with a considerable degree of intelligence and knowledge of the thing to make an intelligent bid even then after he has the facts before him, and sometimes bids are thrown out for informality even then. To attempt to supply them by telegraph would be wholly impossible. Many persons live beyond the reach of the telegraph, and the very moment it is known that these advertisements are out people send to the Department for the specifications and blanks in order that they may bid.

The argument is, of course, that there is not time enough; but this goes now to the question as to whether there shall be actual competition by persons who have these articles to furnish, or whether they shall be bid off at auction, so to speak, in New York City, without an opportunity for the people who are to furnish the supplies practically to bid for them.

Mr. ALLISON. While much of what the Senator from Kansas says is true, it is also true that the supplies which are to be delivered to all the agencies in the northwestern portion of our country must reach the Missouri River as early as the 1st of August, or else they must be subjected to heavy cost of transportation in other directions, because it will not be convenient for boats to carry the supplies up the Missouri River much after the 1st of August. It is for that reason that uniformly in the Army bill we have provided that that portion of the appropriation required to furnish supplies for the Army in that line shall be available immediately.

Mr. EDMUNDS. Is that provision made as to this bill?

Mr. PLUMB. That provision is made as to this, I think.

Mr. ALLISON. Undoubtedly; but if the advertisement is required to be six weeks or four weeks it may reach beyond the time when these supplies can be sent up there. Of course I shall be glad and the committee would be glad, as I have no doubt the Secretary would be, to allow four weeks, if that can be safely done, considering the advanced time of the season.

Mr. BECK. I believe I had better read this letter. I can read it in three minutes. It tells all about the case.

DEPARTMENT OF THE INTERIOR,
Washington, April 26, 1880.

SIR: In compliance with your request for information in regard to the system of this Department in the matter of the annual purchase of supplies, goods, &c., for the use of the Indian service, I have the honor to state that, under the provisions of section 3709 of the Revised Statutes, it has been customary to publish advertisements, inviting proposals to furnish the various articles required, for a period of about four weeks, in some instances for a longer time, and in a few cases for a shorter period; in the latter, however, only when Congress has not taken early action upon the Indian appropriation bill, and, consequently, when the lateness of the season demanded early and prompt shipment of goods in order that the same might arrive at their destination before supplies then on hand had become exhausted, or navigation and wagon transportation to remote and mountainous regions impracticable.

These advertisements are published in the most prominent daily and weekly journals of the country, covering Arizona, New Mexico, Texas, Colorado, Montana, Utah, Wyoming, Kansas, Missouri, Indian Territory, Dakota, Iowa, and Minnesota, and the principal cities east of the great rivers. The advertisements for publication in journals at remote points, as Arizona, Montana, Texas, and New Mexico, have been telegraphed, so that in effect those journals disseminated the news at as early a date as those in Saint Louis, Kansas City, Chicago, Sioux City, and Saint Paul. Besides, blanks for use of bidders have been simultaneously mailed to the publishers of such journals for distribution, to which fact attention is always directed in the advertisement.

At the last annual letting of contracts all of the bidders for flour, twenty-two in number, were western men; of those for beef, thirty-three, only one was an eastern man; for corn, barley, and beans, twenty-four bidders, only one of whom was an eastern dealer; for bacon, twelve bidders, all western. These bidders represent all sections of the West, thus showing that the system of advertising adopted by the Department reaches the most remote points in ample time to enable persons to prepare their proposals.

In regard to the limitation proposed by House bill No. 4212, requiring the Department to advertise for proposal for furnishing Indian supplies for a period of not less than six weeks, I most respectfully, but urgently, represent that in my opinion such a restriction would, in many instances, work serious injury to the service. Under the most favorable circumstances contracts for supplies for the next fiscal year cannot be let before the middle of June, and possibly not before the 1st of July. The final preparation of the lists of articles to be purchased, showing kinds, quantities, &c., cannot be accomplished until the Indian appropriation bill shall have become a law. The printing of said lists requires from one week to ten days' time, and advertisements cannot be published until these lists and other necessary blanks are ready for distribution. Therefore, under the provisions of the bill above referred to, the time for letting the contracts for the ensuing fiscal year would be still further delayed beyond the time herein stated, and the shipment of goods purchased under these contracts could not be commenced for from thirty to forty days later, many of them having to be manufactured to order, thus, beyond a doubt, seriously delaying the arrival of the same at remote points. I would therefore recommend that the legislation proposed by the said House bill be so modified as to require not more than three weeks' advertising for proposals for the annual supplies, and that for special purchases, which are frequently necessary to meet exigencies of the service, the restriction be wholly removed.

Very respectfully,

C. SCHURZ, *Secretary.*

Hon. JAMES B. BECK,
United States Senate.

That is the whole case.

The PRESIDING OFFICER. In the opinion of the Chair this amendment is not in order. The Senator from Kansas can accomplish his object by moving to amend the amendment of the committee when the bill shall have been reported to the Senate. He can then move to strike out "three" and insert "four."

Mr. PLUMB. The understanding was that when the committee's amendments were through there was to be a chance to go back and offer amendments.

Mr. BECK. I said that should be done; I do not know in what form, but I agreed to that.

Mr. EDMUNDS. It can be done in the Senate.

The PRESIDING OFFICER. It is not in order now.

Mr. EDMUNDS. When the bill is reported to the Senate it will be in order.

The PRESIDING OFFICER. It can be reached by a motion to reconsider now or by moving to amend the amendment in the Senate.

Mr. VOORHEES. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 28, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MRS. MARY ALLISON.

Mr. TAYLOR. I ask unanimous consent to take from the Speaker's table Senate bill No. 1143, granting a pension to Mrs. Mary Allison, the widow of a soldier of the war of 1812, and ask for its present consideration.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objection to its present consideration.

The bill was read, as follows:

Be it enacted, &c., 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 Mrs. Mary Allison, widow of Robert Allison, a soldier of the war of 1812.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, and, being read a third time, was passed.

Mr. TAYLOR 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.

ORDER OF BUSINESS.

Mr. RICHMOND. I demand the regular order.

Mr. SAPP. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 1064) to grant to the corporate authorities of Council Bluffs, Iowa, for public uses a certain lake or bayou situated near said city, and that in accordance with the recommendation of the Committee on the Public Lands the same be taken up for present consideration.

The SPEAKER *pro tempore*. The regular order being demanded, the Chair has no option but to recognize that demand. The regular order is the morning hour.

Mr. CARLISLE. I move to dispense with the morning hour to-day, and will state that my purpose is to move, if that motion is agreed to, that the House resolve itself into the Committee of the Whole on the state of the Union to consider the bill (H. R. No. 4812) to amend the internal-revenue laws.

The House divided; and there were—ayes 72, noes 43.

So (two-thirds not voting in favor thereof) the motion to dispense with the morning hour was not agreed to.

CALL OF COMMITTEES FOR REPORTS.

The SPEAKER *pro tempore*. The morning hour begins at twenty minutes past twelve o'clock, the business of the morning hour being the call of committees for reports. The call rests with the Committee on the Judiciary.

SECTION 915 REVISED STATUTES.

Mr. CULBERSON, from the Committee on the Judiciary, reported, as a substitute for House bill No. 5022, a bill (H. R. No. 5997) to amend section 915 of the Revised Statutes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE ON BORDEN FLATS.

Mr. RUSSELL, of Massachusetts, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 5134) for the erection of a light-house on Borden Flats, Mount Hope Bay, Massachusetts; and the same was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. RUSSELL, of Massachusetts, from the same committee, reported back, with adverse recommendations, the following bills; and the same were laid upon the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 1386) to provide for the construction of a light-house on Widow's Island, at the eastern entrance of Fox Island Thoroughfare, on the coast of Maine; and

The bill (H. R. No. 1385) to provide for the construction of a light-house on Two-Bush Island, near Muscle Ridge Plantation, on the coast of Maine.

JURISDICTION OF LIGHT-HOUSE BOARD.

Mr. BEALE, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4714) amending an act approved June 23, 1874, extending the jurisdiction of the Light-House Board; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS PAMUNKEY AND MATTAPONI RIVERS.

Mr. BEALE also, from the same committee, reported, as a substitute for the bill H. R. No. 5251, a bill (H. R. No. 5998) to authorize the Richmond and Southwestern Railway Company to build bridges across the Pamunkey and Mattaponi Rivers; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

IRONDUQUOIT BAY.

Mr. TOWNSEND, of Ohio, from the same committee, reported back, with amendments, the bill (H. R. No. 4262) to remove the obstructions from the channel leading from Lake Ontario into Ironduquoit Bay; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

CHARENTON CANAL, LOUISIANA.

Mr. ACKLEN, from the same committee, reported back the bill (H. R. No. 1920) making an appropriation for the completion of the Charenton Canal, in the parish of Saint Mary, State of Louisiana, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Railways and Canals.

The motion was agreed to.

RECIPROCITY WITH BRITISH PROVINCES.

Mr. COX. I am instructed by the Committee on Foreign Affairs to report back, with amendments, the joint resolution (H R. No. 149) for the appointment of commissioners to ascertain and report a basis for a reciprocity treaty between the United States and the British provinces. This is the joint resolution originally introduced by the gentleman from Massachusetts, [Mr. MORSE.] I move that the joint resolution and amendments, with the accompanying report, be printed and referred to the House Calendar.

The motion was agreed to.

Mr. COX. I also ask that the minority be permitted to present their views, and that the same be printed along with the majority report.

There was no objection.

THE FISHERIES.

Mr. RICE. I am instructed by the Committee on Foreign Affairs to present a report in writing on the resolutions of the Legislatures of Maine and Massachusetts relating to the fisheries, accompanied by a resolution, the adoption of which is recommended by the committee.

The resolution in relation to the fisheries, with the accompanying report, were referred to the Committee on Foreign Affairs, and the report ordered to be printed.

HERMANN BIGGS.

Mr. BRAGG, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 5453) for the relief of Hermann Biggs; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. ATWELL.

Mr. BRAGG also, from the same committee, reported a bill (H. R. No. 5999) authorizing the muster of William P. Atwell as captain of volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS FOR HORSES AND EQUIPMENTS.

Mr. DIBRELL, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1213) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BATTLE OF KING'S MOUNTAIN.

Mr. DIBRELL also, from the same committee, reported a joint resolution (H. R. No. 294) appropriating $5,000 in aid of the centennial celebration of the battle of King's Mountain; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

SOMERVILLE NICHOLSON.

Mr. DAVIDSON, from the Committee on Naval Affairs, reported back, with amendments, the bill (H. R. No. 3962) for the relief of Somerville Nicholson; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. V. DOVILLIERS.

Mr. DAVIDSON also, from the same committee, reported back, with an adverse recommendation, the petition of L. V. Dovilliers; and the same was laid on the table, and the accompanying report ordered to be printed.

MARINE HOSPITAL AT NEW ORLEANS.

Mr. WHITTHORNE, from the same committee, reported back the bill (H. R. No. 5280) to establish a marine hospital at or near New Orleans, and for other purposes, and moved that the committee be discharged from the further consideration of the same, and that the bill be referred to the Committee on Commerce.

The motion was agreed to.

ADVERSE REPORTS.

Mr. WHITTHORNE also, from the same committee, reported back, with adverse recommendations, the following bill and petition; and the same were laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 3818) providing a monthly allowance to the disabled and decrepit seamen and marines in the United States naval asylums; and

The petition of John A. Barclay and others.

COMMODORE DONALD M'NEILL FAIRFAX.

Mr. WHITTHORNE also, from the Committee on Naval Affairs reported back, with a favorable recommendation, the bill (H. R. No 5336) for the relief of Commodore Donald McNeill Fairfax, United States Navy; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID S. BOOTH.

Mr. BREWER, from the same committee, reported, as a substitute for House bill No. 3995, a bill (H. R. No. 6000) for the relief of David S. Booth, M. D., of Sparta, Randolph County, Illinois; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

COTTON CORDAGE FOR THE NAVY.

Mr. ELAM, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 1281) authorizing the Secretary of the Navy to introduce cotton cordage into the naval service of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

RAILWAY MAIL SERVICE.

Mr. SINGLETON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported back, with a favorable recommendation, the bill (H. R. No. 4048) to designate, classify, and fix the salaries of persons in the railway mail service; which was referred to the House Calendar, and the accompanying report ordered to be printed.

JURORS AND WITNESSES IN TERRITORIES.

Mr. HUMPHREY. I am directed by the Committee on Territories to report, with amendments, the bill (H. R. No. 5031) to amend the law relative to jurors and witnesses in Territories. I ask consent that the bill may be considered at this time.

Mr. MILLS. I object.

Mr. HUMPHREY. I wish to state the reason for it. It is simply this——

The SPEAKER *pro tempore*. Objection is made to the consideration of the bill at this time.

Mr. HUMPHREY. It is a very important measure.

The SPEAKER *pro tempore*. Debate is not in order.

The bill was referred to the House Calendar, and the accompanying report ordered to be printed.

CHARLESTON NECK SHIP-CANAL.

Mr. CABELL, from the Committee on Railways and Canals, reported, as a substitute for House bill No. 4483, a bill (H. R. No. 6001) to authorize the Secretary of War to cause a survey to be made of a ship-canal across Charleston Neck, connecting the waters of Ashley and Cooper Rivers, which empty into Charleston Harbor; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

STATUARY UPON SUB-TREASURY BUILDING, NEW YORK.

Mr. COOK, from the Committee on Public Buildings and Grounds, reported back, with a favorable recommendation, the bill (H. R. No. 4989) granting permission for the erection of certain statuary upon the buttresses in front of the sub-treasury building in the city of New York; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

STATUES ON PUBLIC GROUNDS IN WASHINGTON.

Mr. COOK, from the same committee, reported back the bill (H. R. No. 5886) to erect statues of the great statesmen of the United States on the public squares and grounds in the city of Washington and making appropriations therefor, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the Library.

The motion was agreed to.

MONUMENT TO COMMEMORATE THE BIRTHPLACE OF WASHINGTON.

