed as follows:

Class.	Families.	Per family.
Rich	86,833	£28,820
Middle	782,100	1,439
Working	4,341,067	44

An almost incredible diffusion of wealth followed the adoption of freer trade in 1848 and finally of free trade in 1860, as shown by the same returns for 1877.

Class.	Families.	Per family.
Rich	122,500	£25,803
Middle	1,824,400	1,005
Working	4,629,100	86

(Mulhall's Dictionary of Statistics, page 473.)

Over one million families of the working class had joined the middle class. The average wealth of every working family had doubled. The average wealth of the rich families had declined. The rich were getting poorer and the poor were getting richer.

Now suppose we tabulate our American returns in the same way:

Class.	Families.	Per family.
Rich	4,074	£600,000
Middle	1,092,218	5,500
Working	12,010,000	138

Our census has not divided our population properly for comparison, but a little figuring will show.

The "working class" in the United States numbered less than 50 per cent in 1850; now numbers 91 per cent, and is rapidly increasing in proportion to the others.

The "working class" in England in 1840 numbered 83 per cent; in 1877 numbered 70 per cent, and is decreasing in proportion so rapidly that it will not now number much over 60 per cent. It absorbed nearly all the increase in wealth between 1840 and 1877, while in the United States nearly all the increase in wealth was absorbed by the rich and middle classes between 1860 and 1890.

In 1860 50 per cent of the families of the United States held 50 per cent of wealth; in 1890 we find 91 per cent of the families holding only 16 per cent.

What has brought about this redistribution?

T. E. W.

Along the same line the Dawn, of Boston, remarks upon the distribution of wealth as given by Mr. Holmes, a statistician of the Census Bureau:

In the last number of the Political Science Quarterly there is an article by George K. Holmes. The Political Science Quarterly is as high economic authority as there is in this country. Mr. Holmes is a specialist of the Census Bureau on statistics of wealth. In his article Mr. Holmes treats of the concentration of wealth, and after carefully examining the facts, comes to this result. He says (Political Science Quarterly, page 593): "We are now prepared to characterize the concentration of wealth in the United States by stating that 29 per cent of it (of the wealth of the United States) is owned by three-hundredths of 1 per cent of the families; 51 per cent by 9 per cent of the families (not including millionaires); 71 per cent by 9 per cent of the families (including the millionaires); and 29 per cent of the wealth by 91 per cent of the families." That is, according to Mr. Holmes, 9 per cent of the families of the United States own 71 per cent, or nearly three-quarters, of our wealth, and 91 per cent of our families together own only 29 per cent of our wealth.

Now, do we not begin to see why there is poverty? Mr. Thomas G. Shearman published four years ago similar figures, but they were not credited by many. Here is practically the same result published by the wealth expert of the Eleventh Census. Do we not see now why there are the unemployed? If 91 per cent of our families own only a little over one-quarter of our wealth, that means that they are poor. They do not have the money to buy what they want. They wear old hats, turned clothes, worn shoes. I heard of a number of girls the other day wearing papers under their jackets because they could not afford winter clothing. People are economizing in harsher ways than these. I know of one girl who has lived on one meal a day since November because she does not wish to accept alms. There are many who drop a meal several times a week, and have poor meals the rest of the time, in order to keep out of pauperism. This is what the statistics I have read come to. Now, do we not see how it affects the unemployed? But it is hard to convince people that our workingmen are poor.—*The Dawn.*

What has brought about this "redistribution"? The Senator from New York [Mr. HILL] yesterday, in his long argument on this question, took occasion to refer to the Populists and the socialists of this country as those who were demanding a new distribution of the wealth of the country. I ask, in the face of the figures I have just read, who has been responsible for the "redistribution" of the national wealth during the past thirty years? It must be laid at the door of national legislation in the two Halls of Congress; there the responsibility must lie. If the Populists to-day are demanding in their platforms legislation for the redistribution of the wealth of the United States, it is only to be by lawful means, by the enactment of just and humane laws.

The per capita wealth of the United States was about the same in 1860, according to these figures, as it was in the year 1890. But then the wealth was more evenly distributed amongst the people of our country than it is to-day, when a very large proportion of it in the hands of a very few persons. The "redistribution," as it is termed, has been brought about by the pernicious laws which have been put into effect by the Congress of the United States during this period.

This is a startling disclosure, Mr. President, and confirms the calculations of Thomas G. Shearman, frequently quoted heretofore by Senators. A few men own our Republic.

I do not believe such vast wealth, Mr. President, has been honestly accumulated. No man is able by the greatest exertion to start with nothing and amass $100,000,000 during a single lifetime. It can only be done by the methods of gambling carried on in great commercial centers. Cold-blooded, heartless men stand to-day in the wheat pit and toy with the bread of the poor as though it were the chips on the gambling table. In railroad stock transactions the small savings of farmers, widows, and orphans are swallowed up in a day to swell the vast fortunes of railroad kings. And yet these men, with their wealth protected by the laws of the United States, refuse to accede to a tax of 2 per cent to be used for their specific benefit.

THE RICH WILLING TO COMMIT PERJURY.

They even go so far as to say that such a tax could never be collected; that the rich would commit perjury before they would pay it. This, Mr. President, is a sad comment on the honesty and integrity of this favored class of citizens. Men of wealth should repudiate such statements, and their representatives in Congress who volunteer to make them.

This tax can be collected at less expense than other internal-revenue taxes, and our people will be slow to conceal their actual incomes if public officers are as faithful as the ordinary tax assessor.

In England a fine of $100 and a triple tax on the income is levied for false swearing. The result is that little trouble is experienced in the collection of income taxes. In Prussia if false returns are made the matter is fully investigated and heavy fines or imprisonment or both are imposed. Some millionaires in that country, as in the United States, are opposed to the income tax and sometimes commit perjury to avoid it. But if any citizen fails to make returns for ten years the bill is charged up to the heirs of the estate and on the death of the defrauder the Government collects the amount from his estate with fine and a legacy tax.

NOT MORE INQUISITORIAL THAN OTHER TAXES.

The charge that such a tax is inquisitorial is not true unless the work of all tax collectors is inquisitorial. The city and county assessor comes into our houses and examines and lists one by one your books, pianos, stoves, carpets, clocks, and chairs. He goes on to your farm and appraises your horses and cows, your farming implements and grain. At every custom-house, also, the most inquisitorial process is gone through with on the arrival of every steamer. Your trunks and boxes are opened and the contents examined one by one. The fact is that the collection of any tax is in a sense inquisitorial, and the income tax will be as acceptable to the people as any other tax.

THE RICH ESCAPE TAXATION.

It is a common belief, Mr. President, that the rich do not contribute their fair share of taxes to the support of our public institutions. Whereas they should pay correspondingly more than the poor, they pay less considering the amount of property. Hundreds of millions of Government bonds are owned by millionaires on which they draw quarterly interest in gold, but on which they do not pay a dollar of tax. This exemption was made by the act of 1871, and is as unjust as the score or more laws enacted during the past thirty years for the benefit of the rich.

I have lately read in the Chicago Times a series of editorials charging the assessor in that city with favoring the rich in the appraisement of property. It was a courageous work on the part of the Times, which should commend the paper to fair-minded people. Here is the result of the investigation, which will show you, as you run your eye over the columns of per cents, just where and upon whom the burden of taxation rests.

First. Property of the rich.

Owner.	Real value.	Assessed.	Per cent.*
Title and trust building	$1,500,000	$158,000	10
Woman's building	1,800,000	230,000	12
Chamber of Commerce	2,250,000	225,000	10
Security	750,000	75,850	10
Hartford	1,000,000	110,000	11
Rand & McNally	1,600,000	160,000	10
Manhattan building	1,800,000	90,000	5
Monon	800,000	37,700	4
Monadnock	3,000,000	311,500	10
Masonic Temple	1,500,000	250,000	16
Schiller building	1,500,000	160,000	10
Columbus Memorial building	2,100,000	190,000	9
Phenix building	1,500,000	195,000	1
Haymarket Theater	600,000	41,700	6
Virginia Hotel	800,000	53,330	6
Potter Palmer's residence	1,250,000	71,960	5
Franklin MacVeigh	175,000	16,750	9
Plaza building	600,000	30,060	5
J. V. Farwell residence	125,000	9,900	7
Hiram Sibley's warehouse	800,000	78,500	9
Average			7+

*In round numbers.

Second. Property of the poor.

Residences and stores.	Real value.	Assessed.	Per cent.
C. E. Carlstrom	$1,600	$600	40
P. D. Lynch	2,000	500	25
F. A. Rucks	7,200	1,800	25
M. McNulty	2,000	517	25
Fred. G. Libkes	2,200	1,100	50
D. Kahn	8,000	2,000	25
C. E. Young	4,000	1,600	40
Robert Berndt	2,000	1,050	52
A. L. Thies	12,500	2,500	20
Wm. Sanderson	8,000	1,300	16
H. Seeberger	7,000	1,526	21
P. Blickhahn	7,000	1,300	18
H. Heyns	5,000	1,100	22
F. A. Feder	6,000	1,050	17
J. F. Sullivan	1,500	300	20
R. W. Peters	9,500	2,384	25
C. A. Richters	3,500	637	18
E. Anderson	3,500	791	22
H. C. Herodt	2,500	400	16
W. A. Hendrie	7,000	1,450	20
Average			21

The Senator from Florida [Mr. CALL] wishes a little more explicit information in regard to these facts. I have taken from the Chicago Times a list of twenty pieces of property owned by the rich. In the first column the real value is given, in the second the assessed value, and in the third the per cent of assessment as related to the real value of the property. The assessment for the first is 10 per cent, for the second 12 per cent, and for the third 10 per cent, and so on, making an average of 7 per cent for the list of twenty pieces of property.

The second list is of twenty pieces of property, mostly residences of poor people, ranging in value from $1,600 to $12,500; and we find there the average is 21 per cent.

Startling facts are revealed in Mr. Stead's new book on Chicago under the heading of Dives, the Tax Dodger. I wish that I could take the time to read the whole book here for the benefit of the Senate, but I shall content myself by reading a short editorial from the New York World upon the book. The World says:

RICH MEN AND TAXES.

One of the most startling facts brought to light in Mr. Stead's book on Chicago is the way in which the rich men of that city escape their just share of taxation. Twenty years ago the assessment for taxation of the property of Chicago, real and personal, was $312,072,995. In 1893 it was but $245,790,351.

When, according to the estimate of the people of that city, it is more than two thousand million dollars.

Here is a shrinkage in twenty years of about $70,000,000 in the assessed property, while, as everybody knows, the wealth of the city has enormously increased. The rich have found ways of concealing it from the assessors.

The assessors under oath make the following returns of the personal property of the richest citizens: Marshall Field, $20,000; Marshall Field, jr., $2,000; P. D. Armour, $5,000; George M. Pullman, $12,000; J. W. Doane, $12,000; H. H. Kohlsaat, $1,500; C. T. Yerkes, $4,000.

This man is the owner of the street railway system, I believe.

Potter Palmer, $15,000. None of these men makes out or swears to his own account. The swearing is all done by the assessors, who are allowed by the Crœsuses grossly to undervalue their possessions for taxation. It is not without reason that Mr. Stead says: "There is a heavier sum in solid dollars pocketed every year by the official perjurers of Chicago than is paid to any other officials in the service of the city."

An income tax enforced by the National Government would fetch some millionaire tax-dodgers in Chicago and elsewhere to book. Now they escape doing their proper share in maintaining the institutions of Government under which they fatten by the false swearing of others, connived at if not suborned by bribes. Many of them would not swear falsely themselves. Those who are willing to do it might not be able to buy off the nation's assessors as easily as they corrupt their local officials.

Such facts as these revealed of Chicago show why the rich are, as a rule, against an income tax. Without it they can escape doing their duty. They fear they may not be able to do so any more. Their talk about the evil of false swearing that it will promote means nothing more than that they doubt their own ability to be more honest than they have been in this particular. But they do not relish becoming liable to the pains and penalties of perjury in their own persons.

But so far from this being a reason against an income tax it is a strong reason for it. Too long and too heavily have taxes been imposed upon that part of the earnings of the people which is necessarily spent for shelter, food, and clothing instead of upon the surplus which is saved.

But coming nearer home, Mr. President, look at some facts in the city of Washington. The House committee two years ago, Hon. TOM JOHNSON, of Ohio, chairman, made some discoveries here which furnish very interesting reading for those who are accustomed to make honest returns of property to the assessor.

Mr. JOHNSON says in the preamble of his resolution:

Whereas said old assessment on the land values alone in the District is $76,000,000, when it should be more than $300,000,000, this shows an extraordinary undervaluation, and, what is still worse, the greatest injustice between the valuation of the land used for business purposes, which in many cases is assessed at less than 14 per cent of its true value, and land used for residence purposes, especially where the small homes are situated, is assessed at from 70 to 80 per cent of its true value, while in many cases land held for speculation is assessed at less than 10 per cent of its true value. The foregoing facts were brought our by an expert valuation on enough land in the District to furnish an average. A public hearing was held by the Commissioners in which this subject was thoroughly discussed, and after a careful examination they say "the figures embraced in these showings seem to have been carefully and conservatively prepared."

These statements are verified by tables showing exact assessments.

Again, the commmittee say:

LACK OF CONSCIENCE IN TAXATION.

In the last report of the assessor for the District of Columbia it is intimated that "the public conscience is becoming somewhat elastic on the subject of taxation." This is putting an obvious fact very mildly indeed. So far as our investigation goes, it would be a better expression of the truth to say that in matters of taxation there seems to be very little public conscience left, and that the general sentiment is that no one is bound in honor or honesty to pay any tax that he can by any device escape from, and men whose word is as good as their bond, who would feel themselves disgraced in depriving a private creditor of a penny of his due, make no scruple whatever in defrauding the government of its claim and shirking their responsibility for what is held to be their due to society in return for the benefits which they receive from society.

These discriminations in favor of the rich, Mr. President, do not happen by mistake. It is open, everyday fraud, and is as bad as theft or highway robbery. The poor respect and fear the law. The rich ride over all laws if they are obnoxious to them. The power of money is to-day greater than law; and it is time we were coming back to pure Democratic principles, that all men are equal and entitled to equal protection under the law.

A tax on incomes, Mr. President, would prove to be

A POPULAR TAX.

I feel confident in making this assertion, despite the statement of the Senator from New Jersey [Mr. SMITH] and the Senator from New York [Mr. HILL], that it is both unpopular and undemocratic. That it was borrowed from the Populist platform, or that it was adopted by the Populist convention, does not, I grant, necessarily make it popular. But the Populists represent only a small portion of public sentiment in favor of the income tax. The agricultural and laboring classes, representing 60 per cent of our population, are, regardless of party, almost unanimous in favor of an income tax.

The vote recently taken in the House on this question would indicate that the West and South are almost a unit in favor of this feature of the bill. The following table shows the population of Congressional districts represented by the affirmative votes:

SOUTHERN STATES.	
West Virginia	762,794
North Carolina	1,440,410
Mississippi	1,289,600
Missouri	2,318,935
Alabama	1,513,017
Kentucky	1,671,154
Georgia	1,837,353
Louisiana	596,964
Arkansas	1,128,179
Virginia	1,500,783
Tennessee	1,570,936
Florida	391,422
South Carolina	800,268
Texas	2,235,523
WESTERN STATES.	
Kansas	1,046,238
Minnesota	742,429
Wisconsin	1,032,132
Illinois	1,560,234
Nebraska	543,070
Indiana	1,870,701
Wyoming	60,705
Michigan	896,707
Ohio	1,918,342
Iowa	172,990
South Dakota	328,808
Colorado	412,198
Montana	132,159
Idaho	84,385
California	816,663
Total, twenty-nine States	30,839,505

Total population of these States, 42,398,841.

Here is a table showing population of Congressional districts represented by the negative vote on this proposition. There are given in the table twelve States and forty-eight Congressional districts. The population of these districts was only 8,000,000; in other words, 8,000,000 and a fraction against nearly 31,000,000 of population.

States.	Districts.	Population.
New York	16	2,652,000
Pennsylvania	6	897,420
New Jersey	6	1,063,420
Maryland	5	884,150
Massachusetts	4	691,780
Louisiana	3	521,720
Connecticut	2	375,880
Rhode Island	2	376,530
Vermont	1	169,940
Ohio	1	178,260
Delaware	1	168,490
South Carlonia	1	134,370
Total twelve States	48	8,113,960

In these New England States, represented as opposed to the income tax, are to be found large bodies of organized labor, like the Knights of Labor, who for years have embodied the income tax in their platforms. From New York, New Jersey, and Massachusetts I get some of the strongest letters in favor of this feature of the revenue bill. Many go so far as to declare that Eastern Representatives do not express the views of a majority of their constituents, but rather the views of the capitalistic class.

I would not go to the length of saying that the income tax is un-Democratic. Will the Senator from New Jersey kindly give me a definition of Democracy? The country to-day is waiting breathless for an answer. Five million five hundred and fifty-one thousand one hundred and forty-three voters who stood by the party in 1892 wish to know, and now look to the daily action of this Chamber. And mark you, they understand the meaning of Democracy. They still stand by the teachings of Jefferson and Jackson, and will suffer no twisting of the term Democracy to suit the whims of a few who have lost their love for the old principles and are willing to vote with Republicans when private interests are involved.

The Senator from New York yesterday took occasion to use the whip and to scourge the balance of the Democrats on this side of the Chamber because he said they were masquerading as Democrats, when at heart they were Populists. I ask whether nine-tenths of the Democrats on this side of the Chamber are not in favor of the income tax, and whether it is not one-tenth, upon the other hand, who are voting and masquerading as Democrats who are at heart not Democrats, but rather Republicans or representatives of the money power?

I clip from the Washington Post editorial an extract showing Democratic sentiment:

NORTH LOUISIANA POPULISTS.

In common with many other newspapers, the Philadelphia Inquirer is greatly interested in the result of a certain sentimental census recently taken in the Fourth Congressional district of Louisiana, and referred to by our esteemed contemporary thus:

"The people of Louisiana are on record as to certain burning questions of the day. At the recent primaries to select a successor to Comgressman BLANCHARD, promoted to the Senate, a sort of referendum was held, with the following result:

For income tax	3,446
Against	151
The tariff for revenue	3,156
Against	161
For antioption bill	3,250
Against	173
For repeal of the 10 per cent tax on State banks	3,369
Against	239
For free coinage of silver	3,270
Against	226

"The majority in these cases is so overwhelming as to leave no doubt as to where the people of Northwest Louisiana stand. We run no risk in saying that the income-tax collections from that section will never swell the Treasury coffers to bursting."

This is the average sentiment of the South and West to-day on this and many important questions. Ignore it if you will, these people will yet demonstrate at the ballot box the meaning of Democracy.

If I had time I might analyze the sentiment of the Republicans of the same sections with like results. The Senator from New Jersey [Mr. SMITH] and the Senator from New York [Mr. HILL] succeeded in proving that the income tax was unpopular among capitalists, but they have not yet caught the sound from the masses.

The enemies of this proposition also say that such a tax is unpopular in England. Note the following from the Chicago Times of April 18, 1894:

VICTORY FOR THE INCOME TAX.

An answer to the assertion that the income tax is so unpopular in England that the Government is about to abolish it came yesterday in the news from London that the new budget increases this tax by 1 penny in the pound. The increase in revenue by this action is estimated at about $8,500,000. This is a significant act on the part of the British Government, for it gives the lie to the assertion that the income tax is odious and unpopular. A government in the ticklish position which Lord Rosebery's ministry now occupies would catch at the opportunity to win favor by reducing an unpopular tax. It certainly would not put its existence further in jeopardy by increasing such an impost.

The fact is that in England the income tax is accepted as a matter of course, enjoying rather more popularity than most devices for raising revenue because of the obvious equity in it. In the United States it will be even more popular than in England, because under our system of raising the bulk of our revenues by tariff duties the inequalities of taxation are more glaring.

That the income-tax clause in the Wilson bill now before the Senate will become a law the Times does not doubt. The bitter assault upon it of the privileged classes, led by the political mercenary, DAVID B. HILL, only goes to prove its justice and to increase its strength. It is characteristic that the attack upon the income tax was coupled with an attack upon free trade. It is significant, too, that the agencies which antagonize the taxation of great incomes are the agencies which oppose any attempt to break down the monopoly of money by a proper increase of the circulating medium. The beneficiaries of privilege are alarmed, and have rallied to each other's defense. They are so used to having other people taxed for their benefit that they look on a proposition involving their taxation for the people's benefit as revolutionary. They will make the people pay them for the use of money, yet will they not pay the people—that is, the State—for the protection under which they have amassed their riches?

The income tax is a vital plank in the platform of the people's emancipation. It must be riveted there and made a part of the national structure.

The Senator from New Jersey says that the income tax is un-American. I grant it, Mr. President. It is also undemocratic for the same reason. But neither statement is based upon good logic. All good things are neither American nor democratic. For the United States to refuse to adopt ideas from other nations is like the case of a man who would refuse to use certain products because they were not produced in this country. Let me inform the Senator that his State ballot law—also those of many other States—was borrowed from Australia. The wisest men of our nation to day say that we would do well to borrow the government ownership of the telegraph from England, and railroad ideas from Hungary, Germany, and Australia. Yes; the income tax is European, but it is good, nevertheless; as good as any economic principle that has been framed into a nation's laws.

England, Italy, and the states of Germany adopted the idea years ago.

Prussia has had an income tax since 1851, and it has worked to the entire satisfaction of the Government and the people.

The minimum of exemptions is 900 marks ($214.20), and the tax on this is about two-thirds of 1 per cent. On incomes ranging from 1,050 to 1,200 marks, about three-fourths of 1 per cent; from 1,200 to 1,350, 1 per cent. The rate increases up to 9,500, where between that amount and 10,000 marks the rate is 3 per cent. Between 10,000 and 100,000 the rate is 5 per cent. Last year the Government collected $31,210,712.

Wurtemburg has had an income tax since 1820, and the present rate is 6 per cent. Baden has a tax of 2 per cent on incomes above $150 and raised last year $1,425,000. Bremen taxes at 4 per cent incomes above $150. Austria's income tax ranges from 7½ to 20 per cent and raises annually $10,000,000. Italy's rate on incomes is 12 per cent, and she raised last year $45,000,000.

Switzerland's tax ranges from 1 to 8 per cent.

England through Mr. Pitt introduced the income tax as early as 1798, and taxes all incomes above $750. Our millionaires want to be English in all but the method of taxation. England long since discovered that capitalists and landed proprietors were the beneficiaries of taxation and adopted the income tax as a matter of justice.

As long ago as 1850 objections were raised by certain capitalists against the income tax, but after two committees, one in 1852 and another in 1861, had made full investigation in elaborate reports they declared it to be the best system that could be devised, and it stands to-day as an example for American statesmen to follow. American capital may court justice when it is too late.

The proposed income tax, Mr. President, is

NOT ENTIRELY SATISFACTORY.

Many changes could be made so as to make it more acceptable. The maximum of exemptions should be placed as low as $1,000, an amount supposed to represent the average living expense of a family in moderate circumstances. But the House bill, in placing the maximum at $4,000, have not gone below the average family expense when the moderately rich are averaged with the poor.

Again, the only proper income tax is a graduated one, beginning with small incomes and increasing the percentage of tax on all sums above $5,000. After long experience foreign nations have adopted the graduated plan, and find it works to the entire satisfaction of the majority of the people.

THE UNITED STATES HAS TRIED THE INCOME TAX.

In the United States many people remember having paid an income tax from 1862 to 1872. Under the war income tax the maximum exemption was $600 at first. On sums from $600 to $1,000 the rate was 3 per cent during the first three years. On incomes above $1,000 the rate was 5 per cent. In 1865 a tax of 7½ per cent was levied on all incomes between $600 and $5,000. In 1868 the maximum exemption was placed at $1,000. The average yearly income from this measure was more than $30,000,000.

It was then a war measure, but was willingly paid by all those who hoped for the perpetuity of the Union.

The Senator from New Jersey quotes the revenues derived each year from 1862 to 1873, to show that the tax was unsuccessful. The receipts gradually diminished:

1863	$22,741,358.25	1869	$34,791,855.84
1864	20,294,731.74	1870	37,775,873.62
1865	32,050,017.44	1871	19,162,650.75
1866	72,982,159.03	1872	14,436,861.78
1867	66,014,429.34	1873	5,062,311.62
1868	41,455,598.36		

The receipts increased till 1866, and then, as the Senator says, "as soon as it became certain that the Union was saved and that extraordinary, inquisitorial, and hateful methods of taxation were no longer necessary, they refused to pay." A confession, Mr. President, that the rich refuse to obey a law when it is distasteful to them. The fall in income was caused partly by the refusal of the rich to pay; but partly also by the change in the law as to rate of tax and exemptions. The rich can be made to respect any law if proper penalties are attached; and if the Government were as diligent in collecting the income tax from the wealthy as the Internal Revenue Department are in hunting moonshiners or violaters of the tobacco tax, we should have an end of petted and pampered criminals.

The law of 1863, Mr. President, should not have been repealed, for a just law is as good in time of peace as in time of war. But after the war was over and a surplus began to accumulate in the Treasury a continuation of the income tax would have endangered the protective tariff system which had proved a veritable bonanza to New England manufacturers under the war tariff of 1867. If the war tariff was to be retained the income tax must go, and it went.

The abolition of the latter and the retention of the former were alike agreeable and beneficial to the American millionaire. The repeal of the income tax was done at the request of the money power, and is one of the long series of enactments by which during thirty years the people have been converted from freemen into serfs.

We are now hoping to retrace our steps by relieving the masses from the burden of oppressve taxation, but at every step we are confronted by greedy capital which prates about "vested rights" and "legislation aimed at the East." Mr. President, stolen rights are not vested rights; and in the future the people are determined that one section of the country shall be no more sacred than another. No class shall be allowed to become arrogant and oppressive merely because "might makes right." Woe to our country if capital inculcates that doctrine in the minds of 40,000,000 hungry, proud spirited Americans. The people who have slaved in the mines and factories of this country and have produced the vast fortunes now enjoyed by a few feel they have a right to life and the comforts guaranteed by the framers of the Constitution. Capital may go one step too far in their attempt to wrest from the laboring man the fruits of his honest toil.

Considering these facts, Mr. President, can the Senator from New Jersey argue that an income tax is unwise? Will he or other Senators deny the people this small request in the line of justice? It is always wise to throw around the Republic those safeguards of legislation which will insure contentment and happiness to the people and perpetuate our institutions to coming generations. We are here as representatives, and not as individuals; as statesmen, not as local politicians; as patriots, and not as promoters of selfish interests. Let us legislate in the interests of all the people.

Mr. VEST. I attempted yesterday, but did not care to interrupt the Senator from New York [Mr. HILL] when he was speaking, to give notice of some amendments which are not printed, which I propose to submit on the part of the committee in lieu of the amendment in regard to the tax upon mutual life insurance companies. I send the amendment proposed by the committee as a substitute to the desk to be read.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. At the end of line 11, section 59, it is proposed to strike out the following amendment:

Provided, That mutual life insurance companies shall not be required to pay an income tax upon the sums repaid to their policy holders as dividends or interest upon the surplus premiums held by such companies.

And insert at the end of the section:

Nor to any insurance company or association which conducts all its business solely upon the mutual plan and only for the benefit of its policy holders or members, and having no capital stock and no stock or shareholders, and holding all its property in trust and in reserve for its policy holders or members; nor to that part of the business of any insurance company having a capital stock and stock and shareholders, which is conducted on the mutual plan, separate from its stock plan of insurance company and solely for the benefit of the policy holders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business in trust and reserved for the benefit of its policy holders and members insured on said mutual plan.

Mr. HOAR. I was unable to catch the reading from the desk. Does the Senator mean to include all insurance companies, whether marine, life, or fire?

Mr. VEST. All insurance companies conducted on the mutual plan.

Mr. SHERMAN. Does the Senator intend to propose an amendment in regard to building and loan associations?

Mr. VEST. I am about to state the other amendment.

Mr. SHERMAN. Very well.

Mr. ALLISON. I suggest to the Senator from Missouri—I have just now had the opportunity of looking at the amendments—that he offer all the amendments and have them sent immediately to the Printer to be printed.

Mr. VEST. I am doing that. I want everybody to have full notice of what these amendments are, so that the debate may be conducted intelligently.

In line 20, section 54, the committee propose to strike out "four" and insert "three," and so all through the bill, thereby making the exemption $3,000 instead of $4,000.

In regard to building and loan associations, the committee propose to modify the amendment so as not to apply to building and loan associations which make loans only to their shareholders.

Upon page 187 of the print of the bill which I hold in my hand, section 59, line 14, the committee propose to insert after the word "collected" the words "except as herein otherwise provided;" and in lines 15 and 16 to strike out the words "ordinary working or" and insert "actual;" after the word "expenses," in line 16, to insert "losses and interest on their bonded debt;" so that with this amendment the section would commence:

That there shall be levied and collected, except as herein otherwise provided, a tax of 2 per cent per annum on the net profits or income above actual operating expenses, losses, and interest on their bonded debt, etc.

This exempts from taxation the losses of these corporations and interest on their bonded debt or fixed charges.

Mr. HALE. It is difficult, listening to the Senator, to know to what section or sections of the bill these provisions apply.

Mr. VEST. The new section.

Mr. HALE. I wish to ask the Senator whether this covers that portion of the bill which refers to railroad corporations and which emphasizes what is known as the surrender to the railroad corporations, or does it only apply to banks?

Mr. VEST. It covers the corporation section, 59.

Mr. HALE. Does it include railroad corporations?

Mr. VEST. Of course, it includes all corporations.

Mr. HALE. There has been a large assembly of railroad peopte here for the last few days, and there has been a good deal of interest to know what would come out of it; and therefore I wanted to know what these provisions covered.

Mr. VEST. I know nothing of any railroad people being assembled here. I have not seen any of them, except as I have seen people here every day for the last four months; but this amendment has not been made at the instigation of any corporation. I am under the influence of no corporation, and have no connection with any corporation; but we are endeavoring to make this bill upon just and equitable principles, and this was the result of consultation amongst the members of the committee.

In line 17, section 56, strike out the word "three" and insert "two;" in line 11, page 175, strike out "three" and insert "two;" and in line 8, section 65, page 196, strike out the words "collector of its collection district" and insert "Commissioner of Internal Revenue."

Mr. ALDRICH. Has the Senator from Missouri presented all the amendments he intends to present?

Mr. VEST. All I intend to present now. The other amendments are printed in the bill.

Mr. ALDRICH. Was an order entered to have these amendments printed immediately, so that we can have an opportunity to examine them?

The VICE-PRESIDENT. Their printing will be ordered in the absence of objection.

Mr. TELLER. Mr. President, I do not intend to discuss the details of this bill. The amendments proposed by the Senator from Missouri I had understood would be offered. I think, so far as I have been able to catch them, and so far as I can understand them from the reading at the desk, that they probably improve the details of the bill.

I only desire to say a few words about the principle of collecting revenue from the income tax. Such a tax has been grievously assailed, not only on this floor, but in the public press of a certain section of the country. It has been assailed as a sectional method, a sectional principle, as one belonging to monarchical government, and having no place in a republic. The Senator from Massachusetts [Mr. HOAR] yesterday made a very violent attack, not upon the bill, but upon the proposition to collect money by means of an income tax. He said:

This proposition is a war upon industry, honest wages, frugal living, and moderate gains. It is a combination of aristocrat and Populist, of the millionaire and the tramp, which is forcing this policy upon us against which the honest, the simple, frugal American spirit expresses its dissent and its loathing. You put the burden upon these men, upon the savings bank, upon the life policy, upon the foreman in the mill, upon the man with a little saving which you will take off from whisky and tobacco. It is easy to get a sufficient revenue, if that be what you want, though the Senator from New York has well demonstrated that you have plenty without it by a reasonable and moderate addition to the imposition upon whisky and tobacco.

Mr. President, that is in keeping with the arguments which have been made, I believe, on this floor, not only now but here-

tofore, with reference to the income tax. In 1871, when there was a proposition before the Senate to repeal the then existing tax, an examination of the RECORD will disclose the fact that the same class of arguments, if arguments they may be called, were then invoked as are now made. I desire to call the attention of the Senate to a few remarks made by the then distinguished Senator from Indiana, the old war governor, Senator Morton, touching this very method of proceeding. This was in 1870, when the question was before the Senate. He said:

Mr. President, we have had the argument by epithet in this case. This has been called an inquisitorial, an infamous, and an iniquitous tax. I will meet the argument by epithet with the argument of opinion, and I will give my opinion on the other side, that it is the most equitable and just of all taxes.

But it is said that some rich men will make false returns, and therefore all ought to be exempted. Many rich men make false returns in regard to State taxes, and my opinion is there is just as much fraud committed in regard to State taxes as there is in regard to national taxes, and I think the cases are far more frequent, in fact.

After continuing some time in defense of the principle of the income tax, he further said:

But I shall now speak of the general operation of the law; and I say, taking the country through, taking the general condition of the community, that the income tax is the best expression and exponent of the productive property of this country. Sometimes a man pays a tax on an income that is far above his productive property. It may be on a fictitious income; it may be what may be called an occasional income resulting from peculiar circumstances that may not happen again during his life. I do not argue from those cases; I argue from the great mass of cases; I will say four hundred and ninety-nine cases out of every five hundred; and, take the country through, the income is a true expression of a man's productive property.

Later, he said:

I started out with the declaration that it was the most just and equitable of all taxes. I have compared it now to the system of State taxation of property according to its value, real and personal, and the experience of every Senator who hears me proves to him that there is more hardship from taxing a man according to the assessed value of his property than in any other way.

Then he goes on and speaks of some hardships such as the Senator from Massachusetts brought against the law, and says:

The law can not avoid that. I know we can not meet these exceptions. The law has to deal in generalities; and when gentlemen complain of the hard cases growing out of the income tax I refer them to the fact that there are more hard cases growing out of every other system of taxation, because no other system represents half so well a man's productive property.

* * * * * * *

The argument is against a tax that falls upon the productive property according to its quantity, and upon its consumption; that falls upon the country according to population and not according to wealth. It is an argument in favor of an unequal and unjust tax and against a just and equal tax in its principles.

There is very much more here which might be read, and I think it would be instructive and would be a full answer to the epithets which are hurled against the proposed law.

I have another quotation I should like to make. The distinguished Senator from Ohio [Mr. SHERMAN] addressed the Senate on the 25th of January, 1871, upon this question:

It is the only tax—

Speaking of the income tax—

levied by the United States that falls upon property or office, or on brains that yield property, and in this respect is distinguished from all other taxes levied by the United States, all of which are upon consumption, the consumption of the rich and the poor, the old and the young. I make this the simplest division of taxes—taxes upon possessions and taxes upon consumption. As the income tax now stands, it is estimated that it will yield $12,833,000 out of an aggregate revenue of $320,000,000, or about 4 per cent or one twenty-sixth part of our aggregate revenue.

The Senator from Ohio was then resisting the repeal of the income tax. As to the objection against it that it interferes with private business, the Senator said:

The first objection is that it authorizes espionage into a man's business. Well, sir, so do all taxes. Your whisky tax authorizes the most searching espionage, and assumes that fraud is inevitable in the production of whisky.

Then the Senator proceeded to show that in all the collection of revenue duties of every kind and character there was the same objection to be made, and said:

But no custom-house laws can be enforced unless this espionage is allowed. It is not allowed for the purpose of interfering with men or women engaged in ordinary travel, but the espionage must extend to them in order to reach the fraudulent importer or the smuggler.

* * * * * * *

There is not a State in this Union which does not authorize more espionage into a man's private affairs than the income-tax law of the United States.

Again he said:

We are told that this is an odious and unpopular tax. I never knew a tax that was not odious and unpopular with the people who paid it. I think if the Senator from Pennsylvania would go into some places in Philadelphia he would find that the whisky tax which is so popular with us is unpopular there.

Later, after arguing to show that it was a fair tax, he said:

That is the only answer, and it is a complete answer; because if you leave your system of taxation to rest solely upon consumption without any tax upon property or income, you do make an unequal and unjust system.

Then the Senator went on to show that the income tax was collected at less expense and at about half the expense required to collect other taxes.

I speak only by recollection, not having looked at it recently; but the Senator from Vermont [Mr. MORRILL], who introduced the income-tax proposition in the House of Representatives and advocated it, declared then from his place in the House that it was a just and equitable system of taxation. When the question came before the Senate for final vote——

Mr. MORRILL. The Senator from Colorado will see that the committee then introduced it with great reluctance and as a necessary war measure.

Mr. TELLER. They did not introduce an unjust and inequitable tax, I think, even for a war measure. It was regarded, and the debate in the Senate will show that a majority of the Republicans of this body at that time so declared both by their voice and by their vote, as an equitable and just system of taxation without reference to the question of war or peace. The most distinguished members of this body, at least a great number of very distinguished members of this body defended the income tax by speeches and by their votes. There were 26 votes in favor of its repeal and 25 against it, and every Senator who voted against it was a member of the Republican party. There were 5 Democrats who voted with the 26 for the repeal. So in 1871 the Republican party in this Chamber put themselves upon record in favor of the justice and the righteousness of the abused income tax.

I shall not read the vote of the Senate, but there were in the Senate at that time a good many men of national reputation who favored the retention of the act, and who defended it not upon the ground that it was a war measure, for in all that debate which I have gone over I do not find a single defender of it, not even the Senator from Vermont, in defending it putting it upon the ground that it was a necessary war tax. Some of them did say that we could not afford in the state of our finances to dispense with the revenue, and perhaps made that the reason. All who expressed themselves on the subject, I think without exception, declared that it was an equitable and just tax.

The then colleague of the senior Senator from Vermont, not being present at the time of the vote, was paired in favor of the retention of the act. Various other Senators of national reputation, and, I repeat, more than half of the Republican members of the Senate, voted for the retention of this tax, at a time when there was no pressing necessity for revenue, any more than there is to-day, or as much, and when there was every year and every month of the year a surplus of revenue.

Mr. President, yesterday the Senator from Rhode Island [Mr. ALDRICH] declared from his seat here that it was admitted by the defenders of this proposition that it was the purpose to distribute the property of the United States by means of an income tax. I challenged the Senator then, and I challenge him now, and I challenge everyone who is opposed to this feature of the bill to show that any one of the advocates of the proposition has ever made any such statement here or elsewhere.

Mr. ALDRICH. If the Senator from Colorado will read the debates in the House of Representatives upon this very measure, he will find that the principal advocates of the proposition there stated that this was the first step in taking away from the rich property which did not belong to them for the purpose of paying the expenses of the Government, which they ought to pay. Of course no person in the House of Representatives or elsewhere, so far as I know, has stated directly that this is a method for the redistribution of wealth; but the logical result of their arguments and statements was exactly in the line which I have now stated, that it is for the purpose of reaching practically a redistribution of wealth.

Mr. TELLER. I am not allowed by the rules of the Senate to comment upon what occurred in the other House, but as it has been referred to, I will state that after a fairly careful examination of the debate I do not think there is anything in it which will justify that inference, and the Senator himself admits it is an inference and not a statement.

Mr. ALDRICH. I am told by a Senator near me that the Senator from South Dakota [Mr. KYLE] in his speech this morning discussed the proposition along that line.

Mr. TELLER. It has been discussed along the line that the rich people of the country are not paying their part of the taxes. That is a very different thing from the distribution of the property. No Socialist, no anarchist can possibly hope to derive any personal gain by taking money out of the coffers of the rich and putting it in the Treasury.

Mr. ALDRICH. As I understand the argument, it is that at present the poor people of the country pay all the taxes and the rich people pay none, and the idea is to have the rich people pay the taxes and the poor people relieved from paying them. It strikes me it is only an indirect method of doing the same thing.

Mr. TELLER. There is no such assumption made on the part

of anybody who defends this feature of the bill. The Senator from Rhode Island may make the argument for his side; he has no right to make it for the other. The argument has been from the beginning, it has been defended upon that principle, it was so defended when it was passed here, it was so defended when it was maintained here, upon the ground that it was an equitable distribution of the taxes, and that the men who had the wealth of the country should pay in proportion as they call upon the Government for their protection and preservation. It has been asserted here and it has been asserted elsewhere that a tax upon consumption and consumption alone does not properly distribute the burdens of taxation among the people.

The man who holds millions of dollars' worth of property pays no more, perhaps, under the general taxes levied upon consumption than the man who has not any property. The man who buys foreign clothes and foreign wines and foreign cigars or who buys cigars which are manufactured here under the internal-revenue system of taxation pays a tax; and we know that in every community there are men of moderate means and moderate fortune who pay just as much tax to the General Government in that way as the richest of all. That is the claim; not that it is proposed that the rich men shall pay the taxes, but that they shall pay an equitable and just proportion of the taxes, and no more and no less.

There is no party in this country which ever has insisted in its platform or by its representative men that any class of people in this country should pay more than a just and equitable share of the burden of maintaining our Government. No party could live which would put itself upon such a platform. The common sense of the American people and their sense of justice would prevent a party from coming into power upon such principles, but there has been a feeling amongst the people of the United States, and rightfully, too, that the wealth of this country does not bear its fair proportion of the burdens.

It is said that this is a sectional tax. It is sectional because in one section of the country the people will pay more than the people in another section will pay. That is true. The great State of New York and the State of Massachusetts, all the New England States and the Middle States, will pay more in proportion to their population, perhaps, than will be paid by the Western States and the Southern States, but they will not pay as much under this proposed act in proportion to their wealth as the Southern and Western States will pay. There is not the slightest excuse for the statement that an income tax is sectional. There is not the slightest excuse for the statement that anybody who advocates this proposition proposes to take from any man that which he is not under obligations equitably and justly to surrender to the Government of the United States for the preservation and maintenance of order and the preservation and protection of his property.

Is this tax an inquisitorial tax to such an extent that we ought not to adopt it? The Senator from Massachusetts [Mr. HOAR] yesterday took offense at something the Senator from Kansas [Mr. PEFFER] said in plain Western language, that the objection to this tax is that the rich men of the country are going to lie about it and not pay. That has been the stock argument against this proposition. It is not put in that way; nobody says it exactly as the Senator from Kansas said it, but it has been repeated *ad nauseam* that we can not collect this tax because the people will not render to the Government a just and truthful account of their incomes.

Mr. HOAR. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. HOAR. I did not take offense at that. I took offense because the Senator from Kansas insisted I had said it. I never said it, and never thought it.

Mr. TELLER. I did not so understand. I thought he charged it had been said generally.

Mr. HOAR. I pointed out that all I said was that the people like to have privacy in their affairs, but the Senator from Kansas still persisted, and I did not further insist on correcting him.

Mr. TELLER. I misunderstood the Senator's cause of complaint against the Senator from Kansas.

Mr. HOAR. I thought the Senator did.

Mr. TELLER. I supposed the Senator from Massachusetts was objecting because the Senator from Kansas had made a general charge that that is the argument against the proposition. The Senator from Massachusetts will admit, I suppose, that that is perhaps the most frequently adduced argument against such a tax, that you can not honestly collect it.

Mr. HOAR. I do think I should go so far as to say that it is the most frequently used argument. It is undoubtedly an argument, but it never seemed to be an argument with the slightest weight. As I said yesterday, the objection to the income tax on that ground is not a tenth part equal to that which would apply to a tariff. There never would be a tenth part as much objection to an income-tax law on that ground as to a law taxing importations.

Mr. TELLER. I am coming to that point.

Now, is it an inquisitorial tax? Is it any more so than the State taxes under the laws of Massachusetts or any other State, because the laws are practically the same on that subject? Every citizen of the State of Massachusetts and other States is required, at least that is the law in the West, and I suppose it is the law in the East, to give in under oath a statement of all his personal and real property. If he has bonds, not United States bonds, and not excepted from taxation, he must list them.

If the authorities think the party does not properly list his bond, they bring him before them and then they make a proper list themselves. They inquire into a man's business; they send for his books; they subpœna witnesses, if they choose, and they take all the steps which may be necessary to compel him to pay his just and proper share of Government burdens. If an importer ships goods to the city of New York he is compelled to furnish a properly certified and sworn invoice. If the authorities believe that it is not correct, they take testimony and examine into his affairs to determine whether he is making a proper return.

When a person lands at the New York wharf some whippersnapper comes up and says, "Have you any diamonds or any contraband goods on your person?" No matter who it may be, no matter what his reputation at home may be, unless he happens to occupy an official position for the time being he is liable to be taken into a room and searched and compelled to disrobe. And that is true whether the person be a male or female; yet nobody will allege that against the collection of import duties that you can not collect them honestly, because occasionally there is a villain who will bring in things upon which he ought to pay a duty with a view of not paying a duty. So honest men have to submit to indignities, and no man ever was searched at a station who did not feel indignant. He can not help it, although he knows it is proper and right that that should be the law. He feels that an insult has been put upon him, and yet no thinking man feels it so severely that he brings that as a charge against the system of collecting import duties. Under the ad valorem system of collecting import duties there are, in my judgment, three or four times as many opportunities for fraud as there are in the collection of the income tax.

Now, why should not the man who has an income of more than $3,000 (as I understand that is to be the limit now) pay upon that income? Is it not a fairer system of levying taxes than to levy them upon property? The man who has broad acres in Kansas or Colorado that are worth to him nothing as a revenue-producing agent, pays taxes to his State, and he might pay taxes to the Government under a system properly arranged; but is it not infinitely more just that the man who has money coming to him should pay a pittance of 2 per cent upon his income? Is there any hardship in it? Is there any inequality in it? Is the statute when it shall be enacted liable to the charge that was brought against it by the Senator from Massachusets [Mr. HOAR] yesterday, that it is a tax upon industry, a tax upon thrift, a tax upon honesty?

The Senator says that some man with a great estate will take and absorb all the income from it in riotous living. So men in every department of life will waste their substance. When you tax the mechanic's house under the State law of Massachusetts (and I think they tax them all), it is a tax upon industry; it is a tax upon saving; it is a tax upon thrift. All taxes bear hard upon the people who pay them, unless it be the very rich. But you can not maintain governments without taxation. When governmental societies were organized every man agreed that he would pay his part of the burden, and he agreed that that should be in proportion to the property that he owned; that is, determined by the income that he gets.

Mr. President, let us see whether this is a severe provision upon the men who have incomes. I do not suppose that the foremen of very many mills spoken of by the Senator from Massachusetts get more than $3,000 a year. Perhaps occasionally in the great establishments making iron (and I do not know but that it is the same case with extremely skilled people in the manufacture of cotton cloths and woolen goods) they get more than $3,000, but they are the exception and they are envied by all the rest. If such a person gets $5,000 he will pay how much? He will pay on $2,000, and he will pay $40. The mechanic and the clerk, and the man whose income is so small that he lives up to it every day, escapes this taxation. Does the Senator object to that? Does anybody object to it? He has little property, and probably escapes State taxes as he escapes national taxes. The true principle is that the property of the country shall maintain the government of the country.

I presume it is safe to say that the interest upon the invest-

ments of this country will not now exceed 4½ to 5 per cent. If the citizen gets his income from fortunate investments in railroad securities or other things which are excepted, although he may have $50,000 invested, from which he draws 4, 5, or 6 per cent, he will not pay a single dollar on that income. I think no man who has an income above $3,000 a year ought to complain.

Is it true, as stated by the Senator from New York and the Senator from Massachusetts yesterday, that we do not need this revenue? We needed it in 1862, 1863, 1864, and 1865. We need it to-day, I repeat, as much as we needed it then.

Up to the 1st day of April the revenues had fallen behind $66,000,000, and since then they have fallen behind until certainly there will be a deficiency of seventy-five or eighty million dollars this year. How is it to be met? Senators tell us there is abundance of revenue.

The Senator from Delaware [Mr. HIGGINS] said there is abundance of revenue from import duties. In 1892 the revenue duties were within $10,000,000 of the expenditures of the Government; in 1893 they were within less than two and a half million dollars; and for the year 1894, I repeat, they will be undoubtedly somewhere in the neighborhood of from sixty-six to seventy-five million dollars less, and perhaps the amount of deficiency will be less. Month by month the deficiency is increasing.

Now, pray tell me, some one who is opposed to this income tax, how are we to pay the national obligations; how are we to maintain the high credit this Government has maintained unless we resort to some other method? I asked the Senator from Delaware what is to be the revenue under this bill? I had asked the committee. I know that no one can tell, no one who has studied this question has any reason to suppose that the revenues for the next year will be any more than they are now or than they have been for the last year.

Mr. HILL. Will the Senator from Colorado permit me for a moment?

Mr. TELLER. Certainly.

Mr. HILL. I regret very much, of course, to interrupt the Senator during what may be called a set speech——

Mr. TELLER. It is not a set speech. The Senator is quite at liberty to interrupt me.

Mr. HILL. I wish simply to make one suggestion. Does the Senator say that the condition of the finances of the country is such that it is impossible to make a reduction of tariff duties without providing some other system of revenue?

Mr. TELLER. I believe that there might have been a revision of the tariff in a way that might have brought more revenue than the McKinley act brought. If the revision of the tariff was solely for the purpose of securing revenue, I believe that it might have been done in a way that there might have been an increased revenue over that of the year 1893.

Mr. HILL. Will the Senator allow me?

Mr. TELLER. Certainly.

Mr. HILL. Then are we to understand that the tariff-reform bill that is proposed to be passed will not of itself alone bring sufficient revenues to support the Government?

Mr. TELLER. I do not believe it will.

Mr. HILL. I commend that to the consideration of the gentlemen who are engaged in supporting it on this side of the Chamber.

Mr. TELLER. I do not believe the pending bill would bring sufficient revenue without the income tax. It may be that it would bring sufficient revenue to run the Government, but we must have more. We owe $600,000,000, some of which will become due very soon. We shall have to provide for the payment of our national debt. The American people have willed and determined long since that the national debt should be wiped out and not continued, and therefore any revenue system which does not provide more than is necessary to run the Government each year is not a proper one.

Mr. HILL. If the Senator will allow me, the estimates which have been made by the Secretary of the Treasury include sufficient to pay all the interest on the public debt.

Mr. TELLER. The estimates may do that. The Secretary of the Treasury estimated last year that the deficiency in the revenues would be $28,000,000. They will be $50,000,000 more. Is it wise for any government to run so close to the wind that a little disturbance in the financial affairs of the country will destroy its revenue, so that there will be a deficiency?

Mr. President, we want a revenue tariff, if we obtain our revenue by a tariff, that shall not only yield sufficient to run the Government, but leave a surplus in the Treasury to apply to the payment of our debts, and if we do not get it from that source we must get it somewhere else.

I need not say here what I have said before, that the American people were displeased with the McKinley act of 1890. They believed, as very many men on this floor who voted for it believed, that in it we had gone to excess, and had put upon the statute book larger import duties than ought to have been imposed. The people of the United States were not satisfied, and if the Republican party had come into power public sentiment would have required of us that we should revise the tariff in very many particulars.

In my judgment, I repeat, not only is an income tax an equitable and just and proper method, but it is absolutely necessary at this time that we should have it. Our finances are not in good condition; the financial world is not in good condition; and while you put down the duties upon imports, and it should be presumed that the imports will increase, the amount of imports that come to this country will depend upon our ability to buy. If we are not able to buy they will not come in. Consumption in the United States, by the best authorities and by all who have given attention to it for the last year, has been reduced one-third. There is nothing in the financial sky that justifies any man in believing that increased consumption will cause a greater demand for imports. If the people can not buy the importer will not import.

Our gold goes abroad every month, some months at the rate of $25,000,000. Twenty-five million dollars went last month and $15,000,000 already in this month, or in the neighborhood of that amount. There is no prospect of a revival of business. There is no prospect that the people of the United States will be able to consume the additional millions and many millions of imports that will be required to make up this deficiency; and, as I said months ago, we are met with the proposition squarely, shall we create further indebtedness to maintain the current expenses of the Government, or shall we by an income tax collect from the wealth of the country that which it can easily bear?

There is no country in the world whose citizens feel the hand of the national government as lightly as they feel it here. Nobody has felt its burden, whether it was a tax upon consumption or a tax upon incomes; and a tax upon incomes of 2 per cent is infinitesimal, and ought not to excite the ire of the fortunate possessors of great wealth and of great incomes. But whether it does or does not, I want to predict that the income tax has come not to stay for five years, but to stay as a permanent system in this Government for the collection of revenue, as a system that has been demonstrated in another country (where there is as much love of justice and law as there is here) to be after all the most equitable method of compelling property to pay the burdens of Government. I speak of the Kingdom of Great Britain.

I know the Senator from New York thought that that did not commend itself to us because it was an English aristocratic system. Mr. President, there is no aristocracy in taxes. There is no democracy in taxes. The law puts its hands, if it is an equitable and just law, upon the property, and not upon the individual. In Great Britain they have been compelled by their necessities, by their enormous debt, and tremendous expenses to acquire in every way that they could taxes on an equitable and just plane, and this tax, which went into effect in 1798 and continued until 1816, and then went into effect again in 1842, finds no opponents in that great Kingdom. It is admitted by all, Liberal and Tory, that it is a proper and just way of distributing the burdens of government on the people of that country. It was a just and equitable tax in this country, and found no opponents outside of the few people bordering on the Atlantic Ocean, and very few of those.

Mr. HILL. I assume the Senator did not intend to misrepresent the position of public men in England. I read in my remarks on April 9 last, and simply incidentally referred to it yesterday, a letter from Mr. Gladstone, who for many long years has had a little to do with the Government of Great Britain, in which he said he was not in favor of the continuance of that tax, and gave his reasons.

Mr. TELLER. I did not mean that somebody did not complain about it. I meant to say what the Senator will not deny, that no political party in that country has ever made that one of its articles of faith. There, whenever they want any money, they do not go to Parliament; some authority that they have adds 2 pence to the pound, or 3 pence, or whatever may be necessary. It is a more burdensome tax there than it is here. It is collected in Italy; it is collected in Austria; it is collected in Germany; it has become one of the features of administration the world over as equitable and just.

Mr. HILL. Is it collected in any republic on the face of the globe?

Mr. TELLER. Oh, Mr. President, there are not many republics. I do not know whether it is collected in any republic, and I do not know any republic on the face of the earth outside of ours that any financier would point to as an exemplar in financial administration. Whatever we may have done as republics in taking care of the liberty of the person and of speech and all that, the republics of the world outside of our own have not

shown any extraordinary wisdom in finance. I do not know whether any other republic except ours ever tried it. We tried it, and I repeat, when that act was repealed there was no sentiment for its repeal outside of a small fringe of settlements on the Atlantic coast and California on the Pacific. Senators on this floor from the great States of Iowa and other inland States declared that it was a popular law.

I believe it may be said that there is no other feature in this bill that will commend itself so thoroughly to the people of the United States as this feature, not because the people of the United States are socialists, not because the people of the United States want to take unduly from any man that which the law does not require to be done in equity and justice; but because there is a prevalent idea everywhere that it is an equitable and just system of distributing the burdens. The Senator from New York talks about its shipwrecking the Democratic party. Mr. President, I have not much interest as to whether it does or does not; but if there is anything that will give the Democratic party a hold upon the votes of this country it is the assertion in the bill of this principle of equitable and just taxation.

Mr. SHERMAN. Mr. President, I do not intend to detain the Senate more than a short time to express my opinions in regard to the income tax.

On the 25th of January, 1871, in a speech made in the Senate, I gave my opinion as to the constitutionality and justice of the income tax. I have read that speech within a day or two, and do not find anything in it that I do not concur in. I believe, under the circumstances in which we were then placed, the repeal of the income tax was a bad measure of public policy. It was carried mainly not by party divisions so much as by sectional divisions. The majority of the Senate voted for its repeal mainly upon the ground that there was a surplus revenue at that time to a considerable amount, and they claimed that the income tax was not therefore necessary. I was opposed to the repeal of the income tax for the reasons I gave in that speech. Those reasons still stand as my justification.

If the circumstances in which we are now placed were the same as then, or anything like it, I would insist upon a renewal of the income tax. I believe that an income tax is a fair and just mode of revenue, whether enforced by the nation or the State; and if the circumstances demanded it and there was any necessity for it, I should not hesitate for a moment to vote for an income tax as proposed in this bill. I do not think there is any such necessity. I do not believe it is a wise thing at this time to renew this exceptional tax—the income tax—which was never before assessed since the Government of the United States was formed, except during the civil war.

In 1871, when it was proposed to repeal the tax, the Government of the United States was in debt over $2,000,000,000. The permanent appropriations growing out of the war, including the interest on the public debt and the sinking fund, amounted to $160,000,000. The great payments of the debt have been made since that time. The conditions then existing demanded, as I thought and as I urged throughout the length and breadth of that speech, that the current income tax should be continued at least until it expired by its own limitation. According to the law as it stood in January, 1871, the income tax would have expired in two years, I believe, the 1st of January, 1873.

Yet the proposition to repeal the income tax was carried by the majority of one vote at a time when this heavy burden rested upon the shoulders of the American people. The result was that in two years from that time the income of the Government fell so greatly that there was a deficiency in the revenues in 1874, very much the same condition of affairs that we are having now. Indeed, the United States is passing through one of those peculiar financial stringencies that occur among all nations and all people in all times, when the fluctuation of trade, which no man can foresee, causes a great disturbance in business affairs and a sudden loss of confidence, a reduction of revenue, and enormous loss to the people.

In 1873 there was just such a condition as we have now, twenty years afterwards. In 1873 the panic was precipitated by the failure of a great banking house interested in building the Northern Pacific Railroad, but the want of confidence growing out of that one fact spread to all other industries, so that in two years after that time all kinds of industries became stagnated, and the people were passing through a period of most severe stringency, far greater than they are passing through to-day.

The same condition, the same stringency, has again come upon the people. Hardly any man can give a reason why. No man can say there is anything peculiar in the condition of affairs in the United States that does not apply to all the other nations of the world. We know that the same stringency that exists here exists also in other parts of the commercial world. Under these circumstances I do not think it is wise for us to renew a tax that was never put in force except once, when the United States had over $160,000,000 of permanent appropriations to meet, interest on the public debt and the sinking fund. At that time we were feeling all the resulting burdens of the war, and the public debt had not been materially reduced. Under these circumstances to repeal any form of a taxation seemed to me unwise and improper.

I do not deny that on general principles of equality and justice the incomes of the rich should contribute their full share of taxes. Their incomes ought to bear a fair share of the public burden, but it seems to me that it should only be imposed by the Government of the United States in a time of severe and vital necessity. The States ought to have the power of taxing incomes, and they have it unless they have denied that power to their Legislatures by their constitutions. They ought to have the power of levying all direct taxes; and this income tax, whatever may be said by the Supreme Court, and however nice the distinctions may be made between direct and indirect taxation, is in effect a direct tax upon each individual or upon a corporation representing individuals. This tax ought to be left to the people of the States.

The other day in speaking upon this bill I showed that the local taxes of the people of the several States amount to $200,000,000 more than the taxes imposed by the General Government. Therefore, public policy demands that we should leave to the States all forms of taxation that are not specifically and exclusively levied by the United States. We have in duties on imported goods a sure and ample reliance for all that is necessary to carry on the operations of the Government.

It is not necessary to pass this income tax provision to provide sufficient revenues for the support of the National Government. We are now daily repealing and reducing taxes which fall lightly upon the people, which can not be levied by the State governments, which can be levied only by the National Government in the form of duties on imported goods. Day by day we have by this bill sacrificed by the million dollars a day the revenue that would come into the Treasury with but little cost from duties on imported goods which can not be levied for State taxes.

There are ample resources in this form of tax for all the expenses of the Government, whatever may be their name or nature. There is no difficulty whatever in the honorable gentlemen who have charge of this bill putting enough taxes on imported goods to collect enough and even more than enough revenue to carry on the ordinary operations of the National Government, leaving to excises for ample means for the necessary payment of the interest on the public debt and the pensions to the Union soldiers of the war. The pretext for this measure is that some faults are found in the McKinley act. Some dissatisfaction was created two years ago when that act was not understood any more than the pending bill is now understood by the people of the United States.

On account of the changes made, the alarm that was created, and the loud outcry made by our Democratic friends, there was a gross misunderstanding in regard to the terms and provisions of the McKinley act. It was a far better measure than they represented it. It largely reduced taxation. It was a measure of relief and wise protection to domestic industries; but a feeling was created that some of the duties were too high, and we may concede that some of the rates were too high. On the other hand the McKinley act repealed many taxes, some of which ought to have been retained.

If I were called upon to designate one or two items that ought to have been preserved in the McKinley act, I would say at once promptly that the tax on sugar ought never to have been disturbed. It is the best subject of taxation, because it not only gives a sure and certain revenue and is but a slight burden upon the consumer, yet it protects an industry vital to our country, and which will be more important to us in the future when the sugar beet shall supply the great body of the sugar consumed by our people. Slight changes in the McKinley law, additions here and deductions there, without any radical change of its provisions, would have been amply sufficient to have furnished all the necessary expenses of the Government without resorting to an income tax.

Therefore I shall vote against this income tax simply because it is unnecessary. It is unnecessary because we have ample sources of revenue without resorting to this expedient.

Then, besides, to levy an income tax is an invasion of the rights of the States. The States have only direct taxes upon property, including incomes, licenses, and franchises by which to carry on the operations of the State and local government. We ought to keep our hands off of every kind of taxation the States may properly levy. There is nothing in the Constitution to prevent any kind of property tax being levied by a State upon any of the property, real or personal, of the citizens of that State. They could levy income taxes as well as we, and we

have other and better sources of revenue which tend to protect and foster our industries.

We ought not to invade the domain of State taxation or cripple them in the exercise of their local powers of taxation, which now requires more than $560,000,000 to meet the growing wants of States, counties, cities, and townships extending over our vast country. If it were not for that, and if there was some absolute necessity to secure a greater sum of money than can be collected from imports and excises, I would not hesitate in levying it in the form of an income tax.

But there is another thing. The terms and conditions of this income-tax provision it seems to me are utterly indefensible. Why should we levy a tax upon the incomes above $4,000 a year and not levy upon the great mass of the incomes from $1,000 up to $4,000?

Mr. CULLOM. It is proposed to reduce it to three.

Mr. SHERMAN. Is it proposed to reduce it to three? Well, that is an improvement. I will ask the Senator in charge of the bill if it is proposed to reduce the minimum income to $3,000.

Mr. CULLOM. I so understood the Senator from Missouri.

Mr. VEST. Yes; to $3,000.

Mr. SHERMAN. That helps somewhat. Why take $3,000 as the standard? There is only one line of demarcation which has been generally observed by any nation, including our own, and that is to exempt from income taxation enough to cover all the necessaries of life of a man's family in the ordinary condition of human society.

In the beginning of our civil war, when our circumstances were stringent and we had to get money, we exempted $600, on the ground that $600 would supply at least the wants of the ordinary family, merely exempting enough to supply the absolute wants of a family in the ordinary condition of the people of our country. All above that was taxed. We collected over $300,000,000 in less than ten years on this tax. We made no discrimination. This bill does make the discrimination of $3,000 a year. If the tax is levied on all above $1,000 a year—which I would regard as about the line of demarcation of income—and there was any necessity for the use of that money for the support of the Government, I would vote for it with great pleasure.

I feel precisely as I expressed myself twenty years ago, that it was a tax no man should complain of. If the circumstances and exigencies demanded it, or the interests of our people, the need of revenue, or the public credit, or any public interest demanded it, I would vote for it without hesitation. I do not by any means regard the income tax as the worst feature of this bill, and I should have no objection to it, as I say, if there was any real demand for it. But there is not.

Mr. President, this making a line of demarcation on incomes of $4,000 or $3,000 it seems to me is a low and mean form of socialism. Why should a man who has been prosperous, who is a property holder, be aimed at, struck at for special taxation? Why should ordinary success, the result of care and prudence in the management of his affairs, reduce him below or beyond the sympathy of the mass of our people, and subject him to special and discriminating taxes?

Any man who thinks that this doctrine of socialism can poison the minds of the native people of the United States, and especially of the farmers of the United States, is greatly mistaken. The ideas that are now permeating society in many countries of the world will not have a strong foothold among the yeomanry, the plain people of the United States, because they know that whatever may be the advantage of wealth and however may be the condition of prosperity in life between men, our institutions are founded upon the equality of all, and there is no man, however poor and humble, who can not demand and secure the same rights and privileges and enjoyments as the richest man in our country.

In a republic like ours, where all men are equal, this attempt to array the rich against the poor or the poor against the rich is socialism, communism, devilism; it is the foundation of all the fears that now disturb many of the European governments. I have no sympathy with it whatever. I know something about how it was to be poor, how it was to struggle one's way in life, and how to be independent. All that I can perceive, and every person in the United States can perceive it as well as I.

There is a complaint made against the accumulation and distribution of wealth in this country. I do not think there has been any accumulation of wealth for two or three years in our country. There have arisen conditions out of our civil war that have made great changes in the condition of individuals. Probably the most important tendency since the war is the concentration of men and women in cities at the expense of the country. The cities have grown enormously, the most remarkable growth being that of Chicago.

I was in Chicago when its population was less than 50,000, and now it is rivaling New York in the magnitude of its population. Look at the vast wealth created by that aggregation of people, settling upon a treeless plain, because it was as level as the sea when it was first occupied, and unattractive in every way. Yet more than a million and a half people have settled there, and most of them since the war. The vast increase of city property in the United States, and the vast increase of its value by the increased population, has been the chief source of wealth and the foundation of great industrial interests and great property in this country. Who could object to that? It was the natural advance and growth of our country, and it ought to be the pride of our country instead of being the cause of remark and complaint.

Another thing, the inventions of our country in the last thirty or forty years have been wonderful beyond all precedent in ancient or in modern times. Look at the condition of things fifty years ago in the State of Ohio, when we had no railroads, no modes of transportation except the old stage coach and the farm wagon. In former times property was invested in building turnpikes and bridges, and tolls were levied upon all who passed over the bridge or along the turnpike every eight or ten miles. The whole condition of society is changed, not only in Ohio, but in all parts of our country.

Now 170,000 miles of railroad traverse our land, more than all the railroads of Europe. Those railroads have been the source of great wealth, largely increased by very improper means, by watering stock, by selling to the people certificates of stock or bonds that do not represent anything. But this fancied wealth is disappearing. The time I think is not far distant when much of the railroad property in the United States, like the turnpike property and the bridge property, will disappear. Even now many of the stocks except of a very few lines of railroads are of scarcely any value whatever; and many of the fortunes built upon these great works are disappearing like snow before the summer sun. The railroads of the United States could be duplicated for one-third of their cost, and one-fifth of their paper cost as represented by bonds, etc. So these things will cure themselves.

All the wonderful inventions in electricity and all the innumerable and amazing inventions of machinery for farming yielded enormous profits to inventors and capitalists and laid the foundations of great fortunes, but these become the property of the people. The amount that has been realized by the brief monopoly given for patents soon disappears, and then all this vast property becomes the common property of the people of the country and can no longer be made the basis of untold fortunes and untold wealth. The added wealth by invention lessens the labor and toil of the people and reduces the cost of living and adds to the comforts of all.

A farmer in Ohio will take his sulky plow, and riding along he may in an easy way turn the sod and prepare the soil. The labor is comparatively slight. He has the benefit of machinery, but not at its cost twenty or thirty years ago when an ordinary mowing machine would cost $100. Now it costs $30 or $40, all the great establishments competing at low prices to construct the machines. A vast aggregation of wealth has been added to the people of the United States by these inventions. In every condition the life of man and woman is improving, so that although the people of the United States may be suffering from a temporary disability they are really far richer than their fathers and mothers were before them.

Sir, I could draw pictures here by the hour of comparison between the former condition of our people in Ohio and their condition now. It is all beneficial. They are inheriting all these inventions and all the great improvements of the age. Most of the men who are scoffed at as millionaires are self-made men who commenced life in poverty and availing themselves of industry, intelligence, and opportunity, have been successful. Many of them are of the highest standing and character, some have devoted their lives to the public good, and have given freely for all good purposes. They have made themselves rich by their intelligence, their integrity, their capacity, and their ability; and the people, at least of the State in which I live, have respect for men of that character.

There are some things in our country that we ought to break down. We have inherited all the benefit of invention. On all the railroads of our country freight is carried cheaper than in any other. But we have in modern times a new invention that is devilish in all its aims and ends, and that is the invention of trusts and combinations by which a few people get together forming an incorporation in some remote State, and throwing into a mass all the property in a particular line of industry under a single ownership or control; they control it so as to prevent any benefit to the people of the United States. A vast amount of watered stock is added to the value of the property involved; stocks and bonds are issued; and then men are supposed to be created millionaires.

Take the stocks of the sugar trust that we had here before us only a few days ago, where upon the basis of $9,000,000 they issued $75,000,000 of stock and $10,000,000 of bonds, and paid upon it, watered stock and all, from 6 to 12 per cent interest every year, every dollar of which was at the cost of the people of the United States.

If the Senators here who have charge of this bill will take as much pains in striking at the combinations and trusts which interfere not only with our foreign but with our domestic trade, they will do a duty to their country more important, indeed, than any they have attempted in the bill. I am sorry to say that instead of that they have gone, I think, to the other extreme.

It may be said truly that in the McKinley act some of the combinations were greatly favored. At that time these combinations were not fully understood; they were not well formed. If the Senators on the other side had only put sugar upon the dutiable list without any discrimination for or against the trust at a particular rate they would have had all the revenue that is required for the Government without invading the domain of State sovereignty with the income tax. There would have been no trouble at all. A dozen amendments made in the McKinley act would have changed everything that was complained of in that act without all this long delay, this codification of a new law, this assessment of an income tax, a war tax justified by the necessity of a former time, but not justified now by any circumstances whatever.

Mr. President, I have said about all I care to say on this feature of the bill. There are some features of the bill that may be changed by amendment, but I do not know whether that will be done or not.

I wish to call the attention of the Senator having the bill in charge to one or two subjects-matter. I find here in the bill as it originally came to us a tax on all individual incomes of over $4,000; and if the income was again taxed in the form of corporate property, no deduction was to be made from it. But the Senate committee have inserted the following provision:

Provided, also, That in computing the income of any person, corporation, company, or association there shall not be included the amount received from any corporation, company, or association as interest or dividends upon the bonds or stock of such corporation, company, or association if the tax of 2 per cent has been paid upon its net profits by said corporation, company, or association as required by this act.

If this means that the individual person who is called upon to pay an income tax has a right to deduct from his rendering all the capital invested in corporations, it will very greatly reduce the amount that can be collected from the tax. Capitalists as a rule do not invest very large sums in corporations, generally managing their own affairs in their own way. The great body of the owners of the corporations are comparatively poor men. You may say in regard to the national banking system, as shown by their statistics, that more than three-fourths of all the stock held by national banks is owned by persons holding stock to a less amount than $3,000. The great fourtunes of the country are not involved in these corporations. Therefore when you extend the income tax to the corporations you extend it mainly to the income of the poor and to the income of the thrifty poor.

Mr. PLATT. If the Senator will allow me, unless persons have $4,000 or $3,000 income, it is no benefit to them to deduct from the income anything that they have received upon stock while the corporation has paid it. It makes persons who have less than $3,000 income invested in corporations pay without any deduction.

Mr. SHERMAN. That is precisely what I intended to say. The result of the tax levied upon corporations, and not upon individuals, is that if levied upon individuals the deduction may be made, but if levied upon corporations there is no deduction whatever, and all the tax on the profit made by the corporations is deducted from their stockholders.

Who are they? Are they wealthy men who are fortunate in having a large income? Not at all. The most of our corporations, State and national, are composed of small stockholders; the only exceptions are such organizations as the sugar trust, the gas trust, and the Pacific corporations, where three or four men hold the entire stock of the companies. As a rule, however, in our railroads, in our manufactories, and in the various corporations connected with the active business life of the people, most of the stock is owned by small stockholders, and yet we propose to levy upon these small stockholders the great mass of the income tax imposed by this bill.

I have no hesitation in saying that the amount levied upon corporations will be far more than that which will be levied upon individuals under the operations of the bill. Therefore the greater part of the income tax thus levied will be upon the very best people of our country, the men who have been poor but who are trying to improve their condition, men who, whenever they can save a little money, put it into one of these organizations, many of which are organized for the benefit of people of that class; or they put their savings into bank stock or something of that kind, in the hope that they are laying by a nest-egg which will make them rich.

This is the condition. How to change it is difficult to tell, and I do not exactly know, but if you reduce the limit to the individual taxpayer to $1,000, then this discrimination will not be so great; so that a person having a total income of a thousand dollars from any source whatever, as an attorney, as a physician, or as a mechanic, or a laboring man, would have the benefit of this reduction. If the income tax is only applied to large property-holders, none of these people will pay the full income tax.

The people are to be taxed on all their incomes, without any reservation whatever, and there will be no exemption for the mass of the people who are interested in these corporations. They will have no benefit of a limit of $1,000 or any other sum, and will have to pay upon the whole income the tax levied by this bill. I am not prepared to say how this can be changed; but I think it is an important feature of the bill.

I do not say that an income tax is not a proper and desirable tax to be levied, but only that it is not a proper and desirable tax to be levied now by the United States. It should be left to the States as a source of revenue, to be used by them whenever they choose to do so.

I do not put my opposition to the income tax, therefore, upon any ground such as has been named by other Senators as being an unjust tax under all circumstances. I think, under other circumstances, as a State tax, it would be just and proper.

There is another thing in this bill which I do not think is right. It is proposed by it in express terms to levy a succession tax. A man will be required to pay a tax on all property he gets by way of inheritance, although it may be by inheritance *from* the father to the son or from the husband to the wife. If property is acquired by legacy or by descent, those receiving it in any year are bound to return the whole value of that legacy for the purpose of taxation. That is not the form of a legacy tax usually imposed, and it ought not to be imposed in this form at any time; but certainly we ought to leave to the States the duty of regulating the disposition of property after the death of a testator. We ought to leave all these matters to the States, and not take them under the control of the General Government.

In most of the States, as in Ohio, there is a tax somewhat similar to this; but if you provide a double tax upon the inheritance of property proceeding from the father to the son, or from the husband to the wife, you would then subject the property which came to them as the result of the labors and the savings of a lifetime of the husband or the father to double-loaded taxes, by the United States and by the State. It seems to me that provision ought to be entirely stricken out. There is no necessity for that form of tax.

There are many other features and items of the income-tax provision of this bill which I think are wrong, but the proper time to discuss them, I suppose, will be when they regularly come up for action; and therefore I shall not debate the subject longer now.

I believe, however, it is unwise to insert the income-tax clauses in this bill, not because I am opposed to an income tax, but because it is not necessary to the National Government to levy such a tax now. I hope and trust it may be stricken out—I can hardly say "I trust," because, from the vote which has been taken, I assume, as a matter of course, in spite of all the observations which have been made or anything which can be said about it, it is the sense and determination of the Senate to risk this experiment.

Mr. PATTON. Mr. President, in obedience to the commands of a great State, at whose industries the pending tariff bill aims a deadly blow, and emboldened by the example of other Senators who have addressed this body, and whose terms of service here have been but little longer than my own; with the cry of distress coming from every quarter, I feel that I should be guilty of neglect of duty did I not enter the protest of Michigan against this bill, which means only destruction to those interests which have made it great and powerful. There is no State in the Union, Mr. President, more vitally, more seriously affected by the proposed bill than the one which I have the honor in part to represent here, and there is no part of our country, sir, which is a more shining example of the beneficent influences of a protective tariff.

Admitted into the Union in 1837, as the twenty-third State in population, with 176,000 people, it now ranks as ninth, with over two million people, who were as happy, as prosperous, as well employed as any the globe contained until the threat of free trade paralyzed their industries and left a record of want and suffering unknown before to the generation in which we live. Our interests are great, and in many instances greater than those of any other State affected, for Michigan stands first, ac-

cording to the census of 1890, in the production of lumber, iron ore, charcoal iron, salt, furniture, peppermint oil; second in copper, and third in value of sheep and wool.

The income-tax provisions of this bill are full of interest to my constituents, and in common with other Senators, I have presented many petitions, largely signed, from members of fraternal orders and from policy holders in mutual life insurance companies, asking that they be exempted from its provisions. It is gratifying to be assured that the Finance Committee has been impressed by the flood of opposition, and has agreed to permit an amendment exempting fraternal orders, but there is no reason why policy holders in mutual life insurance companies should not also be freed from the operations of this measure. An income tax which grasps at a portion of that fund, which, in too many instances, is all that is left to the family for support in the severest trial which comes to humanity, should have no place in our system.

Such a plan of taxation as is proposed by this bill will increase the cost of insurance in many ways, and will meet with universal opposition, as it ought to. It confiscates not only the widow's mite, but greedily reaches for a portion of the earnings of savings banks, thus diminishing the already small dividends which by skillful management they are enabled to pay. There is no one thing of which we boast more frequently than the number of small depositors in our savings banks, and the amount of their deposits. In my own State they have grown enormously, and they furnish the highest evidence of that prosperity which has come from protection, for by reason of the high wages paid our people are enabled to save their money. Taxation of this kind must result in their receiving less interest for their deposits.

In the United States, according to the last report of the Comptroller, in 1892-'93 the total number of depositors in these institutions was 4,830,599; the amount of deposits was $1,785,150,957, an average to each depositor of $369.95.

The income tax was a war measure, necessitated by the exigencies of that great struggle, in order to meet the enormous drain upon the revenues of the Government. It was admitted to be simply a war measure, enacted against the protest of the Democratic party, and there is no excuse for its existence in a time of peace. It produced revenues which dwindled steadily. The table printed with my remarks will show this:

1863	$22,741,358.25	1869	$34,791,855.84
1864	20,294,731.74	1870	37,775,873.62
1865	32,050,017.44	1871	19,162,650.75
1866	72,982,159.03	1872	14,436,861.78
1867	66,014,429.34	1873	5,062,311.62
1868	41,455,598.36		

To be sure there were some changes in the law, but these do not account in any sense for the remarkable decrease in the revenue. Probably there never was a more offensive tax than this inaugurated. It put a premium on perjury, and exercised the most demoralizing influence upon our national life. The system of espionage and the scrutiny of private books and papers which is contemplated is one which Americans will not bear. It is hard enough even now to enforce the provisions of our own State tax laws, and the written declarations of property which are expected to be furnished to the tax assessors are, in most cases, a dead letter.

It has been the Republican contention always, against the denial of our friends on the other side, that direct taxation would have to be instituted if their theories were ever carried into effect and custom-house taxation abolished. We have now reached that point, and this party which voted I believe almost solidly for the repeal of the war income tax, is now found occupying the other ground. Instead of requiring foreigners to contribute to the support of our Government, it pursues our own people and renounces its former principles by advocating class legislation. It is not an American tax, but is copied from foreign statute books, and that too at a time when the best minds of those countries recognize the inequality and injustice of such a system.

It was a wise man, Mr. President, who said:

> Few political conditions can be more perilous than that of the long exile in opposition of a great political party. Extravagant and impracticable theories of politics are apt to be adopted by such parties—theories they could not maintain in power with credit to themselves or safety to the public.

It is very easy for a party in opposition, which gathers together all the dissatisfied elements, to attack and try to tear down when it has no responsibility of power. Such a party has been the Democratic party. In the last Presidential campaign its candidates in many sections of our country stood both upon the Populist and Democratic platform. It was willing to embrace any notion, and go to any length to obtain the power which it sought. But when once in power it finds that the habits and tendencies of its statesmen have been so long iconoclastic that it must still continue to attack and tear down, and it has proven utterly incapable of constructive statesmanship. It is one thing to destroy, but it is quite another to construct a great tariff bill, which has to do with the diversified industries of 65,000,000 of people. The Democratic party now realizes, as it has not realized before, how impossible it is to combine the conflicting elements of Populists and Democrats into a majority agreed on any one measure representing the party principles. And to-day we behold it supporting a bill which does not in any sense represent either the platform of the party, the teachings of its leaders, or the hopes or wishes of its rank and file. The chief and central feature of the pending bill, the income tax, on which it hopes to win popular support in the West and South, is not Democratic doctrine, but is a demand of the Populist allies as part of the Populist platform by which it is hoped to win their votes for this bill.

The statement that Michigan is more vitally affected than any other State is corroborated by the report of its industries. The census of 1890 shows that Michigan is first in lumber products, with $68,141,189—one-fifth of the total domestic product—an increase over 1880 of $15,691,261. It is the first in iron ore, producing $15,800,524—more than one-third of the total product of the country, and one-half its value. For 1892 it produced 7,267,874 tons—an increase over 1890 census of 1,411,609 tons.

It is second in the production of copper. In 1891 it produced 54,685 tons. The United States produced one-half the world's copper, and Michigan one-third of the output of the United States.

It is first in the production of charcoal iron, producing $3,982,278 worth in 1890, as shown by the census of that year.

It is first in the production of salt, the output of the State being nearly one-half that of the United States in amount and value—$2,302,579 in 1890—making 3,927,671 barrels.

It is first in the yield of wheat per acre—18½ bushels in 1891—in the front rank of wheat States, producing 27,900,148 bushels.

First in the value of farm crops generally per acre, leading Ohio, Indiana, Illinois, and all the great Northwest. For the ten years ending 1890 Michigan not only led all of these States in yield per acre of wheat, but also in value of product per acre of wheat, corn, barley, buckwheat, and hay crops.

It is first in furniture—178 factories in 60 cities, with a capital of $9,855,000, the city of Grand Rapids alone having 45 factories, with an aggregate capital of $5,000,000, employing 5,000 hands. Detroit has 20 factories, with capital of $750,000.

It is first in peppermint oil, producing more than all the rest of the States combined, with a product for 1892 of 88,000 pounds, of the value of $176,000 at the still. In 1890 and 1891 the United States exported 45,321 pounds of peppermint oil, valued at $2.66 per pound, while Japan, the only other surplus producer, exported the same year 39,149 pounds, valued at 85 cents a pound.

It stands third in the value of sheep and wool, only Ohio and California leading her: Michigan, $8,552,679; California, $9,559,475; Ohio, $13,900,263. Michigan wool clip, 1891, 11,732,395 pounds; average per fleece, 6½ pounds. Total domestic product, census of 1890, 258,757,101 pounds.

It is first in the extent of coast line, Lakes Superior, Michigan, Huron, St. Clair, and Erie forming over 2,000 miles of coast. It is first in lake commerce, and second in vessel tonnage of all kinds—the center of commerce in the Great Lakes. The tonnage of these lakes in 1891, 1,063,063; vessels, 2,945; value, $75,590,950. Total ton mileage on the lakes in 1890 was 25 per cent of the total United States railway ton mileage. The freight tonnage passing the "Soo" Canal in 1890 was 8,554,434, or 1,664,341 more than the Suez Canal. Through the Detroit River, 21,684,000 tons, about the same as London and Liverpool combined, or the entire Atlantic coast foreign trade tonnage.

Ex-United States Statistician Dodge says about one-quarter of our entire merchant marine is on the northern lakes, and the large steam tonnage of the Great Lakes (1,000 tons and upwards), exceeds the total similar tonnage of the rest of the country by 131,093 tons. Michigan leads in this commerce, and our vessel tonnage is surpassed only by New York, the great ocean carrier. Vessel tonnage for the year ending June 30, 1892: Michigan, 390,920; Massachusetts, 389,942; Pennsylvania, 353,057; Maine, 352,574; California, 316,872; Ohio, 315,849; Maryland, 143,536; New York, 1,339,937; total for the United States, 4,764,961. Since 1886 Michigan's tonnage has increased 164,529, and New York's 121,824 tons. (Statistics of the United States Bureau of Navigation.)

It is first in shipbuilding. Total tonnage built in 1890—northern lakes, 108,526. The whole seaboard, 169,091. Western rivers, 16,506 Grand total, 294,123. Of this 108,526 lake tonnage, Michigan yards at Bay City, Detroit, and Grand Haven, 45,733 tons; 65 vessels, including two 4,000 tons steel steamers for the ocean trade. The steam tonnage built on the Great Lakes in 1890 was 40 per cent greater than the entire seaboard. The lakes, 86,023 tons; the entire seaboard, 61,137 tons. (Statistician Dodge.)

It is first in inland commercial fisheries. The catch in 1892

was valued at $1,058,028 in first hands. The Michigan fish-freezing industry alone employed 4,000 hands.

It is not my purpose at this stage of the debate to make an extended speech upon the tariff, or even the schedule under consideration, although each of these great industries should be treated separately, for this debate, long and exhaustive, has been illuminated by learned and splendid presentations of protection from this side of the Chamber, showing great research, and which fully cover the subject. The question has been so much discussed before our people from the beginning of our Government, that it is difficult to say anything new about it. Neither can I be expected to participate in the close discussion of schedules with Senators of long experience who are acknowledged experts in such matters, but I do desire to emphasize the fact that the marvelous growth and prosperity which our country enjoys has come largely because of the tariff shield which has developed our industries, enabled us to pay high wages, and given us a contented and happy people in a land of liberty and law, until the success of the Democratic party brought the blight of the past year.

In this measure we are offered practically no protection. The men who have by skill and enterprise developed our great lumber industries until they outrank all the States are told that lumber must be free, which means that Canadian lands are to be enhanced in price, and the Canadian logs now taken across the lakes must hereafter be manufactured on Canadian soil. The great mills which employ hundreds of workmen at good wages must be moved across the lakes, and the Michigan mill hands must work for wages which are estimated at 35 per cent less than those paid in the States. All this must take place because certain Senators from the prairie States, under the delusion that lumber will be cheaper to their citizens, make free lumber, it is charged, one of the conditions of their support of this bill.

Our great salt industry was not a profitable one until it was allied to the lumber mills, and the refuse from the logs was used in its manufacture. It has been the slow growth of years, and is now to be stricken down by the Democratic party.

The theory of the free traders, that protection enhances the price to the consumer, and that he invariably pays the duty, has been shown to be false many times, but there is no illustration of it more apparent than in the history of the salt industry of my State. The average price per barrel each year since 1866 is shown by the following table:

Year.	Price.	Year.	Price.
1866	$1.80	1880	$0.75
1867	1.77	1881	.82½
1868	1.85	1882	.70
1869	1.58	1883	.81
1870	1.32	1884	.75½
1871	1.46	1885	.70
1872	1.46	1886	.66
1873	1.37	1887	.574
1874	1.19	1888	.585
1875	1.10	1889	.543
1876	1.05	1890	.547
1877	.85	1891	.55
1878	.85	1893	.53
1879	1.02		

Competition has brought the price down steadily from $1.80 in 1866, based on a barrel of 280 pounds, with a 20-cent package included, to the price of to-day, showing the theory of the protectionists to be correct, that given a duty which will stimulate and perfect the industry, and the competition invariably reduces the price of the product to the consumer.

This is a remarkable illustration of the falsity of the Democratic war cry that the consumer pays the tax.

Inadequate protection to copper and iron means only the crippling of these splendid industries which have helped to make the northern part of our State known throughout the world; and which has given us prosperity, higher wages, and comfort for our working people.

I hold in my hand the advance sheets of Consular Reports from the Department of State, dated June 20, 1894 (only two days ago), which give a letter from Hon. Jacob T. Child, consul of the United States at Hankow, China, dated March 19, 1894, which is most significant. I would that this statement could reach the ears of every American workingman, and particularly those who are engaged in the iron industries, for it corroborates, as nothing else has done, the assertion that the attempt to break down the industries of America is done for the benefit of those across the sea, and that England is deeply interested in the destruction of the American tariff. This letter is a most portentous cloud on the horizon, and it tells the American laborer in terms that can not be misunderstood, that if the present bill is to become a law he must take his chances with English capital, backed by the cheap labor of China. The letter is as follows:

THE HANYAN ROLLING MILLS.

One of the marvels of this marvelous country is the vast rolling mills and arsenals now approaching completion in Hanyan, a city opposite Hankow, on the Han side, erected under the auspices of Chang-Taz-Tung, a viceroy of Hupeh and Hunan. The plant covers about 70 acres, with a railroad 1½ miles in length from the Yangtze River to the works, and thence to the Han River, with an incline from the top of the Yangtze bank to the water, where powerful machinery is located to draw the cars up a steep incline of about 300 feet to the level. The works were designed by an English engineer on a most gigantic scale, and in their fitting up nothing but the most modern and improved machinery has been imported, mainly from England.

The buildings are, unfortunately, located in a valley liable to overflow, and their foundations have been raised 15 feet, consisting of a bed of concrete made of brick, stone, and Portland cement, covered with a layer of earth, the whole of which was carried by baskets by coolies—the labor of thousands of men. The work was commenced in 1891, and is yet far from completion, as much of the machinery is still in boxes.

The buildings are of brick, with stone foundations, handsomely designed, and most elaborately and solidly constructed. The brick used in the construction of the work was made on the ground by machinery, the clay being moistened and ground, then passed through a press, forming a continuous slab which is automatically cut in pieces a yard in length. The piece is forced against the frame, interlaced with wires that severs it into ten perfect, hard-pressed bricks, which are then conveyed by hand to the furnaces and burned. All the fire brick for lining the furnaces, casing, etc., were also made in these yards.

There are four immense hot-air blast furnaces, two large steam hammer, and innumerable rollers, with all their appendages, for manufacturing railroad iron, which is the main object for the erection of the plant. Large quantities of Chinese iron are now in the yard, with some English iron for blending purposes, and coke is being imported from Wales to be used temporarily in the construction of rails, as soon as the machinery can be put in operation, as a test of what the foundry can do. The sheds, covered with corrugated roofing, cover an area of 20 acres. The smelters are of a most improved pattern, and a large furnace is nearly completed for the manufacture of Bessemer steel. The molding and pattern shops are as complete as they can be, and large elevators are placed in various buildings for hoisting materials. In fact, if ever finished, it will be one of the most complete rolling mills in the world, as expense seems to have been a secondary consideration in the erection of this immense establishment. It is estimated by experts in such matters to have cost so far not less than $3,500,000, and it will cost at least $1,000,000 more to complete it.

Once in operation, it is the intention of the viceroy to manufacture everything in the iron line—ordnance, rails, machinery, small arms, etc. The arsenals are about complete, and machinery will soon be set up for the manufacture of arms and munitions. A number of skilled workmen are now en route here for the purpose of instructing the native artisans and of arranging everything in working order.

The two buildings, covering an area of about 4 acres, are substantially constructed, and display great skill on the part of the architect and builder. They are fitted up with large engines and the most improved machinery, and everything that the ingenuity of the machinist can conceive to be necessary in such an establishment has been purchased in order to make it a success. The average Chinaman looks on these modern wonders with stolid countenance, and turns away with the idea that the viceroy must be hypnotized by the foreigner to put so much cash into an undertaking from which he can see no outcome, and this view is taken by some of the foreigners that have visited the works.

So far nothing but the best material has been used; nothing of a shoddy character has been allowed in its construction. The railroad is laid with heavy steel rails. The two traction locomotives are of the latest designs, and the iron cars are similar to those used in England for the transportation of coal and iron, and will be used for carrying coal, iron, and other material from the river to the works.

The mines from which the metals for the manufacture of rails is to be obtained are near Wang-Shih-King, about 76 miles below Hankow, 16 miles inland at Tayeh, connecting with the river by a well constructed railroad and dock at a landing 3 miles below Wang-Shih-King. The ore is reported to be of good quality and inexhaustible.

Coal, both hard and soft, is mined in this neighborhood in the crudest manner, no effort being made to drain the mines of water; and once flooded, they are abandoned and new ones opened. This coal has been pronounced by experts as not suitable for smelting, containing too much sulphur, but it is thought that a good quality can be obtained hereabouts from mines now undeveloped. Mines of iron and coal are numerous in this section and can be made to furnish all the material needed, if mined systematically, and owing to the cheap labor obtainable they can do work economically.

Should the means of the viceroy hold out and the plant be successfully operated, it will prove a revelation to the natives of this portion of China, and do much to disabuse their minds of their own infallibility, and convince them of the benefits to be derived from the genius and skill of the foreigner. It will stand Chang-Taz-Tung as a public benefactor and one of the most progressive mandarins of the Imperial Empire.

The rails to be manufactured here will be used to construct a road to start some distance above Hankow, so as to get beyond the marshy ground of the lake country and the annual overflow, to connect with roads projected for the interior. It is asserted that work will commence on the contemplated road as soon as it is definitely settled that the Hanyan mill can supply the rails.

Taken all in all, it is the most progressive movement so far made in China for the purpose of manufacturing arms, steel rails, and machinery, as the plant is a perfect one and of a magnitude sufficient to require several hours to inspect it even hastily.

JACOB T. CHILD, *Consul.*

HANKOW, *March 19, 1894.*

The election of 1890 was no sooner declared in favor of the Democratic party than the work was begun of erecting this immense plant, costing $4,500,000, in China for the purpose of manufacturing iron, steel rails, or machinery, and I would ask the American laborer if the cheap labor of China is to produce arms and steel rails and machinery as cheaply as they can be produced by a servile and degraded laborer, what can he expect with a largely reduced protection for him in this bill? The bars are to be taken down, and this is a significant illustration of what may be expected in case this alleged revenue tariff bill of the Democratic party shall succeed.

In short, Mr. President, as I have previously stated, all of our products, both of the field and of the mine, will suffer incalculable loss if this iniquitous measure shall find its way to our statute books and be enacted into law. It is not my purpose at this late stage of the discussion to enter on an argument as to the merits of protection or the policy of a revenue tariff, which I believe is now the alleged doctrine of the Senators on the other side of the Chamber. But, sir, the great fact remains, which can not be denied, which is enforced by experience, which is illustrated in a thousand ways just now, that the chief glory of the system we advocate is in furnishing better wages to the laboring man and more of the comforts of life and more opportunities for development in every way than can be obtained elsewhere in all the world.

This bill absolutely abandons now and for all time the claim that protection is unconstitutional. After the spectacle which has been witnessed in this contest that issue ought not to be raised again. And this statement should be forever folded away as one of the exhibits in the unique collection of the mistakes of the Democratic party.

The junior Senator from Georgia in his late speech in this Chamber said:

> The Democratic party is bound to make good its pledges. To fail in the policy of tariff reform would be to betray the interests of the people who placed it in power. To fail in this great dominating issue, upon which the last Presidential campaign was fought and won, would be to confess the inability of the party to administer the Government.
>
> The Democratic party will be false to its high mission and neglectful of its great opportunity if, in addition to tariff reform, it fails to carry out by effective legislation its solemn pledges of financial relief as embodied in the demand for free silver coinage and the recommendation for the repeal of the 10 per cent tax on State bank circulation.

Tariff reform is a very elastic term as illustrated in this bill, and whether he means the tariff reform of the sincere though mistaken ideas of the junior Senator from Texas, or those of the junior Senator from Ohio, does not appear. And yet there is a yawning gulf between them which even the skillful manipulations of the senior Senator from Maryland has not been able to bridge.

The vote of the House of Representatives of 172 to 102, 79 members not voting, by which it refused to repeal the 10 per cent tax on State bank circulation a few days ago, shows also that the party is still, in the words of the distinguished gentleman, "False to its high mission and neglectful of its great opportunities."

There is no class of people who will suffer more by the passage of this bill than the farmers, and nowhere will it bear more heavily than in Michigan. With a coast line of over 800 miles on Lakes Surperior and Huron, the competition with Canada in hay, vegetables, eggs, apples, and farm products generally, is sharp and severe.

This bill offers no adequate protection to our farmers in any of these articles, and we can only believe that this attack on the agricultural interests of the country has been made in favor of the Canadian farmers and not of our own.

The American Farmer of January 11, 1894, in quoting from the Philadelphia Times, a Democratic paper, has the following:

> "There is no more fertile region than the Canadian provinces. They produce wheat, rye, barley, fowls, eggs, butter, apples, horses, and cattle in great abundance, and of superior quality. By placing these farm products upon the free list, the Committee on Ways and Means will give to barren New England those products which have heretofore been largely brought from New York, Pennsylvania, and the prairie States of the Mississippi Valley. The Canadians can produce them all and sell them cheaper than the product of our own country."
>
> To such a feast the Committee on Finance invite the already depressed agricultural industry.

With a large overproduction at home, the American farmer is not only offered sharp competition with a foreign government, which can undersell him because of cheap land and cheap labor, and with the fences of a sufficient protection broken down the prospect is indeed disheartening.

For more than fifty years our national policy has been to put a tariff upon the importation of woolen goods. This has built up great industries at home, employing thousands of people, with millions of dollars of capital invested. The testimony before the House Committee on Ways and Means in the Fifty-third Congress was that "American manufacturers are able to make every kind of grade of woolen goods at least just as good as they are made in Europe."

Decreased duties and the abrogation of the McKinley rate strikes a serious blow at a great industry, which, under the act of 1890, was developing at marvelous speed. But the feature of this bill which deserves the most severe condemnation is the treatment of the American farmer as a woolgrower. It is the determination of the other side to force free wool, and while now the American woolgrower has to compete directly with Australasia, the Argentine Republic, South Africa, and Uruguay, where they are able to increase their sheep almost without limit, to this colossal industry no protection whatever is offered.

The number of sheep in the world in 1892 outside of the United States is estimated by a well-known authority, North's Wool Book, at 539,787,332, and the product of the wool outside of the United States in 1891 at 2,149,673,600 pounds. The sheep of the United States in 1892 were only 44,038,365, and our production of wool in 1891 only 307,100,000 pounds. Australasia with 114,628,301 sheep in 1891 and in 1893 125,000,000, the Argentine Republic with 103,413,817 in 1887, and South Africa with immense flocks, could supply all the wool required at prices even lower than they are now. If this bill should become a law, this means the practical destruction of this great American industry.

The minimum value on the Michigan farm before March, 1893, when the McKinley law was in full force, of Michigan fine washed wool, was 23 cents a pound. In June, 1894, with a threat of free wool impending, it was sold for 9½ cents, and if the fear of free wool brings such an enormous reduction, what will the act itself do? My colleague has pointed out in detail, and has cited in letters from our citizens, the feeling in my State and the great and present ruin which has come upon this industry.

I will content myself with quoting from one letter from among those received on this subject. Judge F. I. Russell, of Hart, Mich., who is largely interested in sheep-raising, writes:

> With unwashed wool selling at 8 and 10 cents, it is out of the question for the industry to survive. It is now worth 8 cents, but they do not care to purchase even at that. I would give a man a commission of 10 per cent to sell my entire flock at one-half of what I could have sold them for immediately before Cleveland's election. If this duty is removed, we must quit raising sheep in Michigan; there is no mistake about that.

There is no justice in giving protection to the manufacturer and the miner and denying it to the farmer, and this bill which grants a 40 per cent duty on sugar and 80 per cent on rice for the benefit of the planters of Louisiana offers only ruin to the people of Michigan. The woolgrowing interest of our country, Mr. President, should be protected above all others, because it represents one of the very greatest of our industries in the amount of capital invested, the amount of wages paid to labor, and in the amount of its production, and the demand for pasturage, hay, corn, oats, etc.

We witness to-day a situation almost phenomenal in American politics. The Wilson bill, when it passed the House of Representatives, was hailed with loud acclaim by the Democratic party as a realization at last of their fondest hopes for what they called tariff reform. The author of that bill was congratulated and cheered, and some of his devoted adherents went to the length of carrying him on their shoulders as an evidence of their joy. It has run its weary course in this Chamber; and if it goes back at all to the other end of the Capitol, will go so disfigured as to be unrecognizable even by its fond parent. It is neither one thing nor the other.

A large portion of the Democratic press of the country has denounced and repudiated it. Even such a blind adherent of Mr. Cleveland as Harper's Weekly says "the Democratic party has had its chance and failed." It calls the Administration a failure; and Democratic meetings of tariff reformers in New York and Massachusetts, in their bitterness of soul, have expressed themselves as willing that the McKinley law, which to them has been the abomination of all abominations, should remain on the statute books rather than this monstrosity should become a law. It is covered with the stain of a great scandal, by which the sugar trust gets a concession of some $30,000,000; it has brought a lasting disrepute on the Senate itself, and is discredited and denounced in the house of its friends. It is a series of bargains and deals unequaled in American politics, and it can not but receive the just condemnation of the people of the country if they should ever pass judgment upon it.

The speech of my friend, the distinguished junior Senator from Georgia, was an earnest effort to refute the charge that this bill is not sectional, but he was surrounded with unfortunate concessions which can not be explained on any other theory. The spectacle of a duty of 80 per cent on the rice of Louisiana and 40 per cent on sugar, while the Northern farmer in competition with Canada is not given adequate protection to his eggs, hay, and vegetables, and is offered free wool, is one which taxes the best energies of his mind to explain. It is difficult to harmonize the action of the Finance Committee on cotton ties and cotton machinery with placing barbed wire on the free list—barbed wire, which employs 20,000 men in Illinois, I am told, while the billets from which it is made are dutiable for the benefit of foreign labor.

I listened to the glowing picture he presented of the undeveloped resources of his State; I also heard the junior Senator from Louisiana describing the virgin pine forests in Louisiana. Senators have grown eloquent picturing the coal and iron and marble now awaiting the capital and skill and enterprise necessary to develop those marvelous resources. Let me say to these

Senators, if they would listen to the voices from the New South; if they would point to the smoke signals which have waved in the sky from Atlanta and Birmingham and Sheffield; if they would come out of the mists and fogs of the past and denounce the mumbling over dead issues, and get away from the doctrine of free trade, which was the corner stone of that Confederate constitution which was shot to death by the invincible armies of the Union, and perished at Appomattox, their resources will not remain undeveloped. Let them listen to the voice of the New South which is surely coming with the triumph of protection, already heralded by the ground swell of popular approval at every opportunity the people have had to apologize for the great mistake of 1892.

The doctrine this side of the Chamber advocates is as broad as our country. It will do for Alabama, the Virginias, Louisiana, and Georgia what it has already done for Ohio and Michigan.

Let them denounce and disclaim the Gen. Rossers and Rev. Caves, who are still falsifying history and fanning the almost extinct embers of past bitterness, and welcome the Northern immigrant into great States which only require the magic touch of capital and labor to become hives of industry, surrounded by a people enjoying the comforts and luxuries of life inseparable from the high wages the protected American workman has heretofore received.

The South had a gifted son who passed away in "youth's bright morning," lamented by the entire nation, whose grave is still covered with the immortelles of our affectionate admiration. In his brief life he had accomplished great things for his country, and was as eloquent in speech as he was great-souled and tender-hearted. A true lover of his country, he saw the future and the needs of the South with unclouded vision. He believed in protection and sought to build up his section. He turned his back on the bitterness and mistakes of the sad past, and with beautiful word-pictures, painted a future of industrial development for the States of the South which is an inspiration to better things. He had an all-embracing patriotism, which reached out the hand of friendship to the North and has done much to bring us all together. Mr. President, the national calamity of the untimely death of Henry W. Grady is universally recognized. In a speech at the Texas State Fair at Dallas, seven years ago, among other things he said:

Texas produces a million and a half bales of cotton, which yield her $60,000,000. That cotton, woven into common goods, would add $75,000,000 to Texas's income from this crop, and employ 220,000 operatives, who would spend within her borders more than $30,000,000 in wages. Massachusetts manufactures 575,000 bales of cotton, for which she pays $31,000,000, and sells for $72,000,000, adding a value nearly equal to Texas's gross revenue from cotton, and yet Texas has a clean advantage for manufacturing this cotton of 1 cent per pound over Massachusetts. The little village of Grand Rapids began manufacturing furniture simply because it was set in a timber district. It is now a great city, and sells $10,000,000 worth of furniture every year, in making which a population of 40,000 people is supported.

* * * * * * *

The best pine districts of the world are in Eastern Texas. With less competition and wider markets than Grand Rapids has, will she ship her forests at prices that barely support the wood-chopper and sawyer, to be returned in the making of which great cities are built or maintained? When her farmers and herdsmen draw from her cities $126,000,000 as the price of their annual produce, shall this enormous wealth be scattered through distant shops and factories, leaving in the hands of Texas no more than the sustenance, support, and the narrow brokerage between buyer and seller? As one-crop farming can not support the country, neither can a resource of commercial exchange support a city. Texas wants immigrants; she needs them; for if every human being in Texas were placed at equidistant points through the State, no Texan could hear the sound of a human voice in your broad areas.

So how can you best attract immigration? By furnishing work for the artisan and mechanic if you meet the demand of your population for cheaper and essential manufactured articles. One-half million workers would be needed for this, and with their families would double the population of your State. In these mechanics and their dependents farmers would find a market for not only their staple crops, but for the truck that they now despise to raise or sell, but is at least the cream of the farm.

The most prosperous section of this world is that known as the Middle States of this Republic. With agriculture and manufacturers in the balance, and their shops and factories set amid rich and ample acres, the result is such deep and diffuse prosperity as no other section can show. Suppose those States had a monopoly of cotton and coal so disposed as to command the world's markets and the treasury of the world's timber, I suppose the mind is staggered in contemplating the majesty of the wealth and power they would attain.

Another cause that has prospered New England and the Middle States, while the South languished, is the system of tariff taxes levied on the unmixed agriculture of those States for the protection of industries to our neighbors to the north, a system on which the Hon. ROGER Q. MILLS—that lion of the Tribe of Judah—has at last laid his mighty paw, and under the indignant touch of which it trembles to its center. That system is to be revised and its duties reduced, as we all agree it should be, though I should say in perfect frankness I do not agree with Mr. MILLS in it.

My own home city, to which he refers, has more than doubled in population since he made this statement. Our industrial system has again felt the heavy hand of the junior Senator from Texas, and indeed "trembles to its center;" but if this clear voice from Grady's grave could be heard again; if the smokeless furnaces of Birmingham and Sheffield, in Alabama, could influence and direct this bill, is there any question as to what message would be wafted to us?

Since I have sat in this Chamber I have heard the leaders of Democracy, with the record and the speeches of long years in the interest of free trade behind them, arise in their places one by one and announce their dissatisfaction with this bill. The junior Senator from Texas, Mr. MILLS, on April 24, 1894, said:

The bill we are now considering does not meet my entire approval. I doubt if in all its provisions it meets the approval of any Senator on this side of the Chamber: but as it is it shall have my cordial support.

They have admitted that it is not what they want; it is not what they approve. Instead of being brave men, they have practically admitted that they were forced to accept it at the dictation of so-called Democrats who have made them do their bidding. The senior Senator from Maryland has exultingly announced that the Wilson bill, embodying as it does the ideas of Democracy for free raw materials, could not pass this body, and as I have heard these utterances, Mr. President, I have recalled the early days of the Republic, when statesmen were consistent and did not advocate measures which they did not believe in, but stood fast to their principles and sought for the approval which comes from the consciousness of duty well performed.

I recalled, and I refer the Senators on the other side to the example of one who was as great as he was patriotic, and who believed in the principle of protection and commercial independence. Compare for one moment the utterances of these latter-day statesmen with those of George Washington at the Constitutional Convention in Philadelphia, when he is reported to have said: "If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and honest can repair; the event is in the hand of God."

We on this side of the Chamber, Mr. President, will confidently raise such a standard and appeal again to the great tribunal which stands ready and anxiously waiting to give an enlightened verdict. It is a banner which has led the American people in the past to material triumphs, which have blest our toiling millions, and won the admiration of the world. It marks the highest development in the progress of civilization, and carries hope and joy to the poorest and humblest citizen. It will still point the way to conquests yet unknown, and the light of peace and plenty will again shine upon the happy and contented homes of a free and prosperous people, where the laborer shall receive a just reward for toil, and the Republic will move grandly and steadily and serenely forward to that great future which, under a wise policy, awaits the American name.

Mr. GALLINGER. Mr. President, in the strong and eloquent speech to which we have just listened from the junior Senator from the State of Michigan [Mr. PATTON], one thing in particular impressed me, and that was the recital concerning the great industrial plant for the manufacture of iron and steel which is now being constructed in China. In connection with that matter, I have risen to ask the courtesy of the Senate for a moment to put into the RECORD a very remarkable communication, which I cut from a recent number of the New York Sun, from the pen of one of their trusted correspondents, Mr. C. Wood Davis, which gives a very elaborate and interesting account of the industrial progress of Japan, which Mr. Davis aptly calls "the new member of the industrial commonwealth."

It is shown that in the manufacture of woolen goods, cotton goods, friction matches, soap, rope, machinery, clocks and watches, umbrellas, glass, brick, fireproof safes, leather, cement, electrical supplies, boots and shoes, hats and foreign styles of clothing, saddlery, coaches, paints, upholstery, passenger and freight cars, commercial fertilizers, and many other things, Japan is making most marvelous progress at the present time.

This correspondent, in the closing paragraph, calls the attention of the United States to the fact of this great industrial movement in Japan in these significant words:

The Western world must face the competition of this new member of the industrial commonwealth, soon to be fully armed with the best of modern appliances and processes, that is favored by the lowest of all wage scales, that has an abundance of most efficient labor, and that is not handicapped by excessive taxation.

Mr. President, this communication is one of great interest, to which I call the attention of Senators on both sides of the Chamber, showing as it does that in the industrial race of the present day we are seriously confronted by Japan, and that if we are to sustain our present industrial supremacy we must be wise in the matter of economic legislation in this country. Any law that will admit to our markets, without adequate tariff duties, the products of Japan and China, where labor is probably cheaper than in any other part of the world, will inevitably destroy the manufacturing industries and degrade the labor of this country.

I do not wish to detain the Senate a moment longer, but I will ask consent that the communication be printed in the RECORD without further reading.

The PRESIDING OFFICER (Mr. BLANCHARD in the chair).

The request of the Senator from New Hampshire will be granted in the absence of objection.

The communication is as follows:

JAPAN—THE NEW MEMBER OF THE INDUSTRIAL COMMONWEALTH.

When, after centuries of exclusion, the doors of Japan were opened to the Western nations, it was believed that an outlet had been found for immense quantities of European and American commodities, no thought being entertained that the Western peoples were but taking an apprentice to train and instruct in modern industrial processes, or that this apprentice would soon supply all the requirements of the newly opened market and compete sharply, with every advantage except an abundance of capital, for the possession of all the markets of the Eastern world, and become a menace to the possession of even the home markets of the older industrial nations.

Prior to the revolution of 1868 Japan was a nation of priests, feudal nobles, armed retainers, cultivating peasants that were but serfs of the nobles, and a great body of artist artisans, the social system being one of inexorable caste.

The revolution changed all this most completely and made a nation of merchants, peasant cultivators with a secure and favorable land tenure, and an active and skilled body of artisans who were no less artistic than under the old régime. The world has never witnessed more rapid and radical social and political changes than occurred in Japan during the last half of the seventh decade. No more radical industrial changes ever occurred than those now progressing in the Empire of the Rising Sun.

Prior to 1875, when the Mikado established a woolen mill at Tokio for the manufacture of cloth wherewith to cloth the army, Japan had little practical knowledge of modern industrial appliances and processes, as there existed but one establishmnet in the Empire where such processes were applied to the production of textiles or other wares. At that time foreign machine-made goods were rapidly driving the domestic hand-made textiles and other wares out of the home market. Although the stupendous industrial change wrought since 1880 will not restore the supremacy of the hand loom and other primitive industries of the nation, but rather aid in their extinction, it has practically restored Japanese control of the home market for textiles and other manufactures, and is not unlikely to prove a potent factor in excluding American and European wares from other Eastern markets.

The first cotton spinning mill was erected at Kagoshima in 1865, and for fifteen years it was the only attempt made to introduce modern methods in textile industries other than the Government woolen mill at Tokio. In 1880 three other spinning mills were built and eleven more followed before 1886. Before 1890 twenty-three others were added, and since 1890 the increase of productive power has been very great; not so much from the multiplication of establishments as from the greater capacity of such as have been built.

The major part of the mills built prior to 1890 were of small capacity, and the cost of operation relatively great. This condition, combined with the inexperience of owner and operative, rendered the experiment unprofitable; so much so that British representatives were felicitating their countrymen upon the inability of the Japanese to conduct industrial corporations, the probability that the experiment would end in utter failure, and that Great Britain would long continue to control the textile trade of Japan. The Japan capitalist, however, seems to have soon penetrated the mysteries of corporate management, and, profiting by observation, has built larger mills, while the operative has learned the art of manipulating the machinery. That is, experience has added so much to the efficiency of managers and operatives as to result in complete success, if success can be measured by returns from investments. During the last three years shares of six of the cotton spinning corporations have been dealt in on the Osaka Exchange, the average value of the $100 shares having been $55.28, 15th of December, 1890, and $137.76, 15th of July, 1892.

This advance of 149 per cent in nineteen months followed the payment of dividends, those of December, 1891, ranging from $8 to $20 per share, or an average of $14.33. Dividends were not, however, confined to the six corporations named; indeed, those were much below the average of $17.63 a share paid at the same time by the twenty-one companies whose reports are at hand. The earnings per spindle in the twenty-one mills was something phenomenal, having averaged $4.27 cents in 1891. Aside from a wage scale of 16.2 cents a day for male operatives and one of 8 cents a day for females, this extraordinary spindle power to earn was largely due, as was the output per spindle, to the fact that under Japanese management a given capital and a given plant are twice as effective in production as among the Western nations, as the mills, aided by the electric light, run night and day in shifts of eleven hours. The operatives alternate weekly from day to night. In this way the sagacious Jap makes his capital do twice the duty of that of his Occidental competitor.

The impulse which the cotton industry has received of late is best shown by the imports of raw cotton in recent years. In 1886 the raw cotton imported aggregated 4,400,000 pounds; in 1887 it was 7,400,000 pounds, rising to 104,900,000 pounds in 1892, the imports of the latter year being fourteen times those of six years earlier. Marvelous as was this increase, by far the greater part of it was obtained in the last two years, as the imports of 1890 were less than a third of those of 1892.

Not only have the Japanese mills succeeded in securing control of the home markets for the lower counts of yarn used in household weaving, but in 1892 they began the exportation of yarn to China. As the cost of production in Japan is authoritatively stated to be 18 per cent less than in the Indian mills, it is not impossible that the yarns of Japan will drive both those of Bombay and Manchester from the East Asian markets at an early day. When the Japanese shall take to weaving as well as spinning cotton by machinery, there seems little to prevent their taking possession of a large part of the textile trade of the Eastern world, as they have exhibited a special facility of adapting their wares to the requirements of any given market. This has been exemplified in the methods employed to drive the European match out of the Chinese market and the manner in which they have secured the umbrella trade of the East.

Only recently have any attempts been made to weave cotton by machinery, but two such mills are now in operation, as are two silk-weaving mills of small capacity, and there is reason to believe that the progress will be quite as rapid as that obtaining in the spinning industry.

The manufacture of friction matches by European machinery is the oldest and most successful application of modern processes, and affords ample evidence of the adaptability of the Japanese to new modes of operation. So great has been their success in the match manufacture that the importation of European matches has wholly ceased; they have monopolized the markets of China, and make shipments to Russia, Korea, and San Francisco.

Soap factories are supplying most of the home demand, and large quantities of soap are exported.

Rope is made so successfully by modern machinery that the domestic demand is met, and shipments are made to the Asiatic continent and California.

Until 1888 the imports of machinery increased yearly, but since that time they have constantly declined, and are now confined largely to industrial equipments, the ordinary forms of machinery being of home make. So remarkable has been the progress in this direction that recently shipments of ordnance have been made to Portugal.

Breweries have been established, the importation of beer nearly extinguished, and the Japanese beverage is largely exported.

Clocks and watches were formerly imported; later the parts were imported and put together by Japanese workmen. While this still continues, the manufacture of timepieces outright has been commenced under the supervision of Japs who have learned the business in Switzerland, and so successful the venture that since the new year Japanese agents have been in the West buying the most approved watchmaking machinery, with the avowed purpose of engaging in the manufacture of watches for the Western markets. The deftness, intelligence, industry, and adaptability of Japanese metal-workers assure a mechanical success, and combined with an exceedingly low wage scale will render them formidable competitors whenever the output of timekeepers shall be in excess of home requirements

A few years since Europe shipped great numbers of umbrellas to Japan. Now the Japanese have taken complete possession of the home market, and in 1892 exported more than 1,000,000 umbrellas to China, Korea, and Asiatic Russia.

The glass factories of Japan are turning out great quantities of cheap ware that is displacing the European product both at home and abroad, markets being found in China, Korea, Vladivostock, and San Francisco.

Brick was formerly imported, as was coal. In recent years brick have been exported to England and coal to the Western coast of America.

In addition to the articles named Japanese manufacturers now nearly or quite meet the demand for fireproof safes, leather, cement, electric supplies, boots and shoes, hats and foreign styles of clothing, so dear to the heart of the Europeanized Jap, saddlery, coaches, paints, upholstery, passenger and freight cars, commercial fertilizers, and a vast array of small wares that were formerly imported. Progress is shown in the manufacture, use, and exportation of cigarettes.

During the last five years exports of the hand-woven silks of Japan have increased 375 per cent; those of paper, much of it made by the best American and European machinery, some 77 per cent; matches, 170 per cent; glassware, 600 per cent; leather, 700 per cent; boots and shoes 127 per cent, and sulphuric acid, 64 per cent.

The substitution of machine-made wares of domestic manufacture for those formerly imported, and the exportation of the surplus of machine-made goods have resulted in turning the balance of trade in Japan's favor, and the foreign debt of the nation being less than $5,000,000, the drain of specie has wholly ceased, leaving the Japanese in excellent condition to contest the markets of the far East with America, Europe, and India.

So progressive is this old-young nation, and so much inclined to adopt any obvious improvement, that its intention is to use the metric system of weights and measures.

The Western world must face the competition of this new member of the industrial commonwealth, soon to be fully armed with the best of modern appliances and processes, that is favored by the lowest of all wage scales, that has an abundance of most efficient labor, and that is not handicapped by excessive taxation.

C. WOOD DAVIS.

Mr. CHANDLER. Mr. President, the clear and forcible presentation by the junior Senator from Michigan [Mr. PATTON] of the danger to the iron industry of his State and the United States from the great works which are being constructed in China under the supervision and patronage of that Government reminds me of a story which came to me lately in reference to a remark made by the viceroy of China, Li Hung Chang, to Gen. Grant on the occasion of the latter's tour around the world.

Gen. Grant was reported to have said to Li Hung Chang, "Why is it that your people do not seem to adapt themselves to modern inventions and modern machinery? Why do they not make more progress in those directions?" The viceroy significantly said, "The people of China are making progress in these directions fast enough for the welfare of the United States." That remark is illustrated by recent events. It has been well shown, to a limited extent in this debate, that the labor of this country is not alone in danger from the underpaid labor of Europe, but that in the future our greatest danger may be from the cheap labor of India, China, and Japan.

The revelations which are being daily made to us from those quarters of the globe should remind us that in a very short time instead of talking about 30, 40, and 50 per cent duties as sufficient to allow the industries of this country to survive, it will be necessary, if we are to protect our labor against the pauper hoards of Asia, to have duties of 100, 200 and 300 per cent, or our industries, maintained by highly paid American labor, will receive a fatal blow.

Mr. HALE. I wish to withdraw the amendment which I offered to paragraph 481 of the bill, on page 100.

The PRESIDING OFFICER. Without objection, that will be the order of the Senate.

Mr. PLATT. Mr. President, I desire to submit only a few observations on the income tax proposed in the pending bill. My objections to it are twofold. First, that it is unnecessary for the purpose of raising sufficient revenue, and is resorted to as a means of breaking down the system of protective custom duties; and, secondly, that its provisions are extremely faulty, inequitable, unjust, and, by their complication, difficult of execution.

It is unnecessary. That has been shown by the senior Senator from New York [Mr. HILL], by the Senator from Iowa [Mr. ALLISON], by the Senator from Rhode Island [Mr. ALDRICH], by the Senator from Ohio [Mr. SHERMAN], and even, when fully considered, by the chairman of the Finance Committee, the Senator from Indiana [Mr. VOORHEES].

The bill as it stands to-day will raise all the revenue which the Government needs without the income tax. Some Senator whose name I can not now recall—I think it was the Senator from

Texas [Mr. MILLS]—in answering this admitted that it would, but said we should have bonds to pay by and by, and therefore it was proper enough to raise a surplus.

I take it for granted, then, that this is an unnecessary tax. It is not even an emergency tax, as it was said to be by some Senator, I think by the Senator from Maryland [Mr. GORMAN]. If there is any emergency which requires the imposition of this tax, it is a party emergency which makes it necessary for the Democratic party to conciliate its assistants, the Populists. But so far as the Government is concerned, so far as the revenues of the Government and the needs of its Treasury are concerned, it is an utterly unnecessary tax. If there is any revival of business after the passage of the bill we shall certainly have revenue enough without it.

It is claimed upon the other side, I think without much reason, that if we will only pass some kind of a bill there is to be a revival of business. If that claim is true, there will be raised from the customs duties and the excise duties all the money which will be required to support the Government during the next year. If it be not true, if the depression is to continue, there will be little or nothing derived from a tax on incomes. A policy which is to strike down business and destroy incomes should not have an income tax incorporated with it. I shall not speak further of the fact that the tax is unnecessary for the purpose of raising revenue.

Why, then, is the tax resorted to? As the bill came from the House of Representatives it might have been justified on the ground of necessity. The bill, as constructed in the House of Representatives, struck down a large portion of the duties derived from customs; for instance, the duty upon sugar. The bill came from the other House with free sugar and an income tax. We have added to the bill a duty on sugar which will produce in the near future at least $50,000,000. By that one act we did away with all necessity for the income tax. Upon the admitted statements of the Committee on Ways and Means in the House of Representatives we add more to the bill by the sugar duty than it is expected the income tax will raise. Then we in the Senate have largely increased the revenue from other sources over the bill as it came from the other House.

Why was the income tax originally incorporated in the bill? It was because of the proposed change in our system of raising revenue. It was because the House of Representatives proposed to strike down protective duties and go to revenue duties as a rule for the raising of revenue. In other words, it undertook to adapt our system to the English system, and the English system includes and necessitates an income tax.

England will not raise customs by duties which are protective either incidentally or *per se*. Therefore England is obliged to resort to other forms of taxation. So she adopts the income tax, the stamp tax, the excise tax and a variety of miscellaneous taxes to make up for the duties which she will not impose and the revenues which she will not raise by customs duties. That is the only excuse for the income tax in the pending bill, an excuse and a reason which have now been taken away because we have added enough to our customs list, together with our excise taxes upon tobacco and spirits, to meet the expenditures of the Government.

I have heard for years and years one universal cry from the Democratic party that we ought to abolish war taxes, and yet I find here in the pending bill the most odious of all war taxes, that which has been universally conceded to have been the most odious of what were called war taxes. Indeed, if, when the election of Mr. Cleveland was known to have been effected, if last August, when we came here to the Senate and to the other House, anyone had proposed or suggested that it was possible that an income tax would be resorted to, the suggestion would not have been entertained for a moment.

I know that in certain sections of this country where the Populist sentiment prevails there was some talk about resorting to an income tax, but all over the country elsewhere, embracing the Eastern, the Middle, the Northwestern States, and way down below the old Mason and Dixon line, the idea was considered to be impossible. When I said to my friends in my own home that "what the Democratic party will finally do is to resort to the income tax," I was regarded as little better than a slanderer of the Democratic party. So it seems to me to come with ill grace from the people who have been inveighing against war taxes that they now adopt this most odious war tax and that they should follow directly as to our system of taxation the English system.

I wish to say right here that if this were a necessary tax and were justly and fairly constructed, I should not make any opposition to it. If the necessities of the Government required the imposition of some tax to raise revenue over and beyond what might bs raised from customs duties and duties upon tobacco and spirits, I should regard the income tax as the next best method of taxation. Therefore, in what I have to say against the tax now proposed, I do not wish to be understood that I oppose an income tax whenever the necessities of the Government may require one.

What I do say is that it should not be resorted to when the necessities of the Government do not require it, simply for the purpose of breaking down the protective system in this country, or for the purpose of conciliating or pleasing any body of men who have such an apparent objection to the accumulation of money that if anyone has acquired any they are willing that the Government should attempt to take it away from them. I do not know that I shall say more upon this idea in these remarks.

I wish to state that the rights of property are just as sacred as the rights of life and liberty, and that no country which has not a just regard for the right of private property can go on progressively as a republic. I do not understand the prejudice against the accumulation of wealth. I can understand why it is that there should be a prejudice against people getting wealth by improper means.

I can understand why it should be thought to be a great evil that people should be able in a country to acquire large fortunes by illegitimate methods, by methods which the common judgment of mankind does not approve; but how it is possible that there should be a prejudice against any man, who by industry, enterprise, fragrality, economy, and good judgment in investment has accumulated property, I can not understand. I do not believe there is any such real prejudice existing.

I believe that demagogues appeal to prejudice, appeal to a sentiment which is perhaps to be found in almost every human breast, when they appeal to people to take such action, political or legislative, as will in some way interfere with and cripple people who are better off than they are. There never can be an equal distribution of wealth. If there were to be an equal distribution of wealth, its holding would soon be unequal. The history of civilization shows that there never will be and there never can be any equal holding of wealth.

Even if the wild idea of having everything owned by the State could be adopted there would soon be found ways in which certain individuals would acquire substantially great wealth, while others would be in a state of comparative poverty. There is no better illustration of this than what is now existing in the Indian Territory among the five civilized tribes. There the tribes own the fee to the land in common.

In theory the nation or tribe holds it as trustee for the benefit of all the individuals of the tribes, and yet that land, its occupation, its benefit, its income, its profit have been practically monopolized by probably not more than 2,500 people belonging to those Indian tribes; one-twentieth of the Indians have taken most of the land into possession. There is a great possession, with great landed proprietors of immense wealth controlling legislatures, controlling courts, all in the interest of their landed holdings. No, Mr. President, this beautiful idea of everything in common and everyone having just as much as anyone else is impracticable in this world.

Now, I say nothing in defense of those who acquire fortunes improperly, and yet there seems to be a prevailing idea that because some people acquire fortunes improperly, therefore the cry should be raised, "Down with every man who owns anything." All the ideas of the past, the acquisition of property and the accumulation of wealth by means which everybody says is legitimate, which the common judgment of mankind approves, are to be thrown to the winds, and if anybody has any money he is to be mulcted in some way and his property taken away from him.

I have no sympathy with that kind of an idea, whether it comes from one party or another or from one section or another. The right of property lies at the foundation of government; the idea of the protection of property lies at the foundation of all just governments. The Democratic party will make nothing by attempting to favor the wild notions about the inequality which exists in the country, and the wild notions which seem to make it criminal almost for anybody by industry, enterprise, earnestness, and good fortune to have acquired some property.

I wish to say right here that the Democratic party has to face that issue, and as it faces it wisely or unwisely much of the future of this country is to be fashioned. They succeeded in the last Presidential campaign by fusing with that class of our fellow-citizens who in some way have a prejudice against all wealth, no matter how acquired. That is the way in which they got the votes by which they came into power, by a tacit promise to the Populists, and, if I may be permitted to say it, notwithstanding the suggestion which was made here yesterday, the Socialists, that if they would vote with the Democratic party and put them in power the Democrats would carry out their ideas.

Now comes the time of performance. We have come to the parting of the ways. The Democratic party has to be all Pop-

ulist or all conservative. It can not be a conservative Democratic party when it fuses with the Populist party. If it believes in the doctrines of the Populist party, then let it join hands and make one party. If it does not believe in the doctrines of the Populist party, it has to stand up for its own beliefs or go down. This matter of fusion will not do between parties who represent different ideas.

Mr. President, a large portion of this inveighing against anybody who has, by proper means, acquired some property comes, after all, from the passion of envy and covetousness. A farmer upon his farm in the West, having a hard time to get along, finding that his crops do not bring him enough to yield what he considers a fair return to enable him to live as he thinks he is entitled to live, draws his load of corn into town. He finds there a man who was a farmer, but has owned some lots where a city has grown up. He finds that his old-time farmer friend, who was in the same situation with himself financially, has sold out his city lots and has now become a nabob, a millionaire; and immediately he begins to be envious of his former associate.

He is not willing that he shall have the benefit of his fortunate situation and fortunate trade. He begins to think that in some way or other he should have been the man to enjoy that fortune. Then he begins to envy the man who has acquired the fortune.

Then, we all have been living extravagantly. The idea of making money, of acquiring without labor a fortune, according to our ideas of what a fortune should be, seems to have taken possession of everybody.

Everybody fixes his own standard of wealth, and then he wants to make that wealth within a twelvemonth, and live all the while during the twelvemonth as if he had it on hand on the 1st day of January. That is the foundation of this Populistic sentiment in this country. It is not that they complain so much of the improper and unequal distribution of wealth as it is the feeling of jealousy that they have not been able to acquire as much wealth as they desire.

Mr. President, you can not conduct a government successfully by giving way to that sort of feeling; and it is not statesmanlike to appeal to that sort of feeling.

Mr. ALLEN. Will the Senator from Connecticut allow me?

The PRESIDING OFFICER (Mr. KYLE in the chair). Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. PLATT. Certainly.

Mr. ALLEN. I do not like to hear the Senator from Connecticut make a statement that is not borne out by the truth. I infer that he intends to state the case exactly as it is. The Senator states that the Populist party is envious of the wealthy and wishes to live without labor. I desire to state to the Senator from Connecticut that there is nothing of that kind in the Populist party; and there is nothing of the kind in its platform, nothing in the public utterances of its newspapers, nothing in the utterances of any of its leaders or members; and it is simply, in my judgment, a chimerical phrase.

Mr. PLATT. It was with great difficulty that I heard the Senator from Nebraska, and I do not know that I correctly heard what he had to say. I look not at platforms. I look at what I see going on in the country. I see men, who either belong to the Populist party or sympathize with the Populist party, are continually railing against wealth and making no discrimination in their denunciations as to the mode in which wealth has been acquired. It is natural enough that they should not make those discriminations——

Mr. ALLEN. Will the Senator from Connecticut permit me to make another suggestion?

Mr. PLATT. Certainly.

Mr. ALLEN. The Populist party does discriminate, and the Senator from Connecticut is in error there again.

Mr. PLATT. I am very glad if it does.

Mr. ALLEN. The Populist party, if the Senator will permit me, looks upon the constitutional right of property in all its forms with as much sacredness as the Senator himself looks upon it. It believes that any man who acquires an honest fortune is entitled to enjoy it and be protected in it.

It does not believe in encouraging the accumulation of fraudulent fortunes and a failure to properly legislate or enforce the law. It desires to destroy the opportunity of the extremely, fraudulently rich, if I may so express it, to constantly rob the producers of the country of their equitable and just proportion of the property they produce. If that is wrong, it is Populist sentiment.

Mr. PLATT. As stated by the Senator from Nebraska, he and I should not much disagree, but the truth is that in practice they assume that everybody who has anything has come by it improperly.