Mr. COOK, from the same committee, reported back a petition relating to a monument to commemorate the birthplace of Washington, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the Library.

The motion was agreed to.

MONUMENT TO REAR-ADMIRAL DU PONT.

Mr. McKENZIE. I am directed by the Committee on Public Buildings and Grounds to report favorably the bill (S. No. 841) making an appropriation for the base and pedestal of the monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy, and to ask consent for its present consideration.

Mr. CONGER. I object.

The bill was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDINGS.

Mr. JORGENSEN, from the Committee on Public Buildings and Grounds, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6002) as a substitute for House bill No. 4366, providing for the erection of a building at Jefferson City, Missouri, for the use and accommodation of United States courts and Government offices; and

A bill (H. R. No. 6003) as a substitute for House bill No. 2987, appropriating money for the purchase of a site and erection of a building for the post-office and other Government offices in the city of Sacramento, State of California.

Mr. MURCH, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6004) as a substitute for House bill No. 451, to provide for the erection of a public building at Oxford, Mississippi, for use as a post-office, United States court, and for United States internal-revenue officials and for other Government purposes;

A bill (H. R. No. 6005) as a substitute for House bill No. 1041, to provide for the purchase or construction of a suitable building for a court-house and post-office at Jefferson, Texas; and

A bill (H. R. No. 6006) for a public building at Dallas, Texas, as a substitute for House bill No. 1046, to provide for the construction of suitable buildings for court-houses and post-offices in Dallas and Graham, Texas.

Mr. McKENZIE, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6007) as a substitute for House bill No. 413, to provide for the erection of a public building in the city of Augusta, Georgia, for United States court-house and post-office and internal-revenue service;

A bill (H. R. No. 6008) as a substitute for House bill No. 3741, making appropriations for the erection of a building to be used as a post-office and United States court-room at Greenville, South Carolina; and

A bill (H. R. No. 6009) as a substitute for House bill No. 2691, to provide for a building for the use of the Federal courts, post-office, customs, internal-revenue, land, and other civil offices in the city of Marquette, Michigan.

Mr. JORGENSEN, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6010) as a substitute for House bill No. 1017, to provide for the construction of a public building in the city of Key West, in the State of Florida;

A bill (H. R. No. 6011) as a substitute for House bill No. 4218, providing for the purchase of a site and erecting thereon a post-office and revenue office in the city of Lancaster, Pennsylvania; and

A bill (H. R. No. 6012) as a substitute for House bill No. 3492, to provide for the erection of a public building at Syracuse, New York, for the use of United States courts and accommodation of internal-revenue officials, and for other Government purposes.

Mr. MURCH, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6013) as a substitute for House bill No. 1183, to provide for the purchase of a site and for the erection of a public building for the use of the United States district and circuit courts, post-office, and other Government offices at Leavenworth, Kansas;

A bill (H. R. No. 6014) as a substitute for House bill No. 1719, to provide for a suitable building for the United States courts, post-office, and internal-revenue officers in the city of Tyler, State of Texas;

A bill (H. R. No. 6015) as a substitute for House bill No. 2966, to provide for a building for United States custom-house and internal-revenue officers at Galveston, Texas;

A bill (H. R. No. 6016) as a substitute for House bill No. 3459, to erect a post-office building at San Francisco, California; and

A bill (H. R. No. 6017) as a substitute for House bill No. 4338, to provide for the erection of a public building in the city of Frankfort, in the State of Kentucky.

EXPENSES OF COMMITTEE ON MISSISSIPPI LEVEES.

Mr. DUNN. I ask unanimous consent to report from the Committee on Levees and Improvements of the Mississippi River a resolution for adoption now. The resolution is merely formal in its character; and the objection made yesterday to its adoption has been withdrawn.

The Clerk read as follows:

Resolved, That, in order to defray the expenses of the sub-committee of the Committee on Levees and Improvements of the Mississippi River in the investigation ordered by resolution of the House on December 18, 1879, the Clerk of the House be, and he is hereby, directed to pay to the Sergeant-at-Arms of the House, out of the contingent fund of the House, the sum of $3,000, whose receipt shall be a good and sufficient voucher to the Clerk in the settlements of his accounts. The aforesaid sum of money, or so much thereof as may be necessary, shall be disbursed on vouchers approved by the chairman of said sub-committee; and the Sergeant-at-Arms shall make report to this House, in detail, of the manner in which said sum has been expended, accompanied by vouchers, which report, when examined and approved by the Committee on Accounts, shall be deemed a sufficient settlement of his accountability therefor; and any unexpended balance in his hands shall be paid by him into the Treasury, to the credit of the fund from which it is paid.

There being no objection, the resolution was considered and adopted.

Mr. DUNN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HERMAN J. SCHULTIES.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. No. 2722) granting a pension to Herman J. Schulties; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN P. DERRICK.

Mr. COVERT (for Mr. SAMFORD) reported back favorably from the Committee on Claims the bill (H. R. No. 5508) for the relief of Mrs. Ann P. Derrick; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY O'CONNOR.

Mr. DICKEY, from the same committee, reported back favorably the bill (H. R. No. 4669) for the relief of Mary O'Connor; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN BABB AND OTHERS.

Mr. DAVIDSON, from the same committee, to which was referred the petition of Benjamin Babb and others, reported a bill (H. R. No. 6018) for the relief of Benjamin Babb and others; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN B. HUBBARD AND JOSEPH BROWN.

Mr. LINDSEY, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6019) for the relief of Ann B. Hubbard, administratrix; and

A bill (H. R. No. 6020) for the relief of Joseph Brown, postmaster of New Castle, Maine.

THOMAS M'BRIDE.

Mr. MULDROW, from the Committee on Private Land Claims, reported a bill (H. R. No. 6021) to perpetuate until a hearing is had the suit of Thomas McBride in the Supreme Court; which was read a first and second time.

Mr. MULDROW. I ask unanimous consent that this bill be now considered.

Mr. DUNNELL. I object.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES DEMARS.

Mr. SMITH, of Pennsylvania, from the Committee on Accounts, reported a joint resolution (H. R. No. 295) granting one month's extra pay to Charles Demars, a disabled soldier; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. THOMAS, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported back, with amendments, the bill (H. R. No. 5599) to equalize bounties of soldiers of the war of the rebellion; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DIBRELL. I reserve all points of order on this bill.

The SPEAKER *pro tempore*. The gentleman has that right.

Mr. McMILLIN. As a member of the committee reporting this bill, I ask leave to submit hereafter a minority report. As a reason for asking this indulgence, I will state that although I made application some days ago for some statistical information necessary to a comprehensive view of this question, I have been unable to get it until this morning.

The SPEAKER *pro tempore*. It will be understood that the right to file a minority report hereafter is reserved.

R. R. ROBINSON.

Mr. MILLS, from the Committee on Ways and Means, reported back favorably the bill (H. R. No. 4830) for the relief of R. R. Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER *pro tempore*. Several gentlemen who were not in when their committees were called will now be heard, if there be no objection.

There was no objection, and it was ordered accordingly.

ASSISTANT ATTORNEY-GENERAL POST-OFFICE DEPARTMENT.

Mr. HOUSE, from the Committee on the Judiciary, reported back the bill (H. R. No. 2425) to further regulate and define the duties and compensation of the Assistant Attorney-General for the Post-Office Department, and for other purposes, with an amendment; which were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF NAME OF SCHOONER REBECCA D.

Mr. McLANE. I am directed by the Committee on Commerce to report back a bill (H. R. No. 5150) authorizing the changing the name of the schooner Rebecca D, and ask for its present consideration.

Objection was made.

Mr. CONGER. Let it go to the Committee of the Whole.

The SPEAKER *pro tempore*. Objection being made, the bill and report will be referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

Mr. McLANE. I withdraw the report.

ENTOMOLOGICAL COMMISSION.

Mr. PERSONS, from the Committee on Agriculture, submitted a report accompanied by a resolution recommending the continuance of the United States entomological commission, and moved it be printed and referred to the Committee on Appropriations.

Mr. AIKEN, from the same committee, submitted the views of the minority on the same subject, and moved that the majority and minority reports be printed and referred to the Committee of the Whole House on the state of the Union.

The House divided; and there were—ayes 44, noes 19.

So (no further count being demanded) Mr. AIKEN'S motion was agreed to; and the two reports were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

UNITED PEORIAS AND MIAMIES.

Mr. HASKELL, from the Committee on Indian Affairs, reported, as a substitute for House bill No. 5418, a bill (H. R. No. 6022) to provide for the allotment of lands in severalty to the United Peorias and Miamies of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CAPTAIN JOHN H. DONOVAN.

Mr. MAGINNIS, from the Committee on Military Affairs, reported back favorably the bill (H. R. No. 3619) for the relief of Captain John H. Donovan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOLDIERS' REUNION COMMITTEE OF THE NORTHWEST.

Mr. MARSH, from the same committee, reported back joint resolution (H. R. No. 280) authorizing and empowering the Secretary of War to deliver arms, ammunition, and tents to the soldiers' reunion committee of the Northwest, with an amendment, on which he asked present consideration.

There was no objection, and the joint resolution was read, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and empowered to deliver, from the most convenient arsenal of the Government, to the soldiers' reunion committee of the Northwest, three thousand stand of arms, twelve pieces of field artillery, and six tents, if not incompatible with the public interests, to be used at a reunion of the soldiers of the Northwest, to be held in the State of Illinois in the summer of 1880, the said Secretary of War first taking a suitable bond for the return of said arms and tents free of cost to the Government, and in as good condition as when delivered; and that the Secretary of War is further empowered and authorized to deliver to said committee such quantities of blank cartridges for use in said guns during said reunion as said committee may require and pay for; the amount to be charged for said blank cartridges to be the actual cost of the same.

The SPEAKER *pro tempore*. The amendment of the committee is, to insert after the word "arms," in line 6, the words "and accouterments;" so it will read: "three thousand stand of arms and accouterments."

The amendment was agreed to; and the joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARSH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MARSH moved to amend the title by inserting the word "accouterments" after the word "arms."

The amendment to the title was agreed to.

HENRY MARCOTTE.

Mr. SMITH, of Georgia, from the Committee on Military Affairs, reported back adversely the petition of Henry Marcotte for relief; which was laid on the table, and the accompanying report ordered to be printed.

COMPLETION OF TERRITORIAL CAPITOL, NEW MEXICO.

On motion of Mr. ALDRICH, of Illinois, from the Committee on the Territories, that committee was discharged from the further consideration of a bill (H. R. No. 4178) making appropriation for the completion of the territorial capitol and jail at Santa Fé, New Mexico; and the same was referred to the Committee on Appropriations.

JUDICIAL DISTRICTS, LOUISIANA.

Mr. ROBINSON, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 4050) to divide the State of Louisiana into two judicial districts; 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.

TRADE-MARKS.

Mr. CARLISLE. Before moving the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of taking up and considering the internal-revenue bill, I will yield to the gentleman from Georgia. Yesterday afternoon, it appears, there was some misunderstanding in regard to the report from the Committee on the Judiciary in reference to trade-marks. The gentleman from Georgia desires to make a request to withdraw a part of that report for reference to the Committee on the Judiciary. I will yield for that purpose, providing there is no discussion on it.

Mr. HAMMOND, of Georgia. The gentleman from Iowa, [Mr. McCOID,] who introduced the amendment to the Constitution in reference to trade-marks, desired a vote on his proposition, and I said to him that such a vote would come in regular order and I was willing to have it. It appears under the rules of the House it cannot be had under present circumstances. In order to correct that mistake as between himself and me, I hope the House will consent that so much of the report as relates to the amendment to the Constitution may be considered to be withdrawn, and that subject recommitted to the Committee on the Judiciary.

There was no objection, and it was ordered accordingly.

INTERNAL REVENUE.

Mr. CARLISLE moved the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. THOMPSON, of Kentucky, in the chair.

The CHAIRMAN. The pending question is the bill (H. R. No. 4812) to amend the laws in relation to the internal revenue.

Mr. FERNANDO WOOD. Mr. Chairman, before entering upon the consideration of the bill now presented to the Committee of the Whole I desire to say that there is an unfinished revenue bill that would stand in a higher order before the committee than this with reference to consideration; but as I have no desire to antagonize the gentleman from Kentucky who introduces this bill, I simply give notice that after the disposition of the same I shall call up for further consideration in Committee of the Whole the unfinished business, which is the bill known as the refunding bill.

Mr. TOWNSHEND, of Illinois. And I desire to give notice that when the gentleman from New York shall call up the refunding bill I shall raise the question of consideration in Committee of the Whole as between that bill and the bill for the removal of causes from the State courts.

The CHAIRMAN. The Clerk will read the title of the bill now under consideration.

The Clerk read as follows:

A bill (H. R. No. 4812) to amend the laws in relation to internal revenue.

Mr. CARLISLE. Unless some gentleman desires to have the bill read at length, I shall move to dispense with the formal reading and allow the general debate upon its provisions to go on, and afterward take it up for consideration by sections. I presume that the majority of gentlemen present on the floor are already familiar with the general provisions of the bill as reported.

The CHAIRMAN. If there be no objection, the formal reading of the bill will be dispensed with.

There was no objection.

Mr. CARLISLE. Mr. Chairman, it is not my purpose to debate the bill at this stage of the proceedings, but I shall hold myself in readiness during its consideration in Committee of the Whole to answer any questions in reference to its provisions while it is being read by sections. If, however, any other gentleman desires to be heard on

the bill I am ready to yield to him for such length of time as he may desire.

Mr. DUNNELL. I would be glad if the gentleman from Kentucky would state to the House the preparation of this bill, the views of the Commissioner of Internal Revenue, and other facts in connection with its preparation with which he is familiar.