Mr. ALLEN. Will the Senator permit me to make another remark? I desire to dispute that statement and to state that there are a great many Populists to-day—men who are leaders in the Populist party—who are themselves quite wealthy.

Mr. PLATT. That is the astonishing thing about the Populist party which I have observed, that people who have acquired their fortunes by these methods, which the common judgment of mankind would condemn, get into the Populist party and some of them become its leaders.

Mr. ALLEN. Will the Senator permit me again? That is not the class of men who get into the Populist party. It is the class of men who have earned their fortunes honestly who get into that party. The dishonest fellows are in the other parties.

Mr. PLATT. We can not go into personal specifications in regard to that, but I have some men in my mind who are leaders, or think they are, who assume to be spokesmen, at any rate, for the Populist party, who are men of large wealth, and who did not acquire it by brawny work in the field or in the shop, or anywhere else.

But I have been diverted from what I intended to say when I rose. I assert that the income-tax provision is unnecessary. As the bill has now been amended in the Senate it is unnecessary even to the scheme of the Democratic party, if we assume that the Senate acts for the Democratic party. We will have money enough without it; there will be plenty of revenue. It is not only unnecessary, but in some features it seems to me to be very wrong. I know that I am going to take an unpopular position in what I now say, yet I think it needs to be said.

There is no reason why this tax should apply to a corporation as a corporation. It is no part of any income scheme that has ever been put in operation or devised in the world. It is no part of the English income scheme, or if so, such an inconsiderable part that it cuts no figure whatever. It is entirely unjust, as I shall endeavor to show a little further on.

Now, this element which I have spoken of (and I call it the Populist element not in any disparagement of the Populist party at all, but this sentiment which has been so widely disseminated among the people, largely by politicians who sought to make them uneasy in order to get their votes) embraces the idea that all corporations are iniquitous associations and ought to be struck down.

You see that here every day in the Senate. To prejudice the Senate against the passage of a bill it is only thought necessary to say that a corporation desires it. A railroad corporation, of all things, is to be legislated against. If it desires anything, it is not to be granted; if it gets it, it must get it in some secret way. When anybody desires anything against a railroad corporation, that goes, as a matter of course.

Mr. President, corporations are just like individuals.

Mr. ALLEN. I do not like to interrupt the Senator so much.

Mr. PLATT. I have scarcely heard any interruption by the Senator yet.

Mr. ALLEN. I do not desire to trespass upon the Senator's time, but let me ask him in what section of the country the idea prevails of which he speaks, that everything is to be done against railroad corporations, that a great jealousy exists against them? Where is that the case?

Mr. PLATT. It is not long since the people of Washington, who had made great efforts to get railroads extended into their country, finally conceived such a prejudice against railroads that each political party in a certain portion of that State not desiring to be outdone by the other, passed resolutions to the effect that the tracks of the railroads ought to be torn up.

Mr. ALLEN. Will the Senator permit me to suggest that the Populist party has not passed resolutions of that kind in Washington, and since that time the Populist party has so grown that it has almost wiped out of existence the other parties?

Mr. PLATT. I am not talking about the Populist party. I am talking about the sentiment in the country which we hear everywhere, which we hear in the public press, which we hear in speeches of Senators, that in some way corporations are to be denounced because they are corporations, that in some way they are detrimental to the best interests of the Government.

I will not allude to what is said over and over again about their power in legislation. This allegation needs no bill of particulars, no specifications; everybody understands what I mean. Denunciation of corporations forms the stock in trade of nearly half the politicians of the country, and they make no distinction apparently when they denounce corporations.

It is the sentiment that in some way or other the Legislature must get at the corporations, which accounts for the tax upon the incomes of corporations in this bill. It has been a remark made more than once in the Senate, and so publicly that I may refer to it during the consideration of this tariff bill, that the persons trying to pass it desire to "get at the rich men," and

that is why this tax is laid on corporations. They wish some way or other to get at corporations.

As I said, this taxing of corporations by an income tax has no precedent to sustain it. It has never been advocated by any political economists in any scheme of income taxation. There is no more reason why we should tax the income of a corporation because it is a corporation than why we shall tax the income of a partnership because it is a partnership.

The truth about this matter of corporations is just this: A corporation should be treated as an individual. If it behaves itself it should be respected; if it undertakes to do wrong it should be restrained. A corporation properly conducted, conducted on principles of equity and fair dealing, is a benefit to the country and our civilization.

More than that, it is an indispensable agent of our civilization. Its advent marks progress. If it goes into unfair dealing, inequitable doing, then it is a disgrace and a shame. But that is true of the individual just as it is of the corporation. Take the merchant. The merchant who conducts business upon fair principles, upon principles of equity, of fair dealing, man with man, and does not attempt to trample upon anybody's rights, is respected. He ought to be respected. Take another who has no regard for the rights of others, who cheats and swindles and oppresses—that man deserves censure, condemnation. Just so is it with corporations.

But, Mr. President, if some individual merchant does wicked things, things which we condemn, things which we would like to prevent, we do not for that reason attack the whole class of merchants. Take money-lending. There is nothing wrong about money-lending. The world can not get along without credit or borrowing and lending, and there must be in every community people whose business it is to lend money.

Now, so long as they lend money at proper rates, the rates which are justified by the common consent of mankind, so long as they resort to no means to oppose the debtor, they are not to be condemned. But here is a usurer found. Here is a man found who takes too much; he lends money at 1 per cent a month—has a pawnbroker's shop, perhaps. What do we do by law? Do we immediately pass laws against money-lending? No. Do we attack money-lenders? Not at all. We pass laws against usury. We pass laws to regulate pawnbroking.

I trust the Senator from Nebraska will excuse me, I speak only about the Populist party as representing the sentiment or as having crystallized in some way a sentiment which prevails in the country. That sentiment seems to be that if a corporation does anything wrong, strike at all corporations, tax them. Now, why not tax a partnership? This bill does not tax the income of a partnership; and the corporations of this country, when you step outside of those which are continually in the mind of the people and which are exciting the criticism of people, are nothing more than commercial partnerships.

That is the law. The law treats them so. I found in one of the decisions of my own State, in the opinion of one of the judges, the following:

> Indeed, joint stock corporations in modern times are nothing but commercial partnerships which have taken the form of corporations for the greater facility of transacting business, and to prevent a dissolution of the concern by those numerous events which are so liable to work a dissolution in a partnership composed of a great number of individuals. (Pratt *vs.* Pratt, 33 Conn.)

Mr. HAWLEY. If my colleague will permit me, we remember, both of us very well, that some thirty years ago when our joint stock corporations laws were enacted in Connecticut, it was then supposed, and even is now, that it is an enormous advantage to the men of limited means, three, four, or five in number, who, with a thousand dollars apiece, can organize and safely conduct business. It is a special blessing to the poor man.

Mr. PLATT. I am going to get to that a little later on. In New York the manufacturing corporations are no longer created by special, but by general law. In the case of the Diamond Match Company *vs.* Roeber, in 106 New York, 473, the court of appeals says:

> The laws no longer favor the granting of exclusive privileges, and, to a great extent, business corporations are practically partnerships, and may be organized by any persons who desire to unite their capital or skill in business, leaving a free field to all others who desire for the same or similar purpose to clothe themselves with a corporate character.

If you will read the writings of John Stuart Mill you will find that he refers to this method of carrying on business by commercial joint stock corporations as one of the greatest blessings of our civilization.

My colleague has already alluded to the establishment of joint stock corporations in the State of Connecticut.

The general idea which one has when he hears about taxing the income of a corporation is that it refers to railroad, telegraph companies, banks, and that class of corporations, and great corporations like the sugar trust or the Standard Oil Company, the great corporations, with great aggregations of wealth, who have concentrated business in their hands, and who are supposed to be more or less monopolistic in their character and in their dealings. That is the idea which seems to be evoked when we talk about taxing the income of corporations.

That I insist, with all deference to my friend from Nebraska, is where the popularity of the income tax comes from, that it is based on the idea that it is taxing very wealthy people and taxing corporations because they possess great wealth.

Mr. President, when it comes to my own State it strikes an entirely different class of people and an entirely different class of corporations—corporations engaged in as honest and legitimate business as the merchant who has a retail store or the individual who is printing a country paper, or the mechanic who has been enabled to get a small shop and carry on a small manufacturing business.

As my colleague [Mr. HAWLEY] has well said, back in 1851 we introduced into our State the system of encouraging joint stock corporations—I think it was in 1851—and they were, when established, and to-day still are, actual coöperative associations, as much as any reformer ever longed for.

We have this law?

> "Any three or more persons who shall associate by written articles, which shall express their agreement to constitute a corporation, the name by which it shall be known, the purpose for which it is constituted, the town in this State in which it is to be located, the amount of its capital stock, and the number of shares each person is to take, which shares shall each be of the par value of $100, $50, or $25, as may be prescribed in said articles, under any name commencing with 'The' and ending with 'company' or 'corporation,' which name is not then in use by an existing corporation in this State, for the purpose of carrying on any lawful business in this State and out of this State, whatever lawful business may be incidental to the business within it, such business not to be either trust, insurance, buying and selling real estate, banking, issuing or trading in bonds, notes, or other evidences of indebtedness, or trafficking in letters patent or patent rights, shall, when so associated, and when a certificate shall have been filed with the secretary of this State as hereinafter provided, become and remain a joint stock corporation under this act; and corporations may in like manner be formed under this act for the purpose of carrying on, out of this State, any lawful business not herein forbidden: *Provided*, That in such cases the secretary and treasurer and a majority of the directors shall always be residents of this State."

The very essential idea of that is a coöperative association, and it has been upon that fortunate idea that the business of Connecticut has been developed. A few skillful men who have been able to acquire by economy and savings from their wages a little capital come together, joining their capital, or perhaps they get some man with money who is willing to help them along, and they start thereby a little manufacturing or a mercantile business or joint stock corporation. That is the way in which the industrial condition of Connecticut has been built up. Why should those institutions be taxed, Mr. President, any more than men who enter into partnership should be taxed as partners?

I do not know how many of these concerns we have in Connecticut, not only manufacturing concerns, but business concerns; but I do know that as a general thing they have not large capital; that when a great industry has been established they have gone to the Legislature and secured a special charter.

These joint stock companies in Connecticut are just as much entitled to the consideration of Congress in this matter of taxation as savings banks, as mutual life insurance companies, or as fraternal beneficial associations.

I said I did not know how many of these organizations we have in Connecticut, but I know the rate at which they have been formed of late years. From September 1, 1880, to May 1, 1889, 865 of them were established in the State. I have not the amount of their capital, but from my knowledge of the subject I venture to say that the average capital of these 900 establishments which have been incorporated under our joint stock law within the last ten years, does not exceed $25,000 or $30,000, and probably it is very much under that. My colleague thinks that estimate is too high.

Why should these concerns be taxed directly as corporations? If you are going to have an income tax I do not object to having the money which the individual stockholder may derive from such corporations included within his income; it ought to be; but why tax the corporation as a corporation and not tax a partnership as a partnership? Why tax this business when you do not tax all business?

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. PLATT. Certainly.

Mr. ALDRICH. I do not know whether it is true in Connecticut, as it is in Rhode Island, that mercantile business is now quite largely conducted in the form of corporations rather than of partnerships, for the convenience of the parties interested, and to carry out still further the idea of coöperation among the employés and employers in these mercantile establishments.

Mr. PLATT. Almost the only way in which young men can get ahead in this country now is through the agency of these joint stock commercial companies. I appeal to every business man as to what is the common everyday experience.

For instance, there has been a partnership of merchants, and they have been very successful; those who have been long in the business are quite willing to retire, but they have some bookkeepers and agents and clerks to whom they desire to give a start in the world, and so, withdrawing a part of their capital, perhaps, they turn their mercantile establishments or their trading business into a joint stock company, and they let the bookkeeper and the cashier, and the commercial travelers and the clerks take some stock and manage the concern thereafter, leaving a portion of the funds which they have acquired by trade remain in the establishment. That is the foundation of a new business. From that it begins to grow and thus the young men who used to be received into partnership in the old times, or used to find some way of getting ahead in the world, have the opportunity to grow up with the business which they themselves managed. That is the history of these corporations for which I am pleading.

What does the bill do? It says, first, that the income of all individuals is to be taxed, and, then, that the income of these corporations is to have a tax of 2 per cent imposed annually.

It will be observed when you go to impose the income tax on an individual, you allow him an exemption. If his income does not amount to $4,000, or, as the bill is proposed to be amended, to $3,000, he pays nothing. But here three or four young men who have established a joint stock corporation store, if they have a joint income of $3,000 profit from the business, have to pay a 2 per cent income tax on all the profits of the business. Why should they be compelled to do that any more than if they were in a partnership? There is no reason for it; it is unjust; it is inequitable.

It will stop the development of my State to tax these corporations. Nobody is going hereafter to form a joint stock corporation to carry on business if the net profits of that corporation are to have an income tax of 2 per cent imposed upon them, when business carried on in another way is not required to pay a tax as a business and when a partnership business is not taxed. We shall have no more of these most beneficent corporations scattered all over my State, the hum of whose wheels and of whose industry can be heard the moment you enter the State, as you pass through it, and until you leave it, no matter in what direction you may go.

We shall have no more joint stock corporations formed in the State of Connecticut if business carried on in other forms is to be discriminated in favor of and they are to be discriminated against. If on one side of a street three persons carry on business as partners, making a joint profit of $6,000, no income tax is to be paid upon such income or profit unless the partners have other sources of income which, added to their share of the partnership gains, makes their individual income exceed $4,000. If on the opposite side of the street three persons, having formed a corporation, carry on the same kind of business and make the same amount of profit, the $6,000 profit made by the corporation is to pay an income tax of $120. Is this equal taxation?

Mr. ALDRICH. I hope the Senator before he gets through with this line of argument will allude to the fact that there are numerous and annoying exactions aside from the taxes imposed upon people who do business in this form, in favor of those who do business in some other form.

Mr. PLATT. Exactly. They are subject to every inquisitorial feature of this bill, whereas those who do business as a partnership are exempt from very many of them.

But speaking of the tax on corporations generally, it works an injustice in this way: Take the case of a bank. Senaters will say: "Well, the income of a bank ought to be taxed 2 per cent; that is all right; these terrible institutions, these national banks which are against the spirit of our institutions, if we can get at them and put a tax on them of 2 per cent we are doing something; we are striking at the banks." Let us see how that operates.

Every individual is taxed under this bill according to the income which he derives from all sources, with the exemption of $4,000, or $3,000, as the case may be; and, if I understand the bill, the individual in reckoning up his income can leave out of it the bank dividend which he has received, because the bank has been compelled to pay a 2 per cent corporation tax. How does that affect the small holder of bank stock? That is true with reference to all corporations.

Take a bank as an illustration. Three-quarters of the stockholders in the national banks in my State are persons who do not have an income of $3,000. They have moderate incomes, perhaps all derived from bank stock; it may be one thousand, or two thousand, or two thousand five hundred dollars; and it will be seen that, whereas the person whose income is over three or four thousand dollars, as the case may be, may deduct the dividends from his bank stock, the person who does not have an annual income of $3,000 has in effect to pay a 2 per cent tax upon his entire income, because when it is taken out by the bank, the bank is so much the less able to declare the dividend, and the loss falls on the stockholders. That is the way all through with regard to these corporations.

This is a scheme by which a person of small means can get no deductions, no exemptions, from the income tax if he happens to have his funds invested in the stocks or bonds of a corporation, while a person of a large income can deduct all this because the corporation has paid the tax. But there is no exemption for the person of small means. Thus the effect of this provision will be to put an income tax as a punishment upon everybody who happens to have any stock in a corporation and who does not have an income equal to $3,000.

Mr. President, I think I have made my plea good that this tax upon corporations is inequitable.

There are very many other matters to which I might refer in this connection. I do not wish to discuss the details of the bill generally; but right along in connection with what I have been saying there seems to be another thing which is wrong and glaringly unjust. I do not know but that it is following the English system; perhaps it is. I refer to the tax upon the income acquired by inheritance or gift of personal property. We have those taxes in the States, Mr. President.

Mr. CAFFERY. Will the Senator from Connecticut permit an inquiry?

Mr. PLATT. Certainly.

Mr. CAFFERY. I desire to be informed by the Senator as to whether or not this feature of taxing the incomes of corporations is peculiar to this bill, and whether or not it obtains in the English law?

Mr. PLATT. It does not obtain in the English law. I said that when I started.

I ought perhaps to make an explanation, that with a very large tax derived from incomes there are certain features of a corporation tax which yield a very small amount, not more than three or four or five hundred thousand dollars for the entire Kingdom of Great Britain, but I exclude that.

Mr. CAFFERY. May I ask the Senator another question?

Mr. PLATT. Yes.

Mr. CAFFERY. I ask whether or not the business of the country now is largely carried on under the system of limited liability corporations?

Mr. PLATT. I think it is.

Mr. CAFFERY. And whether that system has not to a great extent taken the place of partnerships?

Mr. PLATT. It has.

Mr. CAFFERY. I ask further whether or not this tax would operate very severely upon the holders of shares in all those limited liability corporations?

Mr. PLATT. I think it would. It is not necessary to tax these corporations.

What should be the scheme of an income tax? It should be to tax the personal incomes of individuals which exceed the amount exempted, and in that way you get all the income of the country. But here you will observe that confusion is created by trying to tax the corporation. There is no necessity for it, because, if you put the income tax upon personal incomes, you reach all the earnings of the corporation in the hands of the individuals whose incomes exceed the exemption, but see into what difficulty you are carried the moment you put the tax on the corporations.

There is a provision here that if the tax is paid by the corporation, the individual, or another corporation who holds its securities, need not return them in the income account. Why go through all that? You reach the earnings of the corporation when you put the tax upon the individual, and when you put the tax upon the corporation you get nothing more, but you throw the whole matter into confusion and inexplicable difficulty.

Mr. President, I was speaking, when interrupted, about the feature of the bill which requires a person in making up his income to put in all that he has acquired by gift or inheritance during the year, and I was saying we had that in our State laws for taxing inheritance. They do not, however, undertake to tax an inheritance which descends lineally, or which goes from the husband to the wife; but only the collateral inheritance, generally drawing the line at cousins. If a cousin takes an inheritance, then there is a collateral inheritance tax imposed. But this goes further. This puts a 2 per cent tax upon all gifts and all inheritances of personal property. See how that is likely to operate.

Our people are not all millionaires in Connecticut. Indeed,

we have very few millionaires, but a good many well-to-do people, most of whom have but a small competence. Take the case of a mechanic. I have one in mind who never earned more than $2 a day in his life, and he saved by small deposits in the savings banks and the accumulation of interest until he has just under $10,000—nine thousand and some dollars. He has a daughter. I know the man and I know his family. That sum is all he has. He is in feeble health, and when he dies what takes place? A person who has an income of over $3,000 a year is to pay a tax upon the excess of 2 per cent. His daughter, when she takes the $9,000 out in the savings bank as an inheritance, will have to pay $120 to the Government, 2 per cent on the excess over $3,000. Is that right?

This bill is so crude in all its details, Mr. President, that time fails to speak of the provisions which ought to be corrected if we are going to have an income tax.

That is the class of people who are to be largely affected by this legislation in the State of Connecticut. I tell you when this bill comes to be understood among the people, the income-tax feature will be the most unpopular feature of the bill. It is wholly and absolutely unnecessary.

All property acquired by gift is to be taken into account in making up the income. If a young man with a salary of $3,000 happens to get married during the year, his father may wish to set him up in housekeeping. So he makes him a present of the furniture with which to go to housekeeping. Somebody else brings in some wedding presents.

In making up his accounts he has to include all those gifts of furniture and wedding presents. If the bride happens to be the daughter of some wealthy person and has an income of $3,000, she must include in her income the diamond ring with which she was betrothed, and to pay a tax of 2 per cent on its value.

Mr. PERKINS. If I do not interrupt the Senator from Connecticut, there is another feature which suggests itself to me, and one which comes home directly to many of us. There are those who are struggling along to pay premiums on their life insurance policies for the purpose of providing for their children if removed by death. There is no provision made for deducting the amount of this premium from the income during the year. That is an onerous tax imposed on one who is working for his wife and his children, and yet there is no provision made for deducting it.

Mr. PLATT. That is true. The bill is full of such features. It makes a man pay a tax not only on the premiums which he pays to keep up his life insurance for the benefit of his family, but upon all that he gives to charitable objects. But I shall not pursue this matter further. If we must have an income tax, the honest, just, equitable way is to make a small exemption and tax whatever income the individual has above that exemption. By that way you reach everything and make everybody pay in proportion to what he is worth. The whole matter of going outside of it to reach corporations is founded on the idea—I had almost called it an insane idea—that because a business is conducted under an association which is called a corporation it deserves to be struck at by legislation.

Mr. HOAR. If I may be allowed, I should like to ask the Senator a question before he sits down. This is merely a thought suggested by what he has said, and he has said it more emphatically, perhaps, that I can put it. Take the case of the gift of a husband, a young workingman, who wants to put a little property in his wife's name. If the property is over $3,000 in value, it can only go to the wife with the incident of a 2 per cent tax to the National Government, and the same would be the case, as I understand, where a widow came into possession of property left by her husband.

Mr. PLATT. That would depend on whether the entire family had an income outside of that of over $3,000.

Mr. HOAR. I understand, then, that would be exempted in any case?

Mr. PLATT. Exactly.

Mr. HOAR. But suppose the workingman has made $3,000. He is, say, an engineer on a railroad, engaged in a hazardous business, and he wants to give a dwelling-house worth $3,000 as a gift to his wife, for the benefit of herself and her children. All over that he has to pay tax upon.

Mr. PLATT. It does not apply to real estate. It applies only to personal property.

Mr. HOAR. But the inheritance of a widow from her husband is taxed?

Mr. PLATT. Exactly. All personal property acquired by gift or inheritance is to be counted in making up the individual income, and if the whole income exceeds $3,000 the excess is to be taxed. Only one exemption of $3,000 is to be made from the aggregate income of all the members of any family. But I do not desire to discuss in detail all the crude, unjust, and inequitable details of the bill.

Mr. ALLEN. Mr. President, although many speeches have been made by Senators on this floor against the adoption of the income tax, but few arguments have been employed against it, and I desire to refer to them briefly.

The speech just concluded by the Senator from Connecticut [Mr. PLATT] is remarkable for its candor and for its exposition of what he believes the Populist party, which I suppose he considers a very radical party, is trying to accomplish in this country.

I was very glad indeed to hear the Senator express himself so fully, not because his statements contain what I regard as facts, but because they contain what he looks upon as the truth regarding the Populist party, and doubtless what many other people, ignorant of the purposes of that party, believe to be the truth as to those purposes.

The Senator from Connecticut makes one remarkable statement—a statement to which I can not agree at any time or place. He says that in this country property is just as sacred as human life. I do not believe this. I do not believe that there is a government in the civilized world where property is looked upon as sacred as human life. However sacred property may be regarded, the right to live is supreme over all things. The desire to live is the ruling law of our nature. The necessity of preserving human life is a necessarily implied condition-precedent to the enjoyment of property and the enjoyment of all things incident to existence itself.

I do not agree with the Senator from Connecticut that property is equally sacred with human life. I do not by that mean to say that I do not regard the right of property highly, nor do I desire any Senator to infer from what I say on this subject that the Populist party has not full regard for the rights of property.

It has been argued here frequently, perhaps I ought to say that it has been inferred rather than expressed in plain language, that the Populist party desires to destroy all protection to property; that it desires to annul constitutional and statutory guarantees of property.

I do not know whether or not the Senators who have made that statement were sincere and believed it to be true, but I presume they were sincere or they would not have made it. As matter of fact, however, such a statement is entirely unfounded.

There is not a Populist from the Atlantic to the Pacific Ocean, nor from the Lake of the Woods to the Gulf of Mexico, who does not understand and realize as fully as any Senator in this Chamber that the right of property under our Constitution and form of government is absolutely sacred, and there is not one of all the great number of American people belonging to that party who would impair the right of property in the slightest degree. So that insinuations or statements made here that the Populist party desires to destroy the right of property in this country, that its members do not rise to the dignity of patriotic citizenship, or understand our form of government and its constitutional guarantees, are entirely unwarranted on the part of those who make them.

Mr. President, the Senator from Connecticut says, with admirable frankness, that those composing the Populist party—and everything that is not Democratic or Republican, of course, must in his view necessarily be Populistic—are jealous of those who have accumulated wealth, if I remember his statement correctly. There never was a grosser mistake made by any man than this statement by that distinguished Senator.

There is not a member of that party anywhere to-day who has in his breast the slightest degree of jealousy of those who have honestly accumulated wealth. There is not one throughout the length and breadth of the land who would impair in the slightest degree the honestly acquired fortune of any man or any corporation. There is no jealousy upon their part of wealthy men or wealthy corporations.

There is no desire on their part to check any honest man, in the slightest degree, in acquiring an honest fortune to any extent that may be within his power; but, Mr. President, there is a strong desire upon the part of the Populist party that every man who enjoys a fortune in this country shall enjoy it as the result of honest labor upon his part, and that he shall not be permitted, through vicious legislation, to reap the fruits of the labors of others, or to amass a fortune which is the result of fraudulent and dishonest practices upon his part. If that is wrong, then the Populist party is wrong. If that is right, then the Populist party is right.

The Populist party believes that it is the duty of the Government to legislate in the interest of all the people of the country and not in the interest of the few alone. It believes that the rights of the humblest citizen of the land are as sacred in our form of government as the rights of the most gigantic corporation. Is there anything wrong in this belief? Are there any class distinctions in this country recognized by statute, that would exclude any class of our people from the beneficent operation of our laws?

Are we to say that the mass of the people of this country must struggle without the assistance of beneficial legislation, while the very few dominate the action of Congress and make money out of Congressional legislation or by circumstances are suffered to accumulate wealth for the want of proper Congressional legislation? If it be visionary to believe in a doctrine of this kind, if it be criminal to believe in such a doctrine, then the Populist party is both visionary and criminal. If, on the other hand, it be patriotic to so believe, if it be in accordance with the teachings and traditions of our Government so to believe, then the Populist party stands to-day closer to the true history, traditions, and teachings of this nation than any other political party in this country.

Every Senator that has spoken against the income tax has taken occasion to say that it was Populistic. My distinguished friend, the senior Senator from New York [Mr. HILL] yesterday said that it was not Democratic, but that it was Populistic. I suppose he intended to leave the impression upon the minds of his hearers that if it were Populistic it was so odious that no respectable man ought to believe in it or advocate it.

Mr. President, the income tax is a Democratic measure. The first income tax that was enacted and enforced in this country was a Democratic measure. The second, third, and fourth were Democratic measures, while the last income tax was a Republican measure.

July 14, 1789, a statute was enacted which imposed a tax upon real estate and a capitation tax upon slaves. August 2, 1813, an act was passed by Congress which imposed a tax upon real estate and slaves according to their respective values in money. January 19, 1815, another act of Congress was passed which imposed the same kind of a tax upon the same descriptions of property—that is, upon real estate and slaves. The act of February 27, 1815, applied the provisions of the act of June 19, 1815, to the District of Columbia. The act of March 5, 1816, repealed the former laws and enacted other provisions to enforce the collection of the small amount of taxes prescribed by that act.

Mr. ALLISON. May I ask the Senator a question? Were those income taxes or in the nature of taxes under that clause of the Constitution which are called direct taxes, and apportioned according to population?

Mr. ALLEN. I think perhaps the Senator is right, and the majority of them were of the character he states, at least two of them.

Mr. ALLISON. I mention it for the purpose of calling his attention to the fact that I know of no income tax having been imposed in the United States until 1861.

Mr. ALLEN. On the 5th of August, 1861, an act was passed by Congress which authorized a tax to be levied wholly upon real estate, and both the act of June 17, 1862, and the act of February 6, 1863, authorized the collection in insurrectionary districts of the direct tax imposed by the act of August 5, 1861, and were a part and parcel of the system of direct tax imposed in the early part of the war. I speak of this not for the purpose of entering into a lengthy discussion of the history of the income tax in this country, but for the purpose of showing that when Senators assert that the income tax is peculiarly Populistic, although I wish that were true, it is not historically true. The measure is both a Democratic and a Republican measure, and Populistic to-day.

Mr. President, the income tax is the only respectable inheritance that the Populist party receives from the past. It ill becomes the Senator from New York or the Senator from Connecticut, or any other Senator, then, to stand in his place in this Chamber and denounce the income tax as communistic, as unjust, as inquisitorial, as Populistic, because it was one of the first systems of taxation introduced into the country after the formation of the Constitution in 1787. It has been resorted to from time to time throughout the history of the country when Congress deemed it necessary for the purpose of raising revenue. Senators say that it is a war tax, and I suppose pretty soon we will hear the cry raised from every stump throughout the country by the Republican party that the Democratic party, aided by the Populists, resurrected and put into the law the odious income tax of war times.

Mr. President, that statement is false. The income tax is not a war tax peculiarly and solely. It has been enacted and enforced in this country when there was absolute and profound peace, when this country was not even threatened with war. It was a popular system of taxation in the early days of the Republic. So the statement that Senators make upon this question that it is an odious war tax is not in accordance with the history of this system of taxation in this country.

The Senator from New York [Mr. HILL] on yesterday and on one other occasion informed the Senate and the country that possibly the Supreme Court as now constituted would not look upon the provisions of the Constitution as their predecessors looked upon it. Mr. President, in 1796 the Supreme Court of the United States decided this kind of a tax constitutional, in the Hilton case. Ninety-eight years ago the question was settled in this country.

It was settled by one of the strongest benches that ever existed in the country that a tax of this character is a constitutional tax; that it was not a direct tax and therefore in violation of the Constitution. The Supreme Court then held that the only two taxes that could be imposed by this Government which were properly characterized as direct taxation were the capitation or poll tax of the Constitution and a direct tax upon real estate. For ninety-eight years of the existence of this Government that has been the law, and it is the law to-day. Notwithstanding over twenty judges—I think I may safely double that, and say nearly forty judges—have occupied the Supreme Bench of the nation from the time that decision was rendered until this moment, no one of them has ever questioned the correctness of that decision.

It has been reaffirmed on three or four different occasions. It was reaffirmed in the Springer case, a lengthily argued and closely considered case, without a dissenting voice upon the part of any justice of the court. Yet the Senator from New York lets drop the significant remark, and it is significant to the people of this country, that possibly the Supreme Court of the United States as now constituted will not look upon this question as its predecessors have looked upon it. Are we to understand that the Supreme Court of the United States is packed upon this question? Are we to understand that any man before he went upon the bench of the Supreme Court of the United States prejudged this question and that his prejudging it was a condition-precedent to his promotion? Do 70,000,000 people of the United States hold their constitutional and property and personal rights by a tenure so uncertain as this?

Mr. HILL. Mr. President, I do not know that the suggestion of the Senator from Nebraska calls for any answer, but I would simply say that I do not think it is probable at all that any member of the Supreme Court has been polled upon this legal question. I simply desire to call the Senator's attention to what we find in history, that the Supreme Court has repeatedly reversed itself.

Mr. ALLEN. The Supreme Court may have repeatedly reversed itself, but I want to say to the Senator from New York that the Supreme Court has never reversed itself upon this question. There have never been two opinions emanating from that great tribunal upon this question. Their decision has been yea, yea, in every instance in favor of the constitutionality of the tax and its enforcement. No one ever doubted that the question was settled and put at rest until the Senator from New York a few weeks ago interjected into the debate a suspicion at least that a different opinion might be expected from the Supreme Court as it is now constituted, and that, too, notwithstanding the rule which exists in our jurisprudence and has existed throughout the history of the common law, that a constitutional and property question once settled must be held for prudential and just purposes to be settled forever.

Mark you, it is not a question of court practice that can be changed at will without doing injury to anyone or any interest, but it is a settlement of the constitutional right that for nearly one hundred years has become imbedded in the very foundation of our Republic. It is a part of the warp and woof of the rights of American citizens. Yet we are gravely informed that the Supreme Court of the United States, as now constituted, may possibly overturn a constitutional ruling that has been so frequently made.

Mr. President, I do not believe it. I do not believe there is any man worthy of wearing the ermine, I do not believe any man placed upon the supreme tribunal of this nation would so far forget himself as to pledge himself in advance and as a condition to his promotion that he would render a decision overruling well-established rules of his predecessor.

Yet, Mr. President, the remark has significance. It has this significance, sir: It shows that the power which is dominating legislation to-day, the power which shows its hand in the Senate every once in a while and in the other branch of Congress, is not satisfied with reaching out its long bony fingers through the legislation of Congress, but that it is seeking to fasten itself upon the supreme tribunal of the land.

The Supreme Court of the United States is the only department of the National Government left to the people. The legislative department of the Government has been under the control of the corporations and of the money power for more than a quarter of a century. No law can pass this body, no important measure has passed this body in twenty-five years that did not first secure the sanction of the great corporate interests of the nation; not one. Senators may indignantly deny it; they may say the statement is untrue; but I challenge any Senator in this

Chamber this moment to point out a measure of great importance to the people that has not first secured the sanction of these influences.

It will not do, sir, to denounce me. It will not do to denounce the Populist party. It will not do to make some person a scapegoat. The people believe that Congress is dominated by the money power of this nation to-day. They believe it, and they have a right to believe it when they see iniquitous measures passed here that enable a few men to build up at the expense of the people fabulous and dishonest fortunes.

Mr. HILL. Will the Senator oblige the Senate by specifying those acts of legislation passed by Congress which have enabled people to build up vast fortunes?

Mr. ALLEN. I shall be very glad to do it at some future time.

Mr. HILL. Now is the accepted time.

Mr. ALLEN. It may be to the Senator from New York. I think it is; but it is not the Populist's time. Our life is a little longer.

Mr. HILL. The gentleman may take all the time he pleases.

Mr. ALLEN. Mr. President, I can enumerate a few. The refunding act took out of the pockets of the people of the United States $700,000,000 wrongfully. That is one.

Mr. HILL. What year was that?

Mr. ALLEN. Since the war; I do not recall the year; along in 1869.

Mr. HILL. At that time the Senator belonged to the Republican party.

Mr. ALLEN. The Senator never belonged to any party. I was a member of the Republican party, but not responsible for its legislation. I will not, however, get into any controversy with the Senator upon that point. The refunding act, the resumption act, the constant refunding of the indebtedness of the United States into interest-bearing bonds, the change of law by which bonds payable in lawful money became payable in coin and the Executive interpretation—not disavowed by Congress—by which the word "coin" was unlawfully construed to signify gold coin have cost the people of this country hundreds of millions of dollars. The demonetization of silver in 1873 is another, and the crowning villainy of 1893, by which silver was entirely stricken down, has cost the country directly and indirectly many hundreds of millions of dollars.

Mr. President, when there went up from this country a universal cry to retain the purchasing clause of the Sherman act until such time as the silver question could be settled, to the end that the people might have more money with which to transact their business, I did not hear the eloquent voice of the Senator from New York raised in their behalf. Why was not that act retained? Simply because it was giving to the people of this country about $50,000,000 of money annually, adding that much to the total volume of their money. It was necessary to answer the purpose of the men in Wall street to strike down that money.

It was necessary to do it without condition. It was necessary to do it so that Wall street could take its money and invest in more Government bonds. Now, they have something like $100,000,000 surplus lying in their banks unused and again the cry goes forth to the country that the gold reserve is being trenched upon, and that there is necessity for the Government to issue more bonds, and pretty soon to please the Shylocks of Wall street and Lombard street more bonds under some subterfuge or some pretense will be issued as a burden upon the industries of this country.

No, Mr. President, I am right when I say that no measure of any considerable importance has passed Congress in twenty-five years that did not first meet the approval of this class of people.

The Senator from New York proposes to have these decisions of the Supreme Court overturned by a new tribunal. He proposes to have the Supreme Court as now constituted, or possibly as constituted at some time in the future, overturn these decisions and hold this kind of taxation unconstitutional.

Mr. President, it is sad indeed to suppose that any man can imagine the time coming when the Supreme Court of the United States will be in the grasp of these corporations and this money power; when there will be no civil power in this country to protect the right of the individual citizen; when every branch of the Government shall have passed over to and be dominated by the baneful influences of the money power and the corporate greed of the nation.

The Populist party stands for the rights of the American people. It would not harm one legitimate interest that any legitimate corporation has in the country. It would not destroy proper corporations, as the Senator from Connecticut seems to infer it would if in power, but it would treat all corporations and all individuals alike, so far as the nature of the two admits of their being treated alike, restraining corporations from invading legislative halls, restraining them from purchasing members of the Legislatures of some of the States, preventing them from using money in corrupting State and national legislation. Sir, if that is wrong, if the Populist party is to be condemned because it condemns conduct of that character, because it would restrain corporations from purchasing legislation, then that party should be condemned; not otherwise.

Mr. HILL. Will the Senator allow me for a moment? Does not the Senator know that years before the Populist party was ever thought of, there were laws upon the statute books of the respective States against the bribery of State legislators on the question of the election of United States Senators and all other propositions?

Mr. ALLEN. Oh, Mr. President, I knew that quite well, but I do not see its pertinency.

Mr. HILL. I think it is very pertinent.

Mr. ALLEN. I discovered that quite as early as the Senator from New York discovered it.

Mr. HILL. I understood the Senator to say that one of the great missions of the Populist party is to prevent those things being done, by the enactment of laws which would prevent it, and I simply pointed out the pertinent fact that laws sufficient for that purpose were upon the statute books long before your party was ever thought of.

Mr. ALLEN. Then you misunderstood me if you understood anything of that kind. I said that the corporations of which I am speaking have beaten down laws of that kind and disregarded them; that the laws have become inefficient; that they have been overridden by these corporations and that legislative bodies have been bought up and corrupted. I repeat, sir, that the people of this country believe this to be true. How long ago has it been since it was reported in the newspapers of this country that in a certain legislative hall in a certain State of this Union where a United States Senator was being elected by a joint convention of the Legislature express envelopes in which money came were found opened and lying upon the floor after adjournment, thereby leaving the inference that money had been taken literally into that legislative body, and members of the Legislature corrupted with it.

Mr. HILL. Will the Senator allow me to inquire where was that?

Mr. ALLEN. Now, I do not think I will tell the Senator exactly where it was at this time.

Mr. HILL. If there was any such scheme enacted anywhere in this country, and any United States Senator sits here who was elected by any such means, the Senator from Nebraska instead of making complaint should have an inquiry and let the thing be investigated, and not indulge the country these vague insinuations, and when asked to point it out decline to do so.

Mr. ALLEN. The man who was elected by that Legislature is not in the Senate of the United States to-day. The Senator from New York has no occasion to grow so apparently indignant about this matter. If he were reading the newspapers at that time he saw the statement. This is not a revelation, made for the first time. It was published throughout the length and breadth of the country at the time it was said to have happened.

Mr. HILL. I do not know to whom the Senator refers.

Mr. ALLEN. The New York papers and papers of the West and South gave a full account of the transaction at the time.

Mr. HILL. Will the Senator allow me? I do not know to whom the Senator refers. I do not recollect any such circumstance. It seems to me that if any such reports were spread broadcast they were investigated at the time and unquestionably exploded. I do not believe that there has been any period in our history when the Senate has permitted any such men to occupy seats on this floor. If the Senator can oblige the country and oblige the Senate by naming such an instance possibly I can name the answer to it.

Mr. ALLEN. The Senator from New York understands as well as I do that charges of that kind were made throughout the press. If he does not he is ignorant of the newspaper literature of four years ago. It was charged in the press of the country throughout the length and breadth of the nation. Now, whether it was true or not the Senator from New York will not get me to state, for personally I do not know. I only know that the charge was made at the time and is quite generally believed.

Mr. HILL. Does the Senator think it fair to the Senate and to the people of this country to make a statement of that kind, to spread it broadcast before the land, and then not himself, if he has any confidence in those charges, proceed to investigate them?

Mr. ALLEN. Why, Mr. President, the Senator from New York certainly must look upon me in a peculiar light. I am not plastic material to be molded by him.

Mr. HILL. I do—in rather a peculiar light.

Mr. ALLEN. The Senator can not get me to make a statement that some particular member had purchased a place in the

Senate when I do not absolutely know it to be true, and if he were fair in his treatment he would not attempt to do so.

Mr. HILL. That is precisely what you intended by your insinuation.

Mr. ALLEN. The Senator will never get me to do so; and I have not made an insinuation.

Mr. HILL. I do object to the Senator doing by insinuation what he does not seem to dare do directly.

Mr. ALLEN. I have not charged what the Senator from New York says I have charged.

Mr. HILL. But you have said——

Mr. ALLEN. Wait a moment. I had not charged that any man has purchased a seat in this Chamber. I say the newspapers at the time said a certain Senator had purchased his seat in this Chamber. I say so now.

Mr. HILL. The newspapers say a great deal that is not true.

The PRESIDING OFFICER (Mr. BLANCHARD in the chair). Senators must address the Chair.

Mr. ALLEN. I say so now, and I say if the Senator from New York did not read or hear that report, which was published from one end of the land to another, he is the only man in the Chamber who did not. I have nothing to take back. I stand by what I have said.

Mr. President, if I had the evidence in my possession I would not hesitate to make the charges against any man alive. I do not care who he is, but I speak of this case in this manner because it was current throughout the nation at the time, and because, I say, that thousands of people in this country believe the charge to be true, and I may add that I believe it to be true also. That, sir, is what I am speaking of when I say the people of this country look upon Congress with some degree of suspicion, and they have a right to do so.

Now, I will make a charge for the benefit of the Senator from New York that I am prepared to prove, and I will go into court and prove it if need be. At the very day, or the day after Coxey and his unfortunate followers were taken to the common jail of this District, for tresspassing on the grass of these Capitol grounds a certain railroad magnate of the United States was in a committee room at the other end of the Capitol, guarded by an officer of this Government, and sending into the House of Representatives to get Representatives to come to see him that he might tell them what he would do with reference to certain of the Pacific roads.

That, sir, occurred in a committee room of this Capitol. He sat there as an autocrat. He sat there with a guard over him, a guard in the committee room, and in the pay of the Government. No man was permitted to enter that room at that time except as he was sent for by this man, and they were members of Congress. Now, if you want proof of that I will give it to you. What was he there for, Mr. President? He was there to procure legislation regarding the Pacific roads by which this Government is to be buncoed out of a hundred million dollars if the scheme can be passed through Congress. The same day you sent these poor friendless devils to the jail for trespassing upon the grass, in a disgraced and shamed condition, that lordly railroad autocrat sat at the other end of this building, in one of the committee rooms of the national Capitol, undertaking to dictate terms to a committee of Congress.

Mr. WALSH. Will the Senator from Nebraska name him?

Mr. ALLEN. I will name him to a committee if it is necessary.

Mr. President, I have no desire to indulge in matters of this kind to an unnecessary or improper extent, but the situation calls for the truth. I could name other instances, but I speak of this simply for the purpose of proving that a great many of the people of this country believe, and I think they rightly believe, that these great moneyed institutions are reaching their hands imperceptibly but surely into the Senate and House of Representatives, and smothering, enacting, or defeating legislation at their own will.

Now, the revelation goes out to the people of this country that the onward march of this power is to be taken up into the Supreme Court room to seize the Chief Justice and associate justices, that the court is to be reconstructed and overturn the holdings of a century, and that the great principle of constitutional law which met the approval of Marshall and the long line of illustrious jurists who have occupied the Supreme Bench is to be overturned and revolutionized and changed by a court either now constructed or to be constructed. That is what we are told.

I hold in my hand the cases to which I have referred, but I will not now do more than give the dates and pages where the decisions may be found. The case of Hylton, plaintiff in error, against the United States, defendant in error, was decided at the February term, 1796, and will be found on page 171 of 3 Dallas, United States Supreme Court Reports. It is a decision that stands to-day, and that has been the law throughout the history of this country to this time. Yet we are gravely told that it is to be overturned by the court. Then I call attention to the case of Springer *vs.* The United States, 102 United States Supreme Court Reports, page 586. Now, let us see what the court decided upon the question of a tax of this character, it being charged to be a direct tax, and therefore a violation of the Constitution:

> Direct taxes, within the meaning of the Constitution—

says the court—

> are only capitation taxes as expressed in that instrument, and taxes on real estate.

The tax that was levied upon Mr. Springer's income under the law of 1861 or 1862 was levied under the Morrill tariff act, and was held to be constitutional, and the law was enforced against the property of Mr. Springer, and his property was sold in payment of it and the title sustained in the purchaser. The point was made there, and argued at great length, that the tax was a direct tax, and therefore in violation of the Constitution; and the court held, Mr. Justice Swayne delivering the opinion, without dissent, in accordance with the Hylton case and three preceding cases where the rule had not been questioned, that the tax was lawful and the act not in violation of the Constitution. It was held that the law was not a violation of the Constitution inhibiting direct taxation, and therefore requiring apportionment among the States.

So, Mr. President, when the Senator from New York intimates that there is any question about the constitutionality of the income tax, when the Senator from Massachusetts intimates that there is question about these decisions covering the point of all income-tax laws, I say that if the Supreme Court of the United States are to be believed, the question was settled nearly one hundred years ago, and has not been disputed in this Chamber until within the last few days.

But, Mr. President, the tax is iniquitous and inquisitorial, it is said; that it compels the man who is taxed to tell the truth, and that is objected to. I saw a short time ago in one of the leading papers of New York City an article written by Ward McAllister upon the subject of the income tax. Mr. McAllister's occupation seems to be that of telling the ultra fashionable ladies of the city of New York whether they should put barnyard fowl or roast beef on their tables first, and he draws a large salary, I am told, for it. Ward McAllister gravely informed the Populist ragtag and bobtail element of this country, as he calls them, that if the income tax is imposed upon the people of New York they will leave the country. They will not pay it; they will go over to Europe, where their surroundings are more congenial, to escape taxation. They will leave the country.

Ward McAllister himself, I suppose, will leave us. He will take to his heels and flee the country because the demands of the nation require him to contribute a little of his own income to support the Government. If there is any citizen of the United States whose sense of obligation to his country is so small, who sees in its noblest history nothing to challenge his admiration, who sees nothing in the story of the Stars and Stripes to inspire patriotism in his breast, and who prefers to flee the country rather than to pay his honest taxes, then as one citizen of this country I say, may his flight from the United States be speedy and his stay be perpetual. We do not need men of that kind in this country. We do not want them here. They are a curse to the country, and the sooner they leave and the longer they stay the better off we shall be.

It is said that some persons will lie if we pass a law of this kind. I suppose some Senators will say that the income law ought to be entitled, "An act to encourage liars," that we will make some man commit perjury to save his property, in escaping his just proportion of the burdens of this nation. Is it possible that there is any American citizen to-day whose sense of manhood is so small, whose sense of obligation to his country is so infinitesimal that he would commit perjury in the sight of his God to escape his just portion of taxation? Sir, I do not believe it.

Suppose a man predisposed to larceny should say, "You ought not to pass a law against larceny, because I have to commit larceny, and therefore I will break the law; you ought not to put any temptation in my road; you should permit me to steal without inflicting any penalty upon me. If you pass a law against larceny, the result will be that I will have to violate it, and therefore I will have to suffer in consequence." What man would listen to an argument of that kind?

It can be said with reference to every law, State and national, that you should not pass it because some man will violate it and be punished as a violator, and that therefore it should not be enacted. The reverse of this is true. You pass laws for the express purpose of restraining men from the commission of crime, and you prescribe penalties for the purpose of restrain-

ing violations of acts of Congress and of State Legislatures. This is the purpose of the enactment of a statute.

Now, we are told that this proposed act, if it is passed and becomes a law, will cause many men in this country to violate it by secreting the truth from the assessors of revenue. It is said that it is inquisitorial; that it inquires into a man's business too closely. Let me read to you how they get at taxes in the city of New York. I have some of the official schedules of New York State and New York City. The first one I propose to read is an affidavit which a shareholder in a bank is required to make when assessed for taxation.

STATE OF NEW YORK,
City of New York, ss:

——— ——— being duly sworn, deposes and says, that on the second Monday of January, 189—, he resided in ———, and was the owner of the following described shares of stock:

Shares.	Banks.	Assesssed value.
	Shares in all, assessed at a total value of.....	$

That the full value of all the personal property, exclusive of said bank shares owned by deponent (and not exempt by law from taxation) on the second Monday of January, 189—, did not exceed $———; that the just debts owing by deponent on said date amounted to $———, and that no portion of such debts has been deducted from the assessment of any personal property of the deponent other than said bank shares, or has been used as an offset in the adjustment of any assessment for personal property, whether in this or in any other county or State, for the year 189—, or incurred in the purchase of nontaxable property or securities, or for the purpose of evading taxation.

The affidavit is to be signed by the holder of stock, and he is required to swear to it.

Subscribed and sworn to before me this — day of ———, 189—.

——— ———,
Commissioner of Taxes and Assessments.

Now, it strikes me that that is a little inquisitorial, and yet it is the State law of New York. The holder is required to take that oath. That blank comes from the city of New York, from the office of the City Chamberlain. There the holder of the shares in a bank is required to state the number of his shares in the bank and their value, and is required to take an oath which reveals the true state of affairs. I read another, being the statement to be made by officers of resident corporations.

CITY OF NEW YORK.

DEPARTMENT OF TAXES AND ASSESSMENTS,
Commissioners' Office, Stewart Building, 280 Broadway.

Please state the full name of the corporation.

Statement made and delivered to the commissioners of taxes and assessments of the city and county of New York, for and in behalf of the ———, showing its condition for the purpose of assessment, on the second Monday of January, 1894:

Total gross assets	$
Capital stock actually paid in, or secured to be paid in	
Amount of surplus earnings	
Rate of dividend for last year, or last annual dividend	

Indebtedness in detail, as follows: ———.

Has any portion of above indebtedness been contracted or incurred in the purchase of nontaxable property or securities, or for the purpose of evading taxation?

Assessed value of real estate, describing particularly by ward and ward map numbers: ———.

Amount invested in the stocks of other corporations which are taxed upon their capital	$
Amount invested in United States securities	

[If the stock of the company is worth less than par, state the actual value, and give the facts under oath which will justify such estimate of its value]: ———

The principal office or the place of transacting the financial business of the said corporation is situated in the —— ward of the city of New York, at No. —— ——— street.

CITY OF NEW YORK, *ss:*

I, ——— ———, the ——— of said corporation, being duly sworn, do hereby certify and declare that the foregoing statement is in all respects just and true.

——— ———.

Sworn to before me this —— day of ———, 1894.

The Commissioners are empowered to examine, under oath, the person representing the corporation, if they deem it necessary, to obtain any fuller or further particulars as to its property or condition.

That also is required to be sworn to.

Mr. President, the income tax now under consideration, it is said, will be inquisitorial; that it will require the people who are properly taxable to disclose their business, and that, therefore, it will work injury and injustice to that class of people. What can be more inquisitorial than a law which requires the swearing to a schedule of the character I have read? It is inconceivable for any revenue officer of this Government, acting properly under the statute under the proposed income tax, to construct schedules which will be as inquisitorial as these. Yet we are told by every Senator who has spoken on this question in opposition to the income tax that it is perfectly proper for the States to tax these corporations and individuals, and require of them schedules such as are in common use. The corporation must give its total assets.

By the returns I have read, corporations are required to give the capital stock actually paid or secured to be paid in. The law which we propose to enact does not require anything of that kind. Again, under the returns which I have quoted, the amount of surplus earnings must be stated, the rate of dividend for the last year, or the last annual dividend, and the indebtedness in detail of the corporation.

Mr. President, every corporation in the city of New York and the State of New York is required to return a schedule of this kind annually. So, sir, if the corporations tell the truth, the assessor of revenue under the proposed act can go to the proper officer and get the schedule and make his assessment against them without ever exacting an oath or without ever making a personal inquiry of one of them. The argument that an income tax is inquisitorial, that it inquires into the private business of the citizen, disappears under the fact that this very information itself in an intensified degree is brought out under the State law.

Mr. President, that is not all. In the city of New York they have a statement to be made by a nonresident corporation, which I will read:

CITY OF NEW YORK.

DEPARTMENT OF TAXES AND ASSESSMENTS,
Commissioners' Office, Stewart Building, 280 Broadway.

Please state the full name of the corporation.

Statement made and delivered to the commissioners of taxes and assessments of the city and county of New York, for and in behalf of the ——— showing its condition for the purpose of assessment, on the second Monday of January, 189—.

The company named in this statement is an organization under the laws of the State of ———, having its principal office at ———. The amount of the capital it has invested in business in the city of New York, including the value of its office furniture, safe, samples, fixtures, money in bank and otherwise used in business, will not exceed the sum of $———.

Has any indebtedness been contracted or incurred in the purchase of nontaxable property or securities, or for the purpose of evading taxation? ———

Office in the city of New York, ——— street.

Is the company assessed by the State comptroller; and, if so, for what amount? ———.

CITY OF NEW YORK, *ss:*

I, ——— ———, the ——— of the said corporation, being duly sworn, say that the foregoing statement is in all respects just and true.

Sworn before me, this —— day of ———, 189—.

The commissioners are empowered to examine, under oath, the person representing the corporation, if they deem it necessary, to obtain any fuller or further particulars as to its property or condition.

The oath, it will be seen, requires the nonresident corporation to show what property and assets it has in the city of New York subject to taxation under the laws of the State, and to do so with much more fullness than any schedule would require which could be named under the proposed act. Still, that is not all. I come now to the personal property blank used in the State of Connecticut in the matter of the assessment of taxes.

Write your name and address on line below.

Taxable list of ——— ——— for 1892.

Number.			Dwelling house (giving street and number, front and depth of lot).	Owner's valuation.	Assessors' valuation.
Acres.	Qrs.	Rods.	(Describe fully each separate lot or tract of land.)		
			Store, street, and number		
			Building used for manufactory		
			Horses, asses, and mules		
			Oxen, cows, sheep, and other neat cattle		
			Coaches, barouches, chariots, wagons, and all other carriages		
			Farming utensils (exceeding in value $200)		
			Mechanics' tools (exceeding in value $200)		
			Gold watch, silver watch, or jewelry (exceeding in value $25)		
			Other timepieces		
			Pianofortes and other musical instruments (exceeding in value $25)		
			Household furniture (exceeding in value $500)		
			Libraries (exceeding in value $200)		
			Average amount of goods on hand for the year, including balance of good debts due me		

Write your name and address on line below.

Taxable list of —— —— for 1892—Continued.

Number.	Dwelling house (giving street and number, front and depth of lot).	Owner's valuation.	Assessors' valuation.
	Invested in mechanical and manufacturing operations		
	Invested in commerce		
	Earnings of vessels		
	Bank and insurance stocks (please insert the number of shares of each kind)		
	State stock, manufacturing stock		
	Turnpike and wharf stock		
	All other stocks (except United States and railroads in this State)		
	Railroad bonds (except those of this State)		
	City, town, and other corporation bonds		
	Money on interest in this or any State (except in savings banks, or mortgages in this State to an amount equal to the assessed value of the property)		
	Money on deposit, on hand and elsewhere (exceeding $100)		
	All other taxable property not specifically mentioned		
	Poll —— years of age. If exempt, state from what cause		
	Military —— years of age. If exempt, state from what cause		
	Exemption by reason of the service in the United States Army or Navy of —— in time of war		

I do hereby declare under oath that the foregoing list, according to the best of my knowledge, remembrance, and belief, is a true statement of all —— property liable to taxation, and that —— have included in said tax list all bonds, notes, and other evidences of indebtedness, except such as are by statute exempted from taxation or are endorsed by the State treasurer as not at present liable to taxation in Connecticut, and which are now owned by —— or held by —— in trust, or which —— required by law to put into —— said tax list; and also all bonds, notes, or other evidences of indebtedness, and all shares of the capital stock of any corporation, the stock of which is taxable, which —— have transferred as collateral security to any corporation. I also declare under oath that —— have not conveyed or temporarily disposed of any estate for the purpose of evading the laws relating to the assessment and collection of taxes.

Dated at New Haven, this —— day of ——, 1892.

—— ——
—— ——, *Assessor.*

Sworn to before me,

—— ——, { *Notary Public.* / *Com. Superior Court.* / *Justice of the Peace.*

Remember that the law requires that every taxpayer shall hand in a sworn list of all property owned on the 1st day of October, 1892; said return to be made on or before the 1st day of November, 1892, after which the assessors will, according to the requirements of law, make a list of all so neglecting or refusing, and add thereto the sum of 10 per cent, from which no appeal can be made or deductions for indebtedness.

GEORGE W. NEAL,
WILLIAM SHANNON,
CHARLES SPREYER,
CHARLES A. BALDWIN,
EDWARD F. MERRILL,
Assessors.

Watches, diamonds, jewelry, and pianos are taxable.

The blank goes through the entire list of taxable property, and requires the citizen to make oath to everything he has upon the face of the earth which is taxable, revealing every solitary fact which would be essential to be revealed in enforcing the income tax which is proposed by the pending bill. When it is declared that the income tax is inquisitorial, the statement is refuted completely by the system of taxing in the States. I cite these schedules from the States of New York and Connecticut because it is said that a large portion of the money derived from the income tax, or the most of it, will come from the Eastern States.

I do not cite them because they are exceptional, for I assert there is not a State or a Territory in this Union where a schedule substantially of the same kind is not required of the citizen. He is required to list his property, that which is exempt as well as that which is not exempt. He is required to list the stocks and bonds in corporations and banks which he owns. He is required to list his mortgages and his money. He is required to list all these things under the State law. Now, is it any greater strain upon his conscience to disclose the truth in behalf of the nation than in behalf of the State?

Sir, such an argument is a mere pretext, a subterfuge to escape honest taxation. If any one is inquisitorial, the State authorities are inquisitorial. This is in substance the same process which is employed in every State and Territory in this Union.

I will here insert the notices sent to residents of New York and to nonresident property owners of that State:

Notice sent residents.

Hours for correction of assessment, 10 a. m. to 2 p. m., except Saturdays; then 10 a. m. to 12 m.

The department is not required by law to send this notice. It is sent for the information and benefit only of the party assessed.

Please bring this notice with you.

R. Book, line ...., page ....,

No. ——.

DEPARTMENT OF TAXES AND ASSESSMENTS,
Stewart Building, 280 Broadway, New York, January 8, 1894.

You are hereby notified that your personal estate for 1894 is assessed at $——, exclusive of bank stock, and that the same, if erroneous, must be corrected before the commissioners on or before the 30th day of April next, or it will be confirmed at that amount, from which there will be no appeal.

By order of the commissioners of taxes and assessments.

FLOYD T. SMITH, *Secretary.*

NOTICE.—No deduction allowed for or on account of debts contracted in purchase of nontaxable securities, or incurred for the purpose of evading taxation. Chap. 202, Laws of 1892.

Notice sent to nonresidents.

Hours for correction of assessment, 10 a. m. to 2 p. m., except Saturday; then 10 a. m. to 12 m.

Please bring this notice with you.

The department is not required by law to send this notice. It is sent for the information and benefit only of the party assessed.

N. R. Book, line...., page....,

No. ——.

DEPARTMENT OF TAXES AND ASSESSMENTS,
Stewart Building, 280 Broadway, New York, January 8, 1894.

You are hereby notified that under the provisions of an act passed February 27, 1855, you have been assessed for personal estate for the year 1894 at $——, being the amount invested in your business in the city and county of New York, and that the same, if erroneous, must be corrected before the commissioners on or before the 30th day of April next, or it will be confirmed at that amount, from which there will be no appeal, and the tax for the same will be collected from the property of the firm or association to which you belong.

By order of the commissioners of taxes and assessments.

FLOYD T. SMITH, *Secretary.*

NOTICE.—No deduction allowed for or on account of debts contracted in purchase of nontaxable securities, or incurred for the purpose of evading taxation. Chap. 202, Laws of 1892.

Mr. President, it is said that an income tax is unjust and sectional. It is sectional because the people of a certain section of this country have the greatest number of incomes which are taxable or the greatest aggregate amount of taxable incomes. It is not sectional to make a man perform his duty to his country, wherever he may be. A man who lives in the State of Maine is not entitled to any more consideration than a man who lives in Louisiana or Texas. He is entitled to the same consideration, and to no more. He is an American citizen; no more, and no less. He is entitled to the same measure of protection and no more; and it will not do for him, when he is called upon to pay his portion of the public burden, to raise the cry that the law is sectional.

I am aware of the fact that I am consuming considerable time, but I propose to put some things in the RECORD which the country ought to know. The tariff bill can afford to lose one more day, if necessary, for the truth to be known to the country. The New York World is a pretty fair Democratic authority, I suppose. The Senator from New York will know more about that than I do.

Mr. HILL. The World is good Democratic authority on some things, and on some things it is the organ of the Populists. It does not seem to have very great weight with the Senate, because I observed that on Tuesday last it appealed to the friends of the income tax to listen to reason, and then it proceeded to advocate an increase of the exemption to $5,000. And the Senate turns right around this morning and proposes to reduce it to $3,000.

Mr. ALLEN. If the New York World is a Populist paper, I thank God that the lamp of light is being carried into the darkest part of this country on the question of Populism. It is really a hopeful sign to know that a great metropolitan journal like the New York World is carrying the living truth of Populism into Wall street, where it ought to be known for the benefit of the entire country. I welcome to the ranks of enlightened Populism the New York World. It is a sign to me that this doctrine, which will leaven the whole lump and which will take this country and administer to it in the next decade in the interest of the people and in a more enlightened and just manner than it has been administered for forty years, is gaining strength. I welcome this great journal to the Populist ranks. We are gaining strength daily.

But, Mr. President, the New York World, before it became a Populist paper, told the truth, too. Before it ever became a Populist paper it published a list of the men in the city of New York who possess fabulous fortunes. I suppose it got its infor-

mation from the return of these schedules I have read. I will ask the Secretary to read the article I send up.

Mr. HILL. What is the date of the article?

Mr. ALLEN. I ask the secretary to read from a reprint in the National Watchman. The article is taken from the New York World of date February 11, 1894.

Mr. HILL. Does the Senator know what is the date of the article from the World?

Mr. ALLEN. February 11, 1894.

The PRESIDING OFFICER. If there be no objection the Secretary will read as indicated.

The Secretary read as follows:

A few of New York's millionaires.	Annual income.	Annual tax due under the proposed income-tax law.
J. D. Rockefeller	$67,611,250	$152,225
William W. Astor	8,900,000	178,000
Russell Sage	4,500,000	90,000
George J. Gould	4,040,000	80,800
Cornelius Vanderbilt	4,048,000	80,960
William K. Vanderbilt	3,795,000	75,900
Henry M. Flagler	3,000,000	60,000
F. W. Vanderbilt	1,750,000	35,000
John J. Astor	2,500,000	50,000
Louis C. Tiffany	1,750,000	35,000
C. P. Huntington	1,000,000	20,000
William Rockefeller	3,000,000	60,000
Mrs. E. F. Shepard	1,000,000	20,000
Mrs. Hetty Green	3,000,000	60,000
Moses Taylor estate	2,500,000	50,000
Robert Goelet	1,250,000	25,000
Ogden Goelet	1,000,000	20,000
J. M. Singer estate	1,500,000	30,000
J. P. Morgan	1,250,000	25,000
Davis Dows estate	1,000,000	20,000
Mrs. E. T. Gerry	1,000,000	20,000
Schermerhorn estate	1,250,000	25,000
Jabez A. Bostwick	1,000,000	20,000
The. A. Havemeyer	1,000,000	20,000
H. O. Havemeyer	1,500,000	30,000
W. Sloane	1,000,000	20,000
Mrs. W. D. Sloane	1,000,000	20,000
Henry Hilton	1,000,000	20,000
Andrew Carnegie	1,000,000	20,000
H. V. Newcombe	750,000	15,000
Mrs. Twombley	1,000,000	20,000
G. W. Vanderbilt	1,500,000	30,000
William C. Whitney	1,000,000	20,000
William P. Furniss	1,000,000	20,000
Darius O. Mills	1,000,000	20,000
P. R. and Mrs. Pyne	1,500,000	30,000
Andrien Iselin	600,000	12,000
Andrien Iselin, jr	300,000	6,000
William E. Iselin	150,000	3,000
Mrs. P. Martin	500,000	10,000
Eugene Kelly	500,000	10,000
George Bliss	500,000	10,000
Levi P. Morton	500,000	10,000
Cornelius N. Bliss	300,000	6,000
Mrs. R. Winthrop	500,000	10,000
Dr. W. S. Webb	500,000	10,000
Mrs. W. S. Webb	1,000,000	20,000
Mrs. Mary R. Rhinelander Stewart	250,000	5,000
F. S. and Mrs. Wetherbee	250,000	5,000
J. M. Constable	500,000	10,000
F. A. Constable	250,000	5,000
Hicks Arnold	500,000	10,000
Anson P. Stokes	500,000	10,000
Mrs. A. P. Stokes	500,000	10,000
Thomas Stokes	250,000	5,000
James Stokes	250,000	5,000
W. E. D. Stokes	250,000	5,000
Arthur M. Dodge	250,000	5,000
C. H. Dodge	250,000	5,000
N. W. Dodge	250,000	5,000
Geo. E. Dodge	250,000	5,000
Mrs. G. E. Dodge	75,000	1,500
W. E. Dodge, jr	375,000	7,500
Rev. D. S. Dodge	50,000	1,000
Charles C. Dodge	50,000	1,000
Henry Hart	500,000	10,000
Robert Bonner	150,000	3,000
Sidney Dillon estate	500,000	10,000
Samuel D. Babcock	500,000	10,000
Mrs. H. A. Garner	250,000	5,000
Lady Gordon Cumming	100,000	2,000
Hiram Hitchcock	100,000	2,000
Brayton Ives	100,000	2,000
John M. Inman	250,000	5,000
Col. Delancy Kane	125,000	2,500
Frederick Bronson	125,000	2,500
George F. Baker	500,000	10,000
Herman Clark	125,000	2,500
Henry Clews	250,000	5,000
B. M. Chesebrough	125,000	2,500
Austin Corbin	500,000	10,000
Abram S. Hewitt	250,000	5,000
Mrs. A. S. Hewitt	100,000	2,000
Edward Cooper	250,000	5,000
C. M. Depew	125,000	2,500
Countess Francisca De Roda	500,000	10,000
Duchess of Marlborough	250,000	5,000
John C. Moore	250,000	5,000
Richard Mortimer	125,000	2,500
Stanley Mortimer	$125,000	$2,500
W. Yates Mortimer	125,000	2,500
Newbold Morris	125,000	2,500
O. B. Potter estate	250,000	5,000
Emanuel Lehman	250,000	5,000
Mayer Lehman	250,000	5,000
Francis H. Leggett	100,000	2,000
Charles A. Bandourne	125,000	2,500
Rev. C. F. Hoffman	250,000	5,000
Rev. E. F. Hoffman	250,000	5,000
D. Willis James	125,000	2,500
Robert Hoe	150,000	3,000
Mrs. Mary M. Jones's estate	200,000	4,000
Mary M. Jones's estate	100,000	2,000
George Jones's estate	100,000	2,000
Oliver L. Jones	75,000	1,500
Mason K. Jones	75,000	1,500
Mary S. Jones's estate	125,000	2,500
Isaac Ickelheim	125,000	2,500
E. J. Jermanoniske	100,000	2,000
Edward S. Jaffray	150,000	3,000
Aug. D. Julliard	150,000	3,000
Mrs. A. D. Julliard	75,000	3,000
James R. Keene	125,000	2,500
A. S. Heidelbach	125,000	2,500
Marcellus Hartley	250,000	5,000
Henry B. Hyde	250,000	5,000
John Greenough	125,000	2,500
Amos R. Eno	1,000,000	20,000
Morris K. Jessup	125,000	2,500
Grand totals	97,744,250	1,954,885

Mr. ALLEN. Mr. President, I have had this list read for the purpose of showing that in one city of the United States alone where the income tax operates to some extent there are fabulous fortunes, fortunes which, in my judgment, should bear their equitable and just proportion of taxation. I would not enact a law which would despoil these fortunes at all, nor would I by any kind of legislation take one cent from the persons holding these fortunes which they ought not to contribute to the Government. I repeat my denial of the assertion made upon this floor from time to time that there is a citizen of the United States belonging to the Populist party who would disturb or menace one dollar of these fortunes, whether they were honestly or dishonestly gained.

But I wish to assert at the same time and as a part of the same sentence that the Populist party would, if it had power, prevent the accumulation of these enormous fortunes, by hook and by crook, which to-day defy the Government and menace the peace and prosperity if not the permanency of the Government itself. I am not a socialist, sir. I have no sympathy with any class of people in this country who want to live without honest work for everything they get. I have not the slightest sympathy with any man who wants to confiscate fortunes, great or small. I have not the slightest sympathy with any man who goes through the world upon the supposition that the world owes him a living, regardless of whether he works for it or not.

I believe that every man who enjoys anything on this earth, who is in good health and who is *compos mentis*, ought to be able to say that it is the result of his honest energy and his honest work. If there is any law in this country, State or national, which permits a man to sit in his office in New York or Boston and take from the farmer of the State of Nebraska or the laboring man of the State of Nebraska a portion of his hard-earned money which the New York man or the Boston man is not entitled to, it is a law of confiscation and spoliation and is unjust; and I am against it and want it repealed.

Mr. HILL. Mr. President——

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

Mr. ALLEN. I always yield to the Senator from New York.

Mr. HILL. What particular law would the Senator from Nebraska repeal?

Mr. ALLEN. The Senator from New York wants to know what particular law I would repeal. I think our trouble to-day is due as much to a failure to legislate properly as it is to improper legislation.

Mr. HILL. What particular law would the Senator enact, then?

Mr. ALLEN. I will tell the Senator of one law I should very quickly enact, and then I should like to hear from him. I should enact a law, for instance, by which Mr. Collis P. Huntington should not within twenty-five or thirty years make a colossal fortune out of the people of this country, through crooked legislation, regarding the Pacific Railroad systems. That is one law

I should enact. I should quit donating the public lands of this country to corporations. That is another law I should enact.

Mr. HILL. If the Senator will allow me, I will ask whether anybody is doing it now?

Mr. ALLEN. Within the last thirty years, or since the railroad grant to the Illinois Central Railroad in 1855, possibly 1853.

Mr. ALLISON. Eighteen hundred and fifty.

Mr. ALLEN. I think it was May, 1853, if I recollect correctly, but I will stand corrected. Since that time there has been given away more of the public domain to corporations of that kind than is embraced in all New England, New York, Pennsylvania, and Ohio together.

Mr. HILL. Will the Senator from Nebraska allow me?

Mr. ALLEN. Certainly.

Mr. HILL. If I understand it correctly that was the legislation mainly of the Republican party, of which the Senator was an honored member and in which he remained a member fifteen or twenty years after that legislation was enacted.

Mr. ALLEN. The Senator from New York is unfortunate in his history. He would make a remarkable strong argument upon any question if the facts would bear him out. But this giving away of the public domain occurred under the Democratic party or started under the Democratic party. The Democratic party was in power when the Illinois Central Railroad grant was passed, by which hundreds of thousands of acres were given away. The mania seized the Democratic party to give away the public domain. The Democratic party started it, but the Republican party continued it; and they have given away millions and millions of acres of the finest land in this country.

Mr. HILL. In 1853 was the land given to the railroad companies or to the States?

Mr. ALLEN. A great portion of it was given to the States for the purpose of granting it to the railroads; and some was given direct to the railroads themselves.

Mr. HILL. The States could do as they pleased with it.

Mr. GEORGE. If the Senator from Nebraska will allow me, I will state that no land grant ever passed by a Democratic Congress was made to a corporation. The grants were always made to the States.

Mr. ALLISON. Will the Senator from Nebraska allow me?

Mr. ALLEN. Certainly.

Mr. ALLISON. I do not wish to interfere in this adjustment, but I desire to state my recollection as respects these land grants. They were begun in 1850, I think, by the Democratic party, or the party then in power, and were continued in 1856——

Mr. HOAR. If the Senator from Iowa will pardon me, they were begun a little later than 1850, because Mr. Sumner came into public life on the 4th of March, 1851, and he made his first speech in favor of the first land grant.

Mr. HARRIS. I hope the Senator from Nebraska and the Senator from Iowa will allow me to correct a little bit of the history of the Senator from Iowa.

Mr. ALLISON. If I can have an opportunity of stating my little bit of history, I shall be glad to be corrected if I am mistaken.

Mr. HARRIS. I simply wish to correct one statement. Gen. Taylor was elected President in 1848 and was inaugurated in 1849, and for four years thereafter it was not the Democratic party, but the opposing party which administered the affairs of this country. In 1850 I chanced to have been a member of the House of Representatives, and so far as the Democratic party and the opposing party were concerned, that House was composed of 115 to 115, with a Whig Senate.

Mr. ALLISON. I thank my venerable friend for correcting me as to that.

Mr. HARRIS. Emphasize the "venerable."

Mr. ALLISON. I ask the Senator from Nebraska to yield to me just a moment further.

Mr. ALLEN. Certainly.

Mr. ALLISON. Perhaps I was misled for the moment, for I remembered that the Illinois Central land grant was championed by Mr. Stephen A. Douglas and received the united support of every Southern Senator, whether Whig or Democrat. It extended from a place opposite where I now reside to the city of Mobile, in Alabama. During the period between 1850 and 1860 the Southern States were gridironed with land grants, which received the support of every Southern Senator and most of the Northern Senators.

The policy of the land-grant system at that time (and I do not wish either to commend it or to disapprove of it at this moment; I only speak of it historically) was to grant alternate sections on the part of the Government and charge the settlers or occupants of the other alternate sections double minimum price for the land. The whole argument and theory upon which those grants were made was that it was for the benefit of those who occupied the distant prairie regions, and the Government was not expected to lose one dollar by giving away the alternate sections and receiving double minimum price for the other alternate sections.

If the Senator from Nebraska will allow me a word more, I will state, in response to my friend from Mississippi, that it is true when the Union Pacific Railroad land grant was made in 1862 the territory over which the grant was made, including the State in which the Senator from Nebraska now resides, was practically a wilderness. There was no State organization and very little Territorial organization embracing that whole region, so that the grants had to be made to the corporations or not be made at all.

Mr. GEORGE. By the courtesy of the Senator from Nebraska I desire to make a statement in reference to these land grants. It may be of some use to the Senate. From the foundation of the Government up to the year 1860 about 30,000,000 acres of land were granted by Congress for the purpose of internal improvements, railroads, and canals. In every instance the grant was made to the State. After 1860, when the Democratic party was no longer in control of the Government, up to a time embracing, I believe, a period of about fourteen years, the Republican party granted 180,000,000 acres of the public domain for railroads, or an area about five or six times as large as the State of Indiana. The Democrats granted six sections per mile; the Republicans granted ten and twenty sections per mile. In addition, I may say that they granted about $60,000,000 of bonds of the United States for two railroads across the continent.

Mr. MITCHELL of Oregon. Will the Senator from Nebraska allow me to ask the Senator from Mississippi a question?

Mr. ALLEN. Certainly.

Mr. MITCHELL of Oregon. The Senator from Mississippi states, as I understand, that the Democratic party always made grants of land to the States and not to the railroad companies.

Mr. GEORGE. Always.

Mr. MITCHELL of Oregon. Whereas the Republican party, as he states, made the grants direct to the corporations or the companies. I wish the Senator from Mississippi to state whether he knows of a single instance in which, through the influence of the Democratic party, a grant was made to a State where a corporation did not eventually get the benefit of it.

Mr. GEORGE. I will answer the question. I understand that the grant by Congress to the State of Illinois for the Illinois Central Railroad was so disposed of by the State of Illinois to that railroad that the State gets a certain percentage of the gross earnings of the road. The Senator from Iowa can state whether or not that is right. I understand, in addition to that, and the Senator can correct me if I am wrong, that a very large sum is paid into the State treasury of Illinois every year by virtue of the reservation by the State of a portion of the gross proceeds of their land grant to the Illinois Central Railroad.

Mr. MITCHELL of Oregon. I should like to ask one other question, if the Senator from Nebraska will allow me.

Mr. GEORGE. Let the Senator from Iowa answer and see whether I am correct.

Mr. ALLISON. If the Senator from Nebraska will allow me, I will state that the State of Illinois, having this grant, granted it in turn to the Illinois Central Railroad Company on the condition that 7 per cent of the gross earnings for all future time should be paid into the treasury of the State of Illinois.

Mr. GEORGE. That is right.

Mr. ALLISON. And the people of the State of Iowa have been paying a large portion of that income for the last twenty-five years.

Mr. GEORGE. I am sorry for the people of Iowa.

Mr. MITCHELL of Oregon. I think the Senator from Nebraska will allow me to ask one more question.

Mr. ALLEN. No; I can not do it. I can not have my remarks interrupted further by this colloquy.

Mr. MITCHELL of Oregon. Certainly I should be permitted to ask one more question after the statement of the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield the floor.

Mr. MITCHELL of Oregon. I should like to ask merely one question.

Mr. ALLEN. I did not yield to the Senators to go into the question they desire to discuss.

Mr. CULLOM. I believe I have not interrupted the Senator from Nebraska in any of his remarks——

Mr. ALLEN. It would interrupt me to have the Senator from Illinois talk now.

Mr. CULLOM. And I only wish to make a statement of the exact facts with relation to the State of Illinos and the Illinois Central Railroad, so far as concerns the land grant.

Mr. ALLEN. This matter can come up at some other time.

Mr. CULLOM. The Senator from Nebraska declines to yield?

Mr. ALLEN. I do. I did not yield for the purpose of discussing the entire history of the land-grant system in this country. I simply said that one of the laws which I should pass would be one to prohibit granting any more of the public domain in the nature of subsidies to railroads or other corporations. I should have every acre of the public domain held sacred for actual settlement by actual settlers in this country. That is one thing I should do; that is one law I should pass. Then, to answer the Senator from New York further, I should pass a law by which no corporation doing an interstate business, as many of these great railroads are, should overcapitalize or recapitalize itself and issue watered stocks and bonds to drain the fields and mines of this country of their wealth, as they have been doing for a quarter of a century past. I should pass and rigidly enforce a law of that kind.

Mr. ALLISON. May I interrupt the Senator just to correct a little statement, or rather to enforce the statement he is making? What he says he would do now was done by Congress in 1872, and since that time no lands have been granted to any railway company or to any State for any railway company.

Mr. ALLEN. I am speaking now of the question of capitalization. I will make this statement, and it is capable of proof, that at least three of the great transcontinental railroad companies, which are doing an interstate business in this country, I might say five of them, the greatest railroads in the United States, are capitalized at 50 per cent more than the actual money paid in.

Now, what does that mean to the people of this country? It means that the farmers and producers of this country are compelled to pay interest and earnings upon the capital stock of these corporations at 3 or 4 per cent per annum upon pure, absolute water. By that means these corporations are reaching out into the wheat fields and corn fields in my State and Kansas and all the great grain-growing States and robbing the people of a portion of their money. That is another law I should pass. I wish to see if there is a Senator in this Chamber who will stand up here and undertake to justify that kind of business, who will say that it is not perfectly proper for this Government to take the commerce clause of the Constitution and upon it base a proper law prohibiting the overcapitalization of corporations, thus preventing them from robbing the people of the country. I should pass that kind of a law.

I would by that means save to the people of this country millions upon millions of dollars annually, which are now taken from them by this system of legalized robbery. But the moment you do that, the moment any Senator stands in this Chamber and raises his voice in behalf of the producers of this country and against that system of spoliation and robbery, that moment some Senator gravely rises in his place and says, "Oh, that is Populism," and therefore unpopular. Or, if he does not do that, he classifies every Populist as an agitator and himself as a conservative statesman!

This country is suffering more to-day from the so-called conservatism in business circles—which means simply the do-nothing policy, for that is all it is—than it is from any form of agitation. Conservatism, as these so-called "conservatives" interpret it, means rust; it means decay; it means stagnation; it means let things go as they will regardless of the consequences. Agitation, rightly interpreted, means life, energy, progress, justice eventually, if pursued in the proper spirit and with the proper motives and intelligence. I have no patience with these self-asserting conservative persons who hide injustice and cupidity under assumed conservatism.

Mr. President, I did not have the list of millionaires in the city of New York read for the purpose of saying one harsh word of them. They have their fortunes, whether they were honestly earned or not, and I care not, so far as I am concerned, how they were obtained. But I should pass another law which would prohibit the building up of fortunes like those in the manner some of them were made by their owners. I would have every man who earns a fortune be able to face the world and say: "This fortune is the result of my own industry, honesty, and labor, and is not the accumulated earnings of thousands of my fellow-citizens throughout the land, which I have been able to reap by vicious or rotten legislation, or in consequence of an overconservative Congress failing to legislate in the public interest."

I say let every one of those fortunes be held sacred, whether they were earned honestly or not; let every piece of property in this country be held sacred which is gained by honest means, but do not let us, under this cry of conservatism, suffer 20 per cent of the people of this country to own 80 per cent of the property and total wealth of the nation.

A few years ago—I think it was in 1890, or possibly in 1891—Mr. Blaine, in an article published in the North American Review in his discussion with Mr. Gladstone—made the assertion that less than 50,000 people of the United States owned over one-half of the total wealth of the nation. Less than 50,000 people own $30,000,000,000 of the $60,000,000,000 of property in this country, according to that great leader of the Republican party. The same year Mr. Thomas G. Shearman, in an article published in the Forum, declared that 30,000 people owned over one-half of the total wealth of the United States.

From many a stump ex-Senator Ingalls, of Kansas, reiterated the statement of Shearman that 30,000 people owned over one-half of the total wealth of this nation. Will any Senator stand at his desk in this Chamber and assert to the world that 30,000 men could, in a lifetime, by honest means accumulate one-half of the total wealth of a great nation of continental magnitude and proportions?

How many years will it be until the total wealth of this nation shall have passed into the hands of a very few thousand men, and the great masses of the people, male and female, become a vast agricultural and mining peasantry, practically slaves?

How long will it be until that deplorable event shall occur, if things are to go on as they are going on to-day? Yet, sir, if a Senator stands in the Senate of the United States and asserts these great truths, the batteries of the corporations, the batteries of the money power, are opened upon him, he is characterized as a Socialist, as a Populist, an anarchist perhaps, because he preaches the doctrine of the rights of the humble and the poor of his nation. No, sir, we would not disturb one of these fortunes. We would hold them sacred, but let no fortunes be accumulated after this which are not honestly accumulated.

Why do Senators refuse to have a reasonable tax put upon incomes? I see in this list two preachers of the gospel who have about $250,000 a year income. They are preaching the gospel of Christ; they are preaching the doctrine of peace on earth and good will to men, and yet they enjoy princely fortunes. Should they not pay an income tax? If the Senator from New York is a fair representative of their interests, they do not wish to be taxed upon their incomes.

Mr. CULLOM. How did the ministers referred to get those incomes?

Mr. ALLEN. I do not know. I hope properly. They may have inherited them; they may have earned them in the pulpit; they may have earned them by speculation upon the stock exchange for aught I know—in sugar stock, or something of the kind.

Mr. CULLOM. I thought from the tone of the Senator's voice that he was attacking those two ministers because they had such incomes. I simply wanted to know how they got them.

Mr. ALLEN. The Senator from Illinois did not think anything of the kind. He did not think I was attacking these men. I have distinctly told the Senate that I did not attack them or any other persons. The assertion is entirely gratuitous, when the Senator rises here and says I am attacking them.

Mr. CULLOM. I did not happen to have the honor of hearing the preliminary remark. I just chanced to hear the Senator talk about the enormous sums of which those two preachers had gotten possession. There seemed to be some feeling about it on his part, and I therefore very innocently asked him how they got the money.

Mr. ALLEN. How did the Senator come to think that I was attacking them if he did not hear?

Mr. CULLOM. The manner of the honorable Senator indicated that.

Mr. ALLEN. Not at all. I have seen the Senator from Illinois much more earnest at times than I am at this moment, and I never thought anything bad of him for it.

Mr. HILL. The Senator from Nebraska was only attacking the ministers in a Pickwickian sense.

Mr. ALLEN. No. It is part and parcel of the policy of the Republican party to cast odium upon the Populist party and every man who represents it. It is a part and parcel of a systematic policy to bring that party and its representatives into disrepute. That was the inspiring motive of the Senator from Illinois.

Mr. CULLOM. If the Senator from Nebraska will allow me, I will state that I had not the slightest disposition or feeling to attack the Populist party, or the Senator either. I hope the Senator will not do me the injustice to say that I was attempting to cast a slur upon him or upon the party he represents.

Mr. ALLEN. Let the incident pass. It is of no consequence, anyway.

Mr. CULLOM. I think not.

Mr. ALLEN. But I wish to know why these great fortunes should not bear their portion of taxation. It is said that they are compelled to bear heavy taxes in the States. Is that not true of every citizen of the nation who has property? Does not the man who uses the plow in the field pay taxes upon his prop-

erty and bear his ratable proportion of the public burden as well as these great fortune holders?

Every State and Territory in the Union recognizes the rule that equality of taxation consists in the taxing of property according to its value, and the contribution of property to the public tax fund according to its value, and nobody complains; and yet, sir, when we undertake to invoke this universal rule of the States and Territories, and the rule that exists in the District of Columbia itself, if I am correctly informed, and enforce it in national taxation, then this cry comes up that the tax is unjust, iniquitous, and inquisitorial.

Senators say they favor indirect taxation—indirect taxation to let these great fortunes go scotfree. They have been earned, it is true, in this country and under the laws of the country; the law has protected these individuals in the accumulation of their fortunes, protected their persons, protected their homes, protected their property, and it is protecting them to-day; and yet it is said that these tremendous fortunes should be permitted to escape national taxation because it is unjust and burdensome. The Senator from New York used that argument yesterday, and he used it a few months ago. Is it not perfectly proper and just that every man should pay according to the value of his property, according to the interest he has in the preservation of the Government, State and national?

Is it not perfectly proper that the same rule we recognize as just and right in State taxation, should be applied to national taxation? Certainly the rule is as just in the one case as in the other; but there must be some subterfuge invented by which these tremendous fortunes may escape taxation; and, therefore it is said, that the taxation that is levied in this country outside of war times should be the indirect customs tax of the Constitution.

But, Mr. President, what does that mean? It means simply that a poor man with an annual income of perhaps not to exceed $1,000 or $1,500, who has a family of five—a wife and three children—is compelled to pay through the operation of that indirect tax, as much to support the National Government as the man whose annual income is $7,000,000. Upon every article which that poor man and his family consume he is compelled to pay as much to support the National Government as the man with that tremendous fortune; and that, sir, according to the argument of the Senator from New York and the Senator from Connecticut, is equal and just taxation!

No, sir; it is the law of selfishness that prompts this argument. If these men can escape with their tremendous fortunes from bearing their portion of the national burden of taxation, they are perfectly willing that that burden shall rest upon the tax-ridden and upon the poverty stricken people of this country.

I heard a Senator say the other day in the discussion of this question that it was placing a tax upon prosperity to impose an income tax. Mr. President, where should you place it? If you do not place the burden of taxation ratably upon the prosperous, in God's name where would you rest it? Would you rest it upon the poverty stricken people of the nation, and make them bear the burden of taxation? Sir, for one I will not be guilty of such an act.

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

Mr. ALLEN. I will hear the Senator.

Mr. HILL. The Senator a moment ago spoke very feelingly of the poor man with three small children, and I understood that he expressed the desire to aid that poor man in his struggle in life. I could point out to the Senator one way by which he might aid that poor man; and that is to give him free sugar, and yet the Senator voted to put a duty upon sugar.

Mr. ALLEN. Mr. President, if that should occur in a court room it would be called pettifogging. You can not put down a great question by a remark of that kind.

Mr. HILL. Whether it is pettifogging or not, I should like to hear the Senator's answer to it.

Mr. ALLEN. When the Senator from New York stands in this Chamber and says that the sugar tax is the only thing to be considered, I am sorry for him. He betrays more ignorance than I supposed he possessed.

Mr. HILL. I do not say that the sugar tax is the only thing to be considered, but I say it is one of the things to be considered.

Mr. ALLEN. I say it is surprising to me that the Senator should stand here wanting to know what the poor people of this country are going to do without sugar.

Mr. HILL. Of course, they can not live entirely upon sugar.

Mr. ALLEN. No; of course, they can not live entirely upon sugar. Then, why talk about the sugar question when it has no pertinency to the question under consideration?

Mr. HILL. Because sugar is one of the several articles that go to make up what a man lives on.

Mr. ALLEN. Why talk about free sugar for the poor man when he never has had free sugar since the day George Washington was made President? When Senators talk about giving the poor man free sugar, a thing that has never been, why not give him something else free that is equally, if not more important to him? If necessary, a man can get along without sugar. There are some of us in this Chamber who remember the days of the civil war when we had to get along without sugar, sometimes for months and sometimes for almost a year.

You can get along without sugar, but you can not catch the poor people of this country with that taffy argument much longer. They can not get along without clothing, fuel, shelter, and money. They must have something to shelter them from the blasts of winter, they must have homes; they must have clothing. The little bodies and the little hands and feet in this country must be clothed.

Mr. MITCHELL of Oregon. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. MITCHELL of Oregon. If the poor man were not compelled to pay an extra cent a pound on sugar, he might be enabled to buy clothing.

Mr. ALLEN. The Senator does not want to tax sugar, and yet he is in favor of taxing the flannels and shoes that cover the little bodies, hands and feet of the children of this nation; and then the Senator talks about free sugar for people of that kind. Out upon such nonsense!

Mr. President, the people must have the absolute necessaries of life; they must have shoes and clothes, cheap they may be, and cheap they are, in consequence of their poverty, but they must have these things, yet the persons who talk about giving them free sugar, which is a falsity in its statement, tax these absolute necessaries of personal consumption almost 100 per cent when they have taxed the lumber that goes into the construction of the homes of the people, when they have taxed everything that they consume, everything that is to shelter them, everything that is to warm them, and the few pitiful coals which go into their stoves and their ranges, but we must give the poor people free sugar!

Now, the Senator wants to know why I voted for a tax on sugar, and I will tell him why I did it. I voted for a tax on sugar because when Benjamin Harrison left the Presidential chair he left a practically bankrupt nation; the $100,000,000 which had been accumulated under the previous Administration of the distinguished friend of the Senator from New York [laughter] had been absolutely depleted, and the Secretary of the Treasury, Mr. Foster, had gone to New York for the purpose of issuing bonds just a few days before the close of the Harrison Administration. Every prop that could be used was put under the recent Administration to hold it up until Cleveland and his party came into power, that the crumbling structure might not fall upon Harrison, and it was held by sheer force until Harrison went out and Cleveland came in.

I say this, and I am not a very strong friend of the present Administration, either.

What became of the $100,000,000 that Mr. Cleveland left in Treasury when he went out? In some form it disappeared, and all the tax money that was acumulated during the Administration of Mr. Harrison was paid out.

Mr. PLATT. Surely the Senator can not be in earnest in asking what became of the $100,000,000 which was in the Treasury when Mr. Cleveland went out, when the Senator must know the fact that during the Harrison Administration bonds of the Government were paid to the amount of $259,000,000.

Mr. ALLEN. Oh, yes, I know that quite well; but I know that about one-fourth of that amount consisted of premiums paid upon those bonds; that nearly $25,000,000 of the $100,000,000 surplus went out in premiums upon the bonds.

Mr. PLATT. But I thought the Senator was inquiring where the money went. There was more than $200,000,000 paid upon the principal of the public debt.

Mr. ALLEN. I am not talking about the $200,000,000, but about the $100,000,000 surplus. I say that that was practically gone, and all of the proceeds of the taxes accumulated during the Cleveland Administration were practically wiped out, and about $25,000,000 of, the sum was paid out in premiums upon bonds.

"We have got a little surplus in the Treasury of the United States," it was said, "and we can reduce the taxes upon the people. Will we do it? No. When we get rid of this surplus, what will we do? We will go down to New York City, and pay to the Shylocks there a premium upon their bonds and will take the money out of the Treasury, and pretty soon we shall have to issue more bonds."

Mr. HAWLEY. I should like to put in a fact of history just there. The famous, or what I suppose the Senator would say the "infamous," but what I call the glorious McKinley law reduced taxation about $60,000,000, and perhaps overdid it a little.

Mr. ALLEN. It may have done so, but I do not believe it did.

Why was not that surplus money placed in a sinking fund and applied to the discharge of the national indebtedness as rapidly as it matured, and not to pay the fictitious prices fixed by Wall street as premiums upon these bonds?

I propose at the proper time to offer this proviso to the bill under consideration and to see how many Senators will vote for it:

Provided, That all surplus revenues derived by the Government under the provisions of this act shall be held as a sacred fund with which to pay the national indebtedness as rapidly as it matures.

Do you suppose that this amendment will get a majority of the votes here? Not at all. It will get a few, but it never will be permitted to pass the Senate; it will never be permitted to become the law of this land. Why? That would shut off the opportunity of Wall street to invade and loot the Treasury of any surplus that may arise under the operations of this bill. If you will take that surplus and put it in the Treasury Department as a sacred fund with which to discharge the national indebtedness as fast as it matures, you will cut off the possibility of the money sharks invading the Treasury Department and looting it again, and therefore this proviso will never be permitted to pass this body and become a law.

Mr. President, I insist that the argument made by the Senator from New York and the Senator from Connecticut that the income tax is unjust and inquisitorial is an argument which finds no support in logic or in reason. It is the argument of the man whose love of fortune is greater than his love of country. I would regard it as a glorious thing if I had an income to be taxed to enable me to contribute more to the support of this Government. I do contribute anyhow so far as I have anything on which to pay.

I should like to be able to say, if I had an honest income sufficiently large, that I pay my just proportion of the expenses of the Government burden of taxation, and instead of taking my money and fleeing the country, and deserting the flag of my nativity and my obligation to my country, in preference to discharging an honest obligation to the Government that fostered and protected me, I could contribute to the common fund of taxation.

No, sir; it is the argument of avarice; it is the argument of cupidity; it is the argument of the man who loves his lucre better than he loves his country, who wants to escape with his whole fortune, who wants to shirk his responsibility as a citizen, who wants to cast the burden of conducting the Government upon the poor and distressed and those least able to bear it.

That is the argument used here. True, it is not put in that language; it is not so prominently stated; but that is where all this subterfuge and rot that we hear about the income tax being inquisitorial and unjust leads to. It leads to the road by which the man who has a fortune may escape bearing his just proportion of the national burdens.

Mr. President, I propose to call the attention of the Senate a moment to a few significant facts. I will read an extract from an article in the Political Science Quarterly of December, 1893, entitled "The Concentration of Wealth," by Mr. George K. Holmes, of the Census Bureau.

Wealth distribution by classes.

1.	
1,440,000 farm-hiring families, worth $150 above debts of indefinite amount	$216,000,000
2.	
752,760 families owning incumbered farms worth less than $5,000, deducting incumbrance and other debts of indefinite amount, and allowing $500 for additional wealth	1,359,741,600
3.	
1,756,440 families owning free farms worth less than $5,000, allowing $1,000 for additional wealth above debts of indefinite amount	5,309,589,600
4.	
5,159,796 home-hiring families, worth $500 above debts of indefinite amount	2,579,898,000

That refers to those who hire their homes, who rent them.

5.	
720,618 families owning incumbered homes worth less than $5,000, deducting incumbrance and other debts of indefinite amount, and allowing $500 for additional wealth	1,142,531,550
6.	
1,764,273 families owning free homes worth less than $500, allowing $2,000 for additional wealth above debts of indefinite amount	6,749,076,593
11,593,887 families worth	17,356,837,343

In other words and stated in other language, 91 per cent—just think of it—of the 12,000,000 families of the country own no more than about 29 per cent of the wealth and 9 per cent of the families own about 71 per cent of the wealth.

That is a startling statement. I believe it to be a true statement. It comes from an authentic source that 91 per cent of 12,000,000 families in the United States own only about 29 per per cent of the total wealth of the nation.

Mr. President, it can not be said that this is the result of improvidence upon the part of the great mass of the people, and excessive business acuteness, prosperity, and honesty upon the part of a few. It will not do to make that argument. It is untrue. The people will not believe it. Sir, it is in consequence of vicious legislation of the nation and the failure to legislate in the respects that will bring prosperity and justice to the homes of our people. I am not a believer in the doctrine that legislation will supply the necessity of brains or the necessity of labor; but I will say that it is the duty of this Government to keep the opportunities of life open to every American citizen equally with every other American citizen, and not suffer them to be foreclosed by legislation or by the accumulated circumstances which legislation ought, in the interest of justice, to remove.

Mr. President, the income tax is just; it is honest. No man is crying out against it in this country, except the man who is compelled to pay it. No other person says it is unjust. It is held to be a just system of taxation by our courts; it has been the law of every one of the States of the Union from its organization down to this moment, and no man has ever charged that it has worked unjustly in the States and Territories.

There is no other form of taxation there, and no one complains of it; but the moment the General Government says to certain citizens, "You must perform your part in bearing the national burdens as well as other American citizens," that moment, sir, they cry out that the tax is unjust, iniquitous, inquisitorial, and the like, and their advocates stand in this Chamber to reëcho the sentiments which echo in their offices in Wall street and elsewhere.

The American people are not asking anything that is unjust; the American people, and especially that portion of them who belong to the Populist party, which has been spoken of by the Senator from Connecticut, do not believe in putting a tax upon a corporation simply because it is a corporation. No man advocates that. When the Senator from Connecticut charges that to the Populist party he makes a grave mistake. No one believes in it. I would not put upon an honest corporation doing an honest business a burden that I would not put upon an *individual* under like circumstances—not one. When the honest corporations of this country perform an honest business, they need have no fear of the Populist party.

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

Mr. ALLEN. I can not yield further. I am about through with my remarks.

When the corporations conduct their enterprises as pure business enterprises, when they keep their hands out of the politics of the State and of the nation, they need have no fear of any honest American citizen. They will be treated with perfect fairness and propriety. There is no prejudice against corporations *per se* in my section of the country or in any section of this Union of which I know anything.

It is only when these corporations undertake to control the legislative branches of the State or National Government that the people cry out against them. No, sir. Any business enterprise that is honest, whether it be associated capital in the form of a corporation, or in any of their various forms, will always meet with fair treatment on the part of the American people.

But, Mr. President, the great reason why these men and these corporations do not want to see the Populist party come into power is that the power which they use and abuse against the American people will be wrested from them and restored to the people where it rightfully belongs.

Mr. JARVIS. Mr. President, I dislike at this late hour of the evening to participate in this discussion, yet I shall ask the indulgence of the Senate for a few moments while I express some thoughts in favor of this system of taxation.

I believe, sir, since the days of Horace to the present, in poetry and prose, by male and female, it has been sung that "It is sweet to die for one's country." Panegyrics have been pronounced upon those who have died for their country; monuments have been erected to them, and their memory held sacred; but I have never yet heard it said by anybody that it is sweet to be taxed for one's country. That seems to be a duty that men and sections feel at liberty to evade if possible. Men will go to war at their country's call, and risk and sacrifice their lives; but when it comes to meeting this duty and obligation of national taxation they and their property are ready to hide away.

The question that we are now discussing is simply and purely a question of taxation. There is, as every Senator knows, a certain amount of money to be raised for the support of the National Government, and I believe each year, as time rolls on, the amount to be raised increases rather than diminishes. Where and how shall that money be raised is the question.

The Senator from Ohio says put the burden on sugar. The Senators from New England say put it on manufactured goods. The Senator from New York, I believe, would say put at least a reasonable portion of it upon the cuffs and collars that the poor people wear.

Mr. President, my idea is that, in imposing these burdens of taxation, the heaviest burdens should be put upon those best able to bear them, and the least burdens upon those least able to bear them. If you are going to make any distinction in imposing these burdens upon any class of our people, those who strive and toil in the shop and in the field, the 80 per cent of people who, the Senator from New York says, own neither real nor personal property—I say if any class of our people are to be favored in our system of taxation, it does seem to me that they ought to be the favored class, because of their inability to bear the burdens.

Then they ought to be the favored class, because I believe it is this 80 per cent of people in this country, who have been delving in the mine and working in the shop and in the field, on the farm and in the factory, who are creating the wealth of the country. I know when the honor of our country is threatened it is from this 80 per cent of people without property that the soldiery will come which is to defend the honor and the glory of the country. So, I say, if any class of our fellow-citizens are to be favored, it does seem to me that they ought to be the favored class.

But we are told that this proposition to tax incomes is a sectional proposition. I will admit that it has been made sectional, and it has been made sectional by one little section of our common country. It is from one section of our country from which we see this opposition come, and I can properly describe that section by saying that it lies east of the Alleghany Mountains and north of the Potomac River. I do not mean to say that every man in that territory is opposed to this proposition to tax incomes, nor do I mean to say that everybody outside of that territory is favoring this proposition; but I say that the advocates of that proposition living within that territory are few, and the opposition, so far as I know, of people living outside of that territory is feeble. All the great newspapers in that territory are thundering against it. The Senator from New York, as the mouthpiece of that sentiment, occupied hours of the time of this Senate thundering against it.

That section of the country, Mr. President, occupies a unique and peculiar position. It embraces, I believe, only about 6 per cent of our entire territory, and yet it contains 35 per cent of all the wealth of this entire country. It embraces 47 per cent of all the banking capital of this country; and I heard the Senator from Massachusetts tell us that in his own State even the laborers, the common laboring people, had in the savings banks hundreds of millions of dollars. How comes it that this little section of our country, embracing only about 6 per cent of the area of our country, has within it so much of the wealth and so much of the capital of this country?

I want to give the people living in that territory credit for being intelligent, economical, industrious, full of energy, full of perseverance, and setting up a helpful and proper example to the balance of the country in these respects. Yet they are no more industrious and hard-working than the people of other sections. But it comes about, in my opinion, because they have enjoyed in a peculiar degree the advantages of class legislation. With a great tariff wall behind them, they have sent their manufactured products out over all this great country of ours, all the merchants of the country have been instrumental in gathering up here and there, little by little it may be, but for thirty years under this legislation they have been gathering and bringing this wealth home into their territory.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. JARVIS. Certainly.

Mr. HOAR. I ask the Senator whether, during all that time, North Carolina has not had greater advantages for doing the same thing?

Mr. JARVIS. No, sir.

Mr. HOAR. They have raised the cotton close at hand, they have their streams and their abundant water power, and they are very much nearer iron and coal than we are. What advantage have we had that they have not had?

Mr. JARVIS. Mr. President, I shall answer that question very briefly. We were complete wrecks at the close of the war. You had your splendid factories then open and in progress. In natural advantages North Carolina, and Georgia, and Alabama are not only equal but are far superior to Massachusetts and the other New England States. The day may come by and by when North Carolina, and Georgia, and the other Southern States, and the Western States will be the equal of those other States in prosperity and in property. I trust that it soon may come.

I would not, Mr. President, take from New England or New York one dollar of their prosperity or rob them of one ray of their glory; but what I stand here and ask for is that the people who are thus fortunately situated and have these great accumulated fortunes shall bear their just proportions of the burdens of the Government, under whose laws they have been able to accumulate these great fortunes.

Mr. HOAR. Will the Senator allow me? I do not wish to interrupt the Senator's argument, and I shall endeavor not to do so again?

Mr. JARVIS. I yield to the Senator.

Mr. HOAR. The Senator cited what either I or my colleague or both of us said about the $400,000,000 in the savings banks of Massachusetts. Those $400,000,000 are the property of 1,260,000 depositors, or thereabouts, I have not the fractions. So they represent deposits of $360 apiece by the depositors. They are not the great fortunes of which the Senator speaks. The framers of this income-tax provision have respected the suggestion made by my colleague and myself, because they propose to exempt incomes under $5,000 when they are not in corporate hands, and I think the committee themselves have agreed to exempt the savings banks where they are banks merely of deposit.

So the argument which the Senator is making of this accumulation of $400,000,000 by the working people of Massachusetts, 1,260,000 of them having $360 apiece in the savings banks, is an argument which nobody is now adhering to, unless the Senator still adheres to it.

Mr. JARVIS. But here is the fact: The Senator himself admits that he lives in a country and in a section which is so fortunately situated, and which has had the enjoyment of a peculiar kind of legislation, that the laborers of that State alone have a bank account of $400,000,000.

Mr. President, in the section of country from which I come not only the laborers have no bank account, but if the farmers at the end of the year can possibly get both ends together they are peculiarly fortunate; yet on every proposition which has been made here during the progress of this bill to take some of the burdens from those people of North Carolina and the other agricultural States who have no bank account, and to leave in their pockets a little of the money which has been gathered up year by year, and month by month, and day by day, and which has been carried into the banks of New England, the Senator has stood here with all his might and energy and fought.

Mr. President, it has been my fortune to stand upon the deck of a great ship as it ascended the great Amazon River. When we entered that river, looking far to the south, no land could be seen, looking far to the north no land could be seen; yet if you pursued it 3,000 miles up you came to the source of that great river. All along for 3,000 miles on the eastern slope of the Andes, in Peru and Brazil and Bolivia, little streams were coming up from the mountain sides and from the earth, that flowed on and on, each converging and directing its course to the other, until by and by they united in the waters of that great river and formed a great sea upon which the navies of the civilized world might meet, maneuver, and fight out ther battles and have room to spare.

So, for twenty-five years, North Carolina and South Carolina and all the Southern States and all the Western States have been flowing their money steadily for the purchase of manufactured goods from this favored territory. On and on the stream has flowed, until we see in this little corner of our great country, having only about 6 per cent of its area, nearly one-half of the accumulated wealth of the country.

When we come and ask our friends in that section to tear down, or at least to lower this wall of protection, so that the people living in other sections may have their goods cheaper, they say "nay;" when we come and ask them to unloose the tight strings of the money purse, they say "nay;" when we come and ask them to shoulder a fair proportion of the burdens of taxation, they say "nay;" when we come and ask the Senators representing that section to take from the farmer and the laborer some of the burdens of taxation and put it upon the accumulated wealth of the country, the Senator from New York rises in his place and says that is an iniquitous proposition; it is an inquisitorial proposition.

Mr. President, it may be inquisitorial, or it may not. I undertake to say that it will never be inquisitorial to those who honestly comply with the law. If there is any inquisition instituted, it will only be for those who seek to evade the law; and I submit that they are not entitled to the sympathies of the Senate.

Ah; but, says the Senator from New York, this is undemocratic, and he warns us that we are incorporating into the pending bill a provision which will sound the death knell of the Democratic party. Mr. President, after fifty-eight years of life in that party, and after thirty years of faithful service in that party, I undertake to say that if it has no higher mission than to bow at the footstool and worship at the shrine of the accumulated wealth of this country, the sooner it dies the better. [Applause in the galleries,]

The Vice-President rapped with his gavel.

Mr. JARVIS. Mr. President, as I understand Democracy it means sympathy with the struggling people of this country; as I understand Democracy it undertakes to protect the property of the country; but at the same time it goes out into the highways and into the byways, and puts its great arms around the laboring people, who create the wealth of the country, and undertakes to lift them up into a higher and a better life.

I thank God, for one, that the Democratic party to-day is in the hands of those who have the courage to take some of the burdens from the people and put them upon the accumulated wealth of the country, and instead of this bill sounding the death knell of the Democratic party, I believe it is but the first step onward to a higher prosperity and a more glorious career. If it shall only have the courage to move farther on the line which has been selected, I believe, instead of our Republican friends in 1897 seeing a Republican President inaugurated, that the standard of Democracy will be advanced still higher, and that our banners will again float over the House of Representatives, the Senate, and the White House when the next President shall be inaugurated.

Mr. HILL. Mr. President, I desire to inquire what is the pleasure of the Senator from Tennessee?

Mr. HARRIS rose.

Mr. HILL. I desire to reply at some length to the speeches which have been made in support of the income tax.

Mr. HARRIS. Mr. President, we have been nearly three months debating the merits of this bill, and the income tax has consumed a large proportion, or at least its reasonable share, of that debate. For two days we have been considering the income-tax features, and we have had read but five or six, possibly eight lines of that part of the bill. So far as I am concerned, I beg to appeal to Senators that we had better subject ourselves to some degree of personal inconvenience, go on with the consideration of the bill, and allow the business of the country to know what the tariff taxation of the country is to be in the future, than to consult our personal comfort and prolong indefinitely the consideration of the bill. So long as I can keep a quorum here, up to a reasonable hour, I am in favor of going on.

Mr. CHANDLER. Mr. President, I suggest the absence of a quorum.

Mr. HARRIS. Very well. Let the Senator test the question. He has been delaying invariably when he could, and as he could.

The PRESIDING OFFICER (Mr. WHITE in the chair.) The Senator from New Hampshire having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Coke,	Jones, Ark.	Pugh,
Allen,	Daniel,	Kyle,	Quay,
Bate,	Dubois,	Lindsay,	Ransom,
Berry,	Faulkner,	McLaurin,	Shoup,
Blackburn,	George,	Martin,	Turpie,
Brice,	Gibson,	Mills,	Vest,
Caffery,	Gray,	Morgan,	Vilas.
Call,	Harris,	Pasco,	Voorhees,
Carey,	Hill,	Peffer,	Walsh,
Chandler,	Irby,	Perkins,	White.
Cockrell,	Jarvis,	Proctor,	

The PRESIDING OFFICER. Forty-three Senators having answered to the call, a quorum is present, and the Senator from New York will proceed.

Mr. HILL. Mr. President, I hope the Senator from Tennessee will not insist upon going on to-night. Nearly all the debate to-day has been addressed towards answering the argument I made yesterday and in presenting some additional arguments in favor of the adoption of the income-tax provisions of the bill. New points have been brought out especially aimed at New York and aimed at myself. I addressed the Senate yesterday at considerable length. Other matters have been brought up in which I was interested, and I was obliged to participate in the discussion, although I had not in the first place intended to do so.

I am interested in this question, and my State is interested in it. On the 9th day of April last I spoke two hours and twenty-five minutes on the income-tax question and upon the tariff generally. With the exception of a brief debate on placing raw material on the free list, I have not opened my mouth in the Senate. I am not responsible for the delay of the bill. I represent a pretty large constituency affected by this bill, and I desire to answer to-morrow, as briefly as I may under the circumstances, the arguments which have been addressed to the Senate to-day. The thermometer marks 85° in this Chamber; we have been here since 10 o'clock this morning, and I have not participated in the debate to-day to any extent except to ask a few questions.

I certainly hope that our friend from Tennessee, who has conducted this parliamentary fight so admirably during these long three months, will at least give me this additional indulgence nearly at the close of this debate.

Mr. CHANDLER. The Senator from Tennessee just before I suggested the absence of a quorum honored me by the remark that I had been delaying the business of the Senate, as I understood him. I think the Senator did me an injustice. I have, I believe, not spoken upon the income tax.

It is several days since I have spoken upon the bill. I have upon my desk a few memoranda in connection with the income tax, but I have refrained from speaking, and think I shall refrain from speaking upon that subject. I have not at any time since the debate upon this bill began purposely delayed the Senate, unless it may have been on one evening when the Senator from Tennessee was not in his usual gracious mood and undertook to force an unreasonable session of the Senate.

I have not even exhibited to the Senate, as I have been tempted to do, and have been at all times ready to do, the record of the Senate at the executive session in the spring of 1881, when I find that there were one hundred and forty-three dilatory motions made, which were voted down by the majority of the Senate, and of those motions the Senator from Tennessee made nine to adjourn, seven to table, six to *postpone*, and twenty-two that the Senate proceed to the consideration of executive business, making forty-four, out of one hundred and forty-three motions, which stand credited to the Senator from Tennessee. Now, he criticises me simply because at ten minutes past 6 o'clock I ventured, not having the fear of the Senator from Tennessee or anybody else before my eyes, to suggest the absence of a quorum. I think the Senator did me a great injustice, and I look for a generous apology from him. [Laughter.]

Mr. HARRIS. Mr. President, I regret exceedingly that I can not make the apology the Senator expects. There is no Senator on this floor who is more opposed to the passage of the pending bill than the Senator from New Hampshire, and while he may not have consumed very much time, if any, upon the income-tax phases of it, the RECORD will show that he has unnecessarily consumed about as much time as any other Senator, if not more. I adhere to the remark I made *awhile ago, that he has* habitually and continuously delayed the passage of the bill in every reasonable and sometimes every unreasonable way.

Mr. CHANDLER. I accept the qualification.

Mr. HARRIS. Therefore I can not make the apology. I should be glad to do it if it were due the Senator, but it is not, and I decline.

Now, Mr. President, since the 2d day of April this bill has been under consideration. The income tax, with other phases of the bill, had been elaborately and extensively debated prior to the last two days. The so-called debate has been upon the income tax for the last two days, but perhaps the greater part of the time has been spent upon everything else rather than that. The country has some rights as well as Senators.

I am a little scrupulous for the rights of Senators, but I feel that the country has a right to know at the earliest day we can inform it what the fate of the bill is to be. The waste of the time (and much of to-day and yesterday have been wasted) is hardly excusable. For that reason, inconvenient as it is to Senators, inconvenient and uncomfortable as it is to myself, and with extreme regret that I can not with my sense of duty yield to the appeal of the Senator from New York (*whom* I would gladly oblige if I could consistently do so with my sense of duty, and I can not), I think we ought to go on. We have not read a dozen lines of the bill in the last two days. We ought to go on to an approximate completion.

We ought to find an end; and the only way to find it is to stay here and give every Senator his opportunity, his day in court. Let him exhibit his learning and his rhetoric to any extent he desires. Let us stay with him, and let him do it. As far as I am concerned I shall not move to adjourn as long as there is a quorum here or I can find any means of getting a quorum here to go on with the business of the Senate up to a reasonable hour. I do not ask Senators to stay here always, or all night even, but I do ask them to stay here longer.

Mr. HILL. Mr. President, I regret very much that the distinguished Senator from Tennessee, who has charge of the bill, has seen fit to refuse my request. Possibly in some way or other he holds me responsible for the delay which has occurred in the passage of the bill. I decline, sir, to accept any responsibility in that regard.

I have been anxious since the bill was first brought in to bring it to a speedy conclusion. I have not sought to delay it for a single moment. I have not voted upon some of the propositions the majority have seen fit to propose, although some of them did not meet my approval.

I have been willing, so far as the details of the bill were concerned, with a few exceptions, to allow the majority to prepare the bill and pass it exactly as they pleased. As I said a few moments ago, I had not spoken a single word upon the bill since the 9th day of April last, except a few moments on the subject of free raw materials. I trust I was not raising my voice in vain when I struggled for a few brief moments to hold this Democratic majority to Democratic principles. I think that the country will not hold me responsible for the delay of those few moments when I sought to put upon the bill a few Democratic principles that might save it; and I am to be told now that I am in some way responsible for the delay in the passage of this measure.

Mr. President, I have attended the sessions whenever I could. I was called away, and during a portion of the time I have been away you have proceeded in your own way. You have made your amendments substantially without much opposition. Some of them affected my State considerably. I have made no suggestion to you to save those interests. You have placed upon the free list manufactured articles of my State that affected the people of my State, as they think, considerably. I have offered no protest. I have made no suggestion. I believed that in those respects you were following a part of the Democratic policy and I acquiesced.

Now, at this time, after three long months, when the delay is nearly terminated and you keep your patience and your temper, it is proposed to be exercised against me because, forsooth—I can interpret it in no other way—I see fit to antagonize this portion of your scheme, an income tax. When I pleaded for free raw materials you seemed to be nervous and anxious about it. You could not listen patiently to me. Have I delayed this bill an hour since the 9th day of April? Not at all. Sir, I decline to be held responsible for this delay. It was last fall that other men were filibustering here to prevent the passage of a bill which would relieve somewhat the business interests of the country, a bill we were pledged to pass—not like this bill.

That bill we were pledged to pass. It was contained in the Democratic national platform. It was a bill for the repeal of the Sherman silver law. Then many gentlemen upon this side of the Chamber were engaged in a determined and bitter contest at filibustering against that bill, a bill recommended by the President, a bill recommended by the Secretary of the Treasury, a bill that the Democratic party was in honor bound to pass. I sat here doing my duty to my party, my State, and my country in endeavoring to pass it; and I met with opposition from the men who now, after nearly half past 6 o'clock, want to crowd me to reply to the half a dozen speeches which have been directed at me and my State and the argument I made yesterday.

Mr. HARRIS. Will the Senator from New York allow me?

Mr. HILL. Certainly, sir.

Mr. HARRIS. I desire to say to the Senator that I was one of the most determined opponents of the repeal of the purchasing clause of the Sherman act, but I deny in the most emphatic terms that I have ever made a motion or ever was guilty of an act that can be truthfully characterized as filibustering against it; neither have I charged the Senator from New York with filibustering in respect to this matter. I do not quite see why the Senator assumes that he is charged here, by my declining to move to adjourn at 6 o'clock, with having sought delay.

Mr. HILL. Inferentially, sir, the charge is made. You spoke when I made the request, simply a request that ordinarily would have been granted, having a desire to reply. We were told then that the business of the country had been delayed. We were told that I could not be granted this privilege.

Mr. HARRIS. Will the Senator allow me again?

Mr. HILL. Yes.

Mr. HARRIS. If we had made anything like decent progress to-day the Senator would have been answered differently.

Mr. HILL. Who is the judge, sir?

Mr. HARRIS. When we have spent two whole days in worse than waste, when the country suffers, neither my regard for nor my desire to accommodate that Senator or any other Senator would control me for the millionth part of a second.

Mr. HILL. The Senator says that the day has been wasted.

Mr. HARRIS. It has.

Mr. HILL. There are some Senators who think that when they themselves do not participate in a debate all the time is wasted. I say time has not been wasted. I do not say that every argument adduced here to-day has been exactly pertinent to this portion of the bill, but mostly the time has been consumed in the argument of other questions by gentlemen who favor the income tax, and not by those who oppose it. I think that the argument of the past two days has not been wasted. Yesterday I presented an argument to show that your $1,000 exemption was wrong, unjust, founded upon no principle, but every thousand dollars that you put on it made it worse and more iniquitous.

You sat here ready to vote the $1,000 in the bill yesterday, if the roll had been called. To-day a change has come over the spirit of your dreams. The clouds are breaking. To-day the Senator comes in and says $3,000 is a proper exemption. We know not what you will do to-morrow. We can not tell what other changes you may make in the bill to-morrow.

Yesterday I pleaded for the entire and complete exemption of your savings banks. You have introduced an amendment which I think covers it. I pleaded for an absolute exemption of mutual life-insurance companies. To-day or yesterday the Senator from Missouri introduced an amendment which I think substantially covers those points, if I am advised rightly.

We are making progress, sir. We are making great progress, I think, with this matter. This is an important matter. As I said yesterday, it involves one-fifteenth of the whole Federal taxation of the United States. It is conceded here upon all hands that 30 per cent of this tax is to be paid by the State that I represent. And after the argument I made then and the argument made yesterday, I am to be cut off now and compelled to go on with my argument to-night. I say it is cruel; I say it is unjust under the circumstances; I say it is unworthy of the Senator from Tennessee.

Mr. HARRIS. The Senator from Tennessee takes the responsibility most cheerfully and gladly.

Mr. HILL. Because he can not avoid it.

Mr. HARRIS. Because he chooses to do it.

Mr. HILL. I will place some other responsibility upon the Senator.

Mr. HARRIS. Proceed.

Mr. HILL. I will, but I shall not be ordered around about it. I shall not have plantation manners exhibited here in regard to it. I shall take my time in my own way.

Mr. HARRIS. Perhaps the manners of the slums of New York would suit the Senator better.

Mr. HILL. That may be, sir; but they are better than those from the plantations of Tennessee.

Mr. President, I said that I had desired to facilitate the disposition of the pending bill. I was honest and sincere in that desire. What did I do? I saw this debate coming last December; I had an experience upon the question of endeavoring to get a bill passed last fall. We had an important election in the country coming on. I felt as though it was necessary for the salvation of our party that we should pass that bill. I criticised nobody's motive who differed from me. I spoke respectfully of those who were upon the other side.

Yet I saw delay after delay, and month after month until the last few days before the election the bill was permitted to pass. It had lost its effect. Democrats in the North had become disgusted with our party. It did not have the effect that it was supposed it would likely have. The long delay had frittered away the good effect. The country had gradually recovered from the panic to some extent.

Therefore, with that experience in view placed before me, I introduced, I think, on the first or second day of the December session propositions for the amendment of the rules of the Senate. What were those amendments? Those amendments were to provide, first, that there should be given to a majority of this body (of which I have heretofore been proud to constitute myself a member) the right to determine when a bill shall be brought to a vote. It was a principle that had been discussed at the September session, because the bold announcement was then made that a majority had no right to change the rules of this body.

I introduced another amendment, which was that when a Senator rose in his place and announced a pair he should be counted for the purpose of constituting a quorum—a proper rule which I did not think ought to have met with any objection. It was a part and parcel of a course of procedure that I hoped the Senate might adopt for the very purpose of having the majority control the date when this bill might be put upon its passage. I desired to avoid honestly and sincerely all the delay which has been occasioned.

But, sir, what was done? I introduced those amendments to the rule which would have facilitated the disposition of this measure. They went to a committee of which the distinguished Senator from Tennessee was a member. Where are they now? In the hands of that committee, sleeping the death that knows no waking. They have been kept there from that day to this. The Senator desired, I suppose, to smother them in some way or other. Mr. President, they could have been presented. They

could have been passed. The constitutional right of the majority to make rules to suit themselves exists. The power to make implies the power to amend, and that prior power implies the right to stop debate on the very subject of the amendment.

Those simple rules, I think, would not have met with serious opposition upon the other, side because they were substantially committed to them last fall. They were substantially committed to them in 1890 when the force bill was here. They could not seriously have opposed them. Those rules, in my judgment, were necessary for the proper procedure in facilitating the business of the Senate.

Now, sir, with that record before the Senate, with those proposed rules there before them, smothered in the committee of which the Senator is a distinguished and controlling member, he rises here to-night in his place and refuses me the little courtesy of an adjournment until to-morrow that I might have a little time to prepare myself to answer the gentlemen whose argument has been aimed at me to-day.

Mr. President, it does not lie in his mouth to say or to insinuate or to have an inference drawn from anything that I have done that I am seeking to delay the passage of this bill. I am ready at any moment to fix a day. I shall be glad when this contest is over. This proposed income tax, as I said, affects the people of my State peculiarly. I am ready now to adopt those rules. I will go as far as any Senator here in procuring their adoption.

Mr. President, I ask unanimous consent to present a petition of policy holders and others in the city of New York in favor of the exemption entirely of the funds, etc., of life insurance companies. I simply desire to call attention to the fact that the first name upon the list is William B. Hornblower, of 45 Williams street, New York.

I present a similar petition, numerously signed by many distinguished gentleman of New York, among others, Governor Hoadley, formerly of Ohio, Clarence A. Seward, Judge Dillon, and last but not least Wheeler H. Peckham.

The PRESIDING OFFICER. The petitions will lie on the table.

Mr. HILL. Mr. President, sooner or later the Senate will be obliged to change its rules for the purpose of avoiding the very procedure that we are encountering to-night. Yet I am not here to blame those upon the other side who have discussed possibly at too much length the issues involved in this bill. I do not say that they have done so. Aside from one evening at a time when I was not here, when the session extended, as I am informed, to some late hour, there has been no filibustering, I understand, and I do not think that the charge can properly be made against the gentlemen upon the other side.

Mr. HAWLEY. Will the Senator allow me?

Mr. HILL. Yes.

Mr. HAWLEY. There has been no speech made to-day upon this question that was not made directly to the merits of it, without a waste word.

Mr. HILL. That, of course, is a question of judgment. I think so. I agree with the Senator that in the main——

Mr. HAWLEY. I speak of the speeches on the Republican side.

Mr. HILL. Yes; I think that is so. The Senator from Nebraska [Mr. ALLEN] represents, with two or three others, the Populist party. It being a very small party, of course it requires a great deal of argument; and he went out of his way possibly, in discussing the income tax, to talk about the principles of the Populist party.

There are many very wonderfully and fearfully made, and of course they require a great deal of explanation. He went into the question of the giving away of the public lands, and endeavored to show that it was the Republican party and the Democratic party that had given away the public lands. I am free to say that was rather foreign to the subject under discussion, and in that respect possibly the criticism of the Senator from Tennessee was well taken. But aside from that it strikes me that the argument has been addressed very properly to the discussion of the income-tax feature of the bill. I think so, Mr. President.

Nevertheless, whether it has or not, I am free to concede the necessity of an amendment of the rules of the Senate so that when a great question like a tariff shall come before the American Senate it can be disposed of earlier than three or four months. I think that is so. I think it would have been better if at the outset of this discussion there could have been some time fixed by common consent whereby some day in advance could have been set down for a disposition of the bill.

I saw an interview with some Senator published in Western and Southwestern papers, in which it was said that the Senator was in favor of an amendment of the rules; that he was not in favor of it now, but that at some other time when there was no great measure pending before the Senate he would then be in favor of an amendment of the rules. In my humble judgment the time to amend the rules is upon the threshhold of the presentation of a bill. The statement that these amendments can not be made during the pendency of an important bill reminds me of the story of a man who was asked why he did not put new shingles upon his roof. He said that when it rained he could not do it, and when it did not rain he did not need them. [Laughter.]

So it is with the Senate. When we have no important bill pending, when there is no attempt to delay any measure, then of course there is no necessity for an amendment of the rules. But we need such an amendment when an important measure is before the Senate.

I know it is said that if the rules are amended a majority may act arbitrarily. I think the proposed rule which I submitted to the Senate carefully guarded the rights of the minority. It provided that no time should be set earlier than thirty days, and then only by the votes of a majority of all the Senators elected to this body. That sufficiently protected all the rights of a minority. It gave no undue advantage to the majority. In my judgment, as we move along together we shall find that some such rule is essential to the progress of the business of this body.

I know there are some Senators here who seem to object to this policy of an amendment. Some of my Democratic friends, I regret to say, seem to think that we should keep the rules as they are because, forsooth, we are always going to be in a minority. I think, sir, we should not proceed upon any such basis. We should proceed upon the theory that we are the majority party; that the people intend to stand by the Democratic party; and as we expect and hope to be the majority party, that we need this power to make our legislation effective.

Speedy legislation is what we want—not hasty, it is true, in one sense, but legislation which can be closed in due time and in due season. How much better it would have been for the country last fall if the repeal of the Sherman law could have been passed within thirty days after we had assembled. Our distinguished President pleaded with us in a special message asking us to pass that measure, but there were those who were deaf to his appeals. The Secretary of the Treasury came up to the Capitol day after day and had interviews with us, in which he desired the prompt passage of that bill to relieve the Treasury, and yet, sir, it was not passed. That simply illustrates the point I am making, namely, that sooner or later, and the sooner the better, we must make the amendments which have been suggested.

Mr. President, I do not like to belong to a party that always proceeds upon the assumption that it is going to be the minority party. Let us proceed upon the other assumption, namely, that our measures will commend themselves to the American people and will keep us in power in the Senate. I know the specter of the force bill is always held up to us. I know it is always said, "If you had had those rules you might have had the force bill." Yes, and we could have repealed it afterwards.

Sir, if a majority of the American people, with the President and both Houses of Congress, fairly and honestly elected, wanted that bill they were entitled to it. The truth about it is they did not want it. There never was a time when a majority in the Senate wanted that bill. There never was a time that it would have received the votes of a majority of the Senate. The good sense of some Senators upon the other side always prevented its passage. Therefore we are simply unduly and unnecessarily alarmed.

I say that the American people have a right to have the measures which they desire passed in reasonably good time. You can not pass them under the rules of the Senate. What did the House of Representatives do? They drifted along. The public business was delayed. They could not keep a quorum. Finally, what did they do? They put away all questions of pride, after having fought against it for three straight years. They found themselves powerless to pass the very measures which the people of the country wanted, and then they turned around and adopted rules to facilitate the passage of bills.

Mr. President, we might take the House of Representatives as a model for us. I desire to say that they are dispatching their business promptly under their new rules. No injustice is done to anybody. The Democratic party is not placed in a false position. On the contrary, I think—I may be mistaken, the distinguished Senator from Missouri [Mr. COCKRELL] will correct me—nearly all the appropriation bills have been passed by the other House and sent to this body.

Mr. COCKRELL. All with one or two exceptions.

Mr. HILL. With one or two exceptions the Senator says they are here, ready for action, so that as soon as this contest is over we can proceed to dispose of them and adjourn for the relief of the country.

Mr. ALDRICH. Will the Senator from New York allow me to make a suggestion?

Mr. HILL. Certainly.

Mr. ALDRICH. I suggest that we go on and vote upon some of the amendments. We would not reach the important ones to-night probably, and he can proceed with his speech to-morrow when those amendments are reached.

Mr. HILL. The only point about that is that several Senators spoke to me and asked me whether there was going to be a vote to-night. I told them no. They wanted to see me before the vote should be had upon these amendments.

Mr. ALDRICH. I suggest that the amendments now pending and soon to be reached are not of such importance that I think the Senators who are absent would desire particularly to be present when they are disposed of.

Mr. CHANDLER. The Senators who are absent will find no fault.

Mr. ALDRICH. I think the Senators who are absent will find no fault.

Mr. HILL. What amendments would the Senator like to have disposed of?

Mr. ALDRICH. We can take up the pending amendments, whatever they are.

Mr. HILL. I wish to move an amendment. I will move an amendment by striking out "1895"—and it is an amendment which I desire to offer also for the information of the Senate—and inserting "1896." I will explain it for a moment.

The PRESIDING OFFICER. Will the Senator from New York kindly state the line and page of his amendment?

Mr. HILL. It is in section 54, line 7; strike out "1895" and insert "1896."

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. HILL. Now, just a word of explanation of the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment for the information of the Senate, and then the Senator from New York will proceed.

The SECRETARY. In line 7, section 54, strike out "1895" and insert "1896," so as to read:

That from and after the 1st day of January, 1893, until the 1st day of January, 1900, etc.

Mr. HILL. My amendment, of course, if adopted would have to be followed by another amendment making it 1901, so as to complete the five years. The point to that amendment is simply this: By the terms of the bill the tax is to be based upon this year's income. The bill is to go into effect, it is supposed, about the middle of July or the 1st of August of this year.

Mr. HARRIS. The time has not yet been fixed when the bill is to take effect.

Mr. HILL. I presume it will be the middle of July or the 1st of August, so that we are substantially making a bill with a retroactive effect. The income next year, starting with the 1st of of January, payable in July, is to be based not from July to July, giving a year, but from January to January. So by the terms of the bill corporations and individuals are to pay next year upon the income which they began to receive on the 1st day of January last. Therefore this is virtually a retroactive bill. It is unprecedented in the history of legislation, in my judgment.