Mr. CARLISLE. Mr. Chairman, for the information of the committee I will state briefly that this bill was prepared very carefully after a full consultation with the Commissioner of Internal Revenue in relation to its provisions as far as he saw fit to express himself in relation to them. There are some provisions in the bill, which affect to some extent the amount of money to be realized from internal-revenue taxes, about which the Commissioner of Internal Revenue has expressed no opinion, preferring, as he said, to leave those matters solely to the determination of Congress. And I may say that with the exception of two or three provisions which affect the amount to be collected from internal-revenue taxes, there was no difference of opinion, I believe, either in the sub-committee which prepared the bill or in the main Committee on Ways and Means. There are, however, two or perhaps three sections of the bill which do affect the revenue and about which there was some difference of opinion in the committee. One of them is a provision which if adopted by the House would exempt the distillers and owners of distilled spirits from the payment of interest at the rate of 5 per cent. per annum on the tax for the spirits which remain in the warehouse or in the public custody for a period exceeding one year.

The whole amount collected from this source during the last fiscal year was less than $75,000. The entire amount of revenue from distillers, wholesale dealers, rectifiers, &c., was over $52,000,000 during the same period, so that the committee will perceive at once that the amount of interest on the tax is comparatively a very insignificant matter. The Commissioner of Internal Revenue estimates that the amount to be collected from this interest during the current fiscal year will be about $150,000, and that that will probably be about the average amount in the future.

Those who are engaged in this business do not therefore complain of the amount of the interest on the tax, because, as I have already stated, it is a very insignificant sum, but it is the trouble in reference to the matter arising from the difficulty in adjusting the interest account every time a package or a few packages of spirits shall be withdrawn from the warehouses. It is of that they complain rather than of the amount of the tax.

There is another section of the bill which proposes to exempt distillers, rectifiers, and wholesale dealers from the payment of what is commonly known as ten-cent stamps. These are stamps which are placed upon packages containing the distilled spirits when they are removed from the distillery to the warehouse and when the packages are refilled by the rectifier after rectification, and when the packages are changed by the wholesale dealers. The original bill proposed to exempt also from the payment of these stamps the exporters of distilled spirits and of alcohol. But the committee, having considered that matter, came to the conclusion that inasmuch as the exporters pay no tax to the Government and the Government is at considerable expense for storekeepers, gaugers, &c., it was not unjust to allow the law to remain as it now is with respect to them; and consequently the committee recommend an amendment of the original bill which will leave the law in force so far as those parties are concerned in that respect.

The Commissioner of Internal Revenue states that the whole expense of printing all the stamps used in the operations of the Internal Revenue Bureau is about $350,000, and that he thinks $75,000 is about the amount which it costs the Government annually to print these particular stamps, including those used by exporters. The revenue derived from these stamps during the last fiscal year was about $290,000 or $292,000, according to my present recollection; so that this section of the bill will to that extent affect the revenue.

The next section, and the only remaining section which affects the revenue, is the seventeenth, which proposes to allow the owners and distillers of spirits deposited in the warehouses certain maximum quantities on account of evaporation and leakage. The Commissioner estimates that this will affect the revenue to the amount of about $1,750,000. The whole purpose of that section is to place the distillers and owners of distilled spirits in precisely the same situation with reference to the payment of the tax which the manufacturers of fermented liquors, ale, beer, and porter, the manufacturers of tobacco, snuff, and cigars, the manufacturers of proprietary medicines, perfumery, cosmetics, playing-cards, and all other articles subject to internal-revenue tax, now occupy under the law; that is, that they shall pay the tax to the Government only on the quantity which is actually sold and goes into consumption or is withdrawn for sale or consumption in this country.

Without entering now into any discussion as to the propriety of that section, I make this general statement as to its purposes and effects. When we come to consider the bill under the five-minute rule for discussion and amendment, I will be ready to explain to any gentleman who desires it the reasons upon which the proposed legislation is recommended.

Mr. PAGE. I desire to ask the gentleman from Kentucky one question. Does this bill apply to the manufacture of brandy from grapes and fruit?

Mr. CARLISLE. It does not affect the existing law upon that subject in any way whatever.

Mr. PAGE. Why not include that in the general bill? Could not that be done?

Mr. CARLISLE. It could be done. But the manufacture of brandy from grapes and fruit is regulated by a different code of laws to a great extent from that which relates to the manufacture of distilled spirits, and it was not touched in this bill. I yield now to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. As has been stated this bill has had very careful consideration in the Committee on Ways and Means, and several changes were made upon consultation with the Commissioner of Internal Revenue. The report upon this subject made to the House, Report No. 1119, contains a statement of the inquiries of the members of the committee to the Commissioner, and his replies to those inquiries. If all the members of the Committee of the Whole had read the report or had their attention called to the opinions of the Commissioner as expressed at that time, I might not have desired to have made any remarks on this bill at all. There are several provisions of the bill as now modified with which I am in accord, and for which I would cheerfully vote. There are other provisions of the bill which, it seems to me, are consistent with our general system of internal revenue and of taxation upon the manufacture of distilled spirits. I desire, in a few brief remarks, to call the attention of the committee now, rather than at the time when I propose to offer some amendments to this bill, to the features of it to which I object.

The first is, abolishing the charge by the Government of ten cents for the rectifiers', wholesale dealers', and warehouse stamps. Those stamps are furnished by the Government. There is no payment for the stamps in proportion to the amount of spirits represented by them. There is a tax of ten cents on each stamp. The committee propose to abolish the ten-cent stamp in all cases except the ten-cent stamp upon packages exported and allow that to remain. There is a ten-cent stamp provided by law to be used whenever dealers withdraw from a large package, barrel, or cask spirits into smaller packages. If a barrel be divided into packages of ten gallons each, upon each of those a stamp is required, stating from what package and from what numbered package the quantity is withdrawn, in order that the Government may trace the whisky or the spirits through the hands of the dealer and know that the smaller packages have not been filled from barrels or other packages on which the tax has not been collected.

The cost of preparing all these stamps for the Government, as they have to be printed and placed in books with stubs, requiring considerable clerical force, and signed by the collectors of internal revenue when they are used, is about $150,000. The cost of these packages to which I have referred is about $75,000. It is proposed that the Government shall pay this amount of $150,000 and provide these books and provide the clerical force necessary to do the writing upon them and make the signatures upon them; which is solely, as I understand it and as I believe it to be, for the benefit of dealers and of rectifiers—solely for their benefit and not at all for the benefit of the Government. It is proposed to do this at the expense of the Government. I think that is wrong.

Mr. DUNNELL. Will not the gentleman admit it is for the interest of the Government in that it is a protection?

Mr. CONGER. The law requires the tax now to be paid upon the barrel and not upon lesser packages. It must be sold in that way with the stamp upon it. Dealers desire to sell to their customers and to smaller dealers in smaller packages for their accommodation. And it is because it may enable the Government to prevent fraud among the smaller dealers that it is useful to the Government; not in any other way. It adds nothing to the tax or to the income, but out of the income $150,000 is paid by the Government for this accommodation.

The Commissioner of Internal Revenue says that he thinks it is not a hardship that this tax should be imposed. As he says, it is simply a question whether the Government is willing to pay out in any way $150,000 for the accommodation of these dealers, not to charge it to the dealers; whether the Government is willing to forego that amount of revenue, or to pay out that amount of money without any return. When we shall reach that section, I shall move to amend the bill by striking out the provision which changes the law in regard to these ten-cent stamps.

There is another point to which I wish to call the attention of the committee, and which I do not agree entirely with the committee that reported this bill.

Mr. CARLISLE. Will the gentleman from Michigan [Mr. CONGER] allow me to call his attention to the fact that he has fallen into an error, I think, in stating the amount of revenue derived from wholesale dealers' stamps? It was only $43,800.

Mr. CONGER. I was speaking of the cost to the Government of preparing these stamps.

Mr. CARLISLE. The whole cost was only about $75,000.

Mr. CONGER. Mr. Raum says on page 28 of the report: "Last year we collected $75,000. The law took effect on the 1st of March, 1879." So that was only for part of the fiscal year.

Mr. CARLISLE. The gentleman is reading about the interest on the tax.

Mr. CONGER. That is so. I will read from pages 26 and 27 of the report:

Mr. CONGER. I understood you to say that the cost of those stamps, as they are used, is about $350,000.
Mr. RAUM. That is the amount that those stamps cost the trade. That sum comes into the Treasury.
Mr. CONGER. And you think that it is necessary to have these stamps used?
Mr. RAUM. We cannot get along without them.
Mr. CONGER. And the Government makes those stamps and prepares them for the use of the rectifiers?
Mr. RAUM. Yes.
Mr. CONGER. And the Government officials must put them on?
Mr. RAUM. Yes.
Mr. CONGER. And is there not some signature upon them, indicating the approval of the Government?
Mr. RAUM. Yes, the signature of the officer.
Mr. CONGER. So that officers have to take each one of those stamps and certify to them?
Mr. RAUM. Yes, except in the case of wholesale liquor-dealers' stamps, when they want to break a package. A gauger is not required to put that stamp on. They put it on themselves, but they have to get them from the collector.
Mr. CONGER. That is, every one of those stamps has to be prepared at the expense of the Government, and signed by some officer of the Government before they are used?
Mr. RAUM. Yes.
Mr. CONGER. Now, is a charge of ten cents apiece an unreasonable charge for the expense and trouble of preparing those stamps and furnishing them to the dealers for their accommodation? I take it that it is for their accommodation.
Mr. RAUM. Yes; it is for their accommodation.
Mr. CONGER. Then, is ten cents an unreasonable charge for that service?
Mr. RAUM. I do not see that it is an unreasonable charge; it is simply a question whether the Government will relieve them from that expense.
Mr. CARLISLE. Do you know what these stamps really cost the Government?
Mr. RAUM. The total appropriation for dies, paper, and stamps for this fiscal year is $375,000. That comprises all the stamps.
Mr. CARLISLE. Have you any means of ascertaining what this particular class of stamps costs the Government?
Mr. RAUM. I suppose it costs about $75,000. That is a guess, but I can figure it out, of course.
Mr. CONGER. Does the use of these stamps require any additional service, and does the signing of them require additional time?
Mr. RAUM. Of course they have to be signed, and an application forwarded to the collector. He receives that application, he fills up the stub, fills up the stamp, cuts it off, and delivers it.
Mr. CONGER. Then it requires additional clerical labor as well as furnishing the stamps?
Mr. RAUM. Of course.
Mr. CONGER. Is ten cents an unreasonable charge for the accommodation of those who use this stamp?
Mr. RAUM. No I do not think it is.

There are other portions of his statement which I will not read. The substance of his statement is this: these stamps are a necessity to prevent fraud, and they are an accommodation to the dealer. They cost the Government last year, for only a portion of the fiscal year, $75,000. Now, the question is simply whether the Government will pay out the $75,000 or $100,000 or $150,000 each year, as the case may be, for the accommodation of dealers and rectifiers? In my opinion the Government should not do it; and when the proper time comes I shall move to strike out that section of the bill.

Mr. PAGE. What section is that?

Mr. CONGER. I think it is section 16. The next point is the provision in regard to shrinkage or leakage. It is admitted by the committee, it is said by the Commissioner, and it is stated by the gentleman in charge of this bill, [Mr. CARLISLE,] that under that provision of this bill there will be a loss to the Government of $1,750,000.

That provision of the bill, which will result in a loss to the Government of $1,750,000 on the amount of taxes collected at this time, has certainly some argument in its favor. The principal one is that while spirits are held in bond there is a necessary leakage. Even when the transaction is honestly conducted there is not the same amount of spirits in the packages after they have been in bond for one year that there was when the packages were first put into bond. And there is an increased leakage for each month during the time the packages are in bond, amounting, as this bill assumes, to from one to six and a half gallons per barrel. This bill provides that there may be an allowance for leakage not to exceed a certain specified rate for each month of each year.

Mr. BARBER. For evaporation?

Mr. CONGER. For evaporation. The theory on which this is asked is that the Government should not exact a tax upon more spirits than go into the market, for more than come out of the bonded warehouse and enter into consumption. That is somewhat plausible, it is true. But all high wines, all other kinds of distilled spirits, as I understand it, except that used for drinking purposes, almost invariably pay the tax when the spirits are first distilled and put into packages or barrels. Those who manufacture the drinking whiskies asked this Government to give them one year, then two years, and then three years' time, before paying the tax which the manufacturers of alcohol and high wines and all other spirits pay immediately upon their production and before there has been or can be any evaporation whatever.

Now, while granting this privilege to the manufacturers of this kind of whisky by extending the time in which they shall pay the tax, I do not understand why the Government should not eventually receive the tax that would properly be levied upon the spirits at the time it goes into the Government bonded warehouse, as is now the law. There is no reason why after granting that special favor to this class of producers, they should follow it up by asking that all the consequences of delay should inure to the loss of the Government, as certainly will be the case under this bill.

Another clause of this bill proposes the repeal of the present provision of law requiring interest to be paid on the amount of the tax after one year. Thus it would seem that every favor we extend to this class of producers is followed by a demand for still further favor in releasing them from what it was stated on this floor they were perfectly willing to pay.

But to confine myself to this question of leakage. I cannot myself approve that portion of the bill. I opposed it in committee; I oppose it here; and I hope it may be modified. I have been in favor of other changes of the law embraced in this bill, because they facilitate the exportation of distilled spirits from the United States to foreign countries—not a very philanthropic motive I admit; but if we could have presented to us a bill which would encourage the absolute and entire transportation of all distilled spirits (except for manufacturing and commercial purposes) from the United States to other countries, letting the evils follow the exportation and land upon the shores of other countries which might be willing to receive the spirits with all their accompanying evils, I would labor for the passage of such a bill.

Those parts of this bill, therefore, which facilitate the exportation of distilled spirits I have favored, and I join with the committee in asking this House to approve them. Those portions of the bill which propose to relieve taxation upon our whiskies and spirits for home consumption, and would result in taking from the Treasury nearly $2,000,000 a year, and if the interest is also taken off $150,000 or $200,000 more—those portions of the bill I oppose, and I think they ought to be stricken out.