I do not propose to detain the Senate any further upon the question. I move the amendment for the purpose of honestly and in good faith preventing, as I think, a manifest wrong, that we should be obliged to pay next year's tax upon the whole year's income, including six months before the bill was passed. Books are to be kept, by the terms of the bill; other things are to be done by the people who are to pay the taxes. They do not know what to do now. It is utterly inoperative for a portion of the time.

Mr. FAULKNER. I suggest to the Senator from New York, as that is rather an important amendment, whether it would not be better to withhold it until to-morrow and vote on some of the amendments that propose mere verbal changes in the bill?

Mr. HARRIS. The committee amendments, anyway, are first in order. The Senator will have his opportunity as soon as the committee amendments are disposed of.

Mr. HILL. May we not then vote on the question of striking out "2 per cent" and inserting "1 per cent?"

Mr. ALDRICH. I suggest that the pending amendment of the committee be voted on.

Mr. CHANDLER. I move to lay the bill on the table.

The PRESIDING OFFICER. The Senator from New Hampshire moves to lay the bill on the table.

Mr. HILL. I trust the Senator from New Hampshire will withdraw that motion.

The PRESIDING OFFICER. Does the Senator from New Hampshire insist upon the motion?

Mr. HILL. Nobody wants to kill the bill.

The PRESIDING OFFICER. The question before the Senate is on the motion of the Senator from New Hampshire.

Mr. HILL. I trust the Senator will withdraw that motion.

Mr. HARRIS. I did not hear the motion of the Senator from New Hampshire.

The PRESIDING OFFICER. The motion is to lay the bill on the table.

Mr. HILL. I trust the Senator will withdraw the motion.

Mr. CHANDLER. Mr. President, if we can have a vote I will withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. HILL. I ask for the yeas and nays on the amendment which is near the close of the fifty-fourth section, namely, to insert after "assessed" the words "by the Commissioner of Internal Revenue and"

Mr. FAULKNER. What is the pending amendment?

Mr. HILL. That is the amendment, I understand.

Mr. ALDRICH. What is the pending amendment?

The PRESIDING OFFICER. The Chair is informed that two amendments of the committee precede the amendment the Senator from New York has indicated.

Mr. ALDRICH. I ask that the pending amendment be read.

The PRESIDING OFFICER. The pending amendment will be read.

The SECRETARY. In section 54, line 22, after the word "property" insert "owned," so as to read:

And income from all property owned and of every business, trade, etc.

Mr. ALDRICH. I ask that the question be taken on that amendment.

Mr. GRAY and others. Question.

Mr. HILL and Mr. ALDRICH called for the yeas and nays.

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

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]; I have a right to vote to make a quorum, and as it is evidently necessary, I shall vote. I vote "yea."

Mr. BLANCHARD (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN], with a reservation of the right to vote to make a quorum. As it is apparent that a quorum is not present, I exercise my right to vote, and vote "yea."

Mr. BRICE (when his name was called). I am paired with the Senator from Colorado [Mr. WOLCOTT], with the right to vote to make a quorum. I vote "yea."

Mr. CAFFERY (when his name was called). I am paired with the Senator from Montana [Mr. POWER], but under the terms of the pair I have a right to vote to make a quorum. I vote "yea."

Mr. CALL (when his named was called). I am paired with the Senator from Massachusetts [Mr. LODGE], my pair with the Senator from Vermont [Mr. MORRILL] having been transferred by agreement to the Senator from Massachusetts [Mr. LODGE]. I have the privilege of voting to make a quorum, and I vote "yea."

Mr. CHANDLER (when his name was called). I am paired on all political questions with the junior Senator from New York [Mr. MURPHY]. He reserved the right to vote to make a quorum. I suppose there can be no doubt that that gives me the right to vote to make a quorum. So I shall vote. I vote "yea."

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. PATTON]. I have reserved the right to vote whenever it is necessary to make a quorum, and consequently I will vote "yea."

Mr. MCLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON]. I have reserved the right to vote to make a quorum. I vote "yea." If my vote shall prove not necessary to make a quorum I will withdraw it.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS], who is absent from the city, but I have reserved the right to vote to make a quorum, and I vote "yea."

Mr. PALMER (when his name was called). The senior Senator from North Dakota [Mr. HANSBROUGH], with whom I have a general pair, favors that part of the bill which proposes an income tax. I shall therefore vote. I vote "yea."

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH]. As he is absent I withhold my vote.

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL], but we are agreed upon this question. He desired me to have him paired in favor of the amendments of the committee. I therefore announce his pair with the Senator from New Jersey [Mr. MCPHERSON]. I vote "yea."

The roll call was concluded.

Mr. TURPIE. I will vote for the purpose of making a quorum. I vote "yea."

Mr. MILLS. I will vote to make a quorum. I vote "yea."

Mr. QUAY. Is the Senator from Alabama [Mr. MORGAN] recorded as voting?

The PRESIDING OFFICER. The Chair will state that the Senator from Alabama [Mr. MORGAN] is not recorded.

Mr. QUAY. As I am paired with that Senator, I withhold my vote unless it is necessary to make a quorum.

Mr. DUBOIS. I inquire if the junior Senator from New Jersey [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. DUBOIS. I will withhold my vote.

Mr. ALDRICH (after having voted in the affirmative). I have been informed that the Senator from Colorado [Mr. TELLER] is absent without a pair. I will announce a pair with that Senator and withdraw my vote.

Mr. DUBOIS. I am at liberty to vote to make a quorum. I vote "yea."

Mr. QUAY. I am allowed to vote to make a quorum. I vote "yea."

Mr. PERKINS. I will vote to make a quorum if necessary. I vote "yea."

The result was announced—yeas 42, nays 0; as follows.

YEAS—42.

Bate,	Daniel,	Jones, Ark.	Ransom,
Berry,	Dubois,	Lindsay,	Shoup,
Blackburn,	Faulkner,	McLaurin,	Squire,
Blanchard,	George,	Martin,	Turpie,
Brice,	Gibson,	Mills,	Vest,
Caffery,	Gray,	Mitchell, Wis.	Vilas,
Call,	Harris,	Palmer,	Voorhees,
Carey,	Hawley,	Pasco,	Walsh,
Chandler,	Hill,	Peffer,	White.
Cockrell,	Irby,	Perkins,	
Coke,	Jarvis,	Quay,	

NAYS—0.

NOT VOTING—43.

Aldrich,	Gallinger,	McMillan,	Proctor,
Allen,	Gordon,	McPherson,	Pugh,
Allison,	Gorman,	Manderson,	Roach,
Butler,	Hale,	Mitchell, Oregon	Sherman,
Camden,	Hansbrough,	Morgan,	Smith,
Cameron,	Higgins,	Morrill,	Stewart,
Cullom,	Hoar,	Murphy,	Teller,
Davis,	Hunton,	Patton,	Washburn,
Dixon,	Jones, Nev.	Pettigrew,	Wilson,
Dolph,	Kyle,	Platt,	Wolcott.
Frye,	Lodge,	Power,	

The PRESIDING OFFICER. A quorum has failed to vote.

Mr. HARRIS. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Lindsay,	Shoup,
Bate,	Dubois,	McLaurin,	Squire,
Berry,	Faulkner,	Martin,	Turpie,
Blackburn,	George,	Mills,	Vest,
Blanchard,	Gibson,	Mitchell, Wis.	Vilas,
Brice,	Gray,	Palmer,	Voorhees,
Caffery,	Harris,	Pasco,	Walsh,
Call,	Hawley,	Peffer,	White.
Carey,	Hill,	Perkins,	
Cockrell,	Jarvis,	Quay,	
Coke,	Jones, Ark.	Ransom,	

The PRESIDING OFFICER. Forty-one Senators have responded to their names. There is not a quorum present.

Mr. HARRIS. I ask that the absentees be called. Let us see who are not here.

The PRESIDING OFFICER. The Secretary will call the absentees.

The Secretary called the names of the absent Senators, as follows:

Allen,	Gallinger,	Lodge,	Power,
Allison,	Gordon,	McMillan,	Proctor,
Butler,	Gorman,	McPherson,	Pugh,
Camden,	Hale,	Manderson,	Roach,
Cameron,	Hansbrough,	Mitchell, Oregon	Sherman,
Chandler,	Higgins,	Morgan,	Smith,
Cullom,	Hoar,	Morrill,	Stewart,
Davis,	Hunton,	Murphy,	Teller,
Dixon,	Irby,	Patton,	Washburn,
Dolph,	Jones, Nev.	Pettigrew,	Wilson,
Frye,	Kyle,	Platt,	Wolcott.

Mr. HARRIS. I shall not move to send for absent Senators to-night, but I give notice that to-morrow I shall appeal to the Senate to stay here until we can report the bill into the Senate, whether it be early or late. I give the notice, and I hope Senators will not say to-morrow evening that notice had not been given. In view of the present condition of the Senate, I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 23, 1894, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 22, 1894.*

The House met at 12 o'clock m., and was called to order by Mr. THOMAS O. TOWLES, Chief Clerk.

The following communication was read:

JUNE 22, 1894.

SIR: I hereby name the Hon. JOSEPH W. BAILEY, a Representative from the State of Texas, to perform the duties of the Chair for this day.

CHARLES F. CRISP, *Speaker.*

To Hon. JAMES KERR,
Clerk of the House of Representatives.

Mr. BAILEY took the chair as Speaker *pro tempore.*

Prayer was offered by Rev. W. H. MILBURN, D. D., Chaplain of the Senate.

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

SPECIAL AGENTS OF DEPARTMENT OF AGRICULTURE.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of Agriculture, transmitting, pursuant to the resolution of the House of Representatives, January 22, 1894, a list of the special agents of the Department, together with a statement of their work and the salaries received for the four years and six months ending December 31, 1893; which was referred to the Committee on Agriculture, and ordered to be printed.

WILLIAM M'ADAMS VS. THE UNITED STATES.

The SPEAKER *pro tempore* laid before the House a copy of the findings of the Court of Claims in the case of William McAdams *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

SENATE BILLS REFERRED.

Senate bills of the following titles were severally laid before the House by the Speaker *pro tempore*, and referred as below:

An act (S. 1546) authorizing a commission to draft a code of laws for the district of Alaska, and for other purposes; to the Committee on the Territories.

A bill (S. 1399) to promote the efficiency of the naval militia—to the Committee on Naval Affairs.

A bill (S. 1827) to define the boundaries of the three judicial districts in the State of Alabama and to regulate therein the jurisdiction of the courts of the United States and the powers and duties of the judges thereof, and for other purposes—to the Committee on the Judiciary.

A bill (S. 1259) to amend section 2 of an act of Congress approved March 3, 1893, entitled "An act regulating the sale of intoxicating liquors in the District of Columbia"—to the Committee on the District of Columbia.

ORDER OF BUSINESS.

Mr. HATCH. Mr. Speaker, I demand the regular order.

The SPEAKER *pro tempore.* The regular order is demanded. The regular order is the call of committees.

BRIDGE ACROSS THE ST. CROIX RIVER.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommendation a bill (H. R. 6529) to authorize the construction of a bridge across the St. Croix River between the States of Wisconsin and Minnesota; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MILITARY PARK AT SHILOH.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported back with a favorable recommendation a bill (H. R. 6499) to establish a national military park at the battlefield of Shiloh; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ASSISTANT PAYMASTERS IN THE NAVY.

Mr. MONEY, from the Committee on Naval Affairs, reported back with a favorable recommendation a bill (S. 1954) to amend section 1379, chapter 1, Title XV, of the Revised Statutes of the United States, in relation to the appointment of assistant paymasters in the Navy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The House bill on the same subject was laid on the table.

PUBLIC BUILDING, ANN ARBOR, MICH.

Mr. BRETZ, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (H. R. 3439) providing for a public building at Ann Arbor, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MEXICAN AND INDIAN WARS PENSIONS.

Mr. STALLINGS, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 7414) grant-

ing an increase of pension to survivors of the Mexican and Indian wars and to their widows; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REAL-ESTATE ASSESSMENTS IN DISTRICT OF COLUMBIA.

Mr. COBB of Alabama, from the Committee on the District of Columbia, reported back with a favorable recommendation a bill (H. R. 6415) to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RECOMMITTAL OF A BILL.

On motion of Mr. OUTHWAITE, by unanimous consent, the bill (H. R. 2371) was recommitted to the Committee on Military Affairs for the correction of the report.

FEDERAL COURTS IN MISSISSIPPI.

Mr. STOCKDALE, from the Committee on the Judiciary, reported back with a favorable recommendation a bill (H. R. 6447) to fix a term of the Federal district court of the southern judicial district of Mississippi, to be held at Meridian, Miss., to include the counties named.

The SPEAKER *pro tempore*. Does this bill provide for the appointment of any officers?

Mr. STOCKDALE. Only a deputy clerk and a deputy marshal.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

AGREEMENT WITH YUMA INDIANS, CALIFORNIA.

Mr. HUNTER, from the Committee on Indian Affairs, reported back with an amendment (as a substitute for the bill H. R. 1651) a bill (S. 1919) to ratify and confirm an agreement with the Yuma Indians in California for the cession of their surplus lands, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The House bill (H. R. 1651) for the same purpose was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 4961) granting certain rights over Lime Point military reservation, in the State of California.

The message also announced that the Senate had passed with amendments the bill (H. R. 4701) to incorporate the Supreme Lodge of the Knights of Pythias; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 6893) to regulate water-main assessments in the District of Columbia; asked a conference with the House on the bill and amendments, and had appointed Mr. PROCTOR, Mr. FAULKNER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 1490) to pension Mollie Crandall;

A bill (S. 1343) to remove the charge of desertion standing against the name of Joseph G. Utter;

A bill (S. 730) making Labor Day a legal holiday;

A bill (S. 447) to authorize the Secretary of the Interior to issue a duplicate of a certain land warrant to Emma A. Ripley;

A bill (S. 313) appropriating funds for investigations and tests of American timber;

A bill (S. 211) for the relief of St. Charles College; and

A bill (S. 199) for the relief of E. R. Shipley.

ANTIOPTION.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue; and pending that motion I ask unanimous consent that all gentlemen who have addressed the committee, or may do so till this bill is finally disposed of, may have leave to extend their remarks in the RECORD.

Mr. COBB of Alabama. Why not ask leave to print for all members?

Mr. HATCH. I would very gladly do so; but I have been told it would be objected to. [A pause.] Well, Mr. Speaker, I will modify my request, and will ask that all gentlemen who desire to print remarks in the RECORD, or to extend remarks actually delivered, have leave to do so, provided that such remarks are furnished to the Printer within ten days from to-day.

The SPEAKER *pro tempore*. The gentleman from Missouri asks unanimous consent that those gentlemen who have submitted or may submit remarks be permitted to extend them in the RECORD, and that all gentlemen desiring to print remarks in the RECORD may have the privilege of doing so, provided that remarks printed under this leave be furnished to the Public Printer within ten days from the termination of this debate. Is there objection? The Chair hears none, and it is so ordered.

The question being taken on the motion of Mr. HATCH, that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union [Mr. LIVINGSTON in the chair], and resumed the consideration of the bill (H. R. 7007) regulating the sale of certain agricultural products, defining options and futures, and imposing taxes thereon and upon dealers therein.

Mr. HATCH. I ask that the special order adopted yesterday may be read.

The Clerk read as follows:

Ordered, That the order of yesterday limiting debate on House bill No. 7007 be so modified as to permit amendments and debate in Committee of the Whole under the five-minute rule for two hours immediately after the morning hour on to-morrow; the bill to be then reported to the House, the previous question to be then ordered on the bill to its passage; the chairman of the Committee on Agriculture thereupon to have one hour in which to close debate in the House, and the vote or votes then to be taken; that so much of the order of yesterday as was inconsistent herewith be rescinded; the remainder thereof to remain in full force.

Mr. HATCH. Now, I ask that the bill may be read under the five-minute rule.

The Clerk proceeded to read the first section of the bill.

Mr. WILLIAM A. STONE (interrupting the reading). Mr. Chairman, I desire to ask if the time to be consumed in the reading of this bill will be taken out of the two hours allowed for debate and amendment under the five-minute rule?

Mr. HATCH. The bill, under the order of the House, must be read by sections, that amendments may be offered.

Mr. BURROWS. But it is in order now to offer amendments as the sections are read.

Mr. HATCH. Of course; as soon as a section is read an amendment can be offered to it.

Mr. COX. I wish to make this inquiry: Two hours were allotted for the consideration of amendments to the bill. Now, is any part of these two hours to be consumed in the reading of the paragraphs of the bill?

Mr. HATCH. Why, of course, Mr. Chairman; it can not be otherwise, because the order expressly states that the bill is to be considered under the five-minute rule. There is no other orderly way of proceeding. It will take but a few minutes to read first one paragraph and then another.

Mr. COX. It will take about an hour to read the bill; and that leaves but an hour for the offering and consideration of amendments.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The first section was read, as follows:

Be it enacted, etc., That for the purposes of this act the word "options" shall be understood to mean any contract whereby a party thereto, or any person for whom or in whose behalf such contract is made, acquires the right or privilege, but is not thereby obligated, to sell and deliver to another at a future time, or within a designated month or other period, or any contract whereby, as vendee, a party thereto, or any person as vendee, for whom or in whose behalf such contract is made, acquires the right or privilege of demanding and receiving from another, at a stipulated price, at a future time, or within a designated month or other period, but is not thereby obligated to receive and pay for any of the following articles, namely: Raw or unmanufactured cotton, hops, wheat, corn, oats, rye, barley, pork, lard, bacon, dry-salted meat, or pickled meat.

Mr. ALDRICH. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 1, after the word "hops," in line 15, add the word "flour."

Mr. ALDRICH. Mr. Chairman, I do not know that there will be any objection to the insertion of the word "flour" in this bill, and therefore, in order to avoid if possible the necessity for debate, I ask unanimous consent that the amendment be agreed to.

Mr. HATCH. I object, Mr. Chairman.

Mr. ALDRICH. Then, Mr. Chairman, I should like to ask why, if it was thought best to include the term "flour" in the bill of two years ago, it should not be done now? I have prepared no special argument in favor of this amendment; but as the time for debate is very limited, I will ask the Clerk to read a letter bearing upon this subject for the information of the committee, and then I will ask what good reason may exist why the amendment should not be adopted.

The Clerk read as follows:

CHICAGO, *June 2, 1894.*

MY DEAR MR. ALDRICH: I am in receipt this morning of your esteemed communication of the 31st ultimo, inclosing a letter from Mr. Bloss, president of the New York Cotton Exchange, upon the antioption bill, with special reference to the flour feature of that document. To my mind this feature of the bill and its elimination after having been inserted therein is very significant. I think the whole subject may be stated in a few words.

The antioption measure, from its inception, had the enthusiastic and studied support, founded, as I believe, in absolute selfishness, of Mr. WASHBURN and the great flour interests which he represents, interests which were identified more particularly with Englishmen to whom the Minneapolis Washburns *et al.* sold out. The motive was very potent on the part of those who sold the immense flour interests in Minneapolis, to show to the foreign capitalists that the investment, at least for a time, was a good one, and to justify the presumably large salaries paid to those who conduct the enterprise on the part of stockholders in Great Britain. The flour interests of those immense mills in Minneapolis depend almost entirely upon foreign markets.

The sales of flour in these great milling corporations are made for future delivery, so that it will easily be perceived that the interest of the great flour syndicate is preëminently to have the wheat market for itself, and to be perfectly untrammeled in the sales of flour to English and other foreign markets for future delivery. Their sales, of course, are based upon the cash price for wheat, and they are substantially without competitors for selling their product for future delivery. The price for future delivery being based, of course, upon the cash value of wheat, upon the cost of manufacture, upon allowing a large margin for profit to English stockholders, and upon expenses for transportation, etc.

In this field the flour mills of Minneapolis have little or no interference or competition. Were the Hatch bill to prohibit the sales of flour for future delivery it would be a disastrous blow to the great flour syndicate owned by foreign capitalists, and presided over by the Washburns in America. To be sure, Mr. WASHBURN occupies the honorable position of Senator of the United States of America, but we may safely infer that his personal interests are exceedingly great and ever present in all his activities, in his deliberations, in his speeches, and in his views. He can not escape the obligations under which the vast foreign syndicate has placed him, and he is bound by legislation and by personal effort to further the enterprise committed mainly to his control and conduct.

Were the Hatch bill passed, restricting the market for the purchase of wheat, and leaving the same substantially under the control of the syndicate, and no interference with negotiating sales of flour in immense quantities for future delivery, the interest of the great foreign syndicate presided over in America by Mr. WASHBURN, would be promoted vastly to the benefit of that great syndicate. Legislation would be made to subserve the interests of the syndicate, and the agricultural interests in this country would be subordinated to the prosecution of the enterprise, and all things connected with the agricultural and industrial interests of this country would be secondary to the success of this immense milling—I was about to say—*conspiracy.*

We may certainly be justified in designating it as an immense monopoly. HATCH has evidently coöperated with WASHBURN in the prosecution of this great enterprise, antagonistic in all its features and in every respect to the interests of the agriculturist and to the facilities which boards of trade and chambers of commerce, etc., have provided for the accommodation and for the profit of the agriculturist, and for the economical marketing of the agricultural products of the West. I need not further elaborate the argument

I think that I have sufficiently indicated the controlling features of the elimination of flour from the Hatch bill. Its insertion in the bill in the Senate was made in view of consistency, and in view of exposing the real animus and essence of the bill, and afterwards eliminated to secure the unremitting diligence of Mr. WASHBURN in its promotion in the Senate.

I take this occasion to express the obligation of this board and of kindred commercial exchanges of this country to yourself for your studious persistence, and for thorough examination of this bill, and your arraignment of the policy and methods and aims of its originators and promoters. You will have rendered great service not only to the agricultural interests of the country, but to its commercial exchanges.

Very truly, yours,

GEORGE F. STONE, *Secretary.*

Hon. J. FRANK ALDRICH,
House of Representatives, Washington, D. C.

Extract from letter received from Mr. J. O. Bloss, president of the New York Cotton Exchange.

NEW YORK, *March 29, 1894.*

DEAR SIR: Your esteemed favor of the 28th instant at hand and contents noted.

By this mail I send you a copy of the Carter and Choate opinions, as requested. I also send you a copy of the protest of this exchange, which may be of service to you, in that it contains the volume and page of the CONGRESSIONAL RECORD in which the various speeches against the bill in the previous Congress can be found. The speech of ex-Senator White contains a great deal of statistical matter, more particularly in reference to cotton, but is also a strong constitutional argument. The speech of Senator VILAS, as I remember it, deals more particularly with grain, but is chiefly a constitutional argument.

You of course are aware that in the bill as originally prepared the article of flour was included. It has now been eliminated. This was brought about, as I understand it, at the special instance of Senator WASHBURN in an interview had with Mr. HATCH. In the fights that have been had on antioption in the past Senator WASHBURN has insisted that there was no objection to the incorporation of flour in the bill, and accepted an amendment whereby it was included, his contention being that there was no trading in flour that the bill affected, their business being all legitimate. It seems, however, now that this bill is objectionable enough even to his legitimate flour business to lead him to quietly take Mr. HATCH aside and have his own article stricken out. This undoubtedly was done in order to secure WASHBURN'S support of the measure in the Senate.

Hon. J. FRANK ALDRICH, *Chicago, Ill.*

Before the conclusion of the reading of the above the hammer fell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALDRICH. Let the remainder of the letter be printed in the RECORD.

Mr. SPRINGER. That letter ought not to go into the RECORD.

Mr. HATCH. I desire to oppose the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Minnesota [Mr. FLETCHER] in opposition.

Mr. SPRINGER. Mr. Chairman, but that letter which has just been read, or a portion of it, I submit should not be printed in the RECORD. I object to printing the letter. We have no right to put into the record assertions of that character impeaching the action of the members of another branch of Congress.

The CHAIRMAN. You are too late. Leave has already been granted not only to those who may make remarks, but to those who have not made remarks to extend them in the RECORD.

Mr. SPRINGER. My objection was not on that ground. I object because it is out of order under the rules of the House.

The CHAIRMAN. The Chair overrules the point of order. The letter will go into the RECORD.

The letter is published above.

Mr. HATCH. I desire, Mr. Chairman, to take the floor to state why it was that flour was left out of this section and out of this bill. Gentlemen have stated on the floor of the House, in Committee of the Whole, that the word "flour" was in the bill of the last Congress. It was not in the bill as it passed the House of Representatives.

Mr. WARNER. Was it not in the original bill as presented by the gentleman himself at this Congress?

Mr. HATCH. Now, if the getleman will be still for a moment, I can make a five-minutes statement that even the gentleman from New York can understand; and I am going a long way when I say that.

Mr. WILLIAM A. STONE. Mr. Chairman, I insist upon order on the floor. I can not hear a single word the gentleman from Missouri has said.

The CHAIRMAN. Neither can the Chair. [Laughter.] The Chair will endeavor, with the aid of the officers of the House, to preserve order on the floor, and hopes it will not be necessary to appeal to the committee again for that purpose.

Mr. HATCH. Mr. Chairman, this amendment was inserted by the Senate, and the bill came back to the House in the Fifty-second Congress in that form. When I introduced the bill in the beginning of this session, I simply took the bill that was last printed, being the House bill with the Senate amendment, and introduced it for consideration by the committee to whom it was referred by the House.

That bill contained the amendment of the Senate. I stated to the committee my reasons for a motion to strike out the word "flour" from the bill, simply because flour is not gambled in on the boards of trade by option sales as these other commodities are, which are specified in the bill.

Mr. ALDRICH. Will the gentleman permit an inquiry?

Mr. HATCH. I can not yield.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. HATCH. Flour being a manufactured article made of wheat there was no good reason why the principle upon which these farm products are placed under this system should include the article of flour.

Now, I have no interest in the world except simply as a matter of principle in opposing the amendment. You may take any other manufactured article, made of cotton or anything else, named in the bill, and insert it with the same propriety that you could the word flour. I have never heard a complaint of any commercial body in the United States, or any miller in the United States, or any manufacturer of flour, or any grower of wheat, that flour was the subject of ordinary option sales on the boards of trade such as wheat and these other commodities are. That is why the committee struck it out from the bill.

Mr. HEARD. Will my colleague allow an interruption?

The CHAIRMAN. The gentleman has declined to be interrupted.

Mr. HEARD. I do not understand my colleague as *objecting.* If the Chair will submit the request, I ask if he will yield for an inquiry?

Mr. HATCH. I will.

The CHAIRMAN. The time of the gentleman has expired and debate is exhausted on this amendment.

Mr. CRAIN. I offer a substitute for the pending amendment.

Mr. FLETCHER. Mr. Chairman, I rise for the purpose of opposing the amendment.

The CHAIRMAN. The gentleman is not in order now. The gentleman from Texas has the floor to offer an amendment.

The Clerk read as follows:

Strike out all after the first word of the pending amendment.

Mr. CRAIN. Mr. Chairman, I deem it to be the duty of a Representative in this House to vote in accordance with the sentiment of those who sent him here, whenever any question is under consideration which has been publicly debated and discussed before the country and upon which his constituents have

expressed their desires by public declarations, and to vote according to the dictates of his own judgment, after a full investigation of their merits, upon all measures submitted to the House upon which those whom he represents have not expressed their opinion. I have carefully read this bill, which I am sure has not been seen by fifty men in my entire district, and have given to its provisions a great deal of thought and investigation.

Lack of time will not admit of any discussion of the constitutional questions involved in regard to the power of Congress to interfere with contracts entered into by citizens of a State, and to be carried out within the territorial limits of the same State, or to invade the police jurisdiction of the States over the subject of the suppression of anything which may be deemed immoral, either in practice or tendency; and therefore I shall content myself with calling attention to the objects sought to be obtained by the framers and supporters of this bill. In order to act intelligently in casting my vote I consulted, after reading this complex and intricate bill, the report of its framer, the chairman of the Committee on Agriculture, knowing very well that after the patient investigation, exhaustive study, and laborious research bestowed by him upon the subject of the bill for so many years, he would be able to shed more light upon it than any other member of the House upon his side of the question.

I read in that report that the first object of this bill is "to obtain revenue." The report states one of its objects to be—I am reading from Mr. HATCH'S report—"to obtain revenue:"

> At this time additional revenue is desirable and imperative. Unlike former bills reported to the House covering the subjects embraced in this measure, it will more surely and steadily provide a constant revenue to the Government, and that without an additional corps of revenue officers, and at a minimum cost for its collection.

Now, Mr. Chairman, I need go no further in the reading of the report or the investigation of this subject in order to vote intelligently. The bill seeks "to obtain revenue." This being admitted by the chairman of the committee, it is confessedly a legalizing, by the Government of the United States through its Representatives, of a system of gambling if passed by this House. My people know that we need revenue; my people may be willing that I should vote for a revenue reform measure, which will produce revenue, although all of its features may not commend themselves to their judgment.

But I believe that my people are unwilling that I should vote for any measure which will tolerate gambling, which will license gambling, which will legalize gambling, and which will produce revenue by gambling, which the contracts covered by the bill are denounced to be by its framers and supporters.

Mr. SNODGRASS. Mr. Chairman——

Mr. CRAIN. I can not be interrupted. Now, Mr. Chairman, if these gentleman really desire to suppress this species of gambling, why do they not follow the declaration of the platform which I shall proceed to read:

> 2. We demand that Congress shall pass such laws as will effectually prevent the dealing in futures of all agricultural and mechanical productions; providing a stringent system of procedure in trials that will secure prompt conviction, and imposing such penalties as shall secure the most perfect compliance with the law.

Mr. SNODGRASS. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas [Mr. CRAIN] declines to yield.

A MEMBER. What platform is that?

Mr. CRAIN. I have read from the original Ocala platform, as contained in the National Economist of June 9, 1894. Now we, as Democrats, are called upon, at the behest of the Committee on Agriculture, led on by their distinguished chairman, to half way try to do what the Populists say ought to be done, namely, to suppress gambling in futures in the States of the United States and in the Territories thereof.

But this bill confessedly does not do that. It raises revenue, because the report of the committee says that the raising of revenue is an object of the bill, that revenue is needed just now, and that the bill will produce a large amount of revenue at very little expense to the Government. The report denounces "future contracts" and "options" as gambling devices which injure the farmers of the country, but in order to put money into the Treasury of the United States the supporters of the measure are willing to let them go on, for they say the taxing of them will produce revenue.

If these future and option contracts are simply gambling upon the products and misfortunes of the farmers of the country, they ought to be suppressed if Congress has the power to suppress them. But this bill does not suppress gambling, for the report declares that it will produce revenue; and it is plain that that which produces revenue is not suppressed. In other words, the framers and supporters of the bill assert that gambling in futures and options lowers the prices of agricultural products, but that as the Government needs revenues the gambling must be permitted to go on if the gamblers pay the license dues and other taxes provided for in the bill. The bill simply says, according to the committee's report, that although the gamblers in wheat, beef products, and cotton futures injure the producers of these commodities, still they must be allowed to continue to ply their vocation because the Government needs revenue, and by licensing the gamblers the Government will obtain revenue. Tax the gamblers and let the farmers suffer, says the bill. I say suppress the gambling if we have the power, but do not let the Government go into partnership with gamblers, first, from a moral standpoint; and, secondly, because not even "to obtain revenue" ought the Government to license a business which is said to lower prices to the real producers of the country. Save the farmers. Do not license the gamblers. [Applause.]

[Here the hammer fell.]

Mr. FLETCHER. Mr. Chairman——

Mr. TERRY. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TERRY. I understand that under the general rule, when a bill is taken up by sections, an amendment can only be offered to a section after it has been read, but if I recollect correctly it was stated or agreed the other day that when we came to amend the bill amendments might be offered to any part of the bill—because we may not reach the last sections of this bill at all.

The CHAIRMAN. That was not included in the order as finally agreed upon.

Mr. COOMBS. That was agreed upon.

The CHAIRMAN. It was merely a suggestion previous to the agreement.

Mr. TERRY. I understood that it was agreed upon. Some of these sections of the bill may never be reached.

Mr. BURROWS. We can get to them if the committee will vote on the amendments as they are offered.

The CHAIRMAN. The gentleman from Tennessee [Mr. COX] is recognized.

Mr. BURROWS. Let us have a vote on these amendments, and then we can go on.

Mr. CRAIN. I withdraw my substitute.

Mr. TERRY. I wish to read from the RECORD, page 7804, to show what the agreement was:

> Mr. COX. I suggest that the gentleman ask that in offering amendments under the five-minute rule it shall not be necessary to read the bill in detail.
> Mr. HATCH. I will accept that suggestion, that amendments may be offered to any section of the bill and voted upon in the order in which they are presented, so that the time will not all be consumed upon any one section of the bill.

Mr. MCMILLIN. That was clearly the understanding.

Mr. HATCH. That was distinctly my proposition when I asked to close this matter in one hour, but after that it was suggested that I make it two hours, under the five-minute rule.

Mr. COBB of Missouri. But you did not withdraw this proposition.

Mr. MCMILLIN. My friend from Missouri [Mr. HATCH] did not suggest that he was going to exhaust one-half the time in reading the bill.

Mr. HATCH. I am not going to exhaust one-half or one-tenth of the time. The time is being exhausted in offering amendments and debate.

Mr. MCMILLIN. I suggest that it was clearly the understanding of all gentlemen here that any part of the bill would be subject to amendment during the two hours.

Mr. COX. Mr. Chairman——

Mr. TERRY. In order to have a direct ruling on the subject, I offer an amendment to section 14.

The CHAIRMAN. The Chair can not recognize the gentleman now, having agreed to recognize another gentleman. The gentleman from Texas [Mr. CRAIN] asks permission to withdraw his substitute. Is there objection? The Chair hears none, and leave is granted, and the gentleman from Tennessee [Mr. COX] is recognized.

Mr. COX. I desire to offer an amendment to the second section of the bill.

Mr. BOATNER. Has the second section of the bill been reached?

The CHAIRMAN. There is an amendment pending to the first section, offered by the gentleman from Illinois [Mr. ALDRICH]. The question is on the amendment of the gentleman from Illinois.

Mr. ALDRICH. Mr. Chairman——

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. COOMBS demanded a division.

Mr. ALDRICH. A parliamentary inquiry. Members do not understand what they are voting on.

The CHAIRMAN. The Clerk will again report the amendment.

Mr. FLETCHER. Mr. Chairman, I understood that I was to be recognized in opposition to this amendment.

The CHAIRMAN. The Chair can not recognize the gentleman now. The Chair will recognize the gentleman on the next amendment.

Mr. HOPKINS of Illinois. I renew the amendment of the gentleman from Texas. [Cries of "Too late!"]

Mr. COOMBS. I called for a division.

The CHAIRMAN. The committee was dividing.

Mr. HOPKINS of Illinois. But, Mr. Chairman, the members did not understand it. This matter is not to be driven through in this manner without debate.

The CHAIRMAN. The gentleman from Illinois will state what his proposition is.

Mr. HOPKINS of Illinois. My proposition is to renew the substitute which has been withdrawn by the gentleman from Texas [Mr. CRAIN].

The CHAIRMAN. The gentleman from Minnesota will be recognized in due time. Debate is exhausted on this amendment, and the committee is dividing.

Mr. BURROWS. Report the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was again reported.

Mr. HOPKINS of Illinois. Now, Mr. Chairman, is that the amendment that the vote has been had on?

The CHAIRMAN. That is the amendment that the vote is now being taken on.

Mr. HOPKINS of Illinois. I move to strike out the last word, and I want to be heard on that a minute or two.

Mr. RICHARDSON of Michigan. I rise to a point of order.

Mr. HOPKINS of Illinois. If I understand correctly the position of the gentleman in charge of the bill——

Mr. ALDRICH. A point of order, Mr. Chairman.

Mr. HOPKINS of Illinois. I hope I can have order, Mr. Chairman.

The CHAIRMAN. Gentlemen will please take their seats and cease conversation on the floor.

Mr. COX. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. If I can get just one minute I think we can get out of this trouble.

The CHAIRMAN. We are not in any trouble. [Laughter.]

Mr. COX. Do I understand the Chair to rule that upon a motion to strike out the last word the two hours' debate on amendments can be consumed?

Mr. HOPKINS of Illinois. Mr. Chairman, I can not be taken off the floor this way.

The CHAIRMAN. There is nothing in the rules contrary to that.

Mr. HOPKINS of Illinois. Mr. Chairman, I trust the members of this committee will not hastily force a vote upon this matter. I think the amendment offered by my colleague ought to be adopted. If there is any reason for legislation of this kind affecting wheat, the same arguments and the same reasons will apply to flour. In the letter which was read from the Clerk's desk the charge is made that the reason flour was left out of the bill was to enable a British syndicate that has purchased the Washburn and Pillsbury mills to control the wheat markets of America, bear the price of wheat, and thus make profits on the flour they manufacture.

Now, I am not prepared to say that the charge in that letter is true, but I do state that the writer, Mr. Stone, is a man of integrity and standing in the city of Chicago. He states unequivocally that this whole scheme is for the purpose of depressing the price of wheat that is raised in America for the benefit of an English syndicate. I happen to know, Mr. Chairman, that these great Washburn and Pillsburry mills that are operated in Minneapolis, in the State of Minnesota——

Mr. COX. I rise to a point of order.

Mr. HOPKINS of Illinois (continuing). Are to-day under the control of and operated——

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOPKINS of Illinois (continuing). By English capital.

Mr. COX. If I can get the gentleman to stop I will state my point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. COX. When the gentleman took the floor we were dividing upon a question; and of course when the committee was dividing on an amendment the gentleman can not take the floor and address the committee on that amendment.

The CHAIRMAN. No one made the point of order against the gentleman from Illinois.

Mr. COX. I make it now.

The CHAIRMAN. It is too late. The Chair suggests to the gentleman from Tennessee that when the gentleman from Illinois gets off the floor the Chair will hear the point of order. [Laughter.]

Mr. HOPKINS of Illinois. Now, Mr. Chairman, I hope these interruptions will not be taken out of my time.

If the charges made in this letter are true, the members of this House ought to incorporate this amendment in this bill. Whether the charge is true or not, there is no reason upon earth why flour should not be included in the bill the same as wheat, rye, barley, or other products raised upon the farm. If there have been no dealings in futures on flour, that is no reason why there may not be in the future; and if the argument presented by the chairman of the Committee on Agriculture relating to the articles included in the bill be correct, then I say that the same reason would require that flour be placed in the bill.

Now, Mr. Chairman, the gentleman from Minnesota says that these mills are not operated and controlled by an English syndicate. I say the gentleman is mistaken; and I will give my reason. Within six weeks I have defended a flour operator who resides in my State from a suit that was brought by this same English syndicate, attempting to control the flour market of the city of Aurora and various portions of the State of Illinois.

It was alleged in the bill, and the attorneys who appeared in the United States courts charged, that those mills were owned and operated by an English syndicate who are not only attempting to "bear" the wheat market of this country, but also to control the flour trade throughout every section of the country.

[Here the hammer fell.]

The CHAIRMAN. Does the gentleman from Illinois withdraw his pro forma amendment?

Mr. HOPKINS of Illinois. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The Clerk will again report the pending amendment.

The amendment was again read, as above.

Mr. FLETCHER. I move to strike out the last word.

Mr. DOCKERY. I make the point of order that no further amendment is in order.

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair can not recognize the gentleman from Minnesota. Debate on this amendment is exhausted.

The question was taken, and there were—yeas 93, nays 33; so the amendment was adopted. [Applause.]

Mr. COX. Mr. Chairman, I offer an amendment to section 2 of the bill.

Mr. BOATNER. I make the point that section 2 has not yet been read.

The CHAIRMAN. Section 2 has not yet been read. The Clerk will read it.

The Clerk read as follows:

SEC. 2. That for the purposes of this act the word "futures" shall be understood to mean any contract whereby a party thereto, or any party for whom or in whose behalf such contract is made, contracts to sell and deliver to another, at a future time, or within a designated month or other period, any raw or unmanufactured cotton, hops, wheat, corn, oats, rye, barley, pork, lard, bacon, dry-salted meat, or pickled meat.

Mr. ALDRICH. I move to strike out section 2. The purpose of my motion, Mr. Chairman, is to eliminate from the bill all reference to the term "futures," so that the bill, should it become a law, will deal with trading in "options," and "options" only. There should be no objections to the bill as it would then read, and there ought to be no objections to the amendment by the authors of the bill.

Speculation in "options" is the purely gambling feature of trade in these products indulged in, I regret to say, by some members of our boards of trade. It is the canker sore or wart upon legitimate trade, and speculation and the element which has brought down so much condemnation upon these commercial organizations. These two terms, "options" and "futures," are thoroughly explained in sections 1 and 2 of the bill.

The latter term is employed to denote the actual buying and selling of commodities for delivery at some time beyond the moment at which the trade is made.

I will not take the time now to go into a further argument of this proposition, nor to reiterate the advantages which this system brings to our producing classes, but that it is legitimate there can be no doubt, and the mere fact that speculation in these goods happens to be active is no reason why it is not only legitimate but rational. Why, there is hardly any article of manufacture to-day that is not bought and sold when in large quantities for future delivery.

The great harvester companies purchase their lumber, their steel and wire and their cotton duck and binding twine months in advance of their actual needs for these articles, and the trade is a rational and a beneficial one to both seller and buyer, and the same is true of other lines of goods. The mere idea, therefore, of trading in futures, should cut no figure nor be any ele-

ment of consideration by those who favor a bill for the suppression of option trading.

As I have said before, all trading in options by members of the Board of Trade at Chicago, such as Mr. HATCH has referred to, and so justly condemned, has occurred after the hours of the board, and outside of its Exchange hall. The rules of the board do not countenance such transactions nor recognize them in any way, and the violators are subject to the operations of the State laws, and should be prosecuted for their offenses. But while trading in options is prohibited by the laws of our State, trading in futures is not, and the rules of the Chicago Board of Trade are upheld and recognized by our courts in every case brought before them.

This amendment, therefore, is a most reasonable one and should be adopted.

First. Because it has been clearly shown in this discussion that whatever the evils which may exist through this system of buying and selling of the products named for future delivery, they do not begin to overbalance the advantages derived therefrom.

Second. Because the market in which the greatest trading in futures takes place, viz., Chicago, the average price of wheat is from 1 to 3 cents above New York and from 3 to 6 cents above Liverpool, thus indicating that this system, so far as it affects values, is at least not inimical to the interests of the great farming community tributary to Chicago.

Third. Because speculative gambling is for the most part confined to the vicious practice of trading in privileges, and is completely covered in those provisions of the bill which refer to options.

I can only say in conclusion that I regret that the chairman of the committee which has reported this bill has not seen fit to publish the testimony taken before his honorable committee. Rumor has it that this testimony was so unanimously against the bill, and so little was said in favor of it, that prudence dictated that the evidence should not be published. However this may be, I make the prediction now that the bill will never become a law, regardless of the vote taken here to-day.

Mr. COX. Now, Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read as follows:

Insert after the word "meat," on page 2, line 8, the following:

"*Provided*, That nothing herein shall be construed to apply to contracts entered into for future delivery of the aforesaid articles if at the time of contract of sale of any of said articles the vendor is the actual bona fide owner of the article to be delivered in the future, or has the power and authority to sell and deliver the same as agent for another, the principal owning the property at the time the contract is made by the agent."

Mr. WILLIAM A. STONE. Mr. Chairman, I desire to offer a substitute for that amendment.

Mr. COX. I believe I have the floor, Mr. Chairman. Now, if I can have the attention of the committee for a few moments I feel satisfied that I can explain the amendment so that it will meet general approval. The main idea of this bill is to prevent men from selling property which they do not own or control. The second section of the bill as it stands undertakes to define futures, and, taking that in connection with the section which exempts farmers from the operation of the bill, another class of legitimate business transactions is brought within the range of the bill, so that instead of punishing fictitious sales, or compelling such sales to pay revenue, you really embarrass and retard a large class of transactions which belong to legitimate business—transactions in which thousands of men throughout the country are engaged.

Let me put the case so that it can be understood.

Say that my friend here [Mr. COOMBS] is a merchant and I am a farmer. I owe him $500. I say to him, "I will give you 500 bushels of wheat for my debt." He accepts the proposition and I turn the wheat over to him. Next day he goes to the miller to sell the wheat, and the miller requires him to deliver it within three days. Now, in those transactions contracts arise such as are covered by the provisions of this bill, and I submit that to have the bill operate upon transactions of that kind is a hardship and tends to retard legitimate business.

I am in favor of this bill, but my object is to strike the men who sell what they have not got, not to retard the operations of men who sell what they have got; and the amendment I have proposed to section 2 provides for such cases as that which I have stated. Where a man has what he sells, it is an outrage to place such restrictions upon his business as this bill does. While the bill permits the farmer to deliver his wheat exempt from this tax, yet whenever the merchant, the lawyer, or anybody else gets hold of that wheat, even though he has to deliver it within three or four days, he is subject to the tax under the provisions of this bill.

Mr. CANNON of Illinois. I wish to suggest to the gentleman that on page 17 you let the farmer sell the growing crop——

Mr. COX. Mr. Chairman, I have only five minutes in which to present this amendment, and I can not yield to interruptions. I will read the amendment again, so that members may understand it exactly.

Mr. COX again read the amendment, as above.

[Here the hammer fell.]

[Cries of "Vote!" "Vote!"]

Mr. HATCH. Mr. Chairman, if the committee will indulge me just a moment I think I can save time by a very brief statement. I do not agree with the gentleman from Tennessee as to the importance which he attaches to this amendment, but I am satisfied that he earnestly believes it is necessary to cover a class of cases that occur occasionally in his section of the country, if not throughout the land.

Mr. COX. Such things occur a thousand times every month.

Mr. HATCH. I believe the gentleman thinks the amendment necessary. I am not willing myself to reject any fair amendment of this bill, any amendment which, in my judgment, will not destroy its efficacy. Therefore, so far as I am concerned, I shall not object to the gentleman's amendment.

Mr. COX. Thank you. [Cries of "Vote! "Vote!"]

Mr. FLETCHER was recognized.

Mr. BOATNER. Mr. Chairman——

The CHAIRMAN. The gentleman from Louisiana is not in order.

Mr. BOATNER. I am in order. I desire to move an amendment to the amendment which is now pending, and that is strictly a parliamentary motion.

The CHAIRMAN. There is an amendment to the amendment already pending, and therefore the gentleman is not in order.

Mr. BOATNER. Does the Chair say that I am not in order in moving to amend an amendment?

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FLETCHER. Mr. Chairman, I wish to state to the members of this House that the letter which has been read here and the statements which have been made by the gentleman from Illinois are entirely unwarranted by the facts of the case.

About 35,000 barrels of flour are made per day in Minneapolis. Of this quantity the Pillsbury-Washburn syndicate, as it is termed, or the great English syndicate, does not produce over 10,000 barrels. A few agents of the English syndicate have been put as their representatives into the Pillsbury-Washburn concern in order that they may have a better market for their flour on the other side. But the English syndicate does not control and never did control the majority of the stock of the Pillsbury-Washburn concern.

I have been a miller in the city of Minneapolis for fifteen years and I know whereof I speak. I make the assertion right here, without fear of contradiction by any man on this floor, that there is not a miller in the city of Minneapolis, or Winona, or Duluth, or West Superior, or Mankato, and in this statement are included all the large mills of the Northwest—not one of those men, unless it be Mr. Pillsbury or Senator WASHBURN, is in favor of the passage of this bill in any sense of the word. I was at a meeting of the millers of Minnesota week before last, and every miller there except Mr. Pillsbury condemned this bill from beginning to end.

Now, when men get up here and undertake to tell us about this great syndicate of millers controlled in Minneapolis, and that Minneapolis is controlled by England and the English syndicate, there is not a word of foundation for the statement. There are some parties in England connected directly or indirectly with the Pillsbury and Washburn concern; but it is altogether a mistake to suppose that the Pillsbury-Washburn men are the only millers in that section. They have not a capacity of over 10,000 or 10,500 barrels a day out of the 35,000 barrels manufactured. The Washburn, of Washburn, Crosby & Co., is another Washburn entirely, and represents the estate of the late C. C. Washburn.

I repeat, that every miller in the great mills at Duluth, West Superior, Mankato, and Winona is opposed to this bill. As for Mr. Pillsbury, the chairman of the committee who has this bill in charge, will bear out my statement when I say that Mr. Pillsbury himself did not favor this bill, but in company with another gentleman wanted amendments put upon it to eliminate some of its bad features. And now to come here with this mass of misstatement and that misleading letter which Mr. ALDRICH had read from the board of trade is simply a trick to fool the members of this House.

I represent the milling interests of Minneapolis; I know every man in the Northwest who is engaged in the milling business; and I know that there is not one of them, unless it may be some man with a small mill, producing two or three hundred barrels

a day—there is not one important miller in all that section of the country who favors the passage of this bill or ever did.

Let me say further that the millers have never made any money on low-priced wheat. You can not make money in the milling business on low-priced wheat. Low-priced wheat produces low-priced flour. Flour has not netted within the last two years on the average more than 5 to 7½ cents a barrel net profit. When wheat is worth a dollar or a dollar and twenty-five cents a bushel, there is a demand for flour throughout the country and the miller makes more money. I repeat, that more money is made by millers on high-priced wheat than on low-priced wheat.

[Here the hammer fell.]

[Mr. FLETCHER took his seat amid applause:]

The CHAIRMAN. The substitute offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] for the proposition of the gentleman from Tennessee [Mr. COX] will be read.

Mr. BOATNER. I rise to a question of order. My point is that a motion to amend the amendment takes precedence of a substitute. In other words, we have a right to perfect the original amendment before the substitute is in order. I therefore insist upon my right to offer an amendment to the pending amendment.

The CHAIRMAN. The Chair understood the gentleman's amendment to be a substitute.

Mr. BOATNER. No, sir. My proposition is an amendment to the amendment of the gentleman from Tennessee, and I insist on my right to offer it.

The CHAIRMAN. They are both amendments; but the amendment of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] is first in order.

Mr. BOATNER. I understood that was a substitute for the pending amendment.

The CHAIRMAN. A substitute is nothing but an amendment.

Mr. MCMILLIN. Any gentleman desiring to offer an amendment to perfect the text has the right to do so before a substitute is in order. The gentleman from Louisiana, I submit, is clearly right in the point he has made.

The CHAIRMAN. The Chair will say to the gentleman from Tennessee that he has directed the proposition of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] to be read, in order to ascertain whether it is a substitute or not.

Mr. SPRINGER. Let it be read, so that we may know what it is.

The Clerk read as follows:

Add at the end of section 2:

"*Provided*, That any contract or agreement for the future delivery of any of said articles where the time specified shall not exceed thirty days from day of contract; and that any person, firm, or copartnership dealing in any of said articles who buy and sell the same for spot delivery, or to be delivered within thirty days from day of sale, shall not come under the provisions of this act."

Mr. BOATNER. That is clearly a substitute for the original proposition.

The CHAIRMAN. The Chair will say to the gentleman from Louisiana, after the reading of the amendment, that it is clearly an amendment and in order.

Mr. SNODGRASS. I desire to offer a substitute for the pending propositions.

The CHAIRMAN. The Chair can not take the gentleman from Pennsylvania off the floor now. He is entitled to five minutes, and is recognized for that purpose.

Mr. WILLIAM A. STONE. Mr. Chairman, as I understand the provisions of this bill they would compel a person dealing at a small station on a railroad, for instance, who buys up the grain and produce of the neighborhood for the convenience and accommodation of the farmers themselves, to pay this tax and take out a license as a broker under this bill.

I have in my hand a letter sent to me by a person living in my district, Mr. John Hood, a dealer in produce of all kinds, and who is very competent to judge of what the effect of the bill will be on this trade in the event of its enactment into law. I desire to have this letter read in my time in support of the amendment which I offer.

The Clerk read as follows:

PITTSBURG, PA., *June 20, 1894.*

DEAR SIR: I notice the Hatch antioption bill is before your body and I inclose an amendment I wish you to offer to section 14, line 45, as the bill was reported March 23, 1894.

There may be some amendments incorporated in the bill since then that would change the sections, but we wish to have all contracts or agreements made for future delivery within thirty days from day of sale, and all persons who confine their business to selling spot goods or to goods they agree to deliver within thirty days shall be entirely exempt from the provisions of the bill, same as persons who contract to deliver to persons engaged in manufacturing, as provided for in section 14, commencing line 21 and ending line 45.

I had made some suggestions similar to this amendment to Mr. SIBLEY and he suggested some time ago that we have our representative offer amendments in accordance with our wishes and they would receive favorable consideration.

With this amendment incorporated in the bill all dealers at country stations or in cities that are buying and shipping the goods enumerated could make contracts for spot delivery or ten-day or thirty-day delivery and not be required to take out a license and be annoyed with the many provisions contained in the bill, and all who wish to speculate and sell goods for two, six, or twelve months' delivery can take out their license and transact business in conformity to the law. I consider it a gross outrage to inflict the provisions of the bill on bona fide dealers who do not want to speculate.

Please confer with Mr. HATCH and Mr. SIBLEY and they may join with you on this amendment.

Truly,

JNO. HOOD.

Hon. W. A. STONE, *Washington, D. C.*

Mr. WILLIAM A. STONE. This amendment that I have offered was drawn by Mr. Hood.

I now desire to ask the chairman of the committee whether or not this bill, without that amendment, does not affect that class of people as suggested by Mr. Hood? It seems to me that the amendment will do away with the objection which he makes; and that it is entirely proper that this class of people, who do a small business at the railway stations, and pick up a little grain for the accommodation of the farming community, ought to be exempted from the operations of the bill. The bill without the amendment, in my judgment, will do a great deal more harm than good; and the real friends of the farmer on this floor will vote for the amendment I have offered.

[Here the hammer fell].

Mr. HATCH. I desire to be heard on the amendment.

Mr. SNODGRASS. I wish to offer a substitute.

The CHAIRMAN. If the gentleman from Tennessee will listen, the Chair will state that there is an amendment now pending to an amendment.

Mr. SNODGRASS. But I want to offer a substitute to the amendment.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. COX. I rise to a parliamentary inquiry. On my amendment being proposed to the committee, I understood the chairman of the Committee on Agriculture to say—he having charge of the bill—that he would accept the amendment; and no one made objection. Now, is not that amendment a part of the bill at this time?

The CHAIRMAN. The gentleman from Missouri could not accept the amendment without a vote of the House. It is for the committee to accept the amendment.

Mr. SNODGRASS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNODGRASS. I understand the gentleman from Pennsylvania offered an amendment to the bill, and to that amendment the gentleman from Illinois offered an amendment.

The CHAIRMAN. That is correct.

Mr. SNODGRASS. Now, I want to ask if I have not the right to offer a substitute for both of these amendments.

The CHAIRMAN. The gentleman has a right to offer a substitute for the entire section.

Mr. BOATNER. Not for the entire section, but a substitute for the amendment to the amendment. I desire to offer a substitute.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. SNODGRASS. I ask if I have not a right to offer the substitute?

The CHAIRMAN. The gentleman has not the right now.

Mr. SNODGRASS. When will I have the right?

The CHAIRMAN. The Chair will indicate when. The gentleman from Missouri is recognized.

Mr. HATCH. Mr. Chairman, if I can have the attention of the Committee for a moment, I desire to say that the amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has been suggested by a very prominent banker of the city of New York, who sent out this suggestion not only to the members of the committee, but to other members of the House, and it has gone all over the country. It is a very ingenious scheme to rob this bill, if it becomes a law, of all force and effect, and I hope every friend of the bill on the floor will vote against the amendment.

I desire to read what a very prominent merchant of St. Louis wrote me on this subject on the 24th day of May. He says:

Referring to the communication on options from the exchange of this city, published in this day's Republic, I wish to call your attention to the effort now being made by Henry Clews & Co., of New York, to get the consent of the different exchanges of this country to restrict the sale of options to sixty days. He gives the reasons for this change, but not the true one. The true reason is that business, during and since the panic, has been so small together with the custom of regular speculators to deal in the far-off options, that he makes this effort to force the renewal of deals every sixty days—every ten days would be better from his standpoint, so far as his commissions are concerned—and this is all the interest he has in the custom.

This proposition if carried out would knock into a cocked hat the position that this article assumes, namely, that this custom is in the interest of

legitimate business. Clews's effort defines the custom to be strictly a gamble, purely in the interest of the dealers for the commission only, and as a matter of fact this custom would die out, and shortly at that, if the people would refuse in future to gamble in options, while legitimate buying and selling would continue as long as the world lasts.

Now, Mr. Chairman, this is not a new proposition. It is perfectly understood by the committee that framed this bill, and if it is adopted, you might just as well defeat the bill. It would destroy the force and effect of the entire measure. It would simply redouble these sales from day to day and month to month, and I hope every friend of the measure will vote against the amendment.

Mr. SNODGRASS. Mr. Chairman——

The CHAIRMAN. There is already an amendment pending. We will take a vote on that.

Mr. SNODGRASS. I propose to offer a substitute for the amendment.

The CHAIRMAN. It is not in order now.

Mr. SNODGRASS. Well, I want to read the Chair this rule.

The CHAIRMAN. It makes no difference how many rules you read. The Chair has ruled that it is not in order. Those who favor the amendment of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] will say "aye."

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. WILLIAM A. STONE. Division.

The committee divided; and there were—ayes 81, noes 74.

The CHAIRMAN. The ayes have it, and the amendment is adopted.

Mr. HATCH. No quorum has voted. I demand tellers.

Several MEMBERS. Too late.

Mr. HATCH. I have been trying to get the attention of the Chair.

The CHAIRMAN. Does the gentleman make the point of no quorum?

Mr. HATCH. I do.

Mr. SNODGRASS. He is too late. The result has been announced.

The CHAIRMAN. The Chair will recognize any gentleman who states that he endeavored to get the attention of the Chair. The gentleman from Missouri [Mr. HATCH] makes the point of no quorum. The Chair will appoint as tellers the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] and the gentleman from Missouri [Mr. HATCH].

The committee again divided, and the tellers reported—ayes 92, noes 92.

Accordingly the amendment was rejected.

Mr. ALDRICH. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee [Mr. SNODGRASS] is recognized to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 14——

Mr. SNODGRASS. I ask the Clerk to strike out the words "amend section 14." I wish the amendment to come in at this point.

Mr. FUNK. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FUNK. I rise for the purpose of offering an amendment to section 2.

The CHAIRMAN. It is not in order now.

Mr. FUNK. When will it be in order?

The CHAIRMAN. When we get some of these others out of the way the gentleman's amendment will be in order. The Clerk will report the amendment of the gentleman from Tennessee [Mr. SNODGRASS].

The Clerk read as follows:

Amend section 14 as follows:

Mr. SNODGRASS. Strike out the reference to section 14 and insert the words "amend by adding."

Mr. COX. Is this offered as an amendment to my amendment?

The CHAIRMAN. The Chair can not tell until it is read. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. SNODGRASS].

The Clerk read as follows:

Amend by adding the words:

"And none of the provisions of this act shall apply to any person making a sale of said commodities for future delivery, who is the owner of the property sold at the time of the sale, or the agent of such owner."

The CHAIRMAN. Where does the gentleman propose that that amendment shall come into the bill?

Mr. SNODGRASS. Right at the end of the amendment of the gentleman from Tennessee [Mr. COX].

The CHAIRMAN. It is in order, if it is intended as an amendment to the amendment of the gentleman from Tennessee [Mr. COX].

Mr. COX. Mr. Chairman, the amendment offered by my colleague——

Mr. SNODGRASS. I believe I have the floor.

The CHAIRMAN. The Chair supposed the gentleman [Mr. COX] wished to make a point of order. The gentleman from Tennessee [Mr. SNODGRASS] has the floor, unless a point of order is made.

Mr. COX. I am trying to raise a point of order.

The CHAIRMAN. What is it?

Mr. COX. This amendment, offered by my colleague——

The CHAIRMAN. The gentleman is not in order now.

Mr. COX. I wish to make a point of order. I will make it if the Chair will hear me. The Chair can not tell whether it is a point of order until he hears it.

Mr. FUNK. I wish to offer an amendment.

The CHAIRMAN. It is not in order at this time.

Mr. ALDRICH. I desire to know if it is now in order to make the motion to strike out section 2?

The CHAIRMAN. It is not in order at this time.

Mr. SNODGRASS. Mr. Chairman, I understand I have the floor.

The CHAIRMAN. If the gentleman from Tennessee desires to make a point of order the Chair will hear him.

Mr. COX. Mr. Chairman, the very terms of the amendment offered to the amendment which I proposed to the bill by my colleague, is a repetition precisely of the amendment I have already offered. How can an amendment to an amendment be offered when it is the same thing?

The CHAIRMAN. The amendment will be read.

Mr. COX. Read them both and you will see they are the same.

The amendment offered by Mr. SNODGRASS was read, as follows:

Amend by adding the following at the end of the said section: "And none of the provisions of this act shall apply to any person making a sale of said commodities for future delivery who is the owner of the property sold at the time of sale, or the agent of such owner."

Mr. COX. Now read my amendment. It is exactly the same.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee.

The Clerk read as follows:

Insert after the word "meat" on page 2, line 8:

"*Provided*, That nothing herein shall be construed to apply to contracts entered into for future delivery of the aforesaid articles, if at the time of the contract and sale of any of said articles the vendor is the actual bona fide owner of the article to be delivered in the future, or has the power and authority to deliver the same as the agent of another, the principal owing the property at the time the contract is made by the agent."

Mr. COX. That is just the same.

The CHAIRMAN. The Chair desires to state to the gentleman from Tennessee that the House alone has the right to determine which of these amendments it prefers, and whether both mean the same thing it is not the province of the Chair to decide. The Chair will recogize the gentlemen from Illinois to move to strike out this section after the section is perfected. The gentleman from Tennessee [Mr. SNODGRASS] is recognized.

Mr. SNODGRASS. Mr. Chairman, I believe in the largest liberty and least government compatible with the preservation of life, liberty, and property. I do not concede that this Congress has the power to say to the citizens of my State, in their domestic trade, whether their contracts shall be oral or in writing. I believe that a proposition of this kind is paternal in the extreme. I believe that my constituents have the right to buy their neighbor's crop and to sell that when it becomes their property for future delivery without being shackled, without being trammeled by an assumption of power by this House that they shall reduce that contract to writing and put a stamp upon every package of their produce and upon every hog they purchase and deliver upon a future contract.

I do not agree with my distinguished friend from Pennsylvania [Mr. SIBLEY] that whenever a supposed emergency or expediency or necessity arises that this Congress has a right to tear apart the Constitution and to trample it under its foot for the purpose of relieving what he or any other member of this House may suppose is a necessity. If a public necessity arises the framers of the Constitution have provided a remedy; and we may amend the Constitution, but we have no right to stultify ourselves by tearing off parts of the parchment and consoling our consciences on the ground that an emergency existed.

I say, Mr. Chairman, that if we have the right to say that every contract between the citizens of a State shall be reduced to writing, we have the right to say that they shall make no contract unless they pay it in cash, or unless they pay a specific currency, pay in gold, or pay in silver, or pay in greenbacks, or in any other currency they may please to specify as a consideration.

It is a power that is unauthorized. It is a usurpation on the part of this House that every member who understands the organic law ought to be ashamed of. If it is conceded there are no restrictions or limitations upon Congress, then we have not a republican form of government, but a despotism of the worst order.

Mr. BOATNER. Will the gentleman allow me to interrupt him with a suggestion?

Mr. SNODGRASS. Certainly.

Mr. BOATNER. Is the gentleman aware of any possible construction of the Constitution by which Congress is authorized to interfere between citizens of the State of Tennessee in their contract relations with each other?

Mr. SNODGRASS. No, sir; and Congress has no such power. I state that without fear of successful contradiction; and not only that, but if Congress has the power to do this, why then it has the power to destroy every reserved right of the people of the States, and it has the right to take charge of their domestic relations and regulate them according to its own will.

If this provision of the bill is retained it will force our farmers, if they buy their neighbors' crops and sell for the future delivery of the same, to reduce two contracts to writing and pay stamp duties on the two contracts.

This would be an unwarranted assumption of power on the part of Congress, and an infringement of the right of the States and the people thereof. I am opposed to the sales of options. It is in my judgment a wrong, but it is a proper subject for the States. If this amendment is adopted, as the bill purports to be for the purpose of raising revenue, I shall vote for it; and if it is not adopted I shall waive my opinion and support it, trusting future legislation to correct it.

The CHAIRMAN. The time of the gentleman has expired. Debate on this amendment is exhausted.

Mr. SNODGRASS. I withdraw my amendment.

Mr. COX. I demand a vote.

Mr. BOATNER. I offer an amendment to the amendment offered by the gentleman from Tennessee [Mr. COX], to be added to the amendment.

The Clerk read as follows:

Provided, That none of the provisions of this bill shall apply to a bona fide sale for actual delivery of any product in due course of business.

Mr. BOATNER. Mr. Chairman, if I can get the attention of the committee for a few moments I want to point out how the far-reaching provisions of this bill affect everyday business and commerce.

The committee will find by looking at the bill that the second section defines what constitutes a contract for future delivery. The ninth section says that those contracts shall be recorded in the office of the contractor on the day they are entered into; that the contracts shall be stamped then and there, and that in default of recording and stamping the contracts according to the provisions of this act certain penalties shall be incurred.

It is further provided that if, for any reason whatever, there should not be an actual delivery of the articles which have been sold, then the additional taxes shall accrue. Now, it will occur to anyone who knows anything about actual business that commercial houses, under the present system of doing business, send out their drummers or agents, who sell their goods far in advance of delivery—corn, pork, lard, oats, meat, almost all the articles mentioned in this bill, especially corn, oats, pork, lard, bacon, dry-salted meats, or pickled meats.

Under the provisions of this bill no drummer could sell a carload of any of the goods mentioned in the bill, unless he was able to telegraph to the merchants whom he represented, on the day he made the sale, giving all the terms and conditions of the contract; and if, for any reason, the goods should not be delievered within the time stipulated in the contract it would be necessary that a written agreement of extension should be entered into, otherwise the tax would accrue. Now, I apprehend that it is not the object of the gentleman from Missouri [Mr. HATCH], or of the the other friends of this bill, to interfere with the legitimate operations of commerce.

I apprehend that all they want to accomplish by the bill is to destroy gambling, and the amendment which I have offered provides that the provisions of this bill shall in no case apply to contracts for sales for actual delivery in the due course of business. I can not see any possible objection to that. If the bill is to become a law it ought not to accomplish any more than its object, which, as I understand, is to destroy gambling. It certainly ought not in any event to prevent the conduct of legitimate trade between the large cities and the country that is tributary to them.

It is a common custom and practice where I live for merchants of the city of St. Louis (from which city we get most of our supplies) to send out advance agents to sell corn, pork, flour, lard, all these articles, the contracts being made long in advance of delivery. The orders are taken and are sent to St. Louis and the goods are shipped down by steamboat, to be delivered to the parties for whom they are intended and paid for on delivery. Now, under the provisions of this bill, that business can not be conducted except under such restrictions as will make it almost impossible.

Mr. TERRY. Is it not claimed by the New Orleans Board of Trade that all their future contracts contemplate actual delivery?

Mr. BOATNER. I do not know whether they make that claim or not. I think they do. I think the contracts are all drawn in that way. But if the gentleman will observe the language of the amendment which I offer he will see that it would not apply to cases of that sort. A sale in due course of business is a sale by one who is engaged in the handling of the commodity in question.

Mr. TERRY. But a sale by a man who conducted the bucket shop would be a sale "in due course of business" in a bucket shop.

Mr. BOATNER. Oh, no; because such a man does not pretend to own or deliver anything.

Mr. HATCH was recognized.

Mr. FUNK. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri is recognized. The Chair will recognize the gentleman from Illinois later.

Mr. HATCH. The members of this committee may as well understand now as at any future time in the consideration of this bill, that the amendment offered by the gentleman from Louisiana is very adroitly drawn for the purpose of killing the bill. The gentleman might as well make a motion to strike out the enacting clause of the bill. This is not an amendment in good faith. It is not an amendment to perfect the amendment offered by the gentleman from Tennessee [Mr. COX] and adopted.

Mr. BOATNER. Do I understand the gentleman to say that my amendment is not offered in good faith?

Mr. HATCH. I say it is not an amendment in good faith to perfect the bill; it is in good faith to kill it.

Mr. BOATNER. I can assure the gentleman that it is just the contrary. The amendment was offered for the purpose of at least preventing this bill from interfering with the legitimate operations of commerce.

Mr. HATCH. Oh, the gentleman is too good a lawyer and knows too well the effect of this bill not to know that every single contract made upon a cotton board or a board of trade of any kind in the United States would be claimed to be made "in due course of business."

Mr. BOATNER. Mr. Chairman——

Mr. HATCH. I can not yield to the gentleman. I did not take up any of his time.

Mr. BOATNER. Just one moment.

Mr. HATCH. I can not yield. I have promised three minutes of my time to another gentleman. Now, Mr. Chairman, I have said all that I can say about this amendment. If it is adopted by the committee and by a yea-and-nay vote in the House, I would just as lief that gentlemen would vote against the bill and kill it in a direct and reasonable manner, and not do it by indirection by putting on such an amendment as this. I do not think it possible that the committee will adopt this amendment; but if they do, I shall certainly ask for a yea-and-nay vote on it in the House.

Mr. BOATNER. And I will demand a yea-and-nay vote in the House if the committee do not adopt it.

Mr. HATCH. I yield the remainder of my time to the gentleman from Tennessee [Mr. COX].

Mr. COX. Mr. Chairman, I do not desire to consume more than a moment's time. The Committee of the Whole has now before it a straightforward proposition that wherever a man is the owner of any property—whether he be a farmer, a lawyer, a doctor, or what not—he shall have the right to make a contract as to when he will sell it and when he will deliver it. The only legitimate object of this bill or of any legislation of this kind is to prevent men from selling what they have not. Whenever you open the door so that a man may sell what he does not own—when you call that "legitimate business" or "due course of trade"—you will never be able to stop these gamblers from undertaking to sell something when they have nothing.

What fairer proposition can be submitted than the one now before the committee? If a man has property, let him sell it without any restriction and deliver it withour any restriction; but when he has nothing to sell, then tax him and thus throw obstruction in the way of such speculation and gambling. There can be no objection to an honest proposition like that. I do not want to attack any legitimate business or interfere with it. But when a man undertakes to sell that which he has not, I think it proper he should pay for the privilege of thus speculating upon

the ups and downs of the market, and thus imposing upon honest men who own property. The amendment I have offered absolutely allows anyone to sell what he has and deliver it whenever he may please. And this is all that we ought to be expected to sanction in this matter.

Mr. BOATNER. I move to strike out the last word.

Mr. COX. I do not think the gentleman can get an additional five minutes by a motion of that kind.

The CHAIRMAN. The gentleman from Tennessee [Mr. COX] has half a minute remaining.

Mr. COX. Well, Mr. Chairman, if the gentleman from Louisiana [Mr. BOATNER] wants to make another speech on a motion to strike out the last word, I believe I will move to strike out the last two words and so double my time.

Mr. BOATNER. You can not do that.

Mr. COX. How are you going to do it, then?

Mr. BOATNER. Mr. Chairman, I move to strike out the last word. The gentleman from Tennessee [Mr. COX] recognizes the injustice of those provisions of the bill which prohibit the owner of property from selling it for future delivery. Acknowledging the injustice of any such provision, he seeks to correct it by an amendment; and the chairman of the Committee on Agriculture has stated that he will accept the amendment. In adopting such an amendment, gentlemen overlook another class of cases and another system of dealing, just as much entitled to consideration at the hands of this House as the class of cases referred to in the amendment of the gentleman from Tennessee.

Do the chairman of the committee and the gentleman from Tennessee know that under the provisions of this bill the wholesale merchant who sends an agent to sell goods for him must have at the time of the sale the wheat, the flour, the corn, the oats in his warehouse, otherwise the agent can not sell them without incurring the penalties provided by this act? I say that such provisions will impose unnecessary, burdensome, and vexatious restrictions upon legitimate commerce, unless the amendment I have suggested be adopted.

Now, the gentleman from Tennessee says that under the amendment which I have proposed the very system of business which he and his friends are seeking to destroy must continue to exist. I say such is not the case. How will this amendment operate? Why, sir, if I undertake to sell to the gentleman a thousand bales of cotton to be delivered in the future I would be subject to the tax, because I am no cotton dealer or cotton raiser; I have no cotton to deliver; I am not in the habit of selling cotton for actual delivery, and that fact could be made to appear. If, on the contrary, I am a cotton-planter or am in the habit of dealing in any one of these commodities—if I make my living by buying and selling them to the actual consumer—the law ought not to, and if my amendment be adopted will not, interfere with this class of business.

It is perfectly clear that such business would have no analogy to "bucket-shop" transactions. Could the keeper of the bucket shop or the man who makes the offer to sell through a bucket shop testify that he had in his possession or expected to have in his possession or intended to deliver the property involved in the transactions? Could the person buying at such an establishment say he expected the goods to be delivered to him? It is perfectly apparent in the nature of their business that a settlement based on the mere difference of price is to be the outcome of the transaction.

You can not pass this bill in its present shape without breaking up a legitimate class of business which prevails in this country—the making of contracts in advance of the ownership of the products which are sold. If you go now to the South you will find the advance agents of the manufacturers, the wholesale dealers of the East, selling goods for next winter's consumption.

The men for whom they are selling do not yet own the goods; the goods are not yet in existence; they are to be manufactured and are to be delivered in accordance with the terms of the contract. So an agent goes out and sells corn, or wheat, or lard, or products of any kind, which at the time of the sale are not in possession of the seller or owned by the person he represents, but are to be bought in the markets and be delivered at the maturity of the contract. I say, sir, the amendment is absolutely necessary to protect legitimate commerce of the country from the obstructions which would otherwise be thrown around it.

[Here the hammer fell.]

Mr. FITHIAN. I desire to offer an amendment.

The CHAIRMAN. It is not now in order.

The question is on agreeing to the amendment of the gentleman from Louisiana to the amendment of the gentleman from Tennessee.

The question was taken, and the Chairman announced that the "noes" seemed to have in.

Mr. BOATNER. I demand a division.

The question was taken; and on a division there were—ayes 75, noes 75.

Mr. BOATNER. Let us have tellers.

The CHAIRMAN announced the appointment of Mr. BOATNER and Mr. COX as tellers.

The committee again divided; and the tellers reported—ayes 97, noes 82.

So the amendment was agreed to. [Applause.]

Mr. FUNK. I now offer an amendment.

Mr. COX. Is it not first in order to take the vote on the amendment as amended?

The CHAIRMAN. The Chair understands the amendment of the gentleman from Illinois is to the amendment of the gentleman from Tennessee.

Mr. BOATNER. But more than one amendment to an amendment is not in order. I make the point of order that one amendment has been adopted.

The CHAIRMAN. It can be amended if necessary. Your amendment has become a part of the amendment of the gentleman from Tennessee, and the amendment of the gentleman from Illinois, the Chair thinks, is in order. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 2, line 6, page 2, by inserting after the word "hops" the words "sugar, refined or unrefined."

Mr. HATCH. I make the point of order against that amendment.

The CHAIRMAN. The amendment is not an amendment to the pending amendment and will be disposed of after the amendment of the gentleman from Tennessee is disposed of.

Mr. SPRINGER. It is not in order as an amendment.

The CHAIRMAN. The Chair will consider the question of order hereafter. The question is on the amendment of the gentleman from Tennessee as amended.

Mr. LACEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LACEY. I understand the Chair to hold that the amendment of the gentleman from Illinois is not now in order?

The CHAIRMAN. That is correct.

Mr. LACEY. I will offer an amendment which is in order now, to perfect the amendment of the gentleman from Tennessee.

Mr. MCMILLIN. I make the point of order that the Chair had begun to submit the question to the House.

The CHAIRMAN. But the gentleman from Iowa had proposed his amendment before the Chair did so. The gentleman was on his feet to offer an amendment, and the Clerk will report the amendment.

The Clerk read as follows:

Provided, That in case a seller, described in the act, shall in fact be the owner of the property contracted to be sold, at the time of the sale, or at the time of time fixed in the contract for delivery, the failure to deliver the same, when caused by delay in transportation or fault of the carrier, shall be sufficient excuse for nonpayment of the final stamp tax provided for in this act.

Mr. COX. I make the point of order on that amendment. It relates to a different section of the bill.

Mr. LACEY. Mr. Chairman——

The CHAIRMAN. The Chair can not recognize the gentleman now. There is a point of order pending.

The Chair thinks the amendment is in order as an amendment to the amendment of the gentleman from Tennessee.

Mr. LACEY. I desire to explain the amendment, Mr. Chairman. It is the position of the framers of this bill that this matter is provided for in section 14, but it is not; and a provision of this kind ought to be inserted to govern cases of the kind referred to in the amendment.

An elevator man, for instance, in one of the grain-producing States sells his grain for future delivery. At the time of the sale he may have the grain in stock, or he may not have it. If he goes out and buys the grain afterwards—that is, if he has the grain on hand by purchase or otherwise at the time fixed by the contract for the delivery, and the delivery is prevented by a failure to get cars, or by a delay in transportation, he ought to be excused from paying the tax.

There is a provision in section 14 that if the delay is caused by an accident, such as a washout, or a casualty, such as fire, he will be excused; but there is no provision covering cases where the mere delay in the carriage of the goods causes a failure to comply with the contract, and where such failure is not the fault of the party making the contract, but the fault of the common carrier whose duty it is to transport the goods.

That is the reason I offer the amendment, and I ask for a vote.

Mr. HATCH. I yield to the gentleman from Pennsylvania

[Mr. SIBLEY], who will oppose the amendment of the gentleman from Iowa.

Mr. SIBLEY. Mr. Chairman, there is not a condition stated by the proposition of the gentleman from Iowa that this bill does not provide for. If a case of the kind suggested by the gentleman should arise the bill makes provision for it. There can be (in the event suggested by the gentleman and which he proposes to cover by his amendment) ample provision found in the bill to afford relief. There may be delays, of course, without penalty, where such delays arise because of flood or fire or other unavoidable cause.

Mr. WARNER. Will the gentleman tell us if he has got "contango" in there——

The CHAIRMAN. The gentleman from New York [Mr. WARNER] is not in order. The gentleman from Pennsylvania [Mr. SIBLEY] has the floor.

Mr. SIBLEY. Mr. Chairman, if the friends of the farmers want to pass an antioption bill protecting their interests from the gamblers in futures, or if they do not wish to protect them, let them say so when this bill comes to a vote; but I ask gentlemen not to emasculate the bill, and make it something that is unworthy either of the committee or of the judgment of this House. Some of the gentlemen who offer these amendments evidently have not read this bill through. If they have, they have not read it with sufficient care to comprehend its provisions.

We have had amendment after amendment, offered or suggested to the committee, and we have been able to turn to the page and the line and show that the proposed amendments were already provided for. The committee took months in the preparation of this bill, heard the representatives of boards of trade, and I will submit the case to my friend from Missouri [Mr. COBB], who opposes this bill, and ask him if this very feature, now proposed as an amendment, is not provided for in the present bill?

Mr. COBB. I think so.

Mr. COX. There is no doubt about it at all.

Mr. COBB. I think it is entirely covered.

Mr. SIBLEY. There is not a reasonable doubt in the matter.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. WASHINGTON. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

Mr. LACEY. I move to strike out the last word.

The CHAIRMAN. It is not in order to move to strike out the last word when there is an amendment to an amendment pending. This is an amendment to an amendment now pending.

Mr. WASHINGTON. I ask that the amendment offered by the gentlemen from Tennessee be reported.

The CHAIRMAN. The amendment of the gentleman from Tennessee is not now before the committee. The amendment of the gentleman from Iowa [Mr. LACEY] is before the committee.

Mr. COOMBS. Read that.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Iowa [Mr. LACEY].

The amendment was read, as follows:

Provided, That in case a seller, described in this act, shall be the owner of the property contracted to be sold at the time of the sale, or at the time fixed in the contract for the delivery, the failure to deliver the same, when caused by delay in transportation or fault of the carrier, shall be sufficient excuse for nonpayment of the final stamp tax provided for in this act.

Mr. WASHINGTON. That is not the amendment which I wished to have read.

The CHAIRMAN. That is the amendment now before the committee. When the other amendment comes before the committee it will be read. The proposition of the gentleman from Iowa, which has just been read, is now before the House.

The question was taken on the amendment to the amendment offered by Mr. LACEY, and the Chairman announced that the "noes" seemed to have it.

Mr. LACEY. Division.

The committee divided, and there were—ayes 68, noes 78.

Mr. LACEY. I call for tellers on that vote.

Mr. FUNK. Is an amendment now in order?

The CHAIRMAN. Not until the pending amendment is disposed of.

Mr. LACEY. I call for tellers.

Several MEMBERS. Too late.

Mr. LACEY. I make the point of no quorum, then.

Several MEMBERS. Too late.

The CHAIRMAN. The gentleman was on the floor, and the Chair will appoint as tellers the gentleman from Iowa [Mr. LACEY] and the gentleman from Illinois [Mr. FITHIAN].

The committee again divided, and the tellers reported—ayes 91, noes 87.

Accordingly, the amendment to the amendment was agreed to.

Mr. PENCE. Mr. Chairman——

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

The CHAIRMAN. The question now recurs on the proposition of the gentleman from Tennessee [Mr. COX] as amended.

Mr. PENCE. Mr. Chairman——

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. COX] as amended.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. HATCH. Division.

The committeee divided, and there were—ayes 107, noes 24.

Mr. HATCH. Mr. Chairman, I desire to give notice that I shall ask a division on this amendment in the House, and a yea-and-nay vote on the amendment to the amendment.

The CHAIRMAN. Gentlemen of the committee, under the order adopted, the time for the consideration of this bill under the five-minute rule has expired, and the committee will now rise and report the bill back to the House.

Mr. HATCH. I desire to submit a proposition for unanimous consent. The gentleman from Arkansas [Mr. TERRY] has an amendment, simply to perfect the text of section 14, and I ask unanimous consent that he may present these amendments, to be voted on without debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Objection was made.

The CHAIRMAN. Objection is made.

Mr. HATCH. Then I demand the regular order.

Mr. DENSON. I ask unanimous consent to offer an amendment.

Mr. FUNK. Mr. Chairman——

Mr. HARTMAN. I ask unanimous consent to offer an amendment.

The CHAIRMAN. The regular order has been demanded. The regular order is that the committee shall now rise and report the bill back to the House.

The committee accordingly rose; and Mr. BAILEY having resumed the Chair as Speaker *pro tempore*, Mr. LIVINGSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7007, and had directed him to report the same back to the House, with certain amendments, favorably.

The SPEAKER *pro tempore*. The Chair now recognizes the gentleman from Missouri for one hour, to close the discussion.

Mr. WARNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WARNER. Does this report, made by the Chairman of the Committee of the Whole House, include pending amendments?

The SPEAKER *pro tempore*. It included only amendments, as the Chair understood, which the committee had adopted.

Mr. WARNER. I understood that under the unanimous consent given by the House pending amendments were also to be included.

The SPEAKER *pro tempore*. The Chair will submit the general order to the House.

Mr. LIVINGSTON. The general order did not include pending amendments.

Mr. FUNK. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. FUNK. I rise for this purpose: I understand the amendment I offered was pending when the committee rose. It was so stated by the then Chairman. I understand, then, it comes up when the bill is being passed upon in the House.

The SPEAKER *pro tempore*. That is the precise point involved in the parliamentary inquiry which the gentleman from New York [Mr. WARNER] now makes, before deciding which the Chair will inspect the order adopted by the House.

Mr. SPRINGER. That can be decided after the gentleman from Missouri has concluded his remarks.

Mr. LIVINGSTON. I suggest that that point remain in abeyance until the gentleman from Missouri consumes his hour, as he is quite unwell. I hope the House will extend that favor to him.

The SPEAKER *pro tempore*. The Chair would state that the order presented to him by the Clerk does not provide for pending amendments; but the Chair will withhold a decision on the point until the gentleman from Missouri concludes.

Mr. MCMILLIN. Mr. Speaker, pending that, I call the attention of the Chair to page 7747 of the RECORD, where the request of the gentleman from Missouri is recorded, in which he suggests that the debate shall be considered as closed at the adjournment to-morrow evening on the bill and any pending amendments, to be reported to the House.

The SPEAKER *pro tempore*. The Chair will inspect the RECORD carefully in the mean time.

Mr. MCMILLIN. I simply desire to call the attention of the Chair to the matter.

Mr. HARTMAN. Mr. Speaker, I desire to know whether an amendment which was attempted to be offered in the Committee of the Whole may now be submitted to the House, by unanimous consent, and considered as pending?

The SPEAKER *pro tempore*. Of course the House can by unanimous consent permit an amendment to be submitted at this time.

Mr. TRACEY. Regular order.

Mr. HARTMAN. I ask unanimous consent to submit an amendment.

The SPEAKER *pro tempore*. The regular order is demanded, which is equivalent to an objection. The gentleman from Missouri.

[Mr. SIMPSON appeared on the floor of the House, after a long and serious illness, and was loudly applauded.]

Mr. HATCH. Mr. Speaker, I regret exceedingly that I am not physically in a condition to-day to occupy the hour allotted to me, by the courtesy and unanimous consent of the House, in such a manner as I had desired to do in closing this debate.

No measure that has been presented to the House of Representatives in the past twenty-five years has elicited a keener interest or been more universally discussed throughout the public press and through public gatherings than the bill now about to be determined by the vote of this House.

As I stated in my opening remarks on Monday, it was to some extent a new departure in legislation, but for the past ten years, during the last five terms of Congress, the Committee on Agriculture have been receiving communications from every section of the land, North and South, East and West, invoking the aid of Congress in the passage of some measure that would give relief to the producers of the commodities named in this bill from a system of trading that was deemed by them exceedingly detrimental to their interests.

The gentleman from New York [Mr. QUIGG] does me too much honor in stating that I am the originator of this legislation. I want to say very frankly to the House that for several years after this proposition was first submitted to the Committee on Agriculture I was in grave doubt as to the propriety of any legislation upon this subject, and not until I had studied it carefully and earnestly, and with all the ability I possessed, did I bring myself to the position of being willing to report such a bill from that committee to the House.

And I want to correct another exaggerated statement that has been made by more than one gentleman on the floor of this House, namely, that I believe this bill is to become the panacea for all the ills of the agriculturists of the United States. I have never made such a statement. I do not believe it; nor am I authorized by any body of agriculturists in the United States to make any such claim upon this floor. This is simply an invention of the enemy. It is an exaggerated statement without any legitimate foundation, that the intelligent farmers of the United States believe that in the passage of this bill there is to be found a panacea for the low prices of farm products.

But the farmers do claim and do believe that in the passage of this bill there is to be found a remedy for one of the potential causes of depressed prices on the markets of the United States, which control to a large extent the markets throughout the world. I wish that in the provisions of this bill there was contained an adequate remedy for the depressed and unhappy condition of the agriculturists generally throughout the United States. I wish I could say that I believed there was any such remedy in this measure. My friends, in my judgment, we are simply enacting a law that will not only do some good in the interest of the farmers of the United States, but will do still more good in the restoration of that honest and honorable system of trade upon the great marts of the country which prevailed down to the hour when this system of dabbling in fictitious commodities was recognized and adopted by the boards of trade.

It has been suggested to me by several friends on this side of the House since I made my opening remarks on Monday that there was a probability, or at least a bare possibility, that this measure, if it should be placed on the statute books, would be declared unconstitutional, for the reason that it requires every contract made for the future delivery of the products mentioned in the bill to be in writing; these critics assuming that the Congress of the United States has not the power to say that a certain contract or contracts of a certain kind shall be in writing; that if a contract is made verbally and under the law of the State in which it is made it is a valid one, then the Congress of the United States can not by a Federal enactment change that State law.

For my own part, I am perfectly satisfied with my own position on this question, and every intelligent lawyer in this House must determine his position upon it for himself, but I pity the intelligence or the ignorance of that gentleman here who has had the opportunity, since this bill has been under discussion during the last five or six years, and who, if he has investigated the subject at all, has not found that the Supreme Court of the United States, in every single case that has ever been determined involving the power and the right of taxation by the Federal Government, has declared that when that power was fixed in the Constitution the power to provide all needful rules and regulations for carrying it into effect went with it.

Gentlemen might just as well claim that the law which provided that within the State of Alabama, or within the State of Missouri, a State bank should not accept and pay over its counter a check of one of its own depositors unless that check had a 2 cent stamp upon it, was an interference with the law of the State, and therefore void. Where did Congress get the power to say that the officers of a State bank in the State of Missouri should not pay to a depositor having money in its vaults a dollar of his own money upon a written order unless that order bore an internal-revenue stamp on its face? It got it from the power given by the Constitution to levy taxes, and in no other way.

Not only is every single provision of this bill in accord with existing law as far as the present revenue laws are concerned, but there is not a provision in it that has not been carefully drawn and tested with reference to the decisions of the Supreme Court. My friends, I have had this contention over and over again. I have worn out about fifteen years of the best part of my life upon the floor of this House in advocating legislation, not in the interest of a class—because I have never advocated class legislation on this floor as I understood it——

Mr. BOATNER. Mr. Speaker——

Mr. HATCH. I hope the gentleman will not interrupt me. I have never interrupted a gentleman during this entire debate, extending from Monday down to the present hour. Mr. Chairman, I do not plead guilty to the charge made here so flippantly by gentlemen whose only knowledge of an agricultural district or of a farm has been obtained in passing through the country in a Pullman palace car and looking out of the window—I do not, I say, admit the justice of the charge which such gentlemen make that any legislation by the Congress of the United States which benefits the farmer is class legislation.

When the Congress of the United States enacts any law that helps in the slightest degree that class of men who lay the foundation for every other business in the country, they are helping all the people. What has built up the city of New York? What has made her the great commercial emporium of this great nation? Have her lawyers done it, or her doctors, or her preachers? Aye, have her commercial men done it? Have you got in that city to-day, gentlemen, a dollar which has been accumulated from any honest business that did not come primarily from handling the commodities produced by the farmers of the United States?

Let the blight of one season destroy the crops of this country and the grass would grow on Broadway in the city of New York. Agriculture is the foundation of all your trade and of all your prosperity. Can you have cotton mills without cotton? Can you have flouring mills without wheat? Can you have tobacco factories without tobacco? Can you have any of your great manufacturing industries or any of your great commercial houses to handle these products unless somebody first raises the raw materials? Agriculture, I repeat, is the foundation of all the business and all the welfare of the nation, and it has been recognized as such by every writer on political economy for the last three hundred years.

Every now and then some gentleman breaks into Congress whose presence here is like that of the Senator that we read about some years ago. Coming upon the floor of the Senate, he was asked whether he had ever been in a legislative body before. He replied to his inquiring Senatorial friend that he had not. "Well," asked the other, "how in the world did you ever happen to be sent to the Senate?" "Well," was the reply, "I thought a great deal about that until I came to the Senate; now I am inquiring how some of the rest of you fellows got here." [Laughter.]

But every now and then some man breaks into Congress who will get up on this floor and say that any legislation which benefits this great industrial class is simply "class legislation" and un-Democratic; and such declarations usually come from the Republican side of the House, although I am sorry to say that occasionally a gentleman on this side takes the same position, and he is simply the subject of my supremest pity.

"Class legislation!" Class legislation in the interest of more than one-half of the people of the United States, and two-thirds of all the rest being directly interested in the productions of this vast class! Why, sir, every day I get letters from the retail country merchants in my district—the merchants of the little towns and villages, and at the cross-roads. These men

write to me that no such season of absolute paralysis and stagnation in business was ever known in the Mississippi Valley as during the last six months.

And let me propound a single thought to my honored friend [Mr. HENDRIX], who honors me by listening to me now. You may wear your brain out and that of all the bright men in your city in attempting to start the great manufactures of the East and through them to infuse prosperity into your great commercial houses down to the retail merchant; but unless you do something that will give to the consumers of those goods the ability to purchase them when they reach the retail merchants throughout the length and breadth of the land, your efforts are absolutely futile. If you would give prosperity to the country you must commence with the consumers and give them the ability to buy.

Our retail merchants are not inactive and paralyzed because of any want of energy on their part or any inability to supply the demands upon them. They will not buy of the merchant in St. Louis, in Chicago, and New York, simply because they can not sell goods to the consumers as in times past. Your wholesale merchant in these great Eastern cities can not buy of the importer and the manufacturer, because he can not sell to the retail merchant. You can not pile the shelves of the retail merchants throughout the length and breadth of the land with goods that can not be sold. This legislation, as I have before stated, is in my judgment in the interest of the buyers and consumers of these goods.

We have heard a good deal since this discussion commenced on Monday last, and we heard a good deal more when the tariff bill was before the House, iterated and reiterated by the gentleman from Massachusetts [Mr. WALKER], to the effect that the farmer can produce his bushel of wheat now for so much less money because of improved machinery, and that thus he can afford to sell his wheat at half the former price.

Notwithstanding all the vagaries of the gentleman from Massachusetts, I have a very high personal regard for him; I would not say anything personally offensive to him. If he should make a statement about manufactured goods in Massachusetts—the cost of manufacturing cotton goods, for instance—I would have to accept his statement, because I know he knows more about such matters than I do. But he knows as little about what it costs the average farmer in Illinois or Missouri to raise a bushel of wheat as he knows about what is going on in this new valley in the moon that the astronomers have recently discovered. Laughter.]

Now, what are the facts in regard to the cost of raising wheat now as compared with the cost of raising it twenty-five or thirty years ago? I admit that upon great farms like those the gentleman from South Dakota has in his State and like those in portions of Minnesota and California—wheat farms measured by thousands and tens of thousands of acres—this improved machinery, steam plows, steam harrows, and various steam appliances, enable the farmer upon such a vast tract to produce his wheat crop for less than the average farmer can do with his farm of forty or fifty or a hundred acres in Kansas or Missouri. But the great wheat crop of the world, and especially of the United States, is raised by farmers who sow and reap farms of less than 40 acres each. Forty acres is above the average of the wheat farms of Missouri; certainly 50 would be, and I have seen it stated that it is even a fraction below 40.

Now, Mr. Speaker, for less than 80 or 100 acres the farmer, you know, can not buy the improved machinery of to-day. His business will not justify it; and consequently wheat, to produce it all through that great middle wheat belt of the United States, costs almost or just about as much to raise it and put it on the market now as it did twenty-five or thirty years ago. I do not know about cotton, and therefore I will not undertake to make any statement about it.

Mr. ALEXANDER. It costs just as much.

Mr. HATCH. The gentleman from North Carolina says it costs just as much, and I know he is a cotton-raiser, and accept his statement as accurate. My friend, who is a large wheat-grower, a larger wheat-grower than I am, knows how much it costs him to put his wheat on the St. Louis or the Chicago market even after he has raised it. I have a hundred acres of wheat in Pike County, Ill., now being harvested, as my foreman wrote me on the 18th that he would commence harvesting either on the 20th or the 21st. This land is situated on the east side of the Mississippi River, with no bridge toll to pay, situated almost as close to the market as my friend from Illinois with his wheat farm, about 60 miles north of me.

With a branch of the Chicago, Burlington and Quincy Railroad running right through my farm, and being able with my own teams, at a mere nominal cost, to take my wheat from the thresher and put it in the cars, yet it costs me 7.1 cents a bushel to send that wheat to Chicago and sell it on that market. Therefore when you see wheat quoted, spot wheat, in Chicago at 57 and a fraction, it means 50 cents to the farmer of Pike County, Ill., and you can not send your wheat to the Chicago market for less than probably within a cent of that price.

If I should send my wheat to my colleague in St. Louis and have him to sell the wheat for me, I could deliver it in the market for four and a fraction cents, making a difference of 3 cents a bushel to me, but the Chicago market as a rule is about 2 or 3 cents higher than the St. Louis market, and so whether I ship to the one market or the other, the price is about the same. Or again, I may take it across the bridge in my own wagons, or ferry it across the Mississippi River and sell it to the millers in my town and get nearly the Chicago price for it, less the seven and a fraction cents that I pay for freight, or less the four and a fraction cents that I pay in St. Louis.

They will not pay any more for the wheat than that, because they know I can not get any more for it in the great central markets than that price.

Now, my friends, the farmers throughout the length and breadth of the wheat-growing districts of the United States, and the cotton-producers as well, are brought down to this simple proposition, that one of two things must come and that in the near future, either that there shall be an absolute cessation of the attempt to raise wheat or cotton or, at present prices, there will come absolute bankruptcy. I will make a proposition now to any of these New York gentlemen and furnish him the facts and the figures, the bills of sale and all that: On these magnificent bottom farm lands—as good as any in the world—these rich Illinois bottom lands, I have grown three crops of wheat in the last three years, including the one which I have not seen, and which is just now being harvested. I do not know what it will yield. The one last year was a miserable failure; the one the year before that was less than half a crop; but without regard to what the present crop is, I will sell this year's crop and the last two years' together, and give him $500 if he will pay for me the amount I have paid out of my salary for labor to the farmers in my absence there to produce these three crops.

Mr. QUIGG. You want to sell it before the bill passes.

A MEMBER. And make the contract in writing and put a stamp on it.

Mr. HATCH. If this bill passes, let me say to the gentleman from New York, I am just as sure that when the conditions of trading in the United States conform themselves to the honest and honorable methods provided for in this bill, that every farmer's product named in the bill will be enhanced.

Mr. FUNK. Will the gentleman allow a question?

Mr. HATCH. I decline to yield.

Mr. CANNON of Illinois. I hope my friend will allow a gentleman who is so thoroughly familiar with this subject, to ask a question for information.

Mr. HATCH. I can not yield to one gentleman without making a discrimination, and that I will not do on this floor. I am tired now, as it is, without any interruptions, and my time is limited. I have a duty here to perform to-day that is higher than any matter of mere personal consideration.

Nothing in the world but the sense of duty I feel to the committee that has intrusted me with this bill, and the interests of the people of the United States, would induce me to take the floor at all to-day, feeling as I do.

Now, it has been said that this bill would so interfere with legitimate trading throughout the country that the farmer and planter would be injured. Why, friends have come to me in the last hour and asked me if the farmers and planters were exempted from the provisions of this bill.

I have replied to them by asking them to go and read for themselves the fourteenth section of the bill. I doubt if any bill was ever presented to this House that had one section in it that had closer scrutiny in the committee reporting the bill than this section had in the Committee on Agriculture. There are the two gentlemen from Illinois, one upon this side [Mr. FORMAN] and the other upon the other side [Mr. FUNK]. There is the gentleman from North Carolina [Mr. ALEXANDER]. There is the gentleman from Mississippi [Mr. WILLIAMS]. There is the gentleman from South Carolina [Mr. SHELL]. There is the gentleman from Georgia [Mr. MOSES].

That committee embraces all these great agricultural States, and every single one of those representatives was alive to every word and every punctuation mark in that section; and when it was agreed upon, they were satisfied with its provisions, that it would protect every farmer and every planter in the ordinary business of his farm from any charge, or regulation, or restriction of this measure.

But these gentlemen tell us that there is no need for this legislation; that nobody has demanded it. Well, I have answered that time and time again; but I want to repeat it once more,

that it may go to every cabin and to every farmhouse in this land, from the Canadian border to the Gulf, that every single farmer's organization in the United States, of any name or description; every single agricultural paper, weekly or monthly, in the United States; every single semiagricultural paper in the United States, has advocated for years the passage of this measure, and begged and prayed Congress to adopt and pass it.

Every single association that has represented the farmers of the United States has pleaded for its passage. And, my friends, do not think because these farmers are not coming here in squads and in committees to lobby Congress that they are not alive to this legislation. They will be heard from as soon as the telegraph carries back to the three hundred and fifty-six districts in the United States the names of those members on this floor who voted for and those who voted against the bill. And for fear I forget it, I want to state now, for I want it to go on record, that the only two votes in the Committee on Agriculture against the passage of this bill came from New England, from the two greatest manufacturing States of New England, Massachusetts and New Hampshire. I only make that statement because the gentlemen themselves have made it. Not one single vote was cast against it in the committee from the broad prairies——

Mr. BAKER of New Hampshire. Mr. Chairman——

Mr. HATCH. I decline to yield.

The SPEAKER. The gentleman from Missouri declines to yield.

Mr. HATCH. There was not a vote against it from Illinois. The gentleman from Illinois [Mr. FUNK] was not present when the vote was taken, but he has had the opportunity during this entire discussion, and he will have an opportunity in a very few moments, to record his vote upon the bill. It was not recorded in the committee. I am talking about the votes that were actually recorded, on the last yea-and-nay vote on the passage of that bill by the committee, authorizing the chairman to report it to the House. I am not mistaken in any statement I make to this House, for I would not purposely mislead the House for my own life.

No protest has ever come to that committee against the passage of this bill, except from the boards of trade of the United States and their representatives. Never, since I have been chairman of that committee, has an agricultural community or any number of agriculturists protested against the passage of the bill. The protests have come from the men who are to be regulated in this system of option gambling, and not from the farmers and the great body of the people of the United States.

I wish I had time to read one one-hundredth part of the letters I have received from every State in this Union from representative men, praying and begging for the passage of this measure; but in reply to that burst of eloquence on the part of the distinguished gentleman from Texas [Mr. CRAIN] I want to read a letter from a Texan farmer. It is on very plain paper. It has no embossing marks or great monogram distinctions upon it. It comes from the home of a plain farmer, and it is even written in pencil.

Mr. HUDSON. It is not perfumed?

Mr. HATCH. No, my friend; there is no perfume on it. The only odor there is about this letter is that it comes from an honorable and honest hard-working Texas farmer. Let his letter answer the speech of the gentleman from Texas [Mr. CRAIN]. As I read the heading it is from Quanah. I will ask the gentleman from Texas [Mr. CRAIN] if that is in his district?

Mr. CRAIN. No; it is not.

Mr. HATCH. Well, it is in Texas, and the gentleman ought to be glad it is not in his district, for after his speech he would have one manly farmer on his pathway to future success in the great Lone Star State.

Mr. CRAIN. And my district would have a dead Representative, I suppose.

Mr. HATCH. Not by any means. That district will never send anybody but a live Representative to Congress. I may differ with the gentleman, but I honor him for his great ability. This was written in March. I will read it:

QUANAH, TEX., *March 19, 1894.*

DEAR SIR: Inclosed find clipping from Journal of Agriculture.

I beg leave to state that this expresses our sentiment. For my own part, I have no more confidence in the statements of the market manipulators than in any blackleg you might select. The farmers are too poor and too much scattered to send lobbyists to Washington. Aside from this, when men are sent to Washington to enact laws for the whole people, we can see no place for lobbying. The very idea has a bad savor.

The only plea they have made which seems to catch the Congressman's ear, is that they can not handle the grain, etc., unless they deal in futures. Well, is it a law that the "boards of trade" MUST—

And "must" is underscored three times—

handle farmers' products? Shall a few men huddled together in the large cities (who follow tricks that are vile) have their own way against the millions? Why, sir, the farmers believe that they would fare incomparably better if there was not a board of trade in existence. Whose business is it if the farmers suffer for the want of boards of trade? They only ask to be allowed to suffer. Shall the boards of trade tell the farmer what he needs? Or shall the farmer be allowed to speak for himself? They have spoken by every mode of conveying thought. Are they now asked to speak again?

* * * * * * *

The farmers know what they need, but if they did not they would have sense enough not to ask their enemies to become their guardians. But to return to the point mentioned. How a sensible man can be honest and claim that dealing in "wind wheat" helps the handling of the real product is hard to understand.

I think it is.

It is about the same as the claim that the foreigner pays the tariff tax. Now every sensible man knows that if there were no real product there would be no wind product, and that the real product is handled independent of wind. It is, however, an established fact of the history of "pit" trading, that the real product can not be sold on its merit when ten times as much of the wind product is put on the market. There has been so much said on the subject that one feels that patience is about threadbare. No one need to be informed how Texas farmers stand. Their instructions through the Legislature is enough to show that they are a unit, so to speak.

Your own Legislature indorsed and approved the provisions of a similar bill to this, but not so good a one.

Every argument of these gamblers has been answered. If they have anything new will the committee please publish the same in some of the leading agricultural papers so that farmers may answer the new also?

It is sincerely hoped that the bill as published in the papers will pass, and if the boards of trade can not deal in real articles let them dissolve and go into some other business. Let demand and supply come in vogue again. The farmers are not afraid. Some of us know something of this way of doing business, and we know that there will always be a way to carry it on.

Very truly, but plainly,

——— ———.

Congressman HATCH,
Chairman Agricultural Committee.

Now, Mr. Speaker, there is my reply, not only to the statement of the gentleman from Texas [Mr. CRAIN], but to many others that have been made on this floor. How much time have I remaining, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has eleven minutes. The gentleman began at twenty minutes after 2, the Chair understands.

Mr. WHEELER of Alabama. Give him all the time he wants.

Mr. HATCH. I will not speak much longer. I thank the gentleman from Alabama for his courtesy.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the gentleman has five minutes remaining.

Mr. HATCH. Now, Mr. Chairman, I believe I simply have vanity enough to think I am the only gentleman upon the floor who could have conducted this bill from the beginning of this struggle down to this hour without losing not only his patience but getting mad enough to say some of the hardest things that ever were said upon this floor in reply to what has been said about this bill.

I told my distinguished friend from Louisiana [Mr. BOATNER] just a short time before I began this address, that if he had been in charge of this bill since last Monday morning, with all the mean things that have been said against it, absolutely without warrant and outside of any parliamentary struggle or bearings, that he would have had an "affair of honor" at Bladensburg every morning during the week in spite of all the laws on the statute books. [Laughter.] But I do not intend to be "roped into" saying anything half as bad as those gentlemen have said about the bill.

I regret it very much that the young gentleman from New York [Mr. QUIGG] had to rush into print far in advance of the consideration of this measure and stigmatize it, if he was properly reported, as a combination of "ignorance and anarchy." Well, now, I am very sorry that he said it. I have been expecting him to get up here and withdraw it, because I happened to be in the Chair——

Mr. QUIGG. Will you give me the time to do so? It will only be a moment.

Mr. HATCH. No, sir; I can not yield. The gentleman had opportunity when he made his speech. If the gentleman will simply state to me that he never used that language I will have nothing further to say.

Mr. QUIGG. I never used that language, nor used that language attributed to me.

Mr. HATCH. Then that is an end of it. I accept the gentleman's statement.

Mr. QUIGG. I do not indorse either of those terms, whatever I may say about the bill.

Mr. HATCH. Now, my distinguished friend from New York [Mr. WARNER] made one of his characteristic speeches, which I always listen to, because no man inside of the Capitol can get beyond the sound of his voice when he gets started, and especially on an antioption bill. [Laughter.] But he so far forgot himself in this matter during debate that he went away outside of the bill and undertook to conjure up men of straw to fight, as if he had not enough in the real meat and provisions of the bill to occupy one man's attention for an hour and a half. In dis-

cussing this bill on the floor he built up houses in New York that are built by future contracts.

I felt sorry for that gentleman; sorry for him because he had underestimated the intelligence of the audience that he was addressing—the House of Representatives. That speech must have been made for circulation in the Five Points of New York. I know of no other place in the United States where it would get a respectful hearing. Everybody knows that there is not a single thing that enters into the construction of a house that is embraced in the provisions of the bill.

Failing to answer my opening statement, he or any of those gentlemen, they get off into the lane of their fancy or misrepresentation and undertake to fight it in that way. But you can not escape it. You have got to vote in a few moments upon this measure as a whole, and you have got to record your votes as representative of your people one way or the other.

My distinguished friend, who always tries to be amiable, always tries to be witty, and never, never makes anything but a failure at the last, my friend, the gentleman from Ohio——

Mr. HARTER. Hear, hear! [Laughter.]

Mr. HATCH. The gentleman from Ohio tramps around his seat and in the aisles and takes this bill and crushes it in his hand and slings it, as he says, into the wastebasket of the literature of legislation, and then proclaims that nobody in the world knows anything about this but him. [Laughter.] The gentleman thinks that there is a great deal of ignorance in this bill. That gentleman's greatest misfortune is his own egotism. [Laughter and applause, in which Mr. HARTER joined.]

I have never heard him before speak otherwise of any proposition that he did not indorse and approve. Nobody has any common sense but the gentleman from Ohio. [Laughter and applause.]

Mr. HARTER. That is right.

Mr. HATCH. When that gentleman leaves this House, as I understand he has elected to do of his own volition on the 4th of next March, there will be a bigger void in the House than has ever been in it in the fifteen years I have been a member of it; more egotism and less ability will go out of it then than ever went out before in the person of one man. [Laughter.]

When a man comes here and claims that nobody has any sense but himself, that nobody knows anything about the farmers of the United States but himself, and in fact, that nobody knows anything about anything in the world but HARTER, it is too much. That is the gentleman's platform. He gets up with it in the morning and goes to bed with it at night, and then he invites a moderate and modest man like myself, an old-fashioned Democrat, to go and lie down in his political bed. My friends, I would rather go to bed with a rail-fence. [Laughter.] I would rather lie down politically with any Populist, or any Greenbacker, or anybody else that ever held a seat on this floor, than with the gentleman from Ohio. [Laughter.]

Of all the abominations of policy and of principle that I abhor the worst are those which the gentleman advocates, which would bring ruin and disaster to the great body of my people and would build up more and more millionaires in the United States. I would trudge in the heat from here to Georgia to sleep in the same political bed with Tom Watson before I would stretch my limbs in the political bed where the gentleman from Ohio lies. [Laughter.]

I indorse and reiterate what my friend from Pennsylvania [Mr. SIBLEY] said the other day. If I had to choose between the harmless vagaries of Coxey and his followers, between tramping the balance of this season through the land under Coxey's banner, eating small rations of dry bread and Potomac or other river water—if I had to choose between that and indorsing the doctrines of the gentleman from Ohio, which, in their operation, would produce more followers of Coxey in one lump than all the followers of Coxey can breed in a hundred years, I would go in the ranks and tramp with the commonwealers rather than follow the banner on which is inscribed: "Ruin to nine-tenths of the people! Down with the industrious workingman, and up with the golden calf of single gold monometalism." [Prolonged applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HATCH. Mr. Speaker, I ask for just a moment more in which to thank the House for its very polite attention, and to ask unanimous consent that the gentleman from Arkansas [Mr. TERRY] may be permitted to offer two amendments to the fourteenth section of the bill simply to improve the verbiage. There is nothing substantial in the amendments, in my judgment, and the gentleman thinks so himself, but he believes that they will make the meaning a little plainer, and I beg the House to give unanimous consent that they may be offered.

Mr. TRACEY. Let them be read.

The amendments were read, as follows:

Amend section 14, page 17, by adding after the word "by," in line 26, the words "or with," and in line 27, by adding after the word "delivery" the words "or purchase."

Amend section 14, on page 17, by striking out all after the word "or," in line 30, down to and including the word "productive," in line 31, and inserting the following; "are to be grown or produced within fifteen months from time of such contract."

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri [Mr. HATCH] that the gentleman from Arkansas be allowed to offer these amendments?

Mr. QUIGG. I object.

The SPEAKER *pro tempore*. Objection is made. Before submitting the question upon the amendments, the Chair, in response to the parliamentary inquiry of the gentleman from New York [Mr. WARNER], as well as by the gentleman from Illinois [Mr. FUNK], would state that the original agreement made in the House on Tuesday provided that on yesterday evening the previous question should be ordered on the bill and pending amendments, but that order did not provide that amendments could be offered, and under the order no amendment could have been offered unless the House had previously terminated general debate. Therefore, under that order, unless the House had terminated general debate, no amendment could have been pending.

The next day there was an agreement to terminate general debate, and in modification of the other agreement it was provided that the general debate should close with the adjournment on yesterday, and the House, after the expiration of the morning hour to-day, should proceed to the consideration of the bill under the five-minute rule. In the effort to reach that agreement it was suggested by the gentleman from New York himself that permission should be given to offer as many amendments as members might desire, and that those amendments should be considered as pending.

To that suggestion the gentleman from Missouri objected, and after some discussion in which several members participated, an order was finally adopted to proceed for two hours this morning under the five-minute rule. The Chair is therefore of opinion that no amendment could have been pending under the order that would not have been pending in the absence of the agreement and under the regular rules of the House.

Mr. WARNER. I have no question as to the entire correctness of the ruling of the Speaker. I had understood that to the amendment of the gentleman from Tennessee [Mr. COX] there was an amendment pending proposed by the gentleman from Illinois [Mr. FUNK]. I may have been mistaken in that assumption; but it was upon that assumption—that such an amendment was regularly in order under the five-minute rule, and was pending at the time the Committee of the Whole rose—that the parliamentary inquiry was made by me.

The SPEAKER *pro tempore*. The Chair understands. The question, then, is on agreeing to the amendments reported from the Committee of the Whole.

Mr. HATCH. I demand a division of the question so that the amendment offered in Committee of the Whole by the gentleman from Tennessee [Mr. COX], and the amendment to that amendment offered by the gentleman from Louisiana [Mr. BOATNER], may be voted upon separately.

Mr. TRACEY. Is that in order?

The SPEAKER *pro tempore*. The Chair, upon the suggestion of the gentleman from New York [Mr. TRACEY] that this demand is not in order must rule that an amendment reported from the Committee of the Whole as an entirety is not divisible.

Mr. HATCH. What is the statement of the Chair?

The SPEAKER *pro tempore*. In support of the ruling just stated the Chair would refer the gentleman from Missouri to the decision which has been made not once, but several times. On page 362 of the Digest the gentleman will find the ruling stated in this language:

On an amendment reported as a single amendment from the Committee of the Whole a division of the question can not be had.

This was decided in the Twenty-eighth, the Twenty-ninth, the Thirtieth, and the Thirty-seventh Congresses.

Mr. HATCH. But the amendment coming to the House from the Committee of the Whole is in the nature of two amendments.

The SPEAKER *pro tempore*. But they have been reported to the House as a single amendment.

Mr. HATCH. Then I demand a separate vote on the whole amendment, which includes that of the gentleman from Louisiana, and on that I ask the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Missouri demands a separate vote on the amendments reported from the Committee of the Whole.

Mr. COX. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX. As I understand the position of the matter is this: I offered an amendment; to that an amendment was offered by the gentleman from Louisiana [Mr. BOATNER], and another by the gentleman from Iowa [Mr. LACEY]. Both of those amendments to my amendment were adopted.

Mr. BOATNER. No; the amendment of the gentleman from Iowa [Mr. LACEY] was rejected.

Mr. COX. Oh, no; it was adopted. Now, the point I am trying to get at is this, that upon both those amendments to the amendment a yea-and-nay vote was demanded, and notice was given——

The SPEAKER *pro tempore*. The gentleman from Tennessee will perceive upon a moment's reflection that in the House the question will be on the adoption of the amendment as a whole—not as in Committee of the Whole, first upon the amendment to the amendment and then upon the amendment as amended. The whole amendment is reported to the House as a single proposition.

Mr. COX. I see. That is exactly right.

Mr. HARTMAN. I rise to a parliamentary inquiry. At what time will a motion to recommit this bill be in order?

The SPEAKER *pro tempore*. After the third reading.

Mr. HARTMAN. I give notice, then, that after the third reading I will make that motion.

The SPEAKER *pro tempore*. The question is on the first amendment reported from the Committee of the Whole.

The amendment was read, as follows:

In line 15, section 1, after the word "hops," add the word "flour;" so as to read:
"Raw or unmanufactured cotton, hops, flour, wheat, corn, oats, rye, barley, pork, lard, bacon, dry-salted meat, or pickled meat."

The amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will now read the second amendment reported from the Committee of the Whole.

The Clerk read as follows:

Insert after word "meat," on page 2, line 8: "*Provided*, That nothing herein shall be construed to apply to contracts entered into for future delivery of the aforesaid articles, if at the time of the contract of sale of any of said articles the vender is the actual bona fide owner of the article to be delivered in the future, or has the power and authority to sell and deliver the same as agent of another, the principal owning the property at the time the contract is made by the agent: *Provided*, That none of the provisions of this act shall apply to the bona fide sale, for actual delivery, of any product in due course of business: *Provided*, That in case a seller described in this act shall in fact be the owner of the property contracted to be sold at the time of the sale or at the time fixed in the contract for the delivery the failure to deliver the same, when caused by delay in transportation or fault of the carrier, shall be sufficient excuse for nonpayment of the final stamp tax provided for in this act."

Mr. HATCH. On that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore* announced the appointment of Mr. ALEXANDER and Mr. LACEY to act as tellers at the desk.

The question was taken; and there were—yeas 111, nays 129, answered "present" 1, not voting 111; as follows:

YEAS—111.

Adams, Ky.	Daniels,	Lacey,	Reyburn,
Aldrich,	De Forest,	Lapham,	Ritchie,
Baker, N. H.	Draper,	Lawson,	Russell, Conn.
Baldwin,	Dunn,	Lester,	Russell, Ga.
Bartholdt,	English, Cal.	Loudenslager,	Ryan,
Bartlett,	English, N. J.	Lynch,	Settle,
Barwig,	Erdman,	Maddox,	Shaw
Bell, Tex.	Everett,	Magner,	Snodgrass,
Black, Ga.	Fletcher,	Maguire,	Somers,
Boatner,	Funk,	Mallory,	Sorg,
Brickner,	Gardner,	McAleer,	Sperry,
Bundy,	Gear,	McEttrick,	Springer,
Bynum,	Geissenhainer,	McGann,	Stephenson.
Cabaniss,	Graham,	McMillin,	Stone, W. A.
Cadmus,	Griffin,	Mercer,	Storer,
Campbell,	Grow,	Meyer,	Talbott, Md.
Clancy,	Hager,	Money,	Tarsney
Clarke, Ala.	Haines,	O'Neil, Mass.	Tracey,
Cobb, Mo.	Hall, Minn.	Outhwaite,	Turner, Ga.
Cogswell,	Harter,	Page,	Updegraff,
Coombs,	Hartman,	Paschal,	Wadsworth,
Cooper, Fla.	Hayes,	Patterson,	Walker,
Cooper, Tex.	Hendrix,	Pendleton, Tex.	Warner,
Cornish,	Houk,	Perkins,	Washington,
Covert,	Hulick,	Pigott,	Weadock,
Crain,	Hunter,	Price,	Wolverton,
Cummings,	Johnson, N. Dak.	Quigg,	Wright, Mass.
Dalzell,	Kyle,	Reed,	

NAYS—129.

Abbott,	Bell, Colo.	Brookshire,	Clark, Mo.
Aitken,	Berry,	Brown,	Cobb, Ala.
Alderson,	Boen,	Bunn,	Cockrell,
Alexander,	Bower, N. C.	Burrows,	Coffeen,
Allen,	Bowers, Cal.	Caminetti,	Conn,
Arnold,	Branch,	Cannon, Cal.	Cooper, Wis.
Baker, Kans.	Bretz,	Capehart,	Cousins,
Bankhead,	Broderick,	Chickering,	Cox,
Crawford,	Henderson, Iowa	McKaig,	Stallings,
Curtis, Kans.	Henderson, N. C.	McKeighan,	Stockdale,
Davis,	Hermann,	McLaurin,	Stone, C. W.
De Armond,	Hines,	McNagny,	Strong,
Denson,	Hitt,	McRae,	Sweet,
Dinsmore,	Holman,	Meredith,	Talbert, S. C.
Dockery,	Hooker, Miss.	Montgomery,	Tate,
Dolliver,	Hopkins, Pa.	Morgan,	Tawney,
Doolittle,	Hudson,	Moses,	Taylor, Ind.
Enloe,	Hull,	Murray,	Terry,
Epes,	Ikirt,	Neill,	Thomas,
Fithian,	Izlar,	Ogden,	Turpin,
Funston,	Johnson, Ind.	Paynter,	Tyler,
Fyan,	Kem,	Pearson,	Wanger,
Gorman,	Kribbs,	Pence,	Waugh,
Grady,	Lane,	Pendleton, W. Va.	Wheeler, Ala.
Hainer,	Latimer,	Pickler,	Wheeler, Ill.
Hall, Mo.	Livingston,	Richardson, Mich.	Williams, Miss.
Hammond,	Lucas,	Richardson, Tenn.	Wilson, Ohio
Hare,	Marsh,	Robbins,	Woodard,
Harris,	Martin, Ind.	Sayers,	Woomer,
Hatch,	McCreary, Ky.	Shell,	Wright, Pa.
Haugen,	McCulloch,	Sibley,	
Heard,	McDannold,	Simpson,	
Henderson, Ill.	McDearmon,	Smith,	

ANSWERED "PRESENT"—1.

Kiefer.

NOT VOTING—111.

Adams, Pa.	Dingley,	Lefever,	Richards, Ohio
Apsley,	Donovan,	Linton,	Robertson, La.
Avery,	Dunphy,	Lisle,	Robinson, Pa.
Babcock,	Durborow,	Lockwood,	Rusk,
Bailey,	Edmunds,	Loud,	Schermerhorn,
Barnes,	Ellis, Ky.	Mahon,	Scranton,
Belden,	Ellis, Oregon	Marshall,	Sherman,
Beltzhoover,	Fielder,	Marvin, N. Y.	Sickles,
Bingham,	Forman,	McCall,	Sipe,
Black, Ill.	Geary,	McCleary, Minn.	Stevens,
Blair,	Gillet, N. Y.	McDowell,	Stone, Ky.
Bland,	Gillett, Mass.	Meiklejohn,	Strait,
Boutelle,	Goldzier,	Milliken,	Straus,
Breckinridge, Ark.	Goodnight,	Moon,	Swanson,
Breckinridge, Ky.	Gresham,	Morse.	Taylor, Tenn.
Brosius,	Grosvenor,	Mutchler,	Tucker,
Bryan,	Grout,	Newlands,	Turner, Va.
Burnes,	Harmer,	Northway,	Van Voorhis, N. Y.
Cannon, Ill.	Heiner,	Oates,	Van Voorhis, Ohio
Caruth,	Hepburn,	O'Neill, Mo.	Wells,
Catchings,	Hicks,	Payne,	Wever,
Causey,	Hooker, N. Y.	Phillips,	White,
Childs,	Hopkins, Ill.	Post,	Whiting,
Cockran,	Hutcheson,	Powers,	Williams, Ill.
Cooper, Ind.	Johnson, Ohio	Randall,	Wilson, Wash.
Culberson,	Jones,	Ray,	Wilson, W. Va.
Curtis, N. Y.	Kilgore,	Rayner,	Wise.
Davey,	Layton,	Reilly,	

So the amendment was rejected.

The following pairs were announced:

Until further notice:

Mr. CULBERSON with Mr. GROUT.

Mr. BLAND with Mr. MORSE.

Mr. STONE of Kentucky with Mr. DINGLEY.

Mr. OATES with Mr. RANDALL.

Mr. KILGORE with Mr. CANNON of Illinois.

Mr. O'NEILL of Missouri with Mr. TAYLOR of Tennessee.

Mr. BLACK of Illinois with Mr. CURTIS of New York.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. RICHARDS with Mr. HARMER.

Mr. DURBOROW with Mr. MARVIN of New York.

Mr. GOODNIGHT with Mr. ROBINSON of Pennsylvania.

Mr. MUTCHLER with Mr. WHITE.

Mr. SCHERMERHORN with Mr. BELDEN.

Mr. JONES with Mr. MCCALL.

Mr. CAUSEY with Mr. PAYNE.

Mr. CARUTH with Mr. AVERY.

Mr. SICKLES with Mr. BOUTELLE.

Mr. LOCKWOOD with Mr. VAN VOORHIS of Ohio.

Mr. HUTCHESON with Mr. KIEFER.

Mr. GRESHAM with Mr. VAN VOORHIS of New York.

Mr. ROBERTSON of Louisiana with Mr. PHILLIPS.

Mr. TUCKER with Mr. POWERS.

Mr. STRAIT with Mr. ELLIS of Oregon.

Mr. ELLIS of Kentucky with Mr. SCRANTON.

For this day:

Mr. TURNER of Virginia with Mr. GILLET of New York.

Mr. REILLY with Mr. GILLETT of Massachusetts.

Mr. WELLS with HEINER of Pennsylvania.

Mr. DAVEY with Mr. SHERMAN.

Mr. BELTZHOOVER with Mr. MEIKLEJOHN.

On this question:

Mr. STRAUS with Mr. WILLIAMS of Illinois.

Mr. FORMAN with Mr. DONOVAN.

Mr. SWANSON with Mr. RAYNER.

Mr. JOHNSON of Ohio with Mr. POST.

Mr. CATCHINGS with Mr. COCKRAN.
Mr. APSLEY with Mr. BABCOCK.
On the antioption bill:
Mr. RUSK with Mr. WHITING.
Mr. EDMUNDS with Mr. BARNES.
Mr. GEARY with Mr. MCDOWELL.
Mr. STEVENS with Mr. WEVER on the Hatch bill. Mr. WEVER would vote for, Mr. STEVENS against.
Mr. BRYAN with Mr. BINGHAM, until further notice; also on the antioption bill. If present Mr. BRYAN would vote for and Mr. BINGHAM would vote against the bill.
Mr. GROSVENOR with Mr. DANIELS, on the passage of the Hatch antioption bill. Mr. DANIELS may vote on all amendments. If present, Mr. GROSVENOR would vote for the bill.
Mr. LAYTON with Mr. RAY, on the antioption bill. Mr. LAYTON if present would vote for the bill, and Mr. RAY against it.
Mr. BROSIUS with Mr. ADAMS of Pennsylvania, on the antioption bill. Mr. BROSIUS would vote for the bill, and Mr. ADAMS against it.
Mr. COOPER of Indiana with Mr. DUNPHY, on the antioption bill. Mr. COOPER would vote for it, and Mr. DUNPHY would vote against it.
Mr. KEIFER. Mr. Speaker, I ask unanimous consent that my colleague, Mr. MCCLEARY, be excused from attendance, as he is sick.
Mr. MCCREARY of Kentucky. Mr. Speaker, I desire to make the same request in behalf of my colleague, Mr. STONE, who is confined to his room by sickness.
The SPEAKER *pro tempore*. In the absence of objection, these requests will be granted.
There was no objection.
The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the amended bill.
Mr. BLACK of Georgia. Would it be in order now to move to recommit?
The SPEAKER *pro tempore*. That might be in order now, but it will be equally in order after the engrossment and third reading of the bill.
The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.
The question being upon the passage of the bill——
Mr. BLACK of Georgia. I submit this motion to recommit the bill with instructions.
Mr. HATCH. I desire to raise the point of order that under the special rule adopted by the House a vote on the final passage of the bill must be taken under that order, and it prohibits the consideration of a motion to recommit. The rule itself specifically provides that the vote shall be taken on the passage of the bill without intervening motions.
The SPEAKER *pro tempore*. The Chair would suggest that the special rule could operate with no more force than does the previous question, and under the previous question a motion to recommit with instructions is in order.
The Clerk will report the motion offered by the gentleman from Georgia.
The Clerk read as follows:

Recommit to the Judiciary Committee with instructions to report a bill prohibiting interstate dealing in what is commonly known as "futures," and which have been held by the courts to be gambling contracts.

The SPEAKER *pro tempore*. The Chair would suggest to the gentleman that the motion should be to commit, inasmuch as this bill has never been before the Judiciary Committee. It comes from the Committee on Agriculture.
Mr. HATCH. I want to raise another point of order on the motion that the instructions are not in order, and would not have been as an amendment to the bill. You can not do by indirection what can not be done directly.
I make the point of order that the instructions are not germane to the bill and would not have been germane as an amendment to any section of the bill.
The SPEAKER *pro tempore*. The Chair thinks the gentleman from Missouri is correct thus far, that a motion to recommit with instructions would not be in order if it embraced a proposition which would not be in order as an amendment. The Chair is of opinion, too, that the motion would not be in order as an amendment to the bill.
Mr. BLACK of Georgia. Would it not be in order to amend the bill to confine its operation to interstate transactions?
The SPEAKER *pro tempore*. The Chair would suggest to the gentleman from Georgia that this has been considered and treated as a bill to raise revenue. Similar bills have been held by the regular occupant of the chair, as well as his predecessors, to be revenue bills. The Chair thinks it would not be in order to commit a bill raising revenue to the Judiciary Committee for the purpose of making it a penal statute.
Mr. HARTMAN. I rise to a parliamentary inquiry.
The SPEAKER *pro tempore*. The gentleman will state it.
Mr. HARTMAN. If the Chair has sustained the point of order made against the motion of the gentleman from Georgia, will another motion to recommit with instructions be in order?
The SPEAKER *pro tempore*. This motion having been ruled out, the Chair would treat it as no motion.
Mr. HARTMAN. I now offer the motion to recommit with instructions which I send up and ask to have read.
Mr. WARNER. Mr. Speaker——
The SPEAKER *pro tempore*. For what purpose does the gentleman rise?
Mr. WARNER. I wish to speak upon the former motion.
The SPEAKER *pro tempore*. The Chair has ruled upon the question, but will hear the gentleman from New York.
Mr. WARNER. I wish to suggest, with the permission of the Speaker, that though the suggestion of the Chair may be in every respect correct, I think it does not affect this point, that whatever might have been the natural course of this bill, yet the House itself, by virtue of a power which is frequently asserted, and has been on this very bill, has the undoubted right to commit it to any committee which it may see fit to put in charge of the measure.
The SPEAKER *pro tempore*. The Chair would suggest to the gentleman from New York——
Mr. HATCH. That can only be done under the rules of the House.
The SPEAKER *pro tempore* (*continuing*). That in the Digest, on page 501, he will find this ruling:

A motion to recommit with instructions to report a certain amendment is not in order if the proposed amendment is not in order as an amendment to the bill.

Mr. WARNER. It may be, Mr. Speaker, I have misunderstood the instructions as read, but the bill under consideration does make penal provisions; and therefore unless I am mistaken in the nature of the instructions the point can not lie against them.
The SPEAKER *pro tempore*. The present bill imposes cumulative taxes. This motion to recommit is to report a bill prohibiting dealings.
Mr. WARNER. Certainly; and inasmuch as this bill prohibits absolutely these dealings except upon certain conditions, then I respectfully submit that the amendment would have been perfectly in order to strike out the conditions and leave the prohibition.
The SPEAKER *pro tempore*. The Chair adheres to his opinion that the motion to recommit with that instruction is not in order.
Mr. HARTMAN. I ask that my motion to recommit be reported, and that a vote be taken upon it.
The SPEAKER *pro tempore*. The Clerk will report the motion of the gentleman from Montana.
The Clerk read as follows:

A motion to recommit with instructions, by Mr. HARTMAN:
"I move to recommit this bill, 7007, to the Committee on Agriculture, with instructions to report it back to the House with an amendment providing for the free coinage of gold and silver at a ratio of 16 to 1."