I have touched upon three points of this bill that I desire to see modified, and perhaps I shall myself offer amendments with that object. To the other parts of the bill I see no objection; I think they might be very properly passed. I do not desire to express my own individual views merely on this subject. I think I may safely say, not only for myself but with the concurrence of other gentlemen of the committee, that the Commissioner of Internal Revenue did not express any opinion in favor of the legislation proposed on these three subjects, but said that it was a question for Congress to determine whether it would give away this amount of income—whether the Treasury could stand this reduction of the income derived from distilled spirits.

Mr. BARBER. The gentleman will allow me to ask him in this connection whether the Committee on Ways and Means investigated as to the amount of revenue derived from distilled spirits?

Mr. CONGER. The total amount of revenue derived from distilled spirits is published from year to year in the reports of the Treasury Department.

Mr. CARLISLE. I can state to the gentleman that last year the total amount of revenue collected from distillers, rectifiers, and dealers was something over $52,000,000; and this year, according to the returns for the first seven months, it will be over $60,000,000 from that source alone—an increase of about eight and a half million dollars.

Mr. CONGER. Now, Mr. Chairman, I believe the representatives of the distillers themselves have never asked Congress to diminish the tax any further than to provide the fairest and most efficient mode of taxation. When the tax was very high it was said that it was evaded, that there was great fraud. When it was very low it did not bring in a sufficient amount of revenue. It is admitted that the present tax of ninety cents on each proof-gallon is perhaps the medium of taxation which the traffic will stand so as to bring in proper returns to the Government. This being so, there is no question that the tax upon spirits should constructively be placed upon the article at the time of the distillation, and not after it has been improved by age after lying two or three years in a warehouse. I have heard no reason advanced in favor of any other rule. There is no reason why those who are permitted to leave their spirits in the bonded warehouse for three years should not at least after the end of the first year pay 5 per cent. interest on the amount of tax due the Government. The people want that money. "The oppressed, the down-trodden people," whom my friends on the other side picture so graphically, have a right to that money when the spirits are put into the barrel; and the whisky manufacturer has no right to wrong the "poor, tax-oppressed people" by compelling the Government to keep his spirits in bond for three years and then remit all tax upon leakage, or upon perhaps suckage, which I have heard is one principal means of reducing the amount in these barrels. [Laughter.]

I have been surprised sometimes—I will not mention names because the chairman of the Committee of the Whole or the Speaker of the House hardly ever mentions names of members; it is considered dangerous for anybody to come within his eye when such a threat is made; I do not say that it would affect anybody if I should mention names, but I will not mention names—I say I have been surprised to see men on the other side of the House work themselves into the most violent passion at the expenditures of this Government and the throwing away of the money of the people by picturing the poverty and distress of the country, and the way in which taxation rests like a great mildew on the people, and then, sometimes on the same day, almost in the same breath, these gentlemen become marvelously excited at the infliction of tax upon whisky manufacturers and the hardship and ruin this taxation brings upon them. Those who want to know to whom I refer can look back through the RECORD and see

that those who make the most parade of their sympathy for the "poor, oppressed, tax-paying people of the United States" are those whose sympathies are enlisted most earnestly and who become most zealous in their efforts to take the tax off whisky. The sympathy happens to run in that way. I hope that in this committee and in this Congress we shall change the laws as they now exist, so far as may be practicable and proper to do so, without making an allowance for this wonderful leakage while spirits are in bond for the benefit solely of the manufacturers. We cannot afford to do it. There are too many people in the United States who believe that the manufacture of whisky for drinking purposes, and the selling of it, and the keeping of it until it is riper and better and more destructive, are morally wrong. And just in proportion as we relieve distilled spirits in bond from the payment of tax we shall be considered by a large portion of the people of the United States as committing a wrong not only upon their moral sentiment but upon the finances of the Government.

Mr. CARLISLE. I will yield now to the gentleman from Pennsylvania.

Mr. CONGER. Now, sir——

Mr. WRIGHT. I thought the gentleman was through.

Mr. CONGER. The gentleman from Pennsylvania is apt to make mistakes.

Mr. WRIGHT. No; he never makes a mistake. [Laughter.] Before the gentleman sits down I wish to make an inquiry of him.

Mr. CONGER. I have not yet finished my sentence. The probable diminution of the revenue of the Government year by year, with the increased manufacture, would exceed two and a quarter millions of dollars, as near as I can estimate it if this bill be passed as it is, including the issues of ten-cent stamps, leakage of nearly $2,000,000, and rebatement of interest year by year on the amount left in store. Now the gentleman from Pennsylvania can interrupt me.

Mr. WRIGHT. Do you give me the floor or to ask a question?

Mr. CONGER. To ask a question will be the safest way.

Mr. WRIGHT. Very well; you have not surrendered the floor. Then I want to know where the gentleman from Michigan derived his information as to the fact that the older whisky got by years the more destructive it became in its quality. [Laughter.] I want to know the source of his information, for my idea always has been that whisky fresh from the still was that which produced the greatest evil.

Mr. CONGER. I will answer my venerable friend, who is now addressing me perhaps from his observation and experience. Although whisky becomes better by age, the temptation to drink so much more of it makes it all the more dangerous. [Laughter.]

Mr. WRIGHT. Having had the satisfactory answer [laughter] from the gentleman from Michigan in regard to the destructive quality of whisky owing to its different points of age, I will proceed to make a remark or two with regard to that part of the bill which relates to gauging.

Mr. CONGER. Does the gentleman desire to speak in his own right now?

Mr. WRIGHT. Certainly, I do.

Mr. CONGER. As I obtained the floor from the gentleman from Kentucky, [Mr. CARLISLE,] I surrender it back to him.

Mr. CARLISLE. And I have yielded to the gentleman from Pennsylvania.

Mr. WRIGHT. I have the floor legitimately.

Mr. CONGER. I wanted gracefully to yield it so the gentleman might have it.

Mr. WRIGHT. What I lay down as a rule, and it is incontrovertible I believe, with regard to taxation, all excises are odious things. There is no doubt about that; but the article upon which the excise is imposed ought not to be subjected to it until it is offered in market for sale. It is true some of the manufacturers have their whisky in the bonded warehouse for a long period of time, but, as I understand it, for the length of time the article is in the bonded warehouse they pay interest on the value that is assessed upon it up to the time they make sale. Is not that the law?

Mr. CARLISLE. That is the law now.

Mr. WRIGHT. So it makes no difference whether it is taken out at the end of one year or two or three years, provided the interest imposed on its value is exacted and paid.

Now, we are informed here that the excise upon whisky yielded during the last year $52,000,000, and that those who have charge of the subject estimate the proceeds this year arising from that imposition will amount to $60,000,000. That is an immense source of revenue; nobody will question that; but whether it is a source of revenue which ought to be encouraged may admit of a different construction.

But tell me what reason or justice there is in compelling a manufacturer to pay for evaporation? That is the amount of it. It is about enough in this country to assess the real thing, to assess something that has substance to it; but when you come down in the way of excise, in the application of the principle, to tax that which does not exist, which is evaporated and gone, then I say it is wrong. The whisky comes into the bonded warehouse and it is gauged. Before the day of sale, when that whisky is brought out of the warehouse, there has been an evaporation equal perhaps to some 15 per cent. Talk about $5 taken off of thirty gallons! I suppose, multiplying it by three——

Mr. DUNNELL. I hope the gentleman from Kentucky will call the attention of the gentleman from Pennsylvania to the provision of the bill in that regard.

Mr. CARLISLE. I am not able, without making calculation, to state the percentage of the quantity this bill proposes to allow as a maximum allowance; but I can state under this bill spirits which have remained in bonded warehouses for three years will be subject to a maximum allowance of seven and a half gallons on a package containing not less than forty gallons. If the package contains sixty gallons, there can be no more than this maximum allowance.

I will say, while my attention is called to the subject, a great many packages containing distilled spirits really contain from sixty to sixty-five gallons by reason of the fact they are put into the bonded warehouse very largely over proof and the tax is assessed and collected, not on the wine-gallons, but on the proof-gallons.

If, however, the spirits are found upon withdrawal to be below proof the tax is assessed upon the wine-gallons to prevent fraud by mixing with water or otherwise, and no allowance in this bill can be made upon any package of less than twenty gallons. If a package containing forty gallons is withdrawn and is found to be entirely empty, without a drop of distilled spirits in it, still there can be no allowance for any number of gallons exceeding seven and a half gallons, and the owner must pay the tax of ninety cents a gallon on the whole, which is about 600 per cent. upon the cost value of the article contained in the whole package.

Mr. WRIGHT. Then I apprehend that my estimate of 15 per cent. is not very far out of the way. Now, if there be 15 per cent. of evaporation between the time the whisky comes into the bonded warehouse and the time it is withdrawn for sale, is it right that the manufacturer should pay such a tax as this bill proposes to impose upon him when there is nothing to represent the evaporation? I say that there is no justice in that.

Now, sir, I do not stand up here as the advocate of the trade or of the manufacture of this article, but it has become of vast importance in the affairs of our Government and is especially connected with our finances; for the tobacco and the whisky produce immense revenues to the Government; and while we are putting upon these two articles this large burden of a high excise tax, let us put it upon the article when it comes into the market for sale and not at the moment of its manufacture. If the manufacturer puts the article into a bonded warehouse and pays interest from that time until it is sold, that is load enough to impose upon him under any circumstances, and not to impose upon him the additional load of paying a tax upon air, upon evaporation, upon no substance whatever. It is all wrong. Otherwise I give the bill my sanction with regard to its main features, and I only rose to call the attention of the committee to this tax, which I believe to be an unnecessary hardship imposed upon the manufacturer; and I hope it will not be sanctioned by the House.

Mr. CARLISLE. I now yield to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I shall occupy the attention of the committee but a few minutes in the consideration of the pending bill. This bill is a favorable addition in the main to the work of perfecting the internal-revenue laws of this country pertaining to whisky, and I have no doubt the House, when it comes to understand the bill, will recognize the fact that it owes a debt of gratitude to the sub-committee which prepared it, and as I was not a member of that sub-committee I feel at perfect liberty to give its work my commendation.

My friend, the gentleman from Michigan, who is familiar with the subject, he having been on that sub-committee, referred to several points in which he differed with the majority of the committee. On two of these points I concur with him, and after saying what I have in hearty praise of the main body of the bill, I will call attention very briefly to the points in which I differ. The first is that amendment which is found here in section 4, on pages 3, 4, 5, and half of the sixth. I do not object to what is in that at all. What is contained in that section is all right, but I do object to something that has been kept out of it, and which essentially changes the revenue laws. Gentlemen will remember how great a trouble the whisky men were in here a year and a half or two years ago about having a large amount of whisky on hand when the price was down very low and the time was coming when they were compelled by law to withdraw it from bond and pay the tax on it. They were here in force representing to us that it would ruin large numbers of the holders and manufacturers if they were compelled at that time to withdraw the spirits from bond and pay the tax as required by the law.

Therefore, as a matter of kindness toward them and to save them from ruin or from trouble, this House passed and the Senate concurred in an act that allowed them to continue the whisky in bond for a longer period, but on condition, in order to prevent the Government from being a loser, that they should pay an interest on the tax after the time when it was due and up to the time of its payment. In other words, they were permitted to have the privilege of paying the interest upon the tax due instead of paying the tax itself. That we regard as a just thing, a fair help to men who were in distress, as well as a remuneration or equivalent to the United States by getting interest on the tax due, on the ground that the Government was itself paying interest, and if it extended the time when the tax was due it should require interest on the money. That argument was fair and right and cogent then, but it is proposed to change it in this section. That, however, can be rectified by an amendment I understand my

friend from Michigan [Mr. CONGER] has ready, merely to restore to that section the language that is here left out, putting in the language that was in it before.

Mr. KELLEY. Will my friend from Ohio permit me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. KELLEY. I desire to ask the gentleman from Ohio whether the foreign importers at that time were not holding their spirits in the custom-houses, in the custody of the Government, without payment of duty, and without payment of interest on those duties; and whether it is fair and equitable in this Government, when giving three years to our own producers, to charge them interest, while it holds the goods of the foreign producer, competing with them, for a like term of three years and makes no charge for interest? I do not believe in any such discrimination against the productions of my countrymen. If we are to discriminate, I say leave the American spirit free from interest and impose it upon the duties that fall due upon foreign spirits.

Mr. GARFIELD. The plan of injecting one gentleman's views into another gentleman's speech is not perhaps conducive to a harmonious presentation of what one wishes to present. Still it does not disconcert me at all. I only say on that subject, without any controversy, this House, believing it was doing a generous thing to get the distillers out of trouble, made this arrangement, which they understood was entirely agreeable to the distillers, a little over one year ago. And now, having got from us the concession of benefit, they ask us quietly to drop out the protection of our own interests which accompanied that benefit. All I want is that the House shall understand the two things side by side; and if we are to take off this part of the benefit reserved to the Treasury, whether we ought not also to take off the consideration on which it was based and not allow the whiskies to lie so long in bond.

The other point is as to the question of outage. And here I admit it is by no means a one-sided question. At first I thought it was wholly a one-sided matter, and I saw no ground whatever for the other side to put in the claim that this bill presents. I will try to state in a few words what I understand to be the strength of both sides. Will the gentleman from Kentucky [Mr. CARLISLE] inform me what is the per cent. of manufactured Bourbon whiskies? What proportion of all the whiskies is Bourbon?

Mr. CARLISLE. I think about one-third; but I will not pretend to be accurate. I do not mean the Bourbons alone; but I mean what are called the fine whiskies, the rye, Bourbon, wheat, &c., manufactured in Maryland, Kentucky, Pennsylvania, West Virginia, Tennessee, and to some extent in Ohio, Indiana, and Illinois.

Mr. McMILLIN. And the Robertson County whisky.

Mr. CARLISLE. Yes.

Mr. GARFIELD. For the purposes of my argument, what my colleague on the committee [Mr. CARLISLE] suggests is sufficient. In order to enable gentlemen who have not paid special attention to this to vote intelligently, they ought to know that there are two kinds of whisky produced. Much the larger part of all the whisky produced in the world is now made and rectified by what is called the process of continuous distillation; that is, after the whisky is manufactured from the first process of distillation it is put through a rectifying process by mechanical means, so that when it is finished and brought out from that process it is as perfect as it will ever be. That may be called the whisky produced by the process of continuous distillation until it is perfectly rectified. A large majority of all the whisky produced is of that kind—two-thirds at least, possibly three-fourths. When that whisky is manufactured the last step in the process is ended. It is just as good for sale and use as it will ever be.