[Laughter and applause.]
Mr. TRACEY. I raise the point of order against that instruction.
The SPEAKER *pro tempore*. The motion is clearly not in order.
Mr. HARTMAN. Mr. Speaker, I would like to take an appeal from the ruling of the Chair that that motion is not in order at this time.
The SPEAKER *pro tempore*. The Chair assumes that the gentleman is not earnest in appealing from that decision.
Mr. HARTMAN. Mr. Speaker, I should like very much to say that upon the question of the free coinage of silver I should like to have a vote——
The SPEAKER *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the House?
Mr. SPRINGER. I move to lay the appeal on the table.
Mr. HARTMAN. I withdraw the appeal.
The SPEAKER *pro tempore*. The appeal is withdrawn.
Mr. BOATNER. Mr. Speaker, I move to recommit this bill to the Committee on Agriculture with instructions to report a substitute for it, limiting the taxation which is proposed by the bill to transactions between citizens of different States; in other words, to limit it to interstate transactions.
Mr. HATCH. I make the same point of order against the instruction.

Mr. BOATNER. So as not to interfere with or invade the rights of the citizens of the several States.

The SPEAKER *pro tempore*. The gentleman from Louisiana will reduce his motion to writing. [Cries of "Vote!"]

Mr. BOATNER. I will read it for the benefit of the House.

Resolved, That this bill be recommitted to the Committee on Agriculture with instructions to report a similar bill limiting its provisions to transactions between citizens of different States.

Mr. HATCH. I make the point of order that the instruction is not in order, as it changes the entire theory of the bill.

The SPEAKER *pro tempore*. The Chair thinks that it is in order. The House may limit the operations of the bill within the lines already laid down in it, and the Chair thinks the motion is in order.

Mr. BOATNER. I move the adoption of that resolution, and on that I demand the previous question.

The SPEAKER *pro tempore*. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That this bill be recommitted to the Committee on Agriculture with instructions to report a similar bill limiting its provisions to transactions between citizens of different States.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is on agreeing to the resolution proposed by the gentleman from Louisiana.

The question was taken, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. BOATNER. I demand the yeas and nays on that. [Cries of "Oh, no!" and "It is too hot!"]

The question was taken on ordering the yeas and nays.

The SPEAKER *pro tempore*. Forty-four gentleman have arisen—not a sufficient number.

Mr. BOATNER. The other side, Mr. Speaker.

The other side was counted.

The SPEAKER *pro tempore*. On this question the ayes are 44, the noes are 178—not a sufficient number, and the yeas and nays are refused.

Mr. BOATNER. I demand tellers on ordering the yeas and nays.

Mr. HATCH. I make the point of order that that has already been voted down.

Mr. FUNK. Mr. Speaker, I rise to move to recommit the bill with instructions to report a bill including sugar, refined and unrefined.

Mr. HATCH. But one motion to recommit can be offered.

The SPEAKER *pro tempore*. The Chair will state the parliamentary situation. The gentleman from Louisiana [Mr. BOATNER] moved to recommit the bill with instructions, and upon that he demanded the previous question. The question was taken on ordering the previous question, and there was no division. The previous question was ordered, and the Chair stated the question to be upon agreeing to the resolution proposed by the gentleman from Louisiana. Upon that vote the Chair announced that the noes seemed to have it, and the gentleman from Louisiana demanded a division——

Mr. BOATNER demanded the yeas and nays.

The SPEAKER *pro tempore*. The Chair proceeded to take that vote, and then the gentleman from Louisiana, before the Chair had concluded the vote, demanded the yeas and nays. The Chair requested as many as favored taking the vote by yeas and nays to rise and be counted. Forty-four gentlemen rose to be counted, as seconding the demand for the yeas and nays; then the Chair announced that not a sufficient number had arisen, because that was not one-fifth of the previous vote. Then the gentleman demanded the other side. The Chair requested those opposed to taking the vote by yeas and nays to rise and be counted. Thereupon 178 gentlemen arose in opposition to the demand for the yeas and nays. That being more than four times as many as had arisen to demand the yeas and nays, the Chair declared that a sufficient number had not arisen to second the demand for the yeas and nays, and that the yeas and nays were refused.

Mr. BOATNER. I then asked for tellers upon the demand for the yeas and nays.

The SPEAKER *pro tempore*. The gentleman then demanded tellers on the demand for the yeas and nays. As many as favor ordering tellers on the demand for the yeas and nays will rise and be counted.

Tellers were refused, 26 members, not a sufficient number, seconding the demand.

Mr. FUNK. I now move to recommit, with instructions to include sugar, refined and unrefined.

The SPEAKER *pro tempore*. The Chair will say to the gentleman from Illinois [Mr. FUNK] that only one motion to recommit is in order. One such motion has already been made and rejected by the House.

Mr. HATCH. I demand the yeas and nays on the final passage of the bill.

Mr. ALDRICH. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman from Illinois [Mr. FUNK] rise?

Mr. ALDRICH. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ALDRICH. Will it be in order to move to recommit the bill to the Committee on Agriculture, with instructions to eliminate the word "futures" wherever it occurs, and report the bill back.

Mr. HATCH. The Chair has just decided that question.

The SPEAKER *pro tempore*. It would not be in order. Only one motion to recommit is in order.

Mr. HATCH. I now demand the yeas and nays on the final passage of the bill.

Mr. FUNK. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. FUNK. Do I understand that my motion is ruled out of order, and that there is only one motion to recommit in order, when there is another motion on an entirely different subject-matter?

The SPEAKER *pro tempore*. Only one motion to recommit is in order, and a difference in the subject-matter does not alter the rule. The gentleman from Louisiana [Mr. BOATNER] was permitted to submit his motion, because the motion first submitted by the gentleman from Georgia [Mr. BLACK] was ruled to be out of order, as was also the motion of the gentleman from Montana. These two motions having been held not germane, it was as though they had not been made. The Chair, then, in accordance with the rules, entertained one motion to recommit the bill. That motion having been rejected, the question now is, Shall the bill pass?

Mr. HATCH. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore* appointed as tellers Mr. ALEXANDER and Mr. WILLIAM A. STONE.

The question was taken on the passage of the bill; and there were—yeas 150, nays 89, answered "present" 1, not voting 114; as follows:

YEAS—150.

Abbott,	Denson,	Hull,	Pendleton, W. Va.
Aitken,	Dinsmore,	Hunter,	Perkins,
Alderson,	Dockery,	Ikirt,	Pickler,
Alexander,	Dolliver,	Johnson, Ind.	Richardson, Mich.
Allen,	Doolittle,	Kem,	Richardson, Tenn.
Arnold,	English, Cal.	Kribbs,	Robbins,
Baker, Kans.	Enloe,	Kyle,	Sayers,
Bankhead,	Epes,	Lacey,	Shell,
Bell, Colo.	Fithian,	Lane,	Sibley,
Boen,	Forman,	Latimer,	Simpson,
Bower, N. C.	Funston,	Linton,	Smith,
Bowers, Cal.	Fyan,	Livingston,	Snodgrass,
Branch,	Gear,	Lucas,	Sorg,
Bretz,	Gorman,	Maddox,	Stallings,
Broderick,	Grady,	Mallory,	Stockdale,
Brookshire,	Grow,	Marsh,	Stone, C. W.
Brown,	Hager,	Martin, Ind.	Strong,
Bundy,	Hainer,	McCreary, Ky.	Sweet,
Bunn,	Hall, Mo.	McCulloch,	Talbert, S. C.
Burrows,	Hammond,	McDannold,	Tate,
Caminetti,	Hare,	McDearmon,	Tawney,
Cannon, Cal.	Harris,	McKaig,	Taylor, Ind.
Capehart,	Hatch,	McKeighan,	Terry,
Chickering,	Haugen,	McLaurin,	Thomas,
Clark, Mo.	Heard,	McNagny,	Turpin,
Cobb, Ala.	Henderson, Ill.	McRae,	Tyler,
Cockrell,	Henderson, Iowa	Milliken,	Updegraff,
Coffeen,	Henderson, N. C.	Money,	Wanger,
Conn,	Hermann,	Montgomery,	Waugh,
Cooper, Wis.	Hines,	Morgan,	Wheeler, Ala.
Cornish,	Hitt,	Moses,	Wheeler, Ill.
Cousins,	Holman,	Murray,	Williams, Miss.
Cox,	Hooker, Miss.	Neill,	Wilson, Ohio
Crawford,	Hopkins, Pa.	Ogden,	Wise.
Curtis, Kans.	Houk,	Paynter,	Woodard,
Davis,	Hudson,	Pearson,	Woomer,
De Armond,	Hulick.	Pence,	Wright, Pa.

NAYS—89.

Adams, Ky.	Campbell,	Dunn,	Hartman,
Aldrich.	Clancy,	English, N. J.	Hendrix,
Baker, N. H.	Clarke, Ala.	Erdman,	Johnson, N. Dak.
Baldwin,	Cobb, Mo.	Everett,	Lapham,
Bartholdt,	Cogswell,	Fletcher,	Lester,
Bartlett,	Coombs,	Funk,	Loud,
Barwig,	Cooper, Fla.	Gardner,	Loudenslager,
Bell, Tex.	Cooper, Tex.	Geissenhainer,	Lynch,
Black, Ga.	Covert,	Goldzier,	Magner,
Boatner,	Crain,	Graham,	Maguire,
Brickner,	Cummings,	Griffin,	McAleer,
Bynum,	Dalzell,	Haines,	McEttrick,
Cabaniss,	De Forest,	Hall, Minn.	McGann,
Cadmus,	Draper,	Harter,	McMillin,

Mercer,	Quigg,	Sperry,	Walker,
Meyer,	Reed,	Springer,	Warner,
O'Neil, Mass.	Reyburn,	Stephenson,	Washington,
Page,	Ritchie,	Stone, W. A.	Weadock,
Paschal,	Russell, Conn.	Storer.	Wolverton,
Patterson,	Russell, Ga.	Tarsney,	Wright, Mass.
Pendleton, Tex.	Ryan,	Tracey,	
Pigott,	Shaw,	Turner, Ga.	
Price,	Somers,	Wadsworth,	

ANSWERED "PRESENT"—1.

Jones.

NOT VOTING—114.

Adams, Pa.	Davey,	Layton,	Robertson, La.
Apsley,	Dingley,	Lefever,	Robinson, Pa.
Avery,	Donovan,	Lisle,	Rusk,
Babcock,	Dunphy,	Lockwood,	Schermerhorn,
Bailey,	Durborow,	Mahon,	Scranton,
Barnes,	Edmunds,	Marshall,	Settle,
Belden,	Ellis, Ky.	Marvin, N. Y.	Sherman,
Beltzhoover,	Ellis, Oregon	McCall,	Sickles,
Berry,	Fielder,	McCleary, Minn.	Sipe,
Bingham,	Geary,	McDowell,	Stevens,
Black, Ill.	Gillet, N. Y.	Meiklejohn,	Stone, Ky.
Blair,	Gillett, Mass.	Meredith,	Strait,
Bland,	Goodnight,	Moon,	Straus,
Boutelle,	Gresham,	Morse,	Swanson,
Breckinridge, Ark.	Grosvenor,	Mutchler,	Talbott, Md.
Breckinridge, Ky.	Grout,	Newlands,	Taylor, Tenn.
Brosius,	Harmer,	Northway,	Tucker,
Bryan,	Hayes,	Oates,	Turner, Va.
Burnes,	Heiner,	O'Neil, Mo.	Van Voorhis, N. Y.
Cannon, Ill.	Hepburn,	Outhwaite,	Van Voorhis, Ohio
Caruth,	Hicks,	Payne,	Wells,
Catchings,	Hooker, N. Y.	Phillips,	Wever,
Causey,	Hopkins, Ill.	Post,	White,
Childs,	Hutcheson,	Powers,	Whiting,
Cockran,	Izlar,	Randall,	Williams, Ill.
Cooper, Ind.	Johnson, Ohio	Ray,	Wilson, Wash.
Culberson,	Kiefer,	Rayner,	Wilson, W. Va.
Curtis, N. Y.	Kilgore,	Reilly,	
Daniels,	Lawson,	Richards, Ohio	

So the bill was passed.

The following additional pairs were announced:

Mr. OUTHWAITE with Mr. MOON.

Mr. TALBOTT of Maryland with Mr. MEREDITH on the anti-option bill. Mr. TALBOTT, if present, would vote against the bill, and Mr. MEREDITH for it.

Mr. DANIELS. Mr. Speaker, I am paired with the gentleman from Ohio [Mr. GROSVENOR]. If he were present he would vote for the bill, and I should vote against it.

Mr. SETTLE. Mr. Speaker, on the final passage of the bill I am paired with the gentleman from Pennsylvania [Mr. MCDOWELL]. If he were present, I should vote "aye."

Mr. LAYTON. Mr. Speaker, I desire the RECORD to show that on this bill I am paired with the gentleman from New York [Mr. RAY]. If he were present I should vote "aye," and he would vote "no."

Mr. BURROWS. Mr. Speaker, my colleague, Mr. MOON, is absent on account of sickness in his family, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. LYNCH. Mr. Speaker, I desire to announce that the gentleman from Wisconsin, Mr. BARNES, is necessarily absent; if present he would vote "no."

Mr. TYLER. I desire to state, Mr. Speaker, that my colleague, Mr. TURNER, is absent on account of sickness.

The result of the vote was then announced as above recorded.

Mr. HATCH 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.

Mr. HATCH. Now, Mr. Speaker, I move that the title of the bill stand as reported to the House, and on that I demand the previous question.

Mr. REED. That seems to be unnecessary under the present rules.

Mr. HATCH. It is a proper parliamentary motion, Mr. Speaker.

The SPEAKER *pro tempore*. Does the gentleman move to amend the title of the bill?

Mr. HATCH. I do not. I move that the title stand as reported.

The SPEAKER *pro tempore*. As a matter of course that requires no motion, because the passage of the bill adopts the title. But a motion to amend the title is in order.

Mr. HATCH. That is the very reason why I make my motion. My motion is a parliamentary one and is in order, and it is intended to prevent a motion to amend the title.

The SPEAKER *pro tempore*. The Chair was at first inclined to think that the only motion that would be in order after the passage of the bill would be to amend the title, but on further reflection the Chair believes the motion of the gentleman from Missouri is in order.

Mr. BURROWS. I call the attention of the Chair to page 553 of the Digest, where I find this:

Unless a separate vote is finally called for, however, the preamble and title as reported to the House are considered adopted on the passage of the bill or resolution.

The SPEAKER *pro tempore*. Without objection the title of the bill as reported from the Committee of the Whole will stand adopted.

There was no objection, and it was so ordered.

GENERAL DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

The motion was agreed to; the House accordingly resolved itself into Committee of the Whole, Mr. BYNUM in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of appropriation bills. The Clerk will report the title of the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 10477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

Mr. SAYERS. Mr. Chairman, I will ask the gentleman from Illinois [Mr. CANNON] whether he desires to have the bill read the first time, and also whether he desires general debate. I will say to him that if, during the progress of the bill, he desires more time than can be had under the five-minute rule, we can readily arrange so as to give him sufficient time for discussion.

Mr. CANNON of Illinois. So far as I am personally concerned, Mr. Chairman, I have no desire to call for the first reading of the bill, nor have I, personally, any desire to consume time at present in general debate. It is possible that as we progress in the consideration of the bill we may reach a point where general debate will be desirable. If so, I am inclined to think that the committee will grant it on the recommendation of the gentleman from Texas.

Mr. SAYERS. I will say to the gentleman that whenever he may think it necessary to have general debate, I shall be more than willing to agree to it.

Mr. REED. I suggest to the gentleman from Illinois, in the interest of our side, whether it would not be well to have the bill read, or else to have a general explanation of it by the gentleman from Texas.

Mr. CANNON of Illinois. I take it for granted that the gentleman will explain the bill.

Mr. SAYERS. Oh, yes; I will explain it. I ask consent, Mr. Chairman, that the first reading of the bill be dispensed with, and that general debate be closed.

Mr. ENGLISH of New Jersey. I object.

Mr. SAYERS. Then, Mr. Chairman, I ask that the reading of the bill be proceeded with.

The Clerk began to read the bill.

Mr. ENGLISH of New Jersey. Mr. Chairman, I did not understand that debate was to be allowed. Understanding now that it is, I withdraw the objection.

The CHAIRMAN. Does the gentleman from New Jersey withdraw his objection?

Mr. ENGLISH of New Jersey. I have withdrawn it, under the pledge of the chairman of the Committee on Appropriations.

Mr. SAYERS. Mr. Chairman, I will state to the committee that this bill carries $4,890,593.78. Leaving out the appropriations for pensions in previous years, it carries about the same amount of deficiencies that was carried in the bill passed at the first session of the Fifty-first Congress, and also about the amount carried in the deficiency bill of the first session of the Fifty-second Congress, except that the number and amount of judgments of the Court of Claims is considerably larger, as are also the appropriations for the support of the judicial department.

On account of the troubles which have occurred in the Western and Northwestern States where railroads have been seized and United States marshals have been compelled to interfere and restore possession of the trains, the appropriation for the Department of Justice has been greater than for previous years. We have in the bill appropriations for the State Department; and I might say here that such appropriations have been required under every Administration for the State Department in order to enable that Department to settle its accounts with consuls whose terms have expired. We also have appropriations for the Navy Department, the object of which is to enable the different bureaus to settle one with another and with the accounting officers of the Treasury without additional expenditure. In other words, the bulk of the appropriations which the bill carries for the State and Navy Departments involve no expenditure, and they have been made only for the purpose of settling accounts in the Treasury Department.

There is a large appropriation in the bill to pay a judgment of the Supreme Court of the United States rendered in favor of the old settlers, and amounting to near a million of dollars. In accordance with the recommendation of the Department of Justice, the committee has unanimously decided not to make any appropriation for the payment of judgments for Indian depredations; but instead of such an appropriation there is in the bill a clause appropriating some $5,000 to enable the Department of Justice to inquire into the judgments already rendered against the United States in favor of claimants under this law.

From information which has been gathered by a Senate committee we are led to believe that gross frauds have been committed upon the Government in the obtaining of some of these judgments; and under the circumstances, and with the statements and evidence before us, we did not think it prudent to appropriate to pay these judgments, amounting to about $450,000; but, as I have said, we have recommended an appropriation of $6,000 to enable the Attorney-General to inquire into these judgments, and report his findings at the next session of this Congress.

I will say again that this bill contains those ordinary and usual appropriations which appear in all deficiency bills under every Administration and in every Congress. They are neither less nor greater upon the average than the deficiencies which have been reported to and provided for by previous Congresses, saving and excepting only the increases which I have mentioned.

Mr. REED. I presume there is nothing in this bill which shows the malign influence of the Fifty-first Congress. [Laughter.]

Mr. SAYERS. Not at all, although there are appropriations for deficiencies that have accrued during the present and prior years.

Mr. SPRINGER. Allow me to suggest that if this bill is in the usual form and has been agreed to by the Appropriations Committee, we might, by unanimous consent, report it back to the House and pass it this evening, and then have an adjournment until Monday next.

Mr. CLARK of Missouri. I object.

Mr. McCREARY of Kentucky. I do not think that would be proper.

Mr. SAYERS. With the explanation I have made, as the hour of 5 o'clock is now at hand, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAILEY having resumed the chair as Speaker *pro tempore*, Mr. BYNUM reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROBINSON of Pennsylvania, indefinitely, on account of sickness in his family.

To Mr. TURNER of Virginia, indefinitely, on account of sickness.

Mr. MARTIN of Indiana. I ask unanimous consent that we now take a recess until 8 o'clock this evening.

There was no objection.

The House accordingly (at 4 o'clock and 58 minutes p. m.) took a recess.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. BAILEY, Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House is in session under an order which the Clerk will read.

The Clerk read as follows:

The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, which evening session shall be devoted to the consideration of private bills reported from the Committee on Pensions, and the Committee on Invalid Pensions, to bills for the removal of political disabilities, and bills removing charges of desertion only; said evening session not to extend beyond 10 o'clock and 30 minutes. (Rule XXVI, paragraph 3.)

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar, pending which motion I ask unanimous consent that all bills considered this evening shall be considered under the five-minute rule only as to debate.

Mr. LANE. I object to that.

The question being taken on the motion that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar there were, on a division (called for by Mr. TALBERT of South Carolina)—ayes 31, noes 0.

Mr. TALBERT of South Carolina. I simply want to call attion to one fact. I notice that all the "objectors" are here, and very few of the "friends of the soldier."

Mr. PICKLER. Regular order!

The SPEAKER *pro tempore*. The motion of the gentleman from Indiana [Mr. MARTIN] is agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. MARTIN of Indiana. I ask unanimous consent to make a statement prior to submitting a proposition.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. MARTIN of Indiana. Mr. Chairman, at a meeting of the Committee on Invalid Pensions to-day, at which there was more than a quorum present, I was directed by the unanimous voice of the committee to ask as to all the bills which may be considered to-night, reported by the Committee on Invalid Pensions, they may be called up in the order in which they stand on the Calendar, the suggestion coming from myself as to which bill shall first be taken up.

Mr. STALLINGS. Let me understand the gentleman's proposition. You do not mean to cut out bills reported from the Committee on Pensions?

Mr. MARTIN of Indiana. Not at all.

The CHAIRMAN. Will the gentleman again state his proposition?

Mr. MARTIN of Indiana. I ask unanimous consent that so far as the consideration of bills favorably reported by the Committee on Invalid Pensions is concerned, that they may be taken up in the order as they appear on the Calendar, and such bills as I may choose to ask consideration of shall be considered, and the others may be passed over without prejudice. I do this by direction of the unanimous vote of the committee.

The CHAIRMAN. That will not disturb the Calendar as to the consideration of other bills in order under this rule.

Mr. MARTIN of Indiana. Not at all.

Mr. HULL. This applies only to pension bills?

Mr. LIVINGSTON. Those which the chairman of the Committee on Invalid Pensions may designate.

Mr. MARTIN of Indiana. It only applies to the bills reported by the Committee on Invalid Pensions as we reach them.

Mr. HULL. And if bills are reached on the list from the other committees, for instance the Military Committee, they are not interfered with?

Mr. MARTIN of Indiana. Not at all.

Mr. LACEY. I wish to suggest to my colleague on the committee that I think his construction of the order is not exactly as understood by the balance of the committee. The effect of the order, as I understand it, was that those bills when reached on the Calendar could be laid over at the suggestion of the gentleman without prejudice.

Mr. MARTIN of Indiana. That is substantially the suggestion I made.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. MARSH. This is allowing one man to determine what the committee shall consider, if I understand it.

Mr. MARTIN of Indiana. Not at all; only at the suggestion of the Committee on Invalid Pensions to indicate those bills that should be considered at this session to-night. I will state that this arrangement was adopted at the suggestion of the gentleman from Iowa [Mr. LACEY].

Mr. MARSH. I would ask what is the purpose of the arrangement?

Mr. BRETZ. To avoid the scenes that we have had heretofore at evening sessions.

Mr. MARSH. Is it the purpose of this suggestion to allow the chairman of the Committee on Invalid Pensions to select those bills only that members of the Committee on Invalid Pensions are interested in particularly?

Mr. MARTIN of Indiana. Not at all. It applies to all bills reported from the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Clerk will report the first bill upon the Calendar.

The Clerk read as follows:

A bill (H. R. 3693) for the relief of Louisa B. Hull.

Mr. MARTIN of Indiana. I suggest that under the order just adopted this bill be laid aside without prejudice.

The CHAIRMAN. This bill, under the order, will be passed over; and the Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 3156) for a pension to Cornelia de Peyster Black, widow of Henry M. Black, late colonel of the United States Army, deceased.

Mr. STALLINGS. I ask that the bill be passed over under the order.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 811) for the relief of Harriett Woodbury.

Mr. MARTIN of Indiana. Let that be passed over under the order.

MARGARET A. WOODS.

The CHAIRMAN. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 6050) to pension Margaret A. Woods, widow of William W. Woods, late of Company E, Sixteenth Illinois Volunteer Infantry.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Margaret A. Woods, widow of William W. Woods, late a member of Company E, Sixteenth Illinois Volunteer Infantry, and allow her a pension of $12 per month.

Mr. MARTIN of Indiana. I ask that the report in that case be read, and I invite the careful attention of the committee to the reading.

The report, by Mr. MCDANNOLD, was read as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 6050) to pension Margaret A. Woods, and submit the following report:

The petitioner was the wife, and believes herself to be the widow, of William W. Woods, who served in Company E, Sixteenth Illinois Infantry, from May 24, 1861, to June 12, 1864. The petitioner was married to the soldier July 12, 1857; her claim was rejected by the Pension Bureau for the reason that she is unable to prove positively that the soldier is dead. She is 71 years of age, and very poor.

The petitioner, in her testimony on file in the Pension Bureau, states that soldier came to Ripley, Ill., about a year before she married him, a perfect stranger, and she never knew his people; that he came home from the Army June 20, 1864, and left June 28, 1864, and she has never seen him since; that they parted on very friendly terms, and he said he was going to Tennessee to get work in a Government bakery; but she never heard from him again; he never wrote to her; she has done all in her power to trace him, and believes him dead, for he was fond of his family. She further states that he was home on furlough for a time in the fall after the surrender of Vicksburg (1863). She states that he claimed to be a few years younger than herself.

William B. Dennis, of Ripley, Ill., a brother of the petitioner, testifies to the same effect, and says that the soldier told him he had been a sailor from New York to Liverpool, and he judged him to be an Englishman; that he was a baker by trade when he came to Illinois, and affiant never knew where he came from; he was industrious, and took good care of his family; attended strictly to his business. Affiant has never heard a word from him since June 1, 1864, and believes him to be dead.

William H. H. Hardin, of Ripley, Ill., testifies that soldier's age was given at 38 years when he enlisted, but he looked older than that.

There is nothing to indicate that the soldier has been seen or heard of by his old friends since 1864, and there is abundant proof of the extreme poverty of the petitioner.

In view of these facts, the absence of thirty years, his failure to file a claim for pension, and the fact of his advanced age, the conviction that the soldier is dead seems inevitable, and your committee therefore recommend that the bill do pass after being amended as follows:

Strike out the words "pension laws" in line 5, and insert in lieu thereof the words "act approved June 27, 1890."

Strike out all after the word "infantry" in line 8.

The CHAIRMAN. The question is on agreeing to the amendments recommended by the committee.

The amendments were adopted.

Mr. MARTIN of Indiana. Mr. Chairman, I desire to submit to the consideration of the committee another amendment, which I think should have been adopted, and which has been adopted in similar cases. I move to add to the amendments, "*Provided*, That in the event the soldier is found to be alive the pension herein granted shall cease."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

EARNEST C. EMERSON.

The next bill on the Calendar was the bill (S. 307) granting a pension to Earnest C. Emerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Earnest C. Emerson, dependent and imbecile child of Orrin M. Emerson, late a private in Company H, First Rhode Island Cavalry, at the rate of $12 per month, payable to his legally constituted guardian.

Mr. STALLINGS. Let us have the report in that case.

The report (by Mr. MCETTRICK) was read, as follows:

The Committee on Invalid Pensions have considered the bill (S. 307) granting a pension to Earnest C. Emerson, and submit the following report:

A similar bill passed the Senate and was favorably reported by the House committee in the Fifty-second Congress. This bill passed the Senate March 5, 1894, and the facts bearing on the case are as follows:

Orrin M. Emerson served in Company H, First Rhode Island Cavalry, from September 6, 1862, to June 6, 1865, and died September 25, 1875, having never applied for a pension. His widow died August 3, 1889, having never applied for pension.

The beneficiary of this bill is the son of the soldier and is now 32 years of age, and a hopeless and helpless imbecile as shown by the testimony of physicians. These facts appear from the papers on file in the Pension Bureau. A claim filed by his guardian was rejected on the ground that he could not be pensioned under the act of June 27, 1890, because over 16 years of age at the passage of the act. It is not alleged that the soldiers's death was in any way due to his military service. The son is dependent entirely on a maiden aunt who has been appointed his guardian, and who is little able to care for him.

Your committee recommend the passage of the bill after being amended as follows:

"Strike out the words 'at the rate of twelve dollars per month,' in line 7, and insert in lieu thereof the words, 'subject to the limitations and provisions of the act of June 27, 1890.'"

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD J. BUTLER.

The next business on the Private Calendar was the bill (H. R. 2726) to remove the charge of desertion standing against the name of Edward J. Butler.

The Clerk read the title of the bill.

Mr. HULL. Unless there is some gentleman here in charge of that bill who desires it to be considered, I ask that it be laid aside without prejudice.

Mr. CHARLES W. STONE. I should like to have the bill considered. I think it will commend itself to the approval of every gentleman here.

Mr. TALBERT of South Carolina. I hope that bill will be laid aside, and not considered this evening.

Mr. PICKLER. If I understand the proceedings had, when these bills are passed over, the Calendar will be gone through with before these bills can again come before the committee.

The CHAIRMAN. Oh, no; the order which was adopted relates only to this evening's session. The bills will retain their places on the Calendar, and will come up for consideration at the next Friday evening session.

Mr. HULL. I see that the gentleman who made the report [Mr. BOWERS of California] is present, and I will withdraw my request that the bill be passed over.

Mr. TALBERT of South Carolina. I hope such a bill as this will not be brought forward to-night. My understanding was that we were to consider meritorious bills; that bills removing charges of desertion, and bills to pension widows who had married the second time, and such bills, were to be laid aside and not considered to-night. Let us pass some bills that are meritorious, and against which there will be no objection. That is my idea. I told some gentlemen this afternoon that I would have no objection to that. I hope these desertion bills will not be brought up. There will certainly be objection to them. My understanding was that bills that would block business were to be passed over.

Mr. WAUGH. The order adopted to-night applies simply to bills reported from the Committee on Invalid Pensions. This is a bill from the Committee on Military Affairs, and it is no violation of the agreement made this evening.

Mr. TALBERT of South Carolina. I have no objection to the bill being read, but I have stated my understanding of the matter.

Mr. CHARLES W. STONE. I think if the gentleman will give attention to the reading of the report, he will have no objection to the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Edward J. Butler, late a musician in the Seventeenth Indiana Volunteers, and issue to him an honorable discharge: *Provided*, That no pay or emoluments shall become due by reason of the passage of this act.

The report (by Mr. BOWERS of California) was read as follows:

The Committee on Military Affairs, to which was referred House bill 2726, report the same back and recommend that it do pass.

The facts of this case are briefly as follows: Shortly before the beginning of the war Edward J. Butler was a homeless waif in the streets of New York. About that time a charitable society took charge of him and found a home for him in the State of Indiana. In June, 1861, when the Seventeenth Regiment Indiana Volunteers was mustered into the service, they needed a drummer, and as young Butler was an excellent drummer for a boy, they arranged with the farmer with whom he was living, and who had paid his fare from New York, to let him go with the regiment, the colonel refunding to the farmer the fare which he had paid from New York.

Young Butler was enlisted as a drummer boy and his age given as 13 years, although he was really but 11 years old. He remained with the regiment something over a year, until August, 1862, when the regimental band was mustered out of service. He had no home to go to, and having attached the officers of the regiment to him, he was allowed to remain with the regiment and transferred to Company F of that regiment and entered on the rolls as a member thereof.

In the latter part of August, 1862, at the request of Col. Moore, of the Fifty-eighth Indiana Volunteers, who desired a drummer, young Butler was loaned to that regiment by an understanding between the colonel of it and Lieut. Col. Gorman, then commanding the Seventeenth Indiana Volunteers, and reported for duty to the Fifty-eighth Regiment and served with them.

This arrangement, made by the commanding officer of the Seventeenth Regiment, does not seem to have been participated in by the captain of Company F, with which young Butler was enrolled, and the relations between this captain and the regimental commander not being of the most cordial kind, he seems to have taken offense at the action of the colonel transferring young Butler, and manifested it by having him entered upon the company rolls as a deserter.

At the time that this entry was made the Fifty-eighth Indiana and the Seventeenth were brigaded together and camped side by side, and young Butler was daily mingling with his old comrades of the Seventeenth Regiment and known by all to be still in the service, although temporarily assigned to the Fifty-eighth Regiment. He was a great pet with the men, who had come to call him "Johnny," which was his middle name, instead of Edward, which was his first name, and hence he gradually obtained the name of Johnny Butler, and the name continued as his ordinary designation from that time on, and he gradually, as he grew up, came to write his name John E. Butler instead of Edward J. Butler.

He remained on duty regularly and faithfully until some time in October, 1862, when the Seventeenth Regiment was being paid off at Louisville, and his first knowledge that he was not still on the rolls of the company came when he presented himself with the company to receive his pay at that time, and then first found that his name had been dropped from the rolls. He was thus left, a boy of only 12 years of age, with no home to go to, and no friends except as he had formed them in the regiment.

In some way he made his way back to Indiana, and he embraced the first opportunity to return to the service, which occurred when Lieut. Col. Gorman, who was in command of the Seventeenth Regiment when he was temporarily transferred to the Fifty-eighth, returned to Indiana and raised the One hundred and twentieth Indiana Regiment. Knowing young Butler, Col. Gorman readily took him into his new regiment as a drummer boy, and had him duly enlisted, and he served faithfully until honorably discharged with his regiment January, 1866, having been promoted meantime to the position of principal musician of the regiment.

These facts are fully substantiated by the statement of Col. Wilder, the colonel of the Seventeenth Indiana Regiment, and Col. Moore, of the Fifty-eighth Indiana Regiment, whose affidavits are hereto attached, and by the records of the War Department. There was no possible motive for young Butler to desert, as he had no home except the regiment, and no friends except the officers and members thereof. They were so much attached to him that they had determined, when the regimental band was abolished, that a fund of $1,000, which they had raised to buy new instruments for the band of the Fifty-eighth Regiment, should be set apart for young Butler's education, and the fund at this time was in the hands of the lieutenant-colonel of the regiment for his benefit, which, however, was never paid over or used for his benefit.

Having no particular use for money, he had not drawn his pay, which was also really drawn for him and supervised by the lieutenant-colonel of the regiment. He was at the time he is charged with being a deserter a boy really but 12 years of age, and could hardly be driven from the regiment, where all his friends were, and embraced the earliest opportunity to get back into the Army, which was the only home he knew.

The act of Capt. Thompson in entering him upon the rolls of his company as a deserter was a cruel and unjust one, and the wrong done to this boy, who was faithful in the service and who has grown up to be an honored and respected citizen, ought to be rectified speedily by the passage of this bill.

Mr. CHARLES W. STONE. That report states all the facts. The remainder of the documents attached to the report are simply the affidavits in support of the statements contained in the report.

Mr. STALLINGS. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The CHAIRMAN. Without objection this bill will be laid aside, unanimously, with a favorable recommendation. [Applause.]

There was no objection.

MARY E. COLE.

The next business on the Private Calendar was the bill (H. R. 5112) for the relief of Mary E. Cole.

The Clerk read the title of the bill.

Mr. MARTIN of Indiana. I ask that that bill be passed over under the order which has been adopted.

The CHAIRMAN. It will be passed over under the order.

JULIA BEWS.

The next business on the Private Calendar was the bill (H. R. 3992) to increase the pension of Julia Bews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Julia Bews, under certificate, 48261, by allowing a rate of $6 per month in addition to her present rate as widow of Alexander Bews, late of Company A, Sixteenth Regiment New York Volunteers, and Company H, Eighty-third Regiment New York Volunteers, said increase being on account of Margaret Bews, the permanently helpless daughter of the above-named soldier, and said increase of $6 per month to continue only for and during the life of said Margaret Bews.

The amendments recommended by the Committee on Invalid Pensions, as stated in the report, were read.

The report (by Mr. MARTIN of Indiana] was read, as follows:

The Committee on Invalid Pensions have considered the bill H. R. 3992, the intent of which is to increase the pension now paid to Julia Bews by $6 per month on account of a permanently helpless daughter of herself and the soldier.

The following facts appear:

Alexander Bews enlisted in Company A, Sixteenth New York Volunteers, and served two years. He afterward enlisted in the Eighty-third New York Volunteers. He was wounded in action at Spottsylvania Court House, Va., May, 1864, and died from the effect thereof in field hospital May 11. His widow is pensioned at $12 per month.

His dependent daughter, Margaret Bews, was born September 23, 1858. Dr. B. F. Sherman, a reputable physician of fifty-two years' practice, testifies that this daughter has been feeble-minded from infancy, the result of hydrocephalus; that said disease from its nature is of a permanent character, rendering her both helpless and dependent; that her mother, upon whom she relies for support, Mrs. Julia Bews, depends upon her labor for her own and her dependent daughter's support.

The provisions of the act of June 27, 1890, are such that if this daughter had been under 16 years of age at the date of the passage of said act, instead of 32 years, an additional pension of $2 per month would have been continued to her mother, the widow, during the life of said daughter.

Your committee recommend that the bill do pass after being amended as follows:

Strike out the word "six" in line 6 and line 12 and insert in lieu thereof in each place the word "two."

Strike out all after the word "continue" in line 12 and insert in lieu thereof the following:

"To the widow only so long as said Margaret Bews shall be in whole or in part supported by her, and in case of death or remarriage of the widow the entire pension of $14 per month shall be continued and paid to said Margaret Bews or her legal guardian."

Mr. STALLINGS. I should like to have the chairman of the committee make a statement of the facts in that case.

Mr. MARTIN of Indiana. Mr. Chairman, the gentleman from New York [Mr. CURTIS], who introduced the bill, is not here. This bill was reported favorably in the Fifty-second Congress, but there was not time to reach it for consideration, and therefore it failed. It was not defeated. The facts are simply these, that the father served one term and was honorably discharged, and reënlisted and was wounded in action at Spottsylvania in May, 1864.

He died a few days later, in the same month. His widow is pensioned at $12 a month. They have a child who, from infancy has been feeble-minded, as the result of hydrocephalus, water on the brain. She has been an infant all these years, although she is now past 32. Had the widow had minor children in good health they would have been pensioned under the act of June 27, 1890, until they were 16 years of age; but this child being over 16 years of age, can not receive anything under that act.

Mr. STALLINGS. The gentleman means that she was over 16 years of age when the law was passed?

Mr. MARTIN of Indiana. Yes. The committee have thought that in accordance with precedent it was only right, this child being much more of a care than a healthy infant, being a constant charge on the mother, that a small allowence should be made to the mother in the way of an increase of $2 a month.

Mr. JONES. I would like to ask the gentleman what is the character of the testimony in this case?

Mr. STALLINGS. I would like the gentleman, before he proceeds to state what the character of the evidence was, to inform me whether this is only $2 a month additional pension for this child.

Mr. MCNAGNY. She would have been entitled to this if the child had been under 16 years of age.

Mr. MARTIN of Indiana. It is only $2 additional. The testimony in favor of this claim was given by Dr. B. F. Sherman, a reputable physician. I want to say to the gentleman from Virginia that the gentleman from New York [Mr. CURTIS], a member of this House, and also the last, said to the committee that this gentleman was a reputable citizen, and his testimony was entirely creditable; and it is on the testimony of the physician as to her condition that we make the recommendation so far as the disease goes.

Mr. JONES. Was the physician before your committee?

Mr. MARTIN of Indiana. No, sir; we simply have his affidavit.

Mr. JONES. Were any other witnesses examined?

Mr. MARTIN of Indiana. There were no other witnesses except this one; but we had the additional fact that the gentleman from New York [Mr. CURTIS] stated to us that this gentleman who testified was entirely reputable, and his affidavit was as to the character of the disease.

Mr. BRETZ. Did not he state that he knew the facts?

Mr. MARTIN of Indiana. I do not remember that he did.

The CHAIRMAN. Without objection, the amendment will be agreed to, and the bill as amended will be laid aside with a favorable recommendation.

There was no objection.

ALLIE DILL BROUGHTON.

The next business on the Private Calendar was the bill (H. R. 953) to grant a pension to Allie Dill Broughton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allie Dill Broughton, invalid and feeble-minded daughter of Wilbur F. Broughton, late a corporal of Company I, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized and di-

rected to increase the pension of Mary P. Broughton by allowing her a rate of $2 per month in addition to her present rate as widow of Wilbur F. Broughton, late of Company I, One hundred and twelfth Illinois Infantry, said increase being on account of Alliedell Broughton, the permanently helpless daughter of the above-named soldier, and said increase of $2 per month to continue to the widow only so long as said Alliedell Broughton shall be in whole or in part supported by her; and in case of the death or remarriage of the widow, the entire pension of $14 per month shall be continued and paid to said Alliedell Broughton, or her legal guardian."

Mr. JONES. Mr. Chairman, I would like to have the report read.

Mr. HENDERSON of Illinois. Mr. Chairman, this case is exactly like the one which has just been passed by the committee. I want to offer an amendment to the amendment proposed by the Committee on Invalid Pensions, which is simply to change the name "Alliedell," wherever it occurs, to "Allie Dill." It should be two words. The name occurs in lines 8, 11, and 15. I will simply state that I know the facts in the case myself; I know the witnesses who testified as to the helpless condition of this imbecile, and that the facts as stated are true. The soldier served in my own regiment, and I am well acquainted with the family.

The amendment to the amendment offered by Mr. HENDERSON of Illinois was agreed to, and the committee amendment as amended was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. MARY A. MENEFEE.

The next business on the Private Calendar was the bill (H. R. 6103) for the relief of Mrs. Mary A. Menefee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary A. Menefee, widow of Richard Menefee, captain Company E, Eighth Regiment Missouri State Militia Cavalry, in the late war, as well as a private in Company K, Extra Battalion Missouri Volunteers, in the war with Mexico.

The amendment recommended by the committee was read, as follows:

Strike out the words "place upon," in line 4, and substitute in lieu thereof the words "restore to;" add after the word "Mexico," in line 9, the words "and allow her a pension at $8 per month from the date of the passage of this act."

Mr. HEARD. Mr. Chairman, I do not desire to submit any remarks upon this case, but if any gentleman wants an explanation of it I would ask that the report of the committee be read, as it gives a full statement of the case.

Mr. JONES. I would like to have the report read.

The report (by Mr. CLARK of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6103) for the relief of Mrs. Mary A. Menefee, have considered the same and respectfully report as follows:

Capt. Menefee died March 22, 1865, and after the passage of the Mexican war service pension act of January 28, 1887, Mrs. Menefee made application for pension thereunder as his widow, and her claim, after due investigation, was allowed by the Pension Office by certificate No. 2562.

Subsequently, Mrs. Menefee in order to secure the $2 additional pension provided by the act of June 27, 1890, for minor children, made an application under that act, basing the same upon Capt. Menefee's service in the war of the rebellion.

The proof submitted in this last case developed the fact that prior to her marriage to Menefee the claimant was the wife of one Charles Henry Brink, and pending inquiry into the question as to whether Brink had died or she had been divorced from him prior to her marriage to Menefee her said Mexican war pension was suspended.

In his report of his investigation of the case Special Examiner Wiley Britton makes the following statement:

"She (the claimant) testifies to her marriage with Menefee on April 23, 1865; that her first husband, Charles Henry Brink, went to California before the war and she heard he was dead before she married her second husband; that she was married to Brink May 5, 1857, and that about two and a half years after the war a man came to Bolivar (the place of her residence in Missouri), and claimed to be Brink, her first husband; that she saw this man and does not think he was Brink; that he drove the stage between Bolivar and Springfield part of one summer, and then left, and she has never heard of him since; that she was never divorced from him by law, but by time, as she thought; that the question of the legality of her second marriage came up when she made application for her last husband's arrears of pay, and was decided in her favor; that her second husband's children by his first and second wives brought suit against her for possession of the home place on the ground of her second marriage being illegal, but that the decision of the court was in her favor."

The special examiner adds that the evidence obtained in the investigation shows that Brink went to California about 1858, and was reported to be and was supposed to be dead; that she remarried April 23, 1865, and Brink turned up again about 1867, remained a short time, then left again, and has never been heard of since. It further appears that Mrs. Menefee raised a large family by her second husband, and that she bears a good reputation as the widow of Capt. Menefee, with whom she lived for more than twenty years. The recommendation of the special examiner was that the claimant's name be continued on the pension roll, but the Bureau dropped her name from the list of pensioners and has since refused to restore the pension, notwithstanding the filing of a mass of testimony in full corroboration of her statements.

A bill for the relief of this claimant was unanimously reported to the House with a favorable recommendation by your committee in the Fifty-second Congress, but the bill failed of passage because Congress adjourned before it could be finally disposed of.

After full consideration of all the facts your committee believe that the relief prayed for should be granted, and the passage of the bill is therefore recommended with the following amendments:

Strike out the words "place upon," in line 4, and substitute in lieu thereof the words "restore to;" add after the word "Mexico," in line 9, the words "and allow her a pension at $8 per month from the date of the passage of this act."

The amendment recommended by the committee was agreed to, and the bill as amended was ordered to be laid aside with a favorable recommendation.

MARY ANN DONOGHUE.

The next business on the Private Calendar was the bill (H. R. 5816) granting a pension to Mary Ann Donoghue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Mary Ann Donoghue, widow of Timothy Donoghue, late of Company F, Fourth Regiment United States Infantry.

The amendment recommended by the committee was read, as follows:

Add after the word "infantry," in line 7, the words, "and allow her a pension rated at $8 per month."

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5816) granting a pension to Mary Ann Donoghue, have considered the same, and respectfully report as follows:

The claimant is the widow of Timothy Donoghue, who enlisted January 10, 1849, in Company F, Fourth United States Infantry, and was discharged November 14, 1852, because of disability arising from abscess of both hips, caused by the kick of a horse while in the discharge of his duty.

At the time of his death, which occurred July 24, 1893, the soldier was receiving a pension rated at $17 per month on account of the above-named injury, and it is shown by the testimony on file at the Pension Bureau that he died from hemiplegia, which was the direct result of the injury received in the service.

Mrs. Donoghue filed a claim July 31, 1893, at the Pension Office, but the same was disallowed September 22, 1893, on the ground that the disease from which the soldier died was incurred in time of peace, and hence there was no provision of law by which she could be allowed a pension.

The general pension laws permit the granting of pensions to soldiers who incurred their disabilities in time of peace prior to March 4, 1861, but make no provision for widows whose husbands die of disability originating under such circumstances. If, however, this claimant's husband had died of disease or injuries arising in the line of duty while serving in the regular Army at any time since March 4, 1861, she would have been pensionable under the law.

In this case the claimant is shown by record and other evidence to be the lawful widow of the soldier. The records of the War Department show the service as above stated, and that the soldier received in line of duty the injury on account of which he was discharged and for which he was on the pension roll at the time of his death, and medical and other evidence shows that his death was finally caused by the injury and its direct results.

Mrs. Donoghue is now about 63 years old, and stands in need of the pension prayed for. She married the soldier October 5, 1850.

Your committee are unanimously of the opinion that the bill is a meritorious one, and its passage is therefore recommended with an amendment adding after the word "infantry," in line 7, the words, "and allow her a pension rated at $8 per month."

Mr. JONES. Mr. Chairman, I would like to hear a statement of that case from the chairman of the committee or somebody who knows something about the facts.

Mr. MARTIN of Indiana. Mr. Chairman, that bill comes from the Committee on Pensions, and not from the Committee on Invalid Pensions.

Mr. JONES. I see that the chairman of the Committee on Pensions is present.

Mr. MOSES. The report just read gives a full statement of the facts. All that the committee know is that this soldier died in the fall of 1893. He had been upon the pension roll, being discharged on account of being severely wounded while in the line of duty. Under the pension laws his widow cannot receive the pension that he was receiving at the time of his death, and the committee thought that it was a meritorious case. The widow is very poor and dependent, and the soldier died from an injury received in line of duty. He was accidentally killed.

Mr. JONES. What amount of pension is recommended in this bill?

Mr. MOSES. Eight dollars per month.

Mr. JONES. How did the gentleman say he received his wound?

Mr. MOSES. He was kicked by a horse or a mule—kicked by a mule. [Laughter.]

Mr. JONES. When was he kicked by the mule?

Mr. MOSES. In 1853.

Mr. JONES. In 1853? Was he a soldier in the late war?

Mr. MOSES. He was not.

Mr. JONES. You say that he enjoyed a pension as long as he lived?

Mr. MOSES. He received a pension up to the time of his death; he was totally helpless nearly all of the time and finally died.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JAMES LANE.

The CHAIRMAN (Mr. WEADOCK). The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 3065) to increase the pension of James Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of James Lane, late a member of Company I, Third Regiment of Illinois Volunteers, in the war of the United States with Mexico, from $8 to $30 per month.

Mr. JONES. Let the report be read.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3065) granting an increase of pension to James Lane, have considered the same and respectfully report as follows:

Mr. Lane served as a sergeant in Company I, Third Illinois Volunteers, in the war with Mexico, and he is now receiving the service pension of $12 per month allowed by law to the destitute and wholly disabled survivors of that war.

This soldier is now about 80 years old and almost totally blind. He has no property, either real or personal, and no income except his pension.

The facts are shown by the testimony of Dr. H. E. Hale, Leonard Bond, and other neighbors and acquaintances of the claimant.

Your committee believe the bill to be meritorious, and therefore recommend its passage with an amendment striking out the word "eight," in line 7, and substituting in lieu thereof the word "twelve," and striking out the word "thirty," in the same line, and inserting in lieu thereof the word "twenty."

The amendments recommended in the last paragraph of the report were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EDWIN OVERMAN.

The next business on the Private Calendar was a bill (H. R. 6634) to grant a pension to Edwin Overman, an insane child.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll the name of Edwin Overman, permanently helpless and insane child of Joseph Overman, deceased, late a private in Company K, One hundred and eighteenth Regiment of Indiana Volunteers in the war of the rebellion, subject to the provisions and limitations of the act of Congress on the subject of pensions approved June 27, 1890, which pension shall be paid to the legally constituted guardian of said beneficiary.

Mr. JONES. I ask that the report be read.

The report (by Mr. MARTIN of Indiana) was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. 6634) to pension Edwin Overman, an insane child, makes the following report, to wit:

Joseph Overman was the father of the beneficiary, and enlisted July 21, 1863, in Company K, One hundred and eighteenth Indiana Volunteers in the war of the rebellion. His service was honorable, and he was discharged honorably March 3, 1864. When he was thus discharged he was sick with some trouble which finally resulted in his death with lung disease on February 19, 1880, near Marion, Ind.

The soldier was married on November 15, 1866, to the mother of this beneficiary, Elmira, who bore him four children, the youngest of which arrived at the age of 16 on November 11, 1889.

Edwin, the beneficiary, was born May 1, 1868, arrived at the age of 16 on May 1, 1884, and has been an idiot since his birth, and is now not only an idiot, but perfectly helpless, and requires the constant aid and attendance of another person.

Thomas Overman, father of the soldier, and paternal grandfather of the beneficiary, was the lawful guardian of the beneficiary until he became 21 years old, is a man 79 years of age, and is supporting the latter.

The mother of Edwin died on the 12th day of May, 1879, near Marion, Ind.

Claims for pensions on behalf of the children of the soldier were filed under both the general law and the act of June 27, 1890, but both were rejected on the grounds that said children had all arrived at the age of 16 before the filing of such claims and prior to enactment of the latter law. The claimant's post-office address is Marion, Ind.

The beneficiary has no means of support, and is wholly dependent upon his grandfather, whose age and means are such as to render such support a burden he is not able to bear.

Your committee therefore recommend the pasage of the bill, amended, however, by adding at the close of the bill the words "at the rate of $10 per month."

Mr. CABANISS. I will ask the gentleman from Indiana upon what evidence that report is based?

Mr. MARTIN of Indiana. The evidence in this case consisted of the affidavits of at least two, and my present impression is three or four, neighbors of the guardian of this child. While I do not know them personally, I know them by reputation to be good people, and I believe there is no question whatever as to the facts stated in the report. I drew the report myself, after having carefully read and examined all of the affidavits.

The amendment recommended in the last paragraph of the report was agreed to.

The bill as amended was ordered to be laid aside and reported to the House with the recommendation that it do pass.

MARY TUTTLE.

The next business on the Private Calendar was a bill (H. R. 5616) granting a pension to Mary Tuttle.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that that bill be passed over.

The CHAIRMAN. It will be passed over under the order made this evening.

DRUZILLA J. RIGG.

The next pension business on the Private Calendar was a bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to cause to be paid to Druzilla J. Rigg, of Macomb, Ill., who is the daughter and only heir of James Depoy (who was second lieutenant in Company A in the Fifty-fourth Regiment of Ohio Infantry in the war of the rebellion, to whom pension certificate numbered 158723 was issued, and who died previous to the receipt by him of said certificate), the amount due upon said certificate at the time of the death of said James Depoy.

Mr. JONES. I ask that the report be read.

The report (by Mr. MCDANNOLD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4290) for the relief of Druzilla J. Rigg, having considered the same, submit the following report:

This is a bill to pay Druzilla J. Rigg, the daughter and sole heir of James Depoy, the amount of the pension allowed said soldier by certificate No. 158723, which he did not receive because he died before the certificate reached him. The pension allowed by such certificate was $7.50 per month from February 20, 1863, and $15 per month from October 21, 1878, to December 7, 1878, when he died, amounting to about $1,400.

This bill proposes to pay to Druzilla J. Rigg, his daughter and sole heir, the amount of the pension which had been allowed him. The evidence shows that this daughter had, since she was 12 years old, kept house for her father, and was thereby deprived of proper advantages for education. During the last six years of his life the soldier was bedridden, and his devoted daughter was his constant attendant. During his prolonged illness all the soldier's property had been expended in doctors' bills and other expenses and at his death the daughter was left without means of support. This pension had been adjudged due the soldier, and in view of the fact that the daughter and not the soldier suffered most from the delay in the adjudication, your committee believes that it is only just that she should receive the amount which had been ascertained to be due. Nothing has been paid as reimbursement.

These facts are clearly shown by the papers in the Pension Bureau and by evidence filed with the committee.

Your committee therefore recommend that the bill do pass.

Mr. JONES. I think there ought to be some explanation of that bill.

Mr. MARTIN of Indiana. Mr Chairman, I observe that the gentleman from Illinois [Mr. POST] is not present; and while the committee felt justified, not only by the facts but by the precedents, in reporting this bill favorably, I think the gentleman from Illinois would prefer to be present when the bill is being considered, as he has personal knowledge of the case. I therefore ask that it be passed over without prejudice.

There was no objection, and it was so ordered.

PAULINE J. SMITH.

The next business on the Private Calendar was a bill (H. R. 6361) to grant a pension to Pauline J. Smith.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pauline J. Smith, permanently helpless daughter of Lewis C. Smith, late a private of Company G, Eighty-fifth Illinois Volunteers, and pay her a pension of $12 per month.

Mr. JONES. I ask that the report be read.

The report (Mr. MCDANNOLD) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 6361) to grant a pension to Pauline J. Smith, and submit the following report:

The petitioner is the daughter of Lewis C. Smith, who served in Company G, Eighty-fifth Illinois Volunteers, from August 16, 1862, to January 15, 1863, when he was discharged on account of disease of lungs; he was pensioned at $8 on account of disease of lungs, a claim for increase being rejected in July, 1882.

On August 29, 1890, this petitioner filed a claim under act June 27, 1890, which was rejected in July, 1892, on the ground that she was over 16 years of age at the date of approval of said act. In this application she stated that the soldier died in October, 1883, but did not state the cause of death; she also stated that the soldier left a widow, who soon after remarried, and that he left no children under 16 years of age. Proof was furnished that Lewis Smith and Sarah Dillon were married June 27, 1846, and that Pauline J. Smith was born October 16, 1859. She alleged, also, that for twenty-four years she had suffered from paralysis of left side, rendering left arm and leg almost useless.

In evidence filed with Congress it is shown that the petitioner's mother, Sarah Smith, died October 10, 1873, and it is clearly shown that the petitioner is the daughter of the soldier.

Dr. J. C. Westervelt, af Shelbyville, Ill., testifies that he examined the petitioner in 1892:

"She was then 33 years old; she has spinal affection, causing paralysis of left side, face, arm, and leg. As a result the left leg is about 4 inches shorter than the right, and the left arm badly twisted out of shape; she is incurable, and unable to perform manual labor."

Dr. W. J. Eddy testifies to the same and adds that "her speech is affected, also her mental faculties, and that she is not able to do housework or other work."

Two other witnesses testify that she is without means of support and is dependent on relatives.

Your committee recommend that the bill do pass after being amended as follows: Strike out the words "pension laws," in line 5, and insert in lieu thereof the words "act of June 27, 1890." Strike out all after the word "Volunteers," in line 8.

Mr. LANE. What pension will this child draw? Does the law make no difference between a case where the man died in the service and a case where he did not die in the service?

Mr. MARTIN of Indiana. Had this soldier's widow survived him, and his death resulted from the service, and had this child

been under 16, the widow would have drawn $12 a month and $2 additional on account of the child. There is no pretense, however, that the death of the soldier was due to the service, and his widow also had died.

The application was made under the act of June 27, 1890, the effect of which would have been, had the widow made the application, to give her $8 per month and $2 a month for a child under 16; but the widow being dead and the application being made in the first place in the Pension Office and now through Congress under the act of June 27, 1890, the effect would be to give the child what the mother would have received had she been pensioned under that act. That is the reason why the committee propose to amend the bill by striking out "pension laws" and inserting "the act of June 27, 1890."

Mr. CABANISS. How far back will this pension go?

Mr. MARTIN of Indiana. It will begin with the approval of the act by the President; not before.

Mr. LANE. I wish to ask the chairman of the committee whether it would make any difference in the amount of this pension whether this soldier died from the effect of his army service or from other causes?

Mr. MARTIN of Indiana. Yes, sir.

Mr. LANE. That is the reason I sought the floor. I wish to state that I personally knew this soldier, and I know this girl. I myself brought testimony here bearing upon the case. I know the doctors who gave affidavits that this soldier died from the effect of his army service. He was drawing a pension, and his death was due to his service in the Army. In the report made last year on this bill that statement will be found.

The report can be obtained at the document room. This year when I saw the report, I inquired of my colleague [Mr. MCDANNOLD] who reported the case, why the report did not make tha statement. He informed me that he had sent to the Pension Office and got the papers from there. But the trouble proved to be that three or four affidavits filed by me, in addition to the papers in the Pension Office, were not put in the case; and therefore my colleague did not see them.

Now, it would appear under these circumstances that the pension in this case ought to be $12 a month, just as the bill is drawn. We are doing this child a wrong by fixing the pension at a less amount. She is absolutely helpless; she has to be wheeled about; she is incapable of doing anything. I move, therefore, that the amount of the pension be fixed at $12.

Mr. JONES. May I ask the gentleman a question?

Mr. LANE. Yes, sir.

Mr. JONES. The gentleman states, as I understand, that we would be doing this applicant an injustice if we gave her a pension of only $10.

Mr. LANE. Yes, sir.

Mr. JONES. I do not so understand the matter. Accepting the gentleman's statement as to the cause of this soldier's death, this child would not be entitled under the law to anything at all.

Mr. LANE. The chairman of the committee [Mr. MARTIN] tells me that if the death of the soldier was due to his army service she would be entitled to $12 a month.

Mr. JONES. No, that is a mistake; because she is over 16 years of age. On that account she is not entitled to anything.

Mr. LANE. But it was the intention of the law to cover this class of cases; and it is only through a misconstruction of the law at the Pension Office that a case like this is excluded.

Mr. JONES. But, as I understand, the mother of this applicant died before the death of the soldier.

Mr. LANE. Yes, sir.

Mr. JONES. Under these circumstances, even if the soldier had been killed in the line of duty, this daughter would not be entitled to a dime under the general law. That is my understanding; and I would be glad if the chairman of the Committee on Invalid Pensions would correct me if I have misstated the law.

Mr. TAYLOR of Indiana. As an invalid daughter under 16 years of age she would be entitled to a pension.

Mr. JONES. Of course, if she were under 16 years of age. But she is over 16. The gentleman from Illinois [Mr. LANE] states that it would be doing her an injustice to give her but $10. I can not see that she has a right to anything.

Mr. LANE. I say it would be doing her an injustice to give her only $10, if she is entitled to $12.

Mr. JONES. But she is not entitled under the law to anything.

Mr. LANE. It was the intention of the law of 1890 to cover this class of cases—not merely to include children under 16 years of age.

Mr. JONES. Why, then, is not this case covered?

Mr. LANE. Because of the construction in the Pension Office—Mr. Bussey's construction—which defeated the intention of the law. I was on the committee myself when the bill was reported; and it was understood that such was the intention of the law.

Mr. JONES. The gentleman is too good a lawyer to believe that the understanding of the members of his committee would have anything to do, or ought to have anything to do, with the construction of the law. I suppose the officer who made the construction is the person properly authorized to do so; and whether his construction be correct or not, it must stand until reviewed and reversed.

Mr. LANE. And we are the proper body to review it. If the gentleman will read the law he will see that the intention of the lawmakers was as I state. I was on the committee when the matter was discussed and the bill reported; and I know the intention was to cover this class of invalids.

Mr. JONES. Is there not an appeal from this officer who made this decision?

Mr. LANE. None at all; there is no appeal that I ever heard of.

Mr. JONES. And the law is so plain that anybody would see that such was the intent?

Mr. LANE. I think so; anybody who examines the law.

Mr. MCNAGNY. The fact is, there have been two rulings on the question; one one way and one the other.

Mr. LANE. That is correct.

Mr. JONES. I think the gentleman had better accept the amendment recommended by the committee.

Mr. LANE. No; I ask a vote on the amendment.

The question was taken; and on a division (demanded by Mr. MARTIN of Indiana) there were—ayes 32, noes 17.

So the amendment was agreed to.

The amendments recommended by the committee were adopted, and the bill as amended was ordered to be laid aside, to be reported to the House with the recommendation that it do pass.

SARAH BECK.

The next business on the Private Calendar was the bill (H. R. 4962) to restore to the pension roll Sarah Beck, widow.

Mr. MARTIN of Indiana. I ask that that bill be passed over under the order.

There was no objection, and it was so ordered.

THOMAS CORIGAN.

The next business on the Private Calendar was the bill (H. R. 5260) granting an increase of pension to Thomas Corigan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and empowered to place on the invalid pension roll of the United States the name of Thomas Corigan, late a member of Company B of the Eighty-eighth Illinois Volunteer Infantry, at the rate of $72 per month, from and after the passage of this act.

The committee recommend the adoption of the following amendment:

Strike out in line 7 the word "seventy-two," and insert "fifty;" so that it will read "$50 per month."

Mr. STALLINGS. I ask for the reading of the report in that case, the majority and the minority.

The report (by Mr. LACEY) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 5260) to increase the pension of Thomas Corigan from $30 to $72 per month, and submit the following report:

Thomas Corigan was a corporal in Company B, Eighty-eighth Illinois Infantry, enlisted July 23, 1862, and was discharged on January 24, 1864.

At the battle of Chickamauga, September 20, 1863, he was severely wounded in the left hand and is now drawing a pension of $30 per month for that injury, the arm being rendered wholly useless by the wound. At the same time he was wounded by a buckshot in the neck, and the soldier claims that this wound has affected his spine and has produced epilepsy.

The medical evidence shows that the wound in the neck produces distinct crepitus on movement of the neck. The epileptic fits have gradually increased until the soldier is totally helpless and requires constant aid and attendance and has become almost imbecile mentally.

The Pension Bureau in 1892 holds that it can not accept the "fits" as a result of the wound in the back of the neck, but no other cause is evident and medical evidence has been furnished to show that the wound in the neck is the cause of his present condition.

The soldier's condition is helpless in the extreme, and if the wound in the neck is the cause of his injury he would be entitled to $72 per month under the general law. We are not disposed to criticise the action of the Pension Bureau in rejecting this portion of the soldier's claim, but we think that it might have very fairly decided the other way under the evidence and examination of the medical boards.

Your committee think that the soldier should be given the benefit of the doubt to the extent of being raised to the second grade or $50 a month. The committee is adverse to reporting bills changing the rate of pension as fixed by the Pension Bureau, but in a case of extreme helplessness like the present, where the wound has been followed by such helplessness, and there is much evidence to show that the soldier's condition is due to his wound, we are inclined to relax the rule.

Your committee recommend that the bill be amended by striking out "seventy-two," in line 7, and inserting "fifty."

If the case were before us as an original question we would probably have come to a different conclusion from that arrived at by the Pension Bureau, but in the doubt raised in the case we think that the second grade would re-

ieve the wants of the soldier and ought to be granted, especially as the claimant was an excellent soldier, highly commended by Gen. F. T. Sherman, and his severe wounds received in the battle of Chickamauga are clearly shown.

The letter of Col. Sherman is as follows:

"HEADQUARTERS FIRST BRIGADE,
"SECOND DIVISION, FOURTH ARMY CORPS,
"*Camp near Blains Cross Roads, East Tennessee, January 10, 1864.*

"To whom it may concern:

"This is to certify that Thomas Corigan, an enlisted man of the Eighty-eighth Regiment Infantry, Illinois Volunteers, and corporal of Company B, same regiment, is a soldier good and true; ever faithful in the discharge of duty, never absent without leave, brave as a lion in action, and always at his post. He won the confidence and esteem of his commanding officers by his uniform good conduct and soldierly bearing. I therefore take great pleasure and bear willing testimony to his merit, and request that his wishes may be consulted, inasmuch as he is disabled from active field service by reason of wounds received on the hard-fought and bloody field of Chickamauga on the 29th of September, 1863.

"F. T. SHERMAN,
"*Colonel Eighty-eighth Infantry, Illinois Volunteers.*"

Your committee recommend that the bill do pass after being amended by striking out the word "seventy-two," in line 7, and inserting in lieu thereof the word "fifty."

The views of the minority (by Mr. MCDANNOLD) were read, as follows:

The minority of the Committee on Invalid Pensions have considered the bill (H. R. 5260) to increase the pension of Thomas Corigan, and submit the following statement of their views:

The records of the War Department show that this soldier served from July 25, 1862, to January 29, 1864, in Company B, Eighty-eighth Illinois Infantry. He was discharged on account of disability from gunshot wound of hand received at Chickamauga. He has been pensioned for this wound ever since discharged, and now receives $30 per month since August 4, 1886. His application, filed February 12, 1864, alleged only this wound. A later application, filed September 11, 1886, states that he also "suffers pain in the neck from the effects of a wound there received." In 1887 he claimed that deafness had resulted from that wound, and states that the ball was removed in the field hospital; in April, 1888, he alleged resulting impairment of vision and of hearing; in September, 1888, he refers to "buckshot wound in back of neck;" in February, 1892, he alleged affection of sight and hearing and epilepsy as a result of said wound.

In September, 1892, the Pension Bureau accepted the fact that he had received this wound in the neck, but rejected the claim for additional pension on the ground that he had suffered no ratable disability from it at any time since the war, and none of the alleged results were accepted as sequences of such wound. This action was taken after a careful special examination of the claim, and was affirmed by Secretary Bussey on appeal January 3, 1893.

In his deposition before the special examiner in June, 1892, the pensioner stated that he received the wound of neck at Chickamauga; that the doctor who took the bullet out put a sticking plaster over the wound and it remained until it fell off.

"The first time I felt any serious disability from the wound of my neck was about fourteen years ago (1878). I was flagging at a railroad crossing * * * in Chicago. I felt a cloud come over me and I fell down right in the track. * * * It was a hot day just like this. * * * I have had convulsions for the past fourteen years but not so much until the last eight years. I saw the shot that was extracted from my neck. I had it a long time. I lost it. It was a buckshot, and went as far as the point of my ear. The doctor said to me when he extracted it, 'Pat, if the shot had gone a quarter of an inch farther you would never eat any more potatoes.' * * * I was not bothered with the wound of my neck in 1873, but I knew I had been shot in the neck. In 1875 I was not suffering with the wound in my neck much."

His wife, Rosetta Corigan, corroborates his statement as to the first convulsion or fit about fourteen years previously.

An examination by medical officers of the Pension Bureau September 6, 1873, reports: "Flesh wound of the neck, not rated;" September 7, 1875, "slight flesh wound on the back of neck, not rated;" September 4, 1877, "slight wound of neck, not rated;" June 22, 1892, "wound on posterior surface of neck, size of a nickel, white in color, nonadherent, nondragging, nondepressed, the vertebræ do not seem to have been injured, but there is thickening of soft tissues beneath the integument."

From the facts stated it seems reasonably clear that the pensioner's present condition as to epilepsy is not chargeable to the slight wound of the neck, but rather originated in 1878 in the manner described by himself and wife.

Moreover, he is in receipt of a pension of $1 a day and the question involved is purely one for the determination of the Pension Office, and the committee has repeatedly refused to interfere in the individual adjudications of the Pension Bureau in matters clearly within their jurisdiction and presenting no technical hardship. To pass this bill is squarely in violation of the principle enunciated in several adverse reports on bills of this character, and the minority do earnestly recommend that the bill do lie on the table.

JOHN J. MCDANNOLD.
M. R. BALDWIN.
C. J. ERDMAN.

Mr. HULL. Mr. Chairman, I desire to submit to the committee a word or two in regard to this case, because I am very well acquainted with the pensioner. This is an old Irishman, living in my town, and has been there, I think, for at least twelve years past. The minority of the committee might have inserted in their report the statement that in the examination of 1867 by the medical board, immediately after the war, they reported that the rotary motion of the claimant's head was destroyed, by reason of the wound in the neck, and that he is unable to raise his arm above his shoulder. That was the report of the examining board which made the first examination.

He was examined at various times at Des Moines by the boards there during the last five or six years—boards which have been composed of different parties—and in each report it will be found that the facts as set forth in the report of the committee are embodied, that the effect of the wound in the spine was the cause of the attacks of epilepsy with which he was suffering. Not only that, but he has been examined by almost every physician in Des Moines; and they, without exception, have found that the wound in the neck was the final cause of the disease from which he is suffering.

He is entirely helpless. He gets a pension now of $30 a month because of the entire destruction of one of his hands. He is unable to do any work or to perform any manual labor whatever and requires attendance most of the time. If he goes out on the street and falls down, as is frequently the case, he has got to be picked up by a passer-by before he can go ahead, being practically helpless. But, in my opinion, I confess I do not see how a member of the committee could have reported against the claim. I believe that the Pension Office and Gen. Bussey made a mistake in regard to this matter; for I think it will be admitted by all that the reputable physicians of Des Moines who examined him and the examining boards who have investigated this case are better qualified to judge of the condition of this pensioner than some men who are sitting in their offices here in Washington.

I hope the amendment submitted by the committee will be adopted for $50 a month, which will provide support for the old man and his family, and that the bill as amended will be laid aside with a favorable recommendation.

Mr. STALLINGS. Mr. Chairman, it is not my purpose to-night to raise any disturbance over any of these cases, and thereby prevent the passage of meritorious bills. I am very desirous, in other words, that we may get through with all cases that ought to be passed. But I do not feel that, in view of the record in this case and the report of the minority of the committee, signed as it is by two Federal soldiers of the late war, this case ought to be passed to-night.

The facts, as I understand them from a brief and hasty examination of the report, are that this man is now drawing a pension of $30 a month for disability on account of a wound in the hand. The bill, as originally presented, asked for an increase of this pension to $72 a month, which is the amount allowed for total disability. Now, at the time he made the first application, and when he was allowed $30 a month for the gunshot wound in the hand, it appears from the record that he did not say a word about having been wounded in the neck. There was no pretense whatever of it; and there is no evidence to show that he ever suffered from that wound at all, or in fact that he was wounded at Chickamauga in his neck. I repeat there is no evidence of it.

Mr. HULL. The gentleman is mistaken. There is absolute evidence as to the wound in the neck; but he did not claim anything in the application for pension on that account. The evidence, however, is conclusive.

Mr. STALLINGS. The minority report does not bear out the opinion expressed by the gentleman from Iowa as to the statement I have made. Now, this man is already getting $30 a month.

Mr. HULL. I know the gentleman does not want to misrepresent. The special examiner's report, if you will go through the papers, shows that there is no controversy as to the wound in the neck. Gen. Bussey, in his decision refusing to grant $72 a month, says there is no controversy as to the wound in the neck. It is only a question as to the result of that wound. Whether the report embodies it or not, that is the truth.

Mr. STALLINGS. In 1892 the Pension Bureau accepted the fact that he had received the wound in the neck. They accept that as a fact, not as having been proven by anybody; but they rejected the claim for additional pension on the ground that he had suffered no ratable disability from it at any time since the war, and none of the alleged results were accepted as sequences of such wound. Now, you see when they come to examine into this case in the Pension Office, they do not give him any rating at all on account of this wound in the neck, showing that the examiners did not believe that he had received the wound in the line of duty or was not disabled by the wound. Then they say:

In his deposition before the special examiner in June, 1892, the pensioner stated that he received the wound of neck at Chickamauga; that the doctor who took the bullet out put a sticking plaster over the wound and it remained until it fell off.

Now, he asks this House to-night, when he is already drawing the bounty of the Government to the amount of $30 a month—which is a good living—he asks this House for a wound that simply had a piece of sticking plaster put on it, to give him $20 more per month; in other words, to give him $50, taking both wounds into consideration. I do not believe that ought to be allowed.

It is exorbitant, and there is no reason for it, nor evidence to support the claim. We must bear in mind the fact that this money from which pensions are to be paid comes out of the tax-

payers of the country, and you will not find, in any one district in the United States, more than 2,000 people who draw pensions, and you will find in the same district 40,000 who pay taxes, who do not draw pensions at all, and we ought to be fair to the 40,000 at least as far as we are to the 2,000.

Mr. HULL. The 40,000 in my district are anxious for this to be granted.

Mr. STALLINGS. There are 440,000 in other districts in the country who are anxious that just such bills shall not be passed and they taxed to pay it, and I do not think it is right to pass this claim without evidence on a pure sentiment. I ask the chairman of the committee to withdraw this bill.

Mr. HULL. Oh, no; let us have a vote on it.

Mr. STALLINGS. I ask that it be laid aside under the rule.

Mr. HULL. I object to that. We may just as well vote on it now as at any time.

The CHAIRMAN. Unless the gentleman makes some motion, the question is on the amendment recommended by the committee.

Mr. BRETZ. What is the amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "seventy-two" and insert "fifty."

Mr. JONES. Mr. Chairman, I hope the committee will not pass this bill over, but that the bill will be unfavorably reported. It seems to me this is one of those bills which ought to be defeated. If any importance can be attached to the testimony in this case, it is as clear as noonday that the affliction from which this man is suffering was not and is not the result of the wound which he says he received in his neck. This is the language of the minority report upon this subject; and the evidence upon which that is founded is the man's own statement, corroborated by his wife's; and I think it is a perfectly fair deduction from that statement:

From the facts stated it seems reasonably clear that the pensioner's present condition as to epilepsy is not chargeable to the slight wound of the neck, but rather originated in 1878 in the manner described by himself and wife.

Now he says that in 1878 he was flagging at a railroad crossing in Chicago, and that he felt a cloud come over him, and he fell down on the track, and since that time he has been troubled with this epilepsy.

Mr. TAYLOR of Indiana. It may have been a case of sunstroke.

Mr. JONES. Something of that sort. He says the weather was extremely hot, like the day upon which he gave his testimony, and probably like this day. Now, from 1864 to 1878 was fourteen years. It was that length of time after he received this slight wound, so slight that he did not even mention it when he applied for his pension, before he was stricken with epilepsy.

Mr. CURTIS of Kansas. Will the gentleman allow me?

Mr. JONES. Yes.

Mr. CURTIS of Kansas. Does not the report say that he had a prior attack of the same kind?

Mr. JONES. He himself says that in 1873, which was nine years after the wound, he did not feel it at all, although he knew he had been wounded in the neck.

That is his own statement.

Mr. HULL. And the majority say in their report he had an attack on the year before.

Mr. JONES. I give you what the man himself says. I find it in the report of the minority and I accept it as absolutely true.

Mr. CURTIS of Kansas. You are reading from the minority report.

Mr. JONES. I am reading the minority report; and the minority report gives the statement on which the claimant's claim is based, and the report of the committee does not give it.

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

Mr. JONES. The minority report gives this man's own statement, which is corroborated by his wife, and it is the only testimony bearing on the point.

Mr. HULL. The examination before the board in 1867 stated that the rotary motion of the head was destroyed by the wound in the neck, and that he was then unable to raise his arm except to a certain height.

Mr. JONES. But did the examining board state that was the result of the wound? On the contrary, they found that the wound was not serious, and if epilepsy, in the opinion of the examining medical board, had resulted from that wound, a pension would have been granted long ago by the Pension Bureau.

Mr. HULL. No; because he did not set up any claim for pension on that account, and the Department never gives a pension on what is not set out by the claimant; but it shows that he suffered from the effects of this wound in 1867.

Mr. JONES. It appears from the statement made that Gen. Bussey sustained the views of this examining board.

Mr. HULL. That is true.

Mr. JONES. And that the medical examiners stated that there was no evidence to show that this disease resulted from this wound.

Mr. HULL. Gen. Bussey did sustain the rejection of the claim.

Mr. JONES. What claim?

Mr. HULL. This claim for $72 a month on account of disability from the wound in the neck. He did it on the decision of the medical board of the Pension Office. The medical referee states that there is no question as to the wound in the neck having been received in the battle, but the medical referee held that that was not of sufficient severity to cause epilepsy. That was the ground on which the claim was rejected.

Mr. JONES. Was not that a pretty good ground?

Mr. HULL. But the gentleman says that there is nothing in the papers to show what was the severity of the wound in the neck. I simply wanted to call his attention to this report of the board which examined him.

Mr. JONES. I have not seen the report of the board. I simply know that Gen. Bussey, to whom this case was appealed, refused to allow this claim because the evidence did not satisfy him, as it had not satisfied the medical examiners. They had all the evidence before them, and surely they were more competent to decide such a question than this House could possibly be.

Mr. HULL. Let me ask the gentleman one further question right there. All the boards of medical examiners at Des Moines for the past ten years have recommended the full amount on account of the wound in the neck, where they have examined the party himself—this old Irishman—and I can say, too, that I am not advocating this from political reasons, because his people as a rule are against me right along. Every physician in Des Moines who has examined him, and at least a dozen have testified here, have stated that in their opinion this wound in the neck caused epilepsy.

Mr. BRETZ. Then why can not he get a pension in the Department?

Mr. HULL. The medical board, through the lapse of time and the slightness of the wound on the surface, do not seem to think it of such a serious character as to have caused epilepsy.

Mr. JONES. I will ask the gentleman if the medical board here has not had all the evidence before it, that we are now told has been taken in the past ten years?

Mr. HULL. They have had the reports of the examining boards, and this man has been examined by all the examining boards, and there have been several examinations made of him by private physicians, but it would seem that if they have them they have not accepted their statements.

Mr. TAYLOR of Indiana. Have you made any effort with the Department as now constituted to have the case reconsidered.

Mr. HULL. No; I have not, because it would require a reversal of the decision by the Secretary.

Mr. TAYLOR of Indiana. I have been successful in similar cases, and that is why I asked you if you had made any effort before the Department as now constituted, because I imagine that the gentleman might secure a like decision to that which I have secured.

Mr. HULL. I talked to Commissioner Bell about it and he said he thought the case was a good one and suggested that I try to get Judge Reynolds to reverse Mr. Bussey's finding, but as the bill was here it seemed to me that if this man could get $50 a month it would be enough to tide him over. Now, when gentlemen talk about $30 being ample, I want to say that a large proportion of that pension is used up for attendance and medical treatment because of his great suffering, so that the amount which strikes gentlemen as so large is nothing in view of the expense this old man is put to and the suffering that he endures.

Mr. JONES. I will say a word presently as to the amount of the pension, but the point I am making is based upon this man's own statements, in the only evidence that I find bearing on this subject. Of course I do not question what the gentleman says about certain affidavits having been furnished to the Department, but I take this case upon the statements in the record, and those are the statements of the man himself, corroborated only by his wife. He says that he was not bothered by this wound in his neck in 1873, but he says:

I knew I had been shot in the neck. In 1875 I was not suffering with the wound in my neck.

So that he was not suffering from this wound, or from any disease which resulted from this wound, until after he had had a sunstroke in the street in Chicago, and I take it that the medical bureau here, charged with the examination of these

cases, is far better qualified to decide upon the question of this man's disability and the cause of it than this committee here to-night can possibly be. The case has been presented before that board and has been passed upon. An appeal has been taken, as I understand, to Gen. Bussey, and the finding of the board has been sustained.

I understand from the gentleman that since that time, during the past ten years, a number of affidavits have been sent here, a part of which only, the gentleman thinks, have gone before the Pension Bureau, but those affidavits have not had sufficient effect upon this medical board to change their minds, and it does seem to me that this committee, simply upon the meager statements contained in this report, ought not hastily to say that this man's epilepsy is the result of a wound which was so slight that he himself says he scarcely felt it, so slight that he did not mention it when he put in his application for a pension. It appears from his own statement that he did not feel the wound until nine years after the time he says he received it, although he knew he had been wounded; in fact he did not feel it at all until after the sunstroke. It seems to me from this report that the case is perfectly plain.

Other gentlemen may draw different inferences from the facts and circumstances set forth, but to my mind it is plain that the medical board acted wisely in deciding that there was no evidence before it to justify the belief that the epilepsy was the result of this slight wound, on account of which the man had not been pensioned at all.

Now, as to the statement that the $30 a month which he is receiving is not sufficient to support him. I know of my own knowledge that there are nice boarding houses and hotels within easy reach of this city where he could board for $20 a month, and I understand that all these pensioners are entitled to medical attendance at the hands of the Government entirely free of charge. Therefore, even if we admit that this disease is the result of the wound which this man says he received, still this is not a case which would justify this committee in giving him a pension of $50 a month; because it is apparent to me, perfectly so, that this man can live comfortably upon the $30 a month which he is now receiving.

The CHAIRMAN. The question is on the amendment.

Mr. LACEY. A word by way of explanation of the report. In this case there is a conflict of opinion between the doctors, and a larger number of medical men have sworn that this injury produced the epilepsy than have expressed the contrary opinion. But about certain things there is no dispute. There is no doubt that this old soldier's mind has been affected by epilepsy, and that he has made statements both ways—that the ball has been taken out and also that it is still in. However that may be, the evidence shows that when his neck is moved backwards and forwards a squeaking sound is heard, which is produced either by the bone where it has been injured by the ball or else by the ball itself being still there.

Mr. JONES. Does not the report show that the ball has been taken out?

Mr. LACEY. It shows both ways.

Mr. JONES. I call attention to the man's own statement on that point:

Not so much until the last eight years. I saw the shot that was extracted from my neck. I had it a long time. I lost it.

Mr. LACEY. If the gentleman had listened to the sound of my voice instead of his own he would have heard me say just now that the soldier had testified both ways about that, had stated that the ball had been taken out, and at another time had said that it had not been taken out. I stated that his mind had been affected by his disease and that he had testified both ways. The fact is, no one knows whether the ball has really been taken out or not.

We do know that his spine was affected in such a way as to produce epilepsy, and that he is perfectly helpless, requiring constant attendance of some person to take care of him. If it were absolutely clear that this disability was produced by the wound he would be entitled to a pension of $72 a month under the law; but there being some controversy on that point, the committee decided to report in favor of granting $50 a month.

Mr. STALLINGS. I understand the gentleman to say that when this man turns his neck there is heard a creaking or crackling sound like broken bones?

Mr. LACEY. Yes, there is a crepitus, resulting either from the fractured bone or from the presence of the ball.

Mr. STALLINGS. And that makes a crackling noise?

Mr. LACEY. Yes, sir. There is no controversy about that.

Mr. STALLINGS. And the man is still living. Now, I notice in the report the following:

An examination by medical officers of the Pension Bureau, September 6, 1873, reports: "Flesh wound of the neck, not rated;" September 7, 1875, "slight flesh wound on the back of neck, not rated;" September 4, 1877, "slight wound of neck, not rated;" June 22, 1892, "wound on posterior surface of neck, size of a nickel, white in color, etc."

Now, here are the reports of four or five different examinations by surgeons appointed by the Government and presumed to be experts; and on none of these examinations do these surgeons report this man as entitled to any rating at all on account of wound in neck. These examinations were held under various Administrations—Democratic and Republican—so that it can not be alleged that political bias had anything to do with these reports.

Mr. LACEY. What the gentleman states shows simply that this paralysis had not occurred up to this time; the cause was there, but it had not produced at that time the serious results which came later; and the soldier was honest enough not to make a claim until he actually became paralyzed.

The question being taken on the amendment reported by the committee, it was agreed to.

The CHAIRMAN. The question is now on laying aside the bill as amended, to be reported to the House with a favorable recommendation.

The question being taken, there were on a division—ayes 32, noes 14.

Mr. STALLINGS. No quorum.

The CHAIRMAN. The Chair will appoint tellers.

Mr. MARTIN of Indiana. I ask that the gentleman from Alabama [Mr. STALLINGS] withdraw that point and allow the bill to be passed over under the order.

The CHAIRMAN. Without objection the point of no quorum will be withdrawn——

Mr. STALLINGS. No, sir; the point is not withdrawn. I was willing earlier in the session that the bill be passed over.

Mr. WEADOCK. The reason this action could not be taken then was that by the terms of the order the power to make the request was limited to the chairman of the committee.

The CHAIRMAN. The order does not apply to a request made at this time. It was to the effect that the chairman should have the right to have a bill passed over before its consideration was entered upon. This bill can not now be passed over except by unanimous consent.

Mr. STALLINGS. I have no objection to the bill going over; but I will not withdraw the point of no quorum to allow it to be passed.

Mr. HULL. This same question will come up again next Friday night; and we might as well meet the question right here.

Mr. STALLINGS. All right.

The CHAIRMAN The Chair will appoint as tellers the gentleman from Alabama [Mr. STALLINGS] and the gentleman from Iowa [Mr. LACEY].

Mr. HULL. At the request of some of my colleagues, I will not object to the bill being passed over without prejudice, retaining its place on the Calendar.

The CHAIRMAN. Without objection, the point of no quorum will be withdrawn and the bill will be passed over without prejudice, retaining its place on the Calendar. The Chair hears no objection; and it is so ordered.

OLIVER O'BRIEN.

The next business on the Calendar was the bill (H. R. 650) to remove the charge of desertion standing against Oliver O'Brien.

Mr. BRETZ. For the purpose of reserving all points in this matter, I wish first to raise the question of consideration on this bill.

The CHAIRMAN. The bill has not yet been read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy of the United States be, and he is hereby, directed to so amend the record of Oliver O'Brien as to remove the charge of desertion.

Mr. BRETZ. I make the point further that the committee to-night, under the rule, has no right to consider this bill. It is reported by Mr. MCALEER, who is not a member of the Military Committee at all. The bill upon its face shows it was introduced and referred to the Committee on Military Affairs, but the report shows that it was made by Mr. MCALEER.

The CHAIRMAN. This bill is not in order under the special rule, and the Clerk will report the next bill on the Calendar.

MARLIN PARKS.

The next business on the Private Calendar was the bill (H. R. 562) for the relief of Marlin Parks.

Mr. BRETZ. I ask that that bill be passed over.

Mr. BOWERS of California. Why?

Mr. CAPEHART. That bill is in order.

Mr. BRETZ. I did not know that the gentleman from California who made the report was present, and I withdraw the request.

Mr. BOWERS of California. I would like to have the report read in that case, although I can explain it in two minutes. But the report shows all the facts.

The Clerk proceeded to read the report.

Mr. BOWERS of California. This bill is perhaps subject to the point of order, according to the Calendar.

Mr. TAYLOR of Indiana. Then I make the point of order upon it. Let us get to other business.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CAPEHART. This bill is undoubtedly in order, Mr. Chairman.

Mr. BOWERS of California. I do not want to take up the time of the committee. This is simply a bill for the relief of an officer who was summarily discharged under a mistake from the service.

Mr. CAPEHART. It is a bill to remove the charge of desertion.

Mr. BOWERS of California. Oh, no; it is simply to correct a record of dismissal. If it is in order under the rule I want it to go through, because it is right and proper and just that it should; but if it is not in order, I hope the Chair will determine the matter so that we can proceed with other business.

Mr. JONES. I submit that the gentleman who introduced the bill ought to know the nature of it.

Mr. BOWERS of California. It is to issue an honorable discharge to an officer who was dishonorably dismissed under a misapprehension of the facts.

The CHAIRMAN. It is not a bill to remove the charge of desertion?

Mr. CAPEHART. Oh, yes.

Mr. JONES. I ask unanimous consent that the gentleman from West Virginia be permitted to state the character of the bill.

Mr. TAYLOR of Indiana. Let us have the regular order.

The CHAIRMAN. The Chair thinks this bill can not be considered under the rule.

Mr. JONES. Let the gentleman from West Virginia state the facts. There seems to be some misapprehension about this case.

Mr. TAYLOR of Indiana. Very well. I withdraw the demand for the regular order.

Mr. CAPEHART. This man was dismissed on the charge of desertion. He was in the battle of Cedar Creek, having up to that time had a service of three years in the Army. In that battle his regiment was scattered in all directions, and he failed to report on the next day. He joined another army corps, and it was three days before he reached his regiment, when he found he was dismissed.

Mr. BOWERS of California. Oh, no; it was only twenty-four hours. It is a good bill. The facts are all here.

Mr. CAPEHART. The gentleman is mistaken, I think, in that. I confess I do not understand the point of order that is raised.

The CHAIRMAN. The Chair will state to the gentleman that under the special order bills removing charges of desertion from the Military Committee only are in order. Now, I understand it to be conceded by the members of the Military Committee present that this is not a bill for the removal of the charge of desertion.

Mr. BOWERS of California. Oh, no; there was no desertion.

Mr. CAPEHART. He is seeking an honorable discharge because of the fact that he was charged with desertion. I claim that it is in order.

Mr. BRETZ. Can we have the bill read, reserving the right of objection?

Mr. JONES. Mr. Chairman, unanimous consent was given to the gentleman from West Virginia to make a statement, but he has been interrupted. I insist that he shall have that right.

Mr. CAPEHART. The bill provides that the Secretary of War be, and he is hereby, authorized and directed to revoke the order of dismissal of Marlin Parks, late first lieutenant Company B, Eleventh West Virginia Volunteers, and issue to him an honorable discharge from the service of the United States.

Now, why does he want a discharge? Because he was charged with desertion and dismissed on that charge.

The CHAIRMAN. Where does that fact appear? The Chair has been looking over the report, hurriedly, it is true, but he has not been able to find it. The bill does not indicate a charge of desertion.

Mr. CAPEHART. "They were summarily dismissed without charge or trial," as the report shows, referring to several officers. Why? Because they were deserters. They were not dismissed for any other cause.

The CHAIRMAN. The Chair understands the gentleman from California to state that it was not a charge of desertion.

Mr. BOWERS of California. If the chairman and the committee will hear me for three minutes I will make it perfectly plain to the chairman, so that he can rule properly on the question.

Mr. CAPEHART. What report has the chairman got? Perhaps you have the wrong case.

Mr. BOWERS of California. Mr. Chairman, the case is simply this: At the fight at Cedar Creek, which, as everyone knows, was pretty hot for a while, many of the regiments were scattered. The report states that—

At the battle of Cedar Creek, Virginia, October 19, 1864, his regiment, the Eleventh West Virginia Volunteers, attached to Gen. Crook's command, received the first attack of the Confederate forces, was driven back and the whole command thrown into disorder and became broken and scattered, and the regiment did duty during the day with other commands, and the command with which Lieut. Marlin Parks was attached did not reorganize until the next day.

It appears that when driven back the lieutenant collected as many of the men as possible, and served during the day with the Sixth and Nineteenth Army Corps, and the following morning searched out his regiment and joined it with the men he had gathered.

So great had been the disorganization that a commission of officers were appointed to investigate the matter, and a number of officers were notified to appear, and all, except three—Capt. John W. Myers, Capt. R. King, and Lieut. Parks—appeared and were exonerated. Those who did not appear claim that they did not receive the notice until it was too late and the inquiry was finished. They were summarily dismissed without charge or trial.

The statements of the colonel of the regiment, and of the lieutenant-colonel, and of eight members of the regiment, all of whom except the colonel, were with Lieut. Parks during the day, prove conclusively that he was doing his full duty the entire day; that he was a brave soldier, always with his regiment in all the battles for three years.

And he reported to his regiment the next morning. Now, this is an application for an honorable discharge to be issued to him. He was dismissed because, when he was cited to appear and answer to the charge of being separated from his regiment that day, he did not appear. While all those who appeared there were exonorated, he, not getting his notification in time to appear before that committee, was dismissed. I wish to say in regard to the facts, they are testified to by all the officers of his regiment and by a good many of the men. The only point is whether this bill is in order. I think perhaps it might be, under the circumstances.

The CHAIRMAN. The Chair will state that from the brief examination he has been able to give to the report, although there does not seem to be any very direct statement, it seems that the charge appeared to involve the question of cowardice, not of desertion. There does not seem to be a direct statement, but that is the inference from one or two of the paragraphs.

Mr. CAPEHART. The plain inference is that he was dismissed on the charge of desertion.

Mr. BOWERS of California. He was dismissed because he did not appear when he was cited to appear.

Mr. STALLINGS. When a man deserts he leaves the service. In this case this man did not do it. This is not a case of desertion.

The CHAIRMAN. The Chair thinks this bill is not in order, under the special rule. The Clerk will report the next bill.

MARY B. HULINGS.

The next business on the Private Calendar was the bill (H. R. 3354) for the relief of Mrs. Mary B. Hulings.

The Clerk read the title of the bill.

Mr. MARTIN of Indiana. I ask that that bill be passed over.

The CHAIRMAN. It will be passed over, under the order adopted this evening.

HARRIET R. TATE.

The next business on the Private Calendar was the bill (H. R. 6213) to pension Harriet R. Tate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisoins of the act approved June 27, 1890, the name of Harriet R. Tate, widow of William S. Tate, late a private in Company L, Thirteenth Regiment Indiana Cavalry.

The amendments recommended by the Committee on Invalid Pensions, as contained in the report, were read.

Mr. JONES. Let the report be read.

The report (by Mr. MARTIN) was read, as follows:

The Committee on Invalid Pensions, having considered the bill (H. R. 6213) to pension Harriet R. Tate, report:

On an examination of the evidence on file in the Pension Bureau and other evidence on file with this committee, we find that said Harriet R. was married to one William S. Tate on the 21st of June, 1855, in Perry County, Ind.; that said William S. enlisted in Company L, Thirteenth Indiana Cavalry, and served therein from December 14, 1863, until July 30, 1865, when he was killed while he was still a member of said military organization, under the following circumstances, to wit: Edward Boultinghouse, of Perry County, Ind., as he testifies, says:

"The above-named William S. Tate came to his death as follows, to wit: I was a sergeant in the soldier's company. On or about the 30th day of July, 1865, we were in camp at Houston, Miss.; the captain of the company,

then commanding at Houston, Miss., told the affiant that there were some bales of cotton secreted in a camp near Siloam, Miss., and that if he, the sergeant, would go and get them he would give him half. Said captain told affiant that he should detail as many men as he thought necessary to go with him after the cotton, and affiant took said William S. Tate with him.

"Affiant further says that they had orders to take any property belonging to the United States that they could find, such as Government saddles or arms. When they got to Siloam, Miss., they found a citizen with a Government saddle. Affiant and said William S. Tate making inquiries as to whether said citizen had a permit or protection to possess or use said saddle, said citizen pulled a revolver, remarking that this was his protection, and commenced firing, two shots taking effect and striking said William S. Tate near the small of the back, from which said Tate died. Affiant further says that said William S. Tate was a good soldier and always ready for duty."

Said soldier, when he parted from his wife to enter the service, left with her 4 minor children, the fruit of said marriage, and at his death such widow and children survived him, but he left them no means of support. She, nevertheless, as certified by a petition signed by about 50 of her neighbors, raised said children to manhood and womanhood by means of doing washing, sewing, and such other work as she could find. She has no other means of support than manual labor, has no home, is feeble in health, and is quite old.

The affidavit of Andrew J. Earle, of Perry County, Ind., is also on file dated March 21, 1894, and states that he was well acquainted with said William S. Tate, and that they both were members of said military organization; that said deceased—

"was at all times ready for military duty and never failed to obey the command of his officers. Affiant further says that it was a general order, and so understood by all soldiers at Houston, Miss., that if soldiers found any property belonging to the United States, or branded, 'U. S.,' for the soldier to take the same and bring it to where they were camped. And affiant says that he is also acquainted with said Harriet R. Tate, and that she has not remarried since the death of said William S. Tate, and that she has no property of any kind from which she can make a living."

An affidavit by the adjutant of the soldier's command testifies pointedly that at and prior to July 30, 1865, a general order had been issued to said command to seize all property bearing the brand of the United States.

This case was examined by a special examiner, who examined many witnesses, including the applicant, the captain, and some comrades of the deceased, and he recommended that her claim for pension be allowed, under the general law on the ground that the soldier, when killed, was obeying orders of his officers and therefore in line of duty, but this view was overruled by both the Pension Office and by the Assistant Secretary of the Interior, Cyrus S. Bussey, on appeal. Another special examination resulted in a similar recommendation by another special examiner.

These examinations were made under an application made by the widow in 1865 in the Pension Office, under the general law, for a pension, but was rejected April 7, 1888, on the ground that the Bureau did not feel justified in holding that the soldier had been killed in line of duty.

She then filed a claim under the act of June 27, 1890, for pension, but as that act requires that to entitle the widow to relief the husband must not only have served for ninety days or more, but must have had an honorable discharge from the military service of the United States, the Pension Bureau was powerless to aid her, and necessarily rejected her claim.

Your committee feel that this bill should be favorably reported, for the soldier when killed had honorably served nineteen months and sixteen days, dying from pistol shots inflicted upon him in a hostile country by a presumably hostile citizen thereof. Many widows have been pensioned under the act of June 27, 1890, whose husbands had rendered military service for a much shorter period than this soldier had served. Had this soldier been discharged honorably and then been killed, no matter under what circumstances, she would be entitled thereunder.

Your committee likewise feel that the ruling of the Pension Bureau, that the soldier was not killed in line of duty, though perhaps technically correct, works a hardship upon the widow that Congress can properly relieve her from.

On all the facts, we therefore report the bill favorably and recommend that it do pass, amended, however, by striking out of lines 5 and 6 the words "Act approved June 27, 1890," and insert in lieu thereof the words "general pension laws at the rate of $12 per month."

The CHAIRMAN. If there be no objection, the amendments recommended by the committee will be agreed to, and the bill as amended will be laid aside, to be reported to the House with a favorable recommendation.

Mr. JONES. I should like to hear some one who is familiar with the circumstances of this case make a statement about it. As I understand this matter, this soldier went out to steal cotton and came across a saddle which somebody had, and undertook to take it, and he was shot. It also appears that the evidence bearing upon the question as to whether or not he was killed in the line of duty was all submitted to the Pension Department, and Gen. Bussey decided that he was not in the line of duty on the evidence submitted. I think this a bill that needs to be explained.

Mr. MARTIN of Indiana. Mr. Chairman, a few words will, I think, probably be sufficient. The bill as drawn, introduced by my colleague [Mr. TAYLOR of Indiana], proposed to put this widow on the pension roll under the act of June 27, 1890. The woman was married to the soldier in 1855. He enlisted in 1863. He was killed in June, 1865, and simply because he never had an honorable discharge her claim under the pension law of June 27, 1890, was rejected. If he had received an honorable discharge and come home, and had been killed under almost any circumstances that you can conceive of, she would long since have been on the pension roll.

Now, Mr. Chairman, under all the precedents adopted by this House, and without objection as I remember, there is no question but what this bill would pass easily, putting her on the pension roll at the rate of $8 a month, because the soldier served more than nineteen months instead of ninety days, and was killed in the service.

Mr. JONES. Well, my question is this: Suppose this soldier had been killed in battle, in line of duty, he would not of course have had any discharge but that furnished by the bullet that killed him. Would not his widow then have been entitled to a pension under the general law?

Mr. MARTIN of Indiana. She would not have been entitled to a pension under the act of June 27, 1890, but she would under the general law. She is not entitled under the general law now.

Mr. CAPEHART. Why not?

Mr. MARTIN of Indiana. I will explain that to you. A widow whose husband was killed in the service—in line of duty, for instance—in battle, or who dies of a disease years afterwards, or of wounds received in the service, is entitled under the general law to $12 a month; but under the law of June 27, 1890, it makes no difference if he was killed, or what the circumstances were, she can not be pensioned, because her husband had not received an honorable discharge. The Pension Bureau has refused to hold that the fact that a soldier was killed during the time he was in the service is equivalent to a discharge.

Now, Mr. Chairman, in examining this case I found that this widow, who was married in 1855, was left with four small children; that this man was a private soldier, and that he was killed while obeying orders. As testified to by the adjutant of the regiment, there was a general order issued for the retaking of all property branded "U. S." The captain of this company, as is shown clearly, ordered the sergeant, and the sergeant testifies in this case, a few years afterwards, that the captain ordered him to detail men and take them out for the purpose of finding some cotton that was alleged to have been secreted. Now, the soldier obeyed the orders. He obeyed the orders of the orderly sergeant, and the orderly sergeant was obeying the orders of the captain. The soldier in every particular was obeying orders.

Mr. JONES. May I interrupt the gentleman?

Mr. MARTIN of Indiana. Just wait a moment. They proceeded under the order of the captain in search of that cotton; but before the cotton was ever reached—I do not know whether there was any cotton there at all or not—they came across property of the Government which it was the duty of these soldiers to take. They came across a man with a horse, and upon the saddle was branded "U. S.' The sergeant and this soldier went to the man and asked him for his protection in having this saddle, which plainly seemed to be the property of the Government. The man, in place of giving an answer at all indicating the character of his possession of the property, said, "This is my protection." He drew his revolver, and although not assaulted by this soldier, he shot him and he died there in his tracks.

Now, Mr. Chairman and gentlemen, under the act of June 27, 1890, there is no question but that this widow should have this $8; but I felt that it was my duty to bring it, as a member of that committee, before Congress and ask whether it is not true, as it seemed to me, because this soldier had not broken any law, but was obeying orders and without the slightest fault upon his part lost his life, that his widow, married to him years before the war, with four small small children left upon her hands, should now, having lived all these years without any pension and without a particle of help from the Government, be allowed $12 a month in place of $8?

Mr. JONES. The gentleman does not mean to say that she has four small children dependent upon her now?

Mr. TAYLOR of Indiana. She had when he died. She has raised them all, and raised them creditably.

Mr. CABANISS. What was the date he was killed?

Mr. MARTIN of Indiana. June, 1865.

Mr. CABANISS. Was not the war over at that time?

Mr. MARTIN of Indiana. Well, practically; but the soldier, you know, would have been a deserter had he left the service.

Mr. CABANISS. Were not men entitled to saddles at that time without having them taken away from them violently?

Mr. MARTIN of Indiana. The gentleman will recollect this fact—that a private soldier must obey the order of his superior officer.

Mr. CABANISS. I understood from the reading of the report that the order given to that detachment was to seize some cotton.

Mr. MARTIN of Indiana. There were two orders. The order that he was proceeding under at that particular time was to go with this sergeant in search of cotton; but before that there was a general order issued to the whole regiment that wherever they found property that seemed from the brand upon it to be the property of the United States they should take it and bring it to camp.

Mr. STALLINGS. You have stated that this man was obeying orders.

Mr. MARTIN of Indiana. He was.

Mr. STALLINGS. Then he must have been in the line of duty?

Mr. MARTIN of Indiana. Yes, sir.

Mr. STALLINGS. The report says:

The captain of the company, then commanding at Houston, Miss., told affiant that there were some bales of cotton secreted in a camp near Saloam, Miss., and that the sergeant told him that if he would go and get them he would give him half.

Now, does not the gentleman know that that was a regular stealing expedition? Does he not know that the Government did not have any cotton in Mississippi at that time—in June at that? But if it was the Government's cotton, why was this officer going to give this other man half of it? If it was the Government's property, he had no right to do that.

Mr. MARTIN of Indiana. That very question was discussed in the committee, as to whether it was necessary to state that fact in the report, and it was determined, on my own insistence that the Committee of the Whole House and the House of Representatives ought to have knowledge of all the facts. Therefore that was stated in the report because it seemed to be a fact.

Mr. STALLINGS. It is a fact.

Mr. MARTIN of Indiana. But I call the gentleman's attention to this point, that this bargain, if there was a bargain, to give half the cotton was not a transaction in which the soldier had any participation. It was a bargain, wrong as it may be held to be, between the officer commanding the company and the orderly sergeant, and the soldier had nothing to do with it at all.

Mr. TALBERT of South Carolina. Of course it is possible that the officer transcended his rights, but certainly the soldier ought not to be held accountable for the conduct of his officer.

Mr. MARTIN of Indiana. That is the point exactly.

Mr. JONES. I want to ask the gentleman from Indiana a question, in line with what he has just stated. I do not ask him to divulge any committee secrets, but I understood him to say a moment ago that the question came up in his committee as to whether or not the fact that the officer had directed this dead soldier to take possession of the cotton mentioned in the report, and that he should receive one half of it as his share, should be set forth in the report, and that the gentleman himself insisted that that was one of the facts that ought to go into the report. Now, that was a damaging fact.

Mr. MARTIN of Indiana. No, sir.

Mr. PICKLER. It is an entirely immaterial fact.

Mr. JONES. The question was discussed in the committee, as I understand, whether that fact should be stated in the report, because it was a damaging fact. Now, the gentleman from Indiana does not, I hope, mean to state that there was any objection on the part of any member of the committee to that fact going into the report. Because, if I am to understand it that way, I, for one, will certainly look into these reports a little more closely than I have done heretofore. I understood the gentleman from Indiana to say that he had to insist that that fact should be put in the report.

Mr. MARTIN of Indiana. I do not want to be understood as intimating that any member of the Committee on Invalid Pensions desires to suppress any fact in any case. But the question here is this: Where a private soldier was obeying the order of his superior officer, was the fact upon which the gentleman comments a material fact, so far as the death of the soldier or his obedience is concerned.

Mr. PICKLER. It is an entirely immaterial fact.

Mr. MARTIN of Indiana. That is the point, and the only question that arose on it in the committee was whether this fact was material or not; but I preferred, under all the circumstances, to have the whole case, material and immaterial, come before this committee and the House, in order that members might use their own judgment upon it. Of course, a private soldier is bound, under pain of punishment, to obey the orders of his superior officer; and I believe that the question of the alleged bargain between this soldier's superior officers is one that does not affect the soldier at all.

Mr. TALBERT of South Carolina. One other suggestion. The bargain or arrangement as to the division of the spoils applied only to the cotton. There was nothing of that kind in connection with the saddle; so that that case was an entirely different one.

Mr. WILLIAMS of Mississippi. Mr. Chairman, it seems to me that this is a very material point in this case, instead of being immaterial as some gentlemen contend. The question as to whether this soldier was in the line of duty at that time depends upon whether his superior officer was in the line of duty at that time.

Mr. PICKLER. Not at all.

Mr. WILLIAMS of Mississippi. The only excuse for the soldier is that he was obeying orders; that he was about business of the United States under the order of his superior officer. Clearly it was not the United States business for these men to run about searching for cotton to be divided between the sergeant and the captain.

Mr. PICKLER. Suppose the soldier had not obeyed orders, would he not have been subject to court-martial?

Mr. WILLIAMS of Mississippi. I do not know whether he would or not. I venture to say, however, that those particular officers would not have undertaken to courtmartial him on that occasion, because there would have been danger of the facts coming out, and they would have been liable to be courtmartialed themselves. I do not think there is anything in the point made that the war was not over, because I know that the war against cotton was not over until about a year after the surrender. But I do not think this man can be said to have been in the line of duty at the time he was killed.

Mr. STALLINGS. Mr. Chairman, I differ with some gentlemen here in regard to the legal proposition involved in this case. No officer, civil or military, has such control over any citizen or soldier of this country as to have a right to make him commit a crime. Go over to Fort Myer where there are soldiers. If one of those soldiers should kill a man here in Washington he could not justify the homicide on the ground that he had been authorized, directed, or commanded by his superior officer to do the killing.

Of course not. Here is a man who was ordered to go and steal cotton. Now, gentlemen say, "We will justify the act of this man in going after that cotton because he was ordered to do so by his superior officer." No such justification as that can ever be pleaded in law. Take the facts as we have them here.

Mr. TAYLOR of Indiana. Let me correct the gentleman.

Mr. STALLINGS. One moment. I want to read from this report—

On or about the 30th day of July we were in camp at Houston, Miss.

This is the sergeant giving his testimony:

The captain of the company, then commanding at Houston, Miss., told the affiant that there were some bales of cotton secreted in a camp near Siloam, Miss., and that if he, the sergeant, would go and get them he would give him half.

Now, sir, what did this sergeant do on that kind of a statement or order, if you choose to call it such, from the officer?

Said captain told affiant that he should detail as many men as he thought necessary to go with him after the cotton, and affiant took said William S. Tate with him.

Now, here are men who start out to take property that does not belong to the Government. The Government had no claim to this property whatever; it was the property of private citizens; and if it were taken in that way then or to-day, you would have a claim brought here for the value of the property, and the Government would have to pay it. Those men go out and take that property in this way with this pretended authority. Gentlemen contend that this officer had the right to tell these men to commit a crime—the crime of theft. He had no right to make any such order. They were only justified in obeying legal orders, not illegal orders directing them to commit a crime.

Mr. PICKLER. Nobody contends that; but we do contend that no private soldier could set himself up to disobey the orders of his officer without subjecting himself to court-martial.

Mr. STALLINGS. Now, these men had orders—illegal orders—to go and get this cotton that they thought was secreted, and should not have obeyed such order, and could not have been punished for a refusal.

Mr. PICKLER. That was legitimate.

Mr. STALLINGS. That is stated to have been the purpose of their going; but they do not stop at that; they do not obey the illegal instructions of the officer who sent them or agreed to divide the stolen property. It was stealing on shares. What do they do? They meet a private citizen with a saddle. This was in June, 1865, when the war was over. Lee had surrendered in April, and Johnston a little later. There was no war going on in this country at that time; the war had closed two or three months before. This soldier goes up and attempts to take the property of that private citizen, who in defending his property, takes the life of the soldier.

Now, here is a man going out on a stealing expedition. Let us call things by their right names. He meets a man on the road having a saddle, his private property. The soldier attempts to take it, and gets killed. Now, how can the Government of the United States be asked to pay to that soldier's widow a pension? There is not a man in this Hall to-night who does not know that no just claim to a pension can arise in such a case? Let me tell gentlemen here is the trouble to-day with these pension claims. You report claims of this kind from your committees; and you abuse some of us because we will not let them pass, when you know the claims are fraudulent and ought not to be brought here. You put us in the position of being compelled to object to such claims, while men representing Eastern and Western districts have not the moral courage to stand here and do it. That is the truth; and gentlemen know it.

In this case you ask me to vote to tax the citizens of my dis-

trict to pay a pension to the widow of a man who was killed while out on a stealing expedition, endeavoring to take the property of a private citizen after the war was over. I will never vote for any such claim. There is not a man here who does not know that such a claim is absolutely unfounded and unjust, and can not give rise to any fair charge or claim against this Government. This widow to-day has no claim upon the bounty of the United States, because her husband was killed while engaged in such an illegal and criminal expedition.

Mr. BAKER of New Hampshire. Is not the gentleman aware that there is nothing in this case to show that the cotton was the property of any private individual? Does not the gentleman know as a matter of fact that the cotton which was sought for by the Army after the close of the war was only cotton which belonged to the Confederate Government, and which was a just spoil of the war? This being so, it seems to me the ground of the gentleman's argument is destroyed.

Mr. STALLINGS. I will answer the gentleman. Who is making the application is this case? Is the Congress of the United States asking the citizen to give the Government something? No, sir; it is this widow asking a pension from the Government; and the burden of proof is on her to show that this cotton belonged to the Confederate government and not to private citizens. I am asked here to-night to vote for this pension, and I say the burden rests on this applicant to show that she is entitled to it; she must make that proof before I can ever consent to the passage of this bill.

Mr. CURTIS of Kansas. Does not the gentleman admit that if this soldier had served, as he did, over three months his widow would be entitled to a pension under the new law if he had a discharge?

Mr. STALLINGS. If he had a discharge; but that is a thing he did not have. He could not get a discharge, because the Pension Bureau, when it came to pass on the question, held that he was not entitled to a discharge because——

Mr. BAKER of New Hampshire. Because he was discharged by death.

Mr. STALLINGS. How could it be otherwise if he attempted, by force, to take the property of a private citizen and the citizen took his life in defending his property, as he had a right to do?

Mr. MARTIN of Indiana. What right has the gentleman to say that he tried to take the property of a private citizen?

Mr. STALLINGS. Because the report says so.

Mr. MARTIN of Indiana. No, sir; the gentleman is mistaken.

Mr. STALLINGS. I so understand it.

Mr. MARTIN of Indiana. Now, Mr. Chairman, the gentleman from Alabama has chosen to say that he does not believe there is a member of this House who believes that bill to be just.

Mr. STALLINGS. I do not know that I made that remark in just those words.

Mr. MARTIN of Indiana. I so understood you.

Mr. STALLINGS. Not in the words the gentleman has used.

Mr. BAKER of New Hampshire. The gentleman said that members from the North and East did not dare to vote their views upon these questions. Now, let us take a vote and see whether we do or not.

Mr. STALLINGS. All right; but I want it to be understood that I am not willing to vote for the passage of any such bill as this.

Mr. CABANISS. Mr. Chairman, this matter strikes me, from the reading of the evidence before the House, as I understood it, that this soldier did not receive his death wound in the discharge of duty, obeying the order of his sergeant.

Admit for the sake of argument that the captain had a right to order the sergeant to detail a number of men to go with him on this expedition, and take possession of cotton which he said belonged to the United States.

The detail was made; but while going to take the cotton the evidence discloses the fact that this man, whose widow this bill seeks to pension, met a citizen with a saddle, with the mark of "U. S." on it, during the month of June, some months after the war ended, and tried to take possession of it. That, I believe, is the proof set forth in the report. Now, does not the gentleman know that there were scarcely any other saddles at that time in the Southern States, except the saddles that were carried home after the war by the returning soldiers by permission of Gen. Grant after the surrender at Appomattox and of General Sherman in North Carolina?

Mr. BAKER of New Hampshire. But the saddles to which the gentleman refers were not branded "U. S."

Mr. CABANISS. They were permitted, as a matter of fact, to take the saddles home after the surrender at Appomattox, because I know that Gen. Grant in his magnanimous consideration for the Confederate army, allowed the officers and soldiers to carry with them their personal property, side arms, private property of all kinds to their homes after the surrender, and a number of the men had McClellan saddles which were captured by them during the war.

Mr. WILLIAMS of Mississippi. You had one yourself, I suppose?

Mr. CABANISS. I had, and a soldier tried to take it away from a servant of mine, and I rescued it and not a word was said as to my right of possession.

Now, this soldier was ordered out on this detail with a part of the force, and the fact was that he saw this saddle and tried to take it away from the citizen, and the result was that he lost his life.

Mr. CURTIS of Kansas. I think the gentleman is mistaken. That part of his statement is not borne out by the report.

Mr. CABANISS. What are the facts? This man saw the saddle, and endeavored to take it from the citizen. Does anyone suppose that this citizen, unless he knew he had a perfect right to the property, would have fired the shot in the defense of his property that unfortunately killed this soldier, when he knew that this man was surrounded by other soldiers, and that his own life would not have been worth a cent if he had not been acting, as they must have recognized, with a perfect right to protect his property?

Mr. CURTIS of Kansas. Does not the report show simply that this soldier asked the question "where the man got the saddle," or what right he had to it, and he immediately began firing?

Mr. CABANISS. I do not remember the exact text of the report in that regard.

Mr. BRETZ. That is what the report sets out.

Mr. CABANISS. He must have been a violent man if he acted in that way unless he was defending his property, which, of course, he had a perfect right to do. The war was over. He had a right to the saddle. It was his property by purchase or gift.

Mr. STALLINGS. With the consent of the gentleman, I will read the report on that point; or will hand to the gentleman, Mr. CURTIS of Kansas. I understand the evidence will show just what I have stated.

Mr. CABANISS. I will read from the report:

When they got to Siloam, Miss., they found a citizen with a Government saddle. Affiant and said William S. Tate making inquiries as to whether said citizen had a permit or protection to possess or use said saddle, said citizen pulled a revolver, remarking that this was his protection, and commenced firing; two shots taking effect, and striking said William S. Tate near the small of the back, from which said Tate died.

I believe the gentleman is correct according to the report of the committee.

Mr. NEILL. Mr. Chairman, I do not want to take up the time of the committee but for a few moments. It does seem to me, however, according to the facts stated in this report, if they are true, that this is a meritorious case. I am constrained to differ with some of my brother members about the logic of the situation under which this man was placed at that time.

I know, as a matter of fact, as the history of the times will show, that orders were issued by the Federal commanders to seize the property in the possession of citizens which belongs to the United States at any time or place.

In my own State and county the commander of a force of regulars, immediately after the close of the war up to August or perhaps September, went over the county and took possession of everything he saw, horses and other property, wherever he found it in the possession of private citizens, on the claim that it was property of the United States.

Now, the fact that these men were sent out on perhaps a marauding expedition cuts no figure with me in regard to the disposition of this case, as I view it.

The captain of that company may have intended to steal some cotton. I do not know whether he did or not. I do not make any charge. It may have been that the cotton was supposed to be Government cotton, that is, cotton supposed to have belonged to the Confederacy. That may have been the fact, but whether that be so or not, I agree with gentlemen here who say that as a matter of military law it was the duty of the soldier to obey orders. I believe my distinguished friend here will say that is the case, that a soldier must obey orders.

Mr. WHEELER of Alabama. Any legal order.

Mr. NEILL. Well, a private soldier did not have much time to inquire into the legality of an order. Of course he had no right to go out and murder anybody; but if he was sent out on a detail to seize cotton he could not be expected to make any inquiry whether it was my cotton, or yours, or whose it was. He would be expected to obey orders.

Mr. STALLINGS. But he certainly knew when he was sent to take the cotton, under this proposition to divide it, that that was not legal.

Mr. NEILL. There is no evidence that he knew anything

about that. The understanding was that the sergeant should have half of it, as I understand it.

Mr. MARTIN of Indiana. That is the fact.

Mr. NEILL. This soldier probably was not told anything about that.

Mr. BRETZ. There was no collusion on the part of the soldier.

Mr. NEILL. If there was any stealing the officers were going to get it, and they were not going to divide with the privates. There is only one thing that puzzles me in this matter. You have made out a good *prima facie* case to my mind, and one that I shall vote for, but I have misgivings about it, on this ground: Why is it that this woman did not get a pension years ago?

Mr. MARTIN of Indiana. I will tell the gentleman the reason. She applied in 1866, within a year after her husband's death, and has been prosecuting the claim until within a year or two, when it has been finally decided against her, although two special examiners who went out and examined the witnesses face to face, came back and recommended that it be allowed, on the ground that the soldier's death was in the line of duty; but the Bureau here took a different view, and held that his death was not in the line of duty. Now, under the act of June 27, 1890, the only reason why she can not get a pension of $8 a month is because the soldier received no discharge.

Mr. NEILL. I understand that. Now, under the liberal construction given by the Pension Bureau years ago, it is a little curious to me that she did not get the pension.

A MEMBER. The construction was not liberal years ago.

Mr. NEILL. But on the evidence that the committee brings here, I believe this bill ought to pass. I believe this is a thoroughly conscientious committee.

Now, about the saddle. I disagree with my brethren here about that. I know in my country those men had orders to take everything of that kind unless we could show title to it. And if this citizen had a McClellan saddle there, I doubt not that this soldier had orders to take such property wherever found. Those were the orders in my country, and we had to live under them, and there was nobody killed there on that account. This man may have been a very desperate man. There were some desperate fellows in Mississippi and there were some in Arkansas.

Mr. WILLIAMS of Mississippi. More in Arkansas than in Mississippi. [Laughter.]

Mr. NEILL. I do not know about that. I think this is a meritorious bill.

Mr. CAPEHART. The only thing that prevents this lady from getting a pension is that her husband had no discharge. That was all that was the matter with my man, in the case that was just ruled out on a point of order. He had no discharge, and that is what he was trying to get, and what I was trying to get for him.

Mr. MARTIN of Indiana. But that man is living yet.

The CHAIRMAN. The question is on the amendment reported by the committee.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. STALLINGS. Division, Mr. Chairman.

The committee divided; and there were—ayes 42, noes 5.

Mr. CAPEHART. No quorum.

The CHAIRMAN. Without objection, in order to allow the other bills that have been considered to be reported to the House, this bill might be laid aside informally, retaining its place on the Calendar. Is there objection to that?

Mr. CAPEHART. I object.

The CHAIRMAN. The hour of 10:30 having arrived, the Speaker will resume the chair.

The committee accordingly rose; and Mr. BAILEY having resumed the chair, Mr. DOCKERY, Chairman of the Committee of the Whole on the Private Calendar, reported that the committee had had under consideration various bills, and the hour of 10:30 o'clock p. m. having arrived, the committee rose.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. DOCKERY], Chairman of the Committee of the Whole, reports that that committee have had under consideration sundry bills, and the hour of 10:30 having arrived, the committee rose. The hour for the adjournment of the House having arrived, the Chair, in pursuance of the rule, now declares the House adjourned until to-morrow at 12 o'clock.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LACEY, from the Committee on Invalid Pensions: A bill (H. R. 6531) to pension Nancy Gabrilla Anderson. (Report No. 1134.)

By Mr. McDANNOLD, from the same committee: A bill (H. R. 3356) for the relief of Herbert Catton. (Report No. 1135.)

By Mr. MARTIN of Indiana, from the same committee: A bill (H. R. 2942) granting a pension to Mrs. Margaret Weathers. (Report No. 1136.)

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 868) for the relief of Charles B. Stivers. (Report No. 1137.)

By Mr. LACEY, from the Committee on Invalid Pensions: A bill (H. R. 6646) for the relief of Albert Munson. (Report No. 1146).

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5154) to pension John Morris, and the same was referred to the Committee on Pensions.

PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. GROW: A bill (H. R. 7530) to provide a uniform national currency, and to provide for the circulation and redemption thereof—to the Committee on Banking and Currency.

By Mr. LAYTON: A bill (H. R. 7531) for the erection of a monument at Greenville, Ohio, to commemorate the treaty of peace made on the 3d day of August, A. D. 1795, at Fort Greenville (built on the site of said Greenville, Ohio), by Gen. Anthony Wayne, on behalf of the United States and various Indian tribes occupying the territory northwest of the Ohio River, and to perpetuate the memory of Gen. Wayne and his gallant army—to the Committee on the Library.

By Mr. RICHARDSON of Tennessee: A joint resolution (H. Res. 195) to print Agricultural Report for 1894—to the Committee on Printing.

By Mr. SPRINGER: A resolution to allow the Committee on Banking and Currency a clerk at $2,000 per annum—to the Committee on Accounts.

PRIVATE BILLS, ETC.

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

By Mr. CATCHINGS: A bill (H. R. 7532) for the relief of the estate of W. S. Hyland, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7533) for the relief of the estate of Charles Denia, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7534) for the relief of the estate of Mary Oliver, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7535) for the relief of the estate of William Redden, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7536) for the relief of the estate of John Crawford, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7537) for the relief of the estate of Alex. Russell, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7538) for the relief of the estate of Augustus Strong, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7539) for the relief of Ann E. Saddler, Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7540) for the relief of the estate of Mary M. Steed, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7541) for the relief of the estate of J. J. Whittington, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. CRAWFORD: A bill (H. R. 7542) for the relief of the widow and heirs of Nimrod J. Smith, ex-chief of the Eastern Cherokee band of Cherokee Indians—to the Committee on Indian Affairs.

By Mr. HAYES: A bill (H. R. 7543) granting a pension to Elizabeth Beesley—to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 7544) for the relief of William H. H. McArthur, Arkansas City, Kans., late of Company K, Thirty-first Regiment Ohio Infantry—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 7545) for the

relief of W. N. Stokes, administrator of Jefferson M. Potts, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7546) granting a pension to Joshua S. Dye, of Lincoln County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7547) for the benefit of Joshua S. Dye, of Lincoln County, Ky.—to the Committee on Claims.

Also, a bill (H. R. 7548) for the relief of Simeon Hobbs—to the Committee on Military Affairs.

By Mr. McDANNOLD: A bill (H. R. 7549) for the relief of Derias Bond—to the Committee on Invalid Pensions.

By Mr. PAGE: A bill (H. R. 7550) for the relief of Patrick J. Malony, of Newport, R. I.—to the Committee on Claims.

By Mr. PICKLER: A bill (H. R. 7551) granting a pension to Harry L. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7552) granting a pension to Caleb May—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Michigan: A bill (H. R. 7553) to award a medal of honor to John S. Carpenter—to the Committee on Naval Affairs.

By Mr. REYBURN: A bill (H. R. 7554) to pension Hannah M. L. Walker, of the city of Philadelphia, Pa.—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 7555) to remove the charge of desertion from the record of Edward Tatro—to the Committee on Military Affairs.

By Mr. TYLER: A bill (H. R. 7556) for the relief of Pleasant Bailey—to the Committee on War Claims.

By Mr. COOMBS: A bill (H. R. 7557) to remove the charge of desertion against James Fay—to the Committee on Naval 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. COCKRELL: Petition of citizens of Greer County, asking for the opening of the Fort Sill country—to the Committee on Indian Affairs.

By Mr. DALZELL: Two petitions of sundry citizens of Pittsburg, Pa., against an income tax as affecting beneficiary societies—to the Committee on Ways and Means.

By Mr. DURBOROW: Petition of citizens of Chicago, in favor of exempting beneficiary societies from the operations of the income tax—to the Committee on Ways and Means.

By Mr. EVERETT: Petition of Joseph T. Stewart and others, of Malden, Mass., in favor of exempting all fraternal benevolent associations from a tax on incomes—to the Committee on Ways and Means.

By Mr. GORMAN: Petition and papers to accompany House bill 6759—to the Committee on Pensions.

By Mr. GRAHAM: Petition of various fraternal orders, against the income tax—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of the Coopers' Machine Workers' Union of the American Federation of Labor, of Superior, Wis., in favor of the passage of the bill in regard to convict-made goods—to the Committee on Labor.

By Mr. KRIBBS: Petition of citizens of Phillipsburg, Pa., in favor of exempting beneficiary societies from provisions of the income tax—to the Committee on Ways and Means.

By Mr. LUCAS: Papers to accompany House bill 7521—to the Committee on Military Affairs.

By Mr. McCLEARY of Minnesota: Protest of St. John's Lutheran Evangelical Church, signed by Rev. E. Stroelin, pastor; W. Vacks, H. Tolzmann, and Robert Degner, trustees, of Danville, Minn., against any change in the preamble to the Constitution—to the Committee on the Judiciary.

By Mr. MORSE: Petition of Nathan Robbins and 37 other citizens of Brocton, and of A. A. Gilmore and 4 other citizens of North Easton, Mass., praying that fraternal beneficiary societies be exempt from the provisions of the proposed income tax—to the Committee on Ways and Means.

By Mr. RUSSELL of Connecticut: Protest of Willimantic, Conn., against the income-tax provision of the Wilson tariff bill as applied to fraternal beneficiary orders—to the Committee on Ways and Means.

By Mr. TRACEY: Petition of F. O'Boyd & Co., of New York, against increase of tax on whisky or extension of bonded period—to the Committee on Ways and Means.

Also, petition of the William Clark Company, the E. Jenches Manufacturing Company, and 12 other companies, urging that alizarin dyes and coal-tar dyes be put on an equal footing—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: Petition of Robert D. Nelson, agent, Hillsboro, Laurence County, Ala., praying for reference of his claim to the Court of Claims—to the Committee on War Claims.

SENATE.

SATURDAY, *June 23, 1894.*

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

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

HOUSE BILLS REFERRED.

The bill (H. R. 6558) to amend section numbered 2324 of the Revised Statutes of the United States relating to mining claims was read twice by its title, and referred to the Committee on Mines and Mining.

The joint resolution (H. Res. 193) to appoint three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Military Affairs.

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

A bill (H. R. 7334) to sell certain lands in Montgomery County, Ark., to the Methodist Episcopal Church, South; and

A bill (H. R. 7489) to amend section 3 of an act to withdraw certain public lands from private entry, and for other purposes, approved March 2, 1889.

HAWAIIAN AFFAIRS.

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

To the Congress:

I herewith transmit a communication covering dispatches from the United States minister at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, June 23, 1894.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of E. O. Haven Council, No. 626, Royal Arcanum, of Bloomington; of sundry citizens of Chicago, and of sundry citizens of Cook and Jo Daviess Counties, all in the State of Illinois, praying that fraternal beneficiary societies, orders, or associations, be exempted from the proposed income-tax provision of the pending tariff bill; which were ordered to lie on the table.

Mr. WALSH presented a petition of representative business men from the Southern States and sundry citizens of New York, praying that an appropriation be made for a national exhibit at the Cotton States and International Exposition, to be held at Atlanta, Ga., in the fall of 1895; which was referred to the Committee on Appropriations.

Mr. VOORHEES presented a memorial of the Ministerial Association of Marion, Ind., remonstrating against the appropriation of Government funds to be used for sectarian purposes in the matter of education; which was referred to the Committee on Education and Labor.

He also presented a petition of the Ministers' Association of Marion, Ind., praying for the ratification of the proposed Chinese treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of Goodwill Commandery, No. 21, United Order of the Golden Cross, of Washington, D. C., praying that fraternal beneficiary societies, orders, or associations be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

Mr. BLANCHARD presented sundry memorials of wholesale and retail liquor dealers of New Orleans, Baton Rouge, Monroe, and Opelousas, all in the State of Louisiana, remonstrating against an increase of the internal-revenue tax on whisky, and also against an extension of the present bonded period; which were ordered to lie on the table.

Mr. LODGE presented petitions of 38 citizens of Brockton; of 14 citizens of Boston; of 5 citizens of North Easton; of 10 citizens of Holyoke; of 13 members of Roslindale Council, Royal Arcanum, of Roslindale, and of Council No. 835, Royal Arcanum, of Jamaica Plain, all in the State of Massachusetts, remonstrating against the passage of the proposed income-tax provision of the pending tariff bill; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of 21 citizens of Painesville, Ohio, and a petition of 34 citizens of New Philadelphia, Ohio, praying that fraternal beneficiary societies, orders, or associations be exempted from the proposed income-tax provision of the pending tariff bill; which were ordered to lie on the table.

Mr. PLATT presented a petition of sundry citizens of Boston, Mass., praying for the abrogation of the Russian extradi-