It is said in the course of the manufacture of that whisky, in the course of its rectification, about 5 per cent. is wasted. That is, in extracting the fusel-oil and other deleterious elements, about 5 per cent. of the actual bulk of distilled whisky is taken away, leaving the finished article for the trade.

There is another class of whisky produced, known by the various names of Bourbon whisky, family whiskies, table whiskies; but by whatever name known it is a whisky that does not pass through this process of special continuous distillation so as to become pure and perfect at the time of its first manufacture. But it is carried up to a certain stage and stops; and at that time it is unfit for use; it needs from two to three years of time to ripen. But by simply lying in casks the natural process of purification brings that whisky up at the end of three years to a very high degree of perfection. It has done for it by time what the other has done for it by mechanical appliances.

Now, that whisky comes under the clause in this bill in relation to outage and the other does not. And those in favor of this outage clause say that the other whisky—three-fourths of all the whisky produced—has got this outage in the loss of redistillation of about 5 per cent., and that the man who does thus redistill it and prepare it for the market is only taxed upon the whole quantity after the 5 per cent. of outage has been accounted for in the process of rectification; whereas they say that this man who has to wait three years for time to rectify and purify his whisky ought not to be taxed on the 5 per cent. or 10 per cent. or whatever it is that nature does for him in the way of purifying any more than the other on the 5 per cent. that machinery does in the way of purifying.

I think I have stated fairly the argument of these gentlemen who say the outage should not be charged against the distiller, and I should be carried off my feet by that argument and consent to it were it not for one other fact, and that other fact causes me to lean to the other side. That other fact is this: The day that a whisky is produced by a first process, it is just as valuable as it ever will be. It is no more valuable at the end of five years than at the end of one minute after it is manufactured. It is ready for immediate sale and immediate use; whereas the man who manufactures the fine whiskies and has to wait for two or three years to let them ripen before they are at their best, and ready for real use, finds them grow in value on his hands very largely by the very extension of time.

It is true that he does not sell it at the end of one year to be used; but he does sell it to retail and even to wholesale dealers to be held for its growth and betterment by time. Therefore this Bourbon and other whiskies are really salable all the way along from the day they are first manufactured up to the date when they are drinkable. And the man who is fortunate enough to be able to keep a large stock of such whiskies for three years will find that the outage or shrinkage he loses upon that stock during that time is far more than compensated for by the increase of value of every gallon of it. If one hundred gallons of this whisky shall lose fifteen gallons by outage, the whole one hundred gallons will have gained a percentage in actual value above what it had in the beginning, which will far more than compensate for the loss by shrinkage or outage.

It seems to me, on the whole, although I do not feel so strongly on this subject as I did when it was first presented to my mind, it does seem to me on the whole that we take the risk of keeping these whiskies for these men in our warehouses, and if the warehouses are burned we never expect to make them pay the tax for the whiskies destroyed while in our charge. We lose all the tax on that amount of whisky, although it is true there is as much more made in consequence of the loss, so that in the long run the Government may get such tax. But because of the fact that we remain out of our tax all the time it lies in our warehouses at our risk, I think we ought to have at least as much advantage as the outage will give us.

And it is no hardship on the manufacturer, for he charges it over on the consumer. This is a tax the whole of which the consumer at last pays. It is not so with all taxes; there are a great many taxes that cannot be charged over on the consumer. There was the tax on tea and coffee that was talked of as a burden and shackle upon the free breakfast table. The moment we took that tax off coffee and tea, that moment the price of those articles went up all over the importing world that sent them to us.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. I hope the time of the gentleman will be extended.

Mr. GARFIELD. I want but two or three minutes.

Mr. MILLS. I will take the floor and yield to the gentleman what time he desires.

Mr. GARFIELD. I thank the gentleman for his courtesy; I shall occupy but a few minutes. As I was saying, the moment the tax was taken off of tea and coffee, that moment in Brazil they put an export tax on coffee just about equal to the import tax that we had taken off; so that our people got not one cent, not a quarter of a cent a pound benefit, while the Treasury of the United States lost $15,000,000 in gold each year, and has lost it every year since. That is a case where the tax does not come upon the consumer.

But the taxes upon whisky, beer, and cigars, and such things are taxes that come upon the consumer alone. It is a curious fact that these are taxes that may be called strictly voluntary taxes. The United States goes, by its officers, all over the country with a contribution box, as it were, and says to every man, woman, and child, We offer you the opportunity of contributing something to the expenses of the Government, on the score of whisky, beer, tobacco, and cigars; but you are not obliged to do so. And on the whole, throughout the United States, the man or woman who declines to contribute anything to the revenues of the Government on the score of these articles stands a little higher, and deservedly so, in the popular estimation than the man who pays liberally of that tax.

It is absolutely a voluntary contribution. All that a man needs to do, if he does not wish to pay any dollar of the $52,000,000 that comes from the tax on whisky, and the large sum that comes from cigars and tobacco—any man who wishes to take his shoulders from under the load of paying any part of the $115,000,000 that comes from the taxes on these various articles has only to decline to drink, smoke, or chew, and then he will not pay, directly or indirectly, one cent of the tax. There is no coercion and no compulsion. It is a tax that in its last analysis comes absolutely and only upon the consumer and by the consumer's consent.

Mr. BARBER. Will the gentleman allow me to make an inquiry?

Mr. GARFIELD. Certainly.

Mr. BARBER. How does the gentleman reconcile the inconsistency involved in the levying of the tax on the distilled spirit in its perfected form, and the levying of the tax upon other whiskies in an unperfected form?

Mr. GARFIELD. I have tried to say, and I did say a moment ago, that that consideration would settle me in favor of this outage clause altogether and absolutely, if it were not true that the holding of these whiskies greatly increases their value. It seems to me only equitable and fair that where we keep a man's property for him untaxed

for two or three years we ought at least to have a share of the profit that comes by that delay. That profit costs him nothing but the interest on the amount of his investment, and the United States investment in it in the shape of the tax is much the larger part. It seems to me that it is only fair that the United States should have a portion of the advantage, and collect the tax on the whole amount of the whisky put in bond.

And I make this further point on the same subject: it is the best way to prevent fraud. If you allow outage and there should be a watering of these barrels, if there should be by any sort of trickery or fraud water introduced into these barrels so as to bring their contents up to the full amount, outage is allowed nevertheless, whether there is any actual outage or not. I want no opportunity or inducement to tamper with these barrels while in bond.

I therefore say, on this subject of the interest clause, I think this House should by all means insist upon the payment of interest. I will do all I can to rectify this bill in both particulars. But so important is the bill that I think we ought to do all we can to perfect it and pass it.

Mr. MILLS. Mr. Chairman, I desire to occupy only a few moments in giving my reasons for opposing the leakage clause in this bill. It is insisted that it is wrong to require payment of the tax when the whisky first goes into the bonded warehouse; and that after remaining there a number of years it has undergone a process of evaporation, so that, if the tax is paid upon the full quantity originally deposited in the warehouse, a certain proportion of tax is paid upon that which has no existence. Hence it is plausibly argued that this proportion of the tax is wrong. Let me state what seems to me to be the fallacy in this argument. The taxation is here assumed to be upon a quantity, not upon value. But the basis of all taxation is value. We have various forms of adjusting our taxes: some by measurement, some by weight; but I do not care what the form of taxation, you would not put the same amount of tax upon a pound of gold as upon a pound of iron. Why? Because one is superior in value to to the other. Look all through your tariff laws at all the different kinds of duties which you impose by weight or measurement, and you will find at last that every one of them has been adjusted to value.

Now, when a certain quantity of whisky—say one hundred gallons—is made and put into the warehouse, there is a tax imposed upon it. It is not marketable; it will not be so for one, two, or three years. During the first year the whisky evaporates until the one hundred gallons have become about ninety-seven gallons; during the second year the quantity falls to ninety-five gallons; and during the third year to about ninety-two gallons. Of course I am speaking only approximately. But the whisky, when put into the bonded warehouse, is worth about one hundred and eighteen or one hundred and nineteen cents a gallon; after it has been there one year, although the quantity is reduced, it is worth about one hundred and thirty-five cents a gallon. At the end of the second year it is worth one hundred and forty-five or one hundred and fifty cents a gallon; and at the end of the third year one hundred and seventy-five or one hundred and eighty cents a gallon. So that what the whisky loses in quantity is more than compensated by the increase of value.

Now, is it just or right that the Government, as an act of accommodation to the distiller, shall release him from paying the tax when it is due to the Government, shall furnish a warehouse for the safe custody of his whisky, shall indulge him by waiting for the tax three years while the whisky is maturing, and increasing in value, and then not charge him tax upon the full amount which he deposited in the warehouse, although the one hundred gallons originally deposited may have increased in value from $1.19 cents a gallon to $1.35 cents, or $1.50, or $1.75 cents? There is where the fallacy lies.

The manufacturer has his capital invested in that whisky, and it is increasing in value. If it were not so, he would place it upon the market and sell it. But it is to his advantage to keep the whisky and allow it to increase in value as it matures in age, just as it is the interest of a man to hold stocks in railroad companies or banks, because they yield a profit to him. The manufacturer does not sell the whisky when first manufactured because it is his interest to keep it. The Government not only indulges him by keeping it for him in the warehouse and waiting three years for the tax, but it issues to a certain extent a policy of insurance on the whisky, because if the whisky is destroyed by fire while in the warehouse the Government loses all its taxes. Six hundred per cent. of the value of the whisky is the tax; and although the Government does not pay the manufacturer for whisky destroyed, yet it loses the tax.

Mr. McMILLIN. How is it an insurance if the Government does not pay the loss to the manufacturer?

Mr. MILLS. The Government loses the amount of the tax.

Mr. McMILLIN. And that is an insurance!

Mr. MILLS. Technically the gentleman may say that it is not; but I say that when the Government having due to it ninety cents per gallon on one hundred gallons of whisky, agrees to credit the manufacturer for three years while his whisky is maturing, and in the mean time the whisky is burned, the Government loses its tax of ninety cents a gallon; and that is where the insurance comes in. The fact is that the Government in undertaking to indulge the distiller incurs a risk; and if the whisky is destroyed it loses its tax. Therefore I say the Government is an insurer to the amount of the tax, which is 600 per cent. of the value of the whisky. But, it is asked, is it fair to tax this whisky according to its quantity in the raw state, when you only tax the rectifier upon his whisky after it is matured? I think it is fair on this ground: The rectifier invests more capital in the rectification of his whisky. He has to employ labor and incur expenditures in giving marketable value to the whisky in twenty-four hours, instead of waiting for three years while the process of evaporation goes on. The manufacturer of whisky does not invest additional capital, does not bestow additional labor upon the product. The Government supplies in his case that which in the other is supplied by the capital invested by the rectifier.

One other point. Who is to be benefited by this gratuity of the Government? I always look with great favor upon any act of Congress reducing taxes or duties when the benefit of the reduction inures to the consumer. I am in faver of low duties and low taxes—duties and taxes imposed only for supporting the Government. Now, will the consumer reap the benefit of the reduction here proposed? It would seem from the argument of my friend from Ohio [Mr. GARFIELD] that in his opinion the consumer is to be benefited by this reduction. I agree with him that it is not always the consumer who pays the tax imposed on any article; sometimes the producer pays it. There are two extremes in imposing taxation. To illustrate by customs duties, one of these extremes is entire prohibition; the other, absolute free trade. But in imposing taxes you must take into consideration one other factor, and that is the consumption of the article.

Whenever your taxation amounts to prohibition of consumption, then to that extent it falls upon the producer. Whenever it does not abridge consumption, the taxation falls upon the consumer. In this case who will pay this tax? Who would be the beneficiary of this grace on the part of the Government. The distiller alone. Why? Because the market price of the whisky rectified which, we are told, is two-thirds of all whisky in the market, will fix the price of consumption and whatever amount of tax you take off that commodity which is manufactured and matured by bonded-warehouse process will simply be for the benefit of the distiller because he will sell in the market at the same price as the rectifier. The majority of whisky entering into the market will fix the price of the market.

We were told we were legislating for free sugar when we removed the duty on sugar imported from Hawaii. We were told that was in the interest of the consumer, and sugar would be cheaper. I took the ground in opposition to it that it would not affect one particle the price of sugar in the market in California because that market would be fixed by the Cuba market—by the great mass of sugar offered in this country, the Hawaiian not being able to drive out the other sugar. What was the result? Not one farthing of reduction followed. Sugar has been as high, and was the day after the bill passed, as it was before, and has been all the time. So it will be, if this bill passes, with this whisky. The amount you give back to the men who own this whisky will remain with them, and they will go into the market and sell it at the market rate.

Mr. KELLEY. Mr. Chairman, I wish to call attention to a little bit of rash generalization on the part of my friend from Ohio, [Mr. GARFIELD.] He said that when we repealed the duty on tea and coffee the nations producing those articles at once imposed corresponding export duties——

Mr. GARFIELD. On coffee.

Mr. KELLEY. He confines his remark to coffee. And that therefore our people pay just the same for the article, and that by reason of the fact that the coffee-growing countries took advantage of our repeal of duty to maintain the then current price in our market. He forgot, sir, that we do not constitute the whole people of the world. He forgot that there were Great Britain, France, Germany, Russia, and other Continental states, and those of South America which are not producers of coffee, none of whom changed their tariff at that time but who were affected by the export duty imposed by Brazil, which added to the ruling price of coffee. Had we been the sole consumers of coffee and the coincidence had happened, the gentleman's argument would have been logical. But unless he can show, which he cannot as to any one of them, that all other nations changed their tariff at the same time his whole premises have gone and his argument is without basis.

Again, he says no man or woman pays any part of the $50,000,000 of spirit tax who does not pay it voluntarily. Sir, I have tried every means to learn what proportion of the spirits we produce goes into beverage and what into the arts, and the nearest I can come to it is that about 33 per cent. go into beverage and 66 per cent. into the arts.

When you take an ounce of quinine, you swallow about twelve cents of spirit tax.

Mr. PRICE. In pills, do you do that?

Mr. KELLEY. Take it as you will, it is not in the article; but so much alcohol has been consumed in the preparation that your ounce of quinine has paid about twelve cents of spirit tax. There is not a gentleman here clad in a colored garment that did not pay spirit tax when he bought the garment. There is not one here who has a ring on his finger or gold spectacles upon his nose but when he bought either article paid spirit tax. There is not a lady who has cologne or other perfume in her boudoir or matron who keeps her camphor bottle that has not paid spirit tax.

You cannot use chloroform or collodion without paying spirit tax, for collodion is pure spirit with a very little, an almost inappreciable

weight of gun-cotton. Chloroform is in bulk 98 per cent. of spirit. And these things in this country are all taxed by the Government, while every other country gives them for use in the arts free of tax. And there, let me say in passing, is the wrong you did to your manufacturers of quinine when you repealed the duty on that article and left a duty of 10 per cent. on much of the bark from which it is produced and a tax of $1.80 per gallon on the pure alcohol used in its manufacture. You put those men, your countrymen, under a burden which was practically giving a bonus to the manufacturers of England, France, and Germany. You said they constituted a monopoly; that but five firms were engaged in the business. They were, however, five of the eighteen that exist on the footstool.

Spirit tax! Why, sir, you can scarcely mention a mechanical or scientific production into the cost of which it does not enter. I was walking through a carpet factory one day, and speaking on this point, and when we reached the counting-room, the proprietor said to his bookkeeper—he had suggested nothing as we walked and talked—"Turn to the account and show Mr. KELLEY what amount of alcohol we consume annually." I found that every foot of carpet made causes the purchaser to pay a spirit tax. And I repeat that upon the best information I have been able to obtain I have concluded that about 66 per cent. of that $50,000,000 is involuntarily paid by the men and women of the country, and that consequently if you wish to cheapen your manufactures you will hasten the day when the spirit tax shall be wholly repealed.

Now, as to the question of the "outage" and interest on the tax. Before the war made a tax on spirits necessary we were exporting our table whiskies in competition with the best brandies of France. American whisky had found its way into the clubs of London and the elegant homes of England, and it seemed to be supplanting brandy in that country. Owing to the ravages of the phylloxera upon the vineyards of France and Italy it has become almost impossible to obtain pure brandy, and the French themselves shrink from drinking the medicated stuffs now furnished by the former manufacturers of pure brandy. We can revive that trade. One object of this bill is to allow whisky to be exported in smaller parcels than the law now permits. I will ask the gentleman from Kentucky to state the number of gallons which under the existing law is the minimum allowed to be exported in a single package.

Mr. CARLISLE. Not in a single package; but the law provides that a less quantity than one thousand gallons shall not be exported at one time. That is about twenty-five barrels.

Mr. KELLEY. Very well. Under existing law a merchant cannot export less than twenty-five barrels in one invoice. Of course foreign merchants cannot take twenty-five barrels as an experiment. They send their orders for a merchantable quantity as a test; but under the existing law it cannot be sold to them. This bill, therefore, proposes to permit packages containing smaller quantities to be exported. Another point is that time is required to mature and ripen table whisky. Shall this Government, in aid of a great export trade—and I meet the moral and physical argument right here—I say shall it, in support of a great export trade, and of the substitution of pure for medicated alcoholic beverages, give some aid to the men who are willing that their capital shall lie for three, five, seven, or ten years in storehouse in order to give a pure liquor in lieu of the medicated stuffs made from diseased grapes and poisonous flavoring matters? Shall we attempt to make an export trade, or, having burdened our manufacturers with heavy burdens in the form of spirit taxes, shall we restrict their operations to the home market? I am as anxious, Mr. Chairman, to see temperance prevail as any gentleman on this floor, but I do not see how you can promote it by giving medicated or drugged beverages an advantage over that which is a pure distillation from grain.

The gentleman from Texas discussed the question, who pays the tax on commodities, the producer or the consumer? There is a very simple solution of that question. He who seeks a market for his productions must pay all taxes, while he whose commodities are sought by eager purchasers imposes them on the purchaser. In other words, the whole question is regulated by the law of supply and demand. In a crowded market with falling prices the producer pays the tax. In a market but ill supplied, into which many competitors enter, the purchaser pays the tax.

But I took the floor simply to show that our repeal of the duty on coffee did not regulate the coffee trade of the world, and that the gentleman generalized from a mere coincidence, and that he was equally mistaken as to the extent of probably 66 per cent. when he said that those who paid the spirit tax did it voluntarily. I now yield the floor.

Mr. BARBER. It seems to me, Mr. Chairman, that an interest which renders to the Government a revenue of fifty millions——

Mr. MILLS. Has the gentleman from Pennsylvania yielded the floor?

Mr. KELLEY. I was under the impression I had the floor in my own right.

Mr. MILLS. The gentleman was mistaken. I yielded to him.

Mr. KELLEY. Then I beg the gentleman's pardon, for I was undoubtedly mistaken.

Mr. MILLS. Does the gentleman from Illinois want five minutes? If so, I will yield to him for that length of time.

Mr. BARBER. I was about proceeding to state, Mr. Chairman, it seems to me that the interest which renders to this Government fifty or sixty millions of dollars per annum in the shape of revenue, and which promises to increase in importance, is entitled to be treated by the legislative authorities of this country with liberality and in no narrow or petty spirit.

This bill is designed to remove, as I understand it, some of the restrictions upon the export trade of this country. One of the difficulties is the so-called outage or unavoidable evaporation of alcoholic liquors. Liquors stored for any considerable length of time are necessarily subject to evaporation to a greater or less extent. Now, if the tax be levied upon this shortage it necessarily introduces into the system a degree of uncertainty not to be tolerated, because the evaporation varies with the temperature, with the various circumstances attending the storage, &c.

If we knew to a certainty the evaporation would be the same under all circumstances, there might not be any force in the argument, nor would there be any force in the appeal for the removal of the difficulty. But such is not the case. We know to a certainty, when we levy the tax upon the perfected product of continuous distillation, precisely what we are doing; we know that we are taxing whisky, and that so much revenue will be derived from that commodity. We know, moreover, that we are levying it upon the producer and levying just so much tax; but when we demand from the distiller of perfect whisky by this long-continued process a tax upon the amount he has actually put in store, we do not know what he is to lose by evaporation. In one case it may be subjected to more evaporation; in another, to less.

Now, what they want in this trade is certainty; and surely for the small sum of $1,750,000 this Government can afford to adopt the rule which will give to this great branch of trade absolute certainty, which is the first prerequisite to the successful conduct of all great commercial operations; absolute certainty to the party engaged in business, so that he may make his calculations for the future.

Mr. MILLS. I yield five minutes to the gentleman from Tennessee, [Mr. MCMILLIN.]

Mr. MCMILLIN. The magnitude of the interests involved here shall be my apology for claiming the attention of the committee for a few minutes only. The aggregate net revenues of the Government last year were, I believe, about $273,000,000. The revenue derived from spirits was $52,000,000. And it is estimated that there will be derived from the same source this year $60,000,000. So, speaking in round numbers, we have distilled spirits and beverages paying about one-fifth of the entire revenue that it takes to run this Government, justly called the greatest on the earth. And when I come to speak of the revenues from so great an industry I do so not as an advocate of intemperance or an apologist for it, but for the purpose of asking justice, simple justice to those who are allowed by law to manufacture spirits, and no more.

As our law now stands, when the distiller places his whisky in the bonded warehouse it is gauged. When he takes it therefrom he is required to pay tax on the number of gallons he deposited, although it may have lost by leakage and evaporation one-fourth while in the possession of the Government. He is thus forced to pay a tax upon that which has ceased to exist. Again, if the tax is not paid within the first year the owner is required to pay interest thereon, although the spirits are yet in the custody of the Government. He has also to pay interest on the tax due on that which has leaked or been lost, and hence endures a *double* hardship. The bill proposes to correct these and many other minor evils which I will not have time to notice.

I have had occasion to examine this question with some care, and find that the English law is even more favorable to the distiller in allowing for leakage than even the provisions of this bill. There, from the spirit store the spirits may be removed directly to the excise warehouse and remain there *for as long a time as the distiller or owner may desire*, and upon withdrawal from the warehouse *the proper duties* "shall be charged and paid upon the quantity of spirits actually found in said cask or package at the time of the delivery thereof by weight, measure, or gauge, as the commissioners of internal revenue may direct, provided that if the quantity of spirits contained in such cask or package shall be found by weight, measure, or gauge to be less than the quantity contained therein when the same was deposited into the said warehouse, and if the said commissioners shall not be satisfied that such deficiency has not been caused in whole or in part by any fraudulent abstraction, then the duty shall be charged and paid upon the whole quantity of spirits contained in such cask or package at the time when the same was deposited in the warehouse according to the account then taken thereof, or upon such portion thereof as the commissioners shall think fit." (Section 7, 27 Victoria, chap. 12.)

The gentleman from Ohio [Mr. GARFIELD] was asked a question which he never did answer, and which, to my mind, cannot be satisfactorily answered on any other hypothesis than that it is proper to grant the relief that is given by this bill. The gentleman from Pennsylvania [Mr. KELLEY] asked him why it was that he proposed, by opposing certain parts of this bill, to give an advantage to the importer living in foreign countries which is not given to the resident of America. My friend from Ohio knows as well where the difficult parts of a question are as any man here, and he has probably no superior in the exhibition of genius in evading them. Hence he attempted no answer. Now, if it is right to give protection to American industry, if it is right to give the American a superior advantage in

some things by protection, it is certainly wrong not to give him an equal chance with foreigners in all things, which is not done by existing law. The Frenchman, the Englishman, the German can import liquors here and deposit them in our warehouses, keep them there for two years, and pay no interest on whatever may be due as import duties; but when a Kentuckian, a Tennesseean, an Ohioan, or a citizen of Indiana or Illinois has his home products locked up in a Government warehouse, because the taxes are not paid, at the end of twelve months he has to begin to pay interest on the taxes on whatever is under bond. Why this favor to foreigners? It is not right, and cannot be justified on any ground. We should require no interest from home manufacturers that is not required of foreigners or importers.

The gentleman from Ohio has said that the whisky tax is absolutely a voluntary contribution. For the first time, so far as I have heard, the drinking of whisky and the paying thereby of taxes thereon is indirectly denominated patriotism. Hereafter when a man passes a "sample room," or "The Last Chance," on the Avenue, instead of being invited to go in and take some "cold tea," or a "cocktail," his friend and companion, overflowing with patriotism, will ask him to go in "and make a voluntary contribution to the support of his Government."

The gentleman must be forgetful of the many uses to which whisky is necessarily put besides its use as a beverage. In the compounding of medicines which cannot be dispensed with it is an essential ingredient. In a thousand ways it is used, and in many of them, as in medicine, the consumer cannot be said to use them voluntarily, and hence, in such instances, he cannot be called a volunteer tax-payer when he pays the taxes thus collected.

If you do not make a deduction for leakage, or if you impose your tax on the leakage, you tax that which has no existence.

Gentlemen said we ought to impose the taxes because the value has been enhanced. But while the value is being enhanced the man lies out of the interest on his money. I trust the bill will pass, and that the amendments suggested by the gentleman from Michigan will not be adopted.

[Here the hammer fell.]

Mr. MILLS. I yield five minutes to the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. This discussion has taken a wide range, and I propose to give it a still wider range, or at least to submit an idea to the consideration of the House that may perhaps be new to some members, and that is that this tax on whisky is a tax on western grain, western corn, and western rye and oats. It is a misnomer. But for the fact that it is called a tax on whisky no man in this House would think of carrying out this system of taxation so annoying and so odious to the people of the country whenever and wherever it has been tried. Who would think it was proper to impose a tax on the manufacture of corn into meal or of wheat into flour? No one. Why, then, unless you violate all principles of political economy, should you tax the production of corn or grain rather than its consumption? There is where the tax should go. It ought to go upon the consumption of whisky and alcohol in all its forms.

We have a question of moral sentiment introduced into this discussion: the idea that this Government is a grand temperance reformer, that it means opposition to drunkenness, vice, and crime by taxing whisky. But every man who considers this question properly knows that it has no effect whatever in that way. We should look at it as a question of dollars and cents, as affecting the material interests of the country, and not pander to the idea that it is an effort to instill habits of temperance among the people and keep them from getting drunk.

Why, sir, as the gentleman from Pennsylvania says, it is but one-third of the alcohol manufactured in this country that is used as a beverage at all. Two-thirds or 66 per cent. of it, according to his estimate, is used in the arts and sciences; and indirectly you are taxing all these articles of which alcohol is an ingredient.

I do not object to the imposition of a tax on the consumption of whisky; I could not object, because I personally would not pay any of the tax. But the tax ought to be on the consumption of the article and not on the production of it. What has been the effect of the tax on the manufacturer of spirits in the West, as every man knows? There was a time when the distilleries all over the western country made a market for the corn and grain of the farmer at his very door. Where there is cheap food; where there is cheap labor; where there are all the materials necessary to the manufacture, is the place where the manufacture should be.

Now, what is the case? This manufacture is a monopoly in the hands of a few men. The fifty-six pounds of corn transported from Kansas, Nebraska, or Missouri, to Saint Louis and Cincinnati, is carried there at an enormous cost to the farmer who raises it. If that same corn were manufactured into alcohol at the place where it is raised, then the transportation would be of fourteen pounds instead of fifty-six, resulting in so much increased profit to the farmer.

What has been the effect upon your foreign trade? If we had no tax on whisky, if we had free whisky as it is termed, there is not a nation in the world which we could not drive out of the market in the manufacture of alcohol. Our grain is now transported abroad, and there manufactured into alcohol and other spirits. But we can manufacture it so cheaply here that if there were not these taxes and restrictions upon it no other nation could enter into competition with us.

Before this tax was imposed on whisky the amount of our exportation of alcohol was nearly as great as now, although that was twenty years ago. But you are now interfering with the interests of the country for the sake of appeasing this miserable clamor about moral sentiment. By keeping this tax on whisky and tobacco you exempt the wealth of the country from its proper proportion of the tax, and imposing it upon the industries and productions of labor. You are impoverishing the people for the benefit of the wealth of the country.

Now, you should do as they do in England, impose a tax on incomes and upon the sales of stocks and bonds, which amount to millions upon millions of dollars daily, and in that way obtain something which would relieve the interests of the country that you are now oppressing and relieve the farmers who raise the corn and wheat that is converted into whisky. Our present system is wrong, the whole thing should be reformed.

I know that we cannot obtain revenue enough without having some tax upon whisky. The $100,000,000 now exacted from that manufacture and from the manufacture of tobacco must in whole or in part be obtained from some other source. But you might obtain the half of it by levying a tax upon the consumption of whisky, and there is where the tax should be laid. It would not increase your army of detectives, agents, and collectors; they are now all over the country.

By imposing a tax on the consumption of whisky, as is done in the several States, you could obtain revenue enough for your purposes, provided at the same time you impose taxes elsewhere on that which should pay taxes but does not pay any, and thereby aid in relieving productive labor from the burdens under which it is now suffering. I believe I have said all I desire to say.

Mr. MILLS. I now yield five minutes to the gentleman from Maine, [Mr. REED.]

Mr. REED. I have read with considerable care the report presented with this bill. It seems to me that with two exceptions the bill will justify itself to the favor of this House. In two respects I think it should be modified.

I recollect the scene referred to by the gentleman from Ohio, [Mr. GARFIELD,] which occurred in this House a year or more ago, when the distillers of the country presented themselves here and said that owing to the temporary crisis it was necessary that they should have another year to keep their spirits in bond before paying tax. In consideration of that, they offered to pay the Government 5 per cent. interest on the tax during that time. No pretense was then made that there would be any effort to permanently extend the time without the manufacturers paying interest on the tax. And I submit that there has been no good reason presented here why it should now be done.

The claim made that we ought to do it because the importers have longer time to keep their spirits in bond and pay no interest seems to me to be a fallacy. The principle on which we ought to legislate on these matters is this: a tax of this kind is in its nature voluntary, being on what is a luxury, or at least not a necessity; whatever we take off from this we put upon comforts and necessaries. We ought, therefore, to impose the very highest tax which we can collect on articles like this. We ought to get the largest amount of revenue from this taxation which can possibly be obtained. If we have not imposed a sufficiently high tax on foreign imports, that ought to be remedied by increasing the tax. We ought not to justify ourselves in lessening the internal or excise tax by giving as a reason that the tax on foreign spirits is not large enough.

It seems to me that the same line of argument applies to the question of outage. In reality it amounts to nothing more or less than this: it is taking off 15 per cent. or less from the tax. Such lowering of the tax can be justified only upon the ground that lessening the tax will really increase the revenue. I believe that our experience as a Government has shown us that we can collect the present rate of tax, and that the tax as at present levied will bring us the largest amount of revenue we can obtain from this article. I have not heard the slightest hint of any argument against that proposition, which is based upon principles which are commonly admitted as correct in matters of taxation. Everywhere the aim is to tax liquors to the highest revenue-producing point.

No man has risen here and said that this tax is too large to be collected; yet it is proposed here and now to take 15 per cent. off the tax on table whisky, a class of whisky that certainly does not enter into the 66 per cent. consumed in the arts, as maintained by the gentleman from Pennsylvania, [Mr. KELLEY,] but belongs to that other class so well described by the gentleman from Ohio.

Nor do I think that any argument is to be founded on the encouragement of exportation, because the exporter, if his goods are in bond, has to pay no tax until he exports them. The provision in the bill allowing exportation in small packages seems to me to be ample. I am aware that as a citizen of Maine I have no special interest in this business; yet at the same time, while sitting here as a member, I suppose I ought to contribute whatever suggestions may occur to me on the subject; and it does seem to me that on the principle upon which taxes of this kind are based we are not justified in doing what practically amounts to a reduction of the tax.

Mr. DUNNELL. Does the gentleman concede that if he were not a citizen of Maine he would not have made the speech he has made?

Mr. REED. I do not concede that I would not have made this speech, though perhaps I would not have made the allusion to my State with which I closed.

Mr. CARLISLE. Did I understand the gentleman from Maine to say that the passage of this bill would result in reducing the taxes on distilled spirits 50 per cent.?

Mr. REED. Fifteen per cent.

Mr. CARLISLE. The tax upon distilled spirits this year will be about sixty million dollars; and the Commissioner of Internal Revenue estimates that this proposed change of the law will make a reduction of only $1,750,000.

Mr. REED. I was confining myself entirely to that class of spirits under discussion—whisky kept in bond for a period not exceeding three years; and if there is an outage it will be in the proportion of 15 per cent. for the three years.

Mr. CARLISLE. While on the floor I desire to say in response to the statement of the gentleman from Maine that this bill is not in the interest of exporters of spirits, except that provision authorizing exportation in small quantities——

Mr. REED. Not at all.

Mr. CARLISLE. I so understood the gentleman.

Mr. REED. I did not make that assertion. I was replying to the argument made by the gentleman from Pennsylvania——

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. CARLISLE. I wish to say that persons withdrawing spirits from the warehouse for exportation are compelled to pay the tax upon the quantity of spirits originally put into the warehouse, although there may be an outage of 7, 10, or 15 per cent., and that the only privilege they now have in the matter of exportation is that they are allowed leakage between the warehouse and the port of shipment.

Mr. REED. To that extent, then, my remarks are subject to correction.

Mr. FORT. I will ask the gentleman from Kentucky whether we export liquors which have been in bond, say one, two, or three years?

Mr. CARLISLE. Oh, yes.

Mr. FORT. We do not, then, export high wines only?

Mr. CARLISLE. We export some of what are called table liquors, the finer qualities of liquors; but as already explained by my friend from Pennsylvania [Mr. KELLEY] there has not been so much of these exported as there would have been if the law had not prohibited exportation in less quantities than one thousand gallons at a time, about twenty-five barrels. Persons abroad who desire to buy these finer liquors for table use will not usually care to buy so much as twenty-five barrels at one time.

Mr. FORT. What percentage of bonded liquors do we export?

Mr. CARLISLE. I am not able to state that without reference to the Commissioner's report.

Mr. MILLS. I yield to the gentleman from Kentucky, [Mr. WILLIS.]

Mr. WILLIS. Mr. Chairman, I had not intended to offer any suggestions upon this bill, as the report of my colleague [Mr. CARLISLE] accompanying it is so clear, able, and exhaustive that nothing remains to be said upon the subject. As it is evident, however, that some members have not had time to read that report, I may be pardoned for trespassing briefly upon the attention of the committee.

I accept the statement made by the gentleman from Maine, [Mr. REED,] that we are not here to reform the morals of the country. If, as claimed by the gentleman from Michigan, [Mr. CONGER,] such was our duty and mission, and if, as he expressed it, it was desirable to export and thus get rid of all the whisky we manufactured, this bill if passed will be a step in that direction, as it will lessen the cost and increase the amount of production, and thus enable our American whiskies to compete successfully with foreign goods in their home markets. Or if this should fail, and it be desired to use the Government as a moral engine, why not place the tax at $5 a gallon instead of ninety cents, and thus abolish the manufacture altogether.

But gentlemen who express such views make no such proposition to this House, they would vote for no such proposition. They after all regard it as the gentleman from Maine regards it, as an orange out of which as much juice is to be squeezed as possible; as the goose which lays the golden egg. Whatever devotion they may feel for the cause of temperance, I take it that it is not so great as to strike down by their votes a source of revenue which is so overflowing and increasing as this—a revenue which is fifteen times greater to-day than at first, and which under judicious and fostering legislation will continue to increase. They certainly do not desire to end the life of a business which pays such immense sums into the public Treasury.

No, Mr. Chairman, such is not their meaning; but the gentleman from Maine has bluntly expressed their desire as he did his own when he declared that he wanted to get the largest possible amount of revenue from whisky. He expresses himself in favor of the "largest tax which can be collected," which I take it is but another form of the same idea. Sir, for the argument's sake, I will agree with this view of the subject. So far as this bill is concerned, I think we can consider it purely from a business or tax-paying stand-point, and find ample reasons for supporting it. I contend that ultimately there will be an increase of revenue if the changes proposed in this bill are made. The gentleman from Maine refers to the law passed in March, 1878, as a reason for opposing further legislation upon this subject. He says that there was an agreement or understanding then that no future appeal to Congress would be made, and that the distillers agreed to pay this 5 per cent. interest upon whisky in bond, which it is proposed now to abolish.

I have no recollection, Mr. Chairman, of any such agreement, either open or tacit; and as to the interest clause, it was accepted by the distillers as the best they could do under the circumstances, and not as something that was just and right. When that law was passed I remember well the predictions which were made on this floor as to the results. It was claimed that millions of dollars would be lost to the Government, and that it would become necessary to levy new taxes to supply the deficiency in revenue thus created. How these predictions have been falsified by the facts every one knows. At the time that legislation was asked all of the leading distilleries of the country, unable to sell their goods because of the crisis in monetary affairs and the general depression in business, could not pay to the Government the enormous sums for taxes which were then due. Had no change in the law taken place bankruptcy and ruin would have been the result.

The appeal which the distillers of the country then made to this House was unheeded by many members then as it is now. The rigid enforcement of the law was demanded, the forfeit of the bond was asked. Fortunately, however, in this crisis wiser counsels prevailed, the law extending the bonded period was passed, and relief from impending ruin was secured. Look at the results. Take one single instance in the district which I have the honor to represent. The house of Newcomb, Buchanan & Co., one of the largest and most reliable in the West, through a gentleman who was then a member of the firm, Major W. H. Thomas, urgently insisted upon the immediate passage of that law. Before it was done the house which he represented, involving in its business many millions of dollars of capital, was compelled to suspend payment.

The bill passed, and their creditors knowing their high character and commercial standing, promptly came to their relief. They continued their operations, and only a few days ago had the proud satisfaction of announcing to the world that every dollar of their large indebtedness had been fully paid. In addition to this, they have been enabled to increase their capacity, and will yearly pay a still larger sum into the Federal Treasury. What is true of that house, as to increase of business, holds good throughout the Union. The last report of the Commissioner of Internal Revenue shows an increased production in Bourbon and rye whiskies over the preceding year, 1878, of 5,123,697 gallons, while the net increase of all the different varieties was 15,789,568 gallons. The quantity of spirits produced and deposited in distillery warehouses during the fiscal year ended June 30, 1879, was greater than the quantity produced *during any other year*. The revenue which has come into the office since the date of the report is 50 per cent. greater than what the Commissioner estimated it would be. This excess over his expectation already amounts to nearly $8,000,000.

Such, sir, has been the effect of that legislation removing hardships, which surrounded the manufacture of whisky, and which at the time the law was discussed it was prophesied would so greatly deplete the Treasury. More capital has been invested in the business, more spirits have been produced, and a larger revenue paid into the Treasury than during any year of our history. The Commissioner in accounting for this great increase says that it comes, first, from the great increase in the number of legally authorized distilleries where before there were illicit distillers; second, the building of large and expensive distilleries, the increased production of the finer grades of goods, the increased foreign demand, &c.

An examination of the law will show that the amount of revenue depends not upon the amount of tax per gallon, but rather upon the number of gallons which are produced. Thus when the tax was twenty cents per gallon and the law was just going into operation the amount of gallons per month prodnced was 4,324,559. This continued for eighteen months. The tax for four months was then put at sixty cents, and the number of gallons per month was 8,315,088. For forty-three months the tax was $2 per gallon, and during that time the amount produced per month was 883,235. For six months it was $1.50 per gallon, during which time the number of gallons per month was 808,858. For fifty-two months it has been at ninety cents per gallon, and during this time the number of gallons has increased to 4,240,197 gallons per month.

It will be seen, therefore, at once that high taxes do not produce high revenue. When the tax is low and the laws are favorable otherwise to production, the number of gallons per month is largely increased, with a consequent increase of the revenue; and what has been true in the past will be true in the future. If you deal generously and liberally with this great interest it will repay you with more abundant revenue. If you hamper it with restrictions, if you hedge it in with technicalities, and if you compel it, as you do now, to pay this enormous tax of 600 per cent. upon material which is not in existence, you drive capital from the business, you lessen the number of sources from which your revenue comes, and you thus defeat the very purposes which you wish to accomplish by legislation.

Gentlemen in the discussion of this question have ignored the fact that there are two separate and distinct branches of this business.

There are the rectifiers, whose product, as the gentleman from Ohio [Mr. GARFIELD] has stated, is ready immediately for use and sale, and then we have the manufacturers of these straight whiskies, which he calls "table whiskies," the Bourbon and the rye. These latter require from two to three years before they can be used or sold, but when ready for sale, by evaporation they lose in quantity. Is there any justice in compelling payment of tax upon the number of gallons thus lost by evaporation?

The Commissioner of Internal Revenue, General Raum, whose fairness and whose fidelity to the Government no one will question, on the sixth page of his annual report, under the heading of "deficiency taxes," concedes the injustice of such taxation. I quote his statement and commend his conclusion to all gentlemen on this floor who wish to deal fairly and justly with this important interest—an interest which pays over forty-four millions into the public Treasury.

DEFICIENCY TAXES UPON SPIRITS WITHDRAWN FOR EXPORTATION.

Under the existing law spirits intended for exportation are gauged before their withdrawal from the bonded warehouse, and are again gauged at the port of export when they are about to be laden upon a foreign-bound vessel, and the distiller or exporter is required to pay a tax of ninety cents per gallon upon any deficiency that may be found between the first and second gauges. These taxes are greatly complained of by the distillers and others engaged in the export trade. This law was undoubtedly designed for, and has had the effect of, preventing frauds in connection with the exportation of distilled spirits. It is, however, well known that it is next to impossible to so prepare wooden packages as to prevent a certain amount of evaporation in the course of transportation over a long line, especially in hot weather, and I fully recognize the *hardship* of requiring the distiller to pay tax upon spirits which have *been lost by evaporation in the course of transportation.*

The intent of the internal-revenue laws is to levy a tax of ninety cents a gallon upon spirits which are manufactured for and actually go into consumption in this country, and the tax in question is evidently not intended for revenue, but as a restrictive measure to prevent fraud.

These taxes have in many instances amounted to a reasonable profit on the sale of the spirits, and have therefore been felt as a great burden by the distillers. Where the spirits are withdrawn in good faith for exportation, and due diligence is exercised in their transportation and losses occur by evaporation or accident in transportation without fraud or negligence on the part of the distiller, owner, or transportation company, or their agents, in my judgment no tax should be levied for any such loss. Such a tax necessarily discourages the exportation of American distilled spirits, and would seem to be contrary to sound public policy; and I have the honor to recommend that existing laws be so amended as to provide that taxes shall not be assessed for deficiencies occurring under the circumstances named. I would also recommend that provision of law be made for the exportation of alcohol in metallic cans of ten gallons and upward.

I submit it to every member on this floor that the case of a distiller who is compelled to keep his goods from two to three years before he can dispose of them, during which time he loses a per cent. by natural causes, is on all fours with the case above stated. The reasoning which applies to one is of equal force and application to the other.

Now, it is true that we have the right as legislators to ignore every principle of justice and good faith in this matter and compel, as we have done, payment upon the whole amount first manufactured. It is equally true that we might by our legislation here strike down this particular branch of business altogether. But do you intend to do it? Is this your policy? Why should you lessen the probabilities of a successful management of this industry? If you recognize it and are willing to take revenue from it, why not get as much as possible and relieve our people of taxes which press heavily upon them in other directions? Why not hold out inducements to the capitalists of the country to invest their money in this trade? Why should there be any discrimination against the manufacturers of pure whiskies? The rectifier loses 5 per cent. of his product in the process through which it goes, and is required to pay tax, not upon what goes into but what comes out of what remains after he has handled it. Why should this artificial process be more favored than the natural process through which straight whisky is made marketable?

The force of these suggestions, Mr. Chairman, is fully recognized by the rectifiers themselves. They make no resistance to this bill. On the contrary they admit that it is just in all its provisions and urge its passage. I hold in my hand a petition which I find on my desk, and which has doubtless been sent to all the members of this House. This petition is from rectifiers, wholesale liquor dealers as well as distillers, and calls attention to the law and respectfully asks favorable action.

In the list from Kentucky I recognize the names of all the leading rectifiers, distillers, and liquor merchants of that State. I see sixteen other States represented upon that petition. If the sharp rivalries of business, nowhere more prompt or active than in this line of business, have been laid aside before the sense of right and all these conflicting interests agree upon this bill, is it not an evidence that there is no just complaint that can be made against it, but that it will fairly and fully protect the rights of all.

Mr. Chairman, the State which I have the honor in part to represent upon this floor during the last seventeen years has paid in internal revenue $108,000,000. The office located in the city of my residence, Louisville, of the amount I have stated paid $42,000,000, nearly one-third of the whole. In this next year there will be paid from that district over $5,000,000, a greater sum than is paid by eighteen States together.

I am glad to say, however, that the merchants of Boston, New York, and Philadelphia have purchased of my constituents all the whisky they have manufactured up to the present time, except a small per cent. I feel, therefore, that whatever suggestions I have made will not be considered as prompted by the interest solely which I feel in my constituency. I trust I shall always be ready when the opportunity affords to serve them to the best of my ability, but so far as the operation of the law at present is concerned, it is of far greater importance to the constituents of gentlemen who represent the cities I have named than to my own. I stand here, however, to contend for the bill as just and fraught with prospective liberal returns of taxes to the Federal Treasury, and I look for the same favorable results in this instance as in the law extending the bonded period.

I hope, Mr. Chairman, that the bill with all its provisions will soon become a law.

Mr. CARLISLE. To avoid the necessity of having the committee rise I ask by unanimous consent the Clerk read the bill by sections for amendment and discussion under the five-minute rule.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3260 of the Revised Statutes of the United States be amended by striking out the word "double," in the fourteenth line of said section, and inserting after the word "days," in the fifteenth line of said section, the following: "But in no case shall the bond exceed the sum of $100,000."

Mr. BAYNE. I move to strike out the last word for the purpose of making an inquiry and not for the purpose of discussing the bill, because, it seems to me, the bill is a fair one in its general features and, with slight modifications, will answer the purpose for which it was framed.

I have received, however, from some of my constituents interested in the manufacture of vinegar, a letter calling my attention to a petition in which it is alleged that section 3282 of the Revised Statutes, which was amended by the act of March 1, 1879, and gave to the manufacturers of vinegar some privileges in the way of distilling and rectifying, is impaired by this bill and the rights thus accorded to them taken away. I desire to ask the gentleman in charge of the bill, whether that is the case or not?

Mr. CARLISLE. I will state for the information of the gentleman from Pennsylvania and all others whose constituents are interested in the manufacture of vinegar by what is known as the alcoholic-vaporizing process, there is not a single provision in this bill which affects that business in the least.

Mr. FRYE. That the gentleman states after full hearing before the committee touching that interest.

Mr. CARLISLE. We have another bill before us touching that.

Mr. BAYNE. I withdraw my amendment.

The Clerk read the following amendment to come in as a new section, proposed by the Committee on Ways and Means:

SEC. 2. That section 3262 of the Revised Statutes of the United States be amended by adding to the end the words following: "*And provided also*, That the collector may at any time, at the discretion of the Commissioner, accept such bond as is authorized to be given by the distiller in lieu of the written consent of the owner of the fee, in the case of a distillery erected prior to July 20, 1868, notwithstanding such distillery has since then been increased by the addition of land or buildings adjacent or contiguous thereto, not owned by the distiller himself in fee; such bond to be for and in respect of such addition only, if the distillery be one which the distiller owns in fee or in respect to which he has procured the written consent of the owner of the fee or other incumbrance, otherwise to be for and in respect of the entire distillery as increased by such addition."

Mr. CARLISLE. I move to concur in that amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That section 3285 of the Revised Statutes of the United States be amended by striking out all after said number and substituting therefor the following: "No fermenting-tub in a sweet-mash distillery shall be filled oftener than once in seventy-two hours, nor in a sour-mash distillery often than once in ninety-six hours, nor in a rum distillery oftener than once in one hundred and forty-four hours."

Mr. CARLISLE. The committee propose an amendment to this section to insert after the word "following," in the fourth line, the words:

Every fermenting-tub shall be emptied at or before the end of the fermenting period.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That section 3293 of the Revised Statutes of the United States, as amended by joint resolution approved March 28, 1878, and by an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by striking out all after the said number and substituting therefor the following:

"The distiller or owner of all spirits removed as aforesaid to the distillery warehouse shall, on the first day of each month, or within five days thereafter, enter the same for deposit in such warehouse, under such regulations as the Commissioner of Internal Revenue may prescribe. Said entry shall be in triplicate, and shall contain the name of the person making the entry, the designation of the warehouse in which the deposit is made, and the date thereof, and shall be in the following form:

"ENTRY FOR DEPOSIT IN DISTILLERY WAREHOUSE.

"Entry of distilled spirits deposited by ——— ———, in distillery warehouse ———, in the ——— district, State of ———, during the month ending on the ——— day of ———, A. D. ——.

"And the entry shall specify the kind of spirits, the whole number of packages, the marks and serial numbers thereon, the number of gauge or wine gallons, proof-gallons, and taxable gallons, and the amount of the tax on the spirits contained in them; all of which shall be verified by the oath of the distiller or owner of the same attached to the entry. The said distiller or owner shall at the time of making said entry give his bond in duplicate, with one or more sureties, satisfactory to the collector of the district, conditioned that the principal named in said bond shall pay the tax on the spirits as specified in the entry, or cause the same to be paid, before removal from said distillery warehouse, and within three years from the date of said entry; and the penal sum of such bond shall not be less than the amount of the tax on such distilled spirits. One of said entries shall be retained

in the office of the collector of the district, one sent to the storekeeper in charge of the warehouse, to be retained and filed in the warehouse, and one sent with duplicate of the bond to the Commissioner of Internal Revenue, to be filed in his office.

"A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency affecting its validity or impairing its efficiency, at the discretion of the Commissioner of Internal Revenue. And in case the distiller or owner fails or refuses to give the bond hereinbefore required, or to renew the same, or neglects to immediately withdraw the spirits and pay the tax thereon, or if he neglects to withdraw any bonded spirits and pay the tax thereon before the expiration of the time limited in the bond, the collector shall proceed to collect the tax by distraint, issuing his warrant of distraint for the amount of tax found to be due, as ascertained by him from the report of the gauger if no bond was given, or from the terms of the bond if a bond was given. But this provision shall not exclude any other remedy or proceeding provided by law.

"If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package hereafter deposited in a distillery warehouse, other than the loss provided for in section 3221 of the Revised Statutes of the United States, as amended, which, in the opinion of the Commissioner of Internal Revenue, is excessive, he may instruct the collector of the district in which the loss has occurred to require the withdrawal from warehouse of such distilled spirits, and to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. If the said tax is not paid on demand, the collector shall report the amount due upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected.

"That the tax on all distilled spirits hereafter entered for deposit in distillery warehouses shall be due and payable before and at the time the same are withdrawn therefrom and within three years from the date of the entry for deposit therein; and warehousing bonds hereafter taken under the provisions of section 3293 of the Revised Statutes of the United States shall be conditioned for the payment of the tax on the spirits as specified in the entry before removal from the distillery warehouse, and within three years from the date of said bonds."

Mr. CONGER. I send to the Clerk's desk the following amendment to this section, to come in immediately after line 83, at the close of the section.

The Clerk read as follows:

Provided, That in case of the non-payment of the tax on any distilled spirits within one year from the date of the original warehousing bond for such spirits, interest shall accrue upon said tax at the rate of 5 per cent. per annum from and after the expiration of said year until the tax shall be paid. Such interest shall be collected with the tax in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Mr. CONGER. This amendment, Mr. Chairman, restores to the section the interest clause stricken out of the bill by the committee. I do not desire to add to what I have already said or to what other gentlemen have said upon this subject, and unless some other gentleman desires to discuss it I shall ask to have a vote upon it. My object is in presenting it to leave the subject of the payment of interest as it is now. This clause is left out in the bill that was reported from the committee, and I ask simply to append it as an amendment, having had an understanding that it should be submitted to the Committee of the Whole, and if necessary to the House, in order to test the sense of the House as to its restoration.

Mr. CARLISLE. Mr. Chairman, I have already stated perhaps all that is necessary in regard to this matter of interest, to which the amendment of the gentleman from Michigan refers. I have already stated to the committee that there is very little, perhaps no complaint as to the amount of this tax. It is a matter of no consequence, or of very little consequence, as far as the revenue is concerned, and so far as the amount is concerned it is a matter of very little consequence to distillers and owners of distilled spirits. But there is a ground of complaint, as I have already stated, and that is that there is more or less difficulty in adjusting the matter of interest when the packages of distilled spirits are withdrawn from the warehouses. It is a very small item, but no matter how small the quantity of distilled spirits may be which is withdrawn from the warehouse, there must be an examination by the officers of the Revenue Department with a view to ascertaining the amount of this interest upon the tax after the expiration of one year.

There is also another difficulty encountered by the distiller in regard to the collection of the tax. When he comes to make sale of spirits it is always a matter of controversy between the purchaser and the seller as to who shall pay this interest. Now, in this view, and it being a matter of such very small importance to the revenue, the committee thought it was advisable under all of the circumstances to recommend the repeal of so much of the law as imposed that interest, and with this statement I am willing to leave it for the action of the committee.

Mr. CONGER. While that is true to some extent, yet this is in fact the only place in the whole law where there is any pretended remuneration to the Government for the care, keeping, warehousing, storing, and protecting the whisky during this whole time. That is, from the time it enters the warehouse until the end of the three years it is a constant and continual source of expense to the Government.

If the loss of the use of the money which should be paid for this tax or the withholding of its payment from the Government is sanctioned by the bill, then there ought to be some recompense to the Government for that loss in the way of interest. Now, the payment of this interest will amount, according to the rate of manufacture for this year, and according to the estimate of the Commissioner of Internal Revenue, to about $150,000. That goes so far, at all events, toward paying these expenses of the Government.

I submit to the gentleman that the people of this country will be better satisfied with the relief given in other respects if it is not given at the expense of the tax-payers.

Mr. CARLISLE. The gentleman will permit me to say that the Government of the United States is not at a particle more expense in keeping the charge and custody of the warehouse in which spirits remain for three years continuously than it would be in the charge and custody of one in which spirits remain for only a single day, because if the same spirits remain but a day the Government is required to keep at that warehouse continuously a storekeeper with compensation at the rate of $4 a day, and that is all the expense that would be incurred if the liquor remained on storage for four or six years.

Mr. CONGER. But my point is that the expense would be incurred in the requirement which the Government would have to meet, of a larger building, of additional room for the storage, if it was allowed to remain a longer time.

Mr. CARLISLE. But the gentleman is certainly not under the impression that the Government furnishes the warehouse for this storage. Every distiller is required by law to furnish at his own cost a warehouse for the storage of spirits. There are warehouses erected by distillers at a cost of seventy-five or eighty thousand dollars; and that property is taken possession of immediately, absolutely, and exclusively by the Government the moment it is erected, and its officer carries the key, so that the owner of the distilled spirits cannot even take a customer in there to show the goods unless in the presence of a Government officer.

Mr. SIMONTON. Mr. Chairman, I rise to support the amendment of the gentleman from Michigan. I am opposed to that feature of the bill which provides for releasing the 5 per cent. interest now collected on the unpaid tax after the specified time, but more especially to the rebate of the tax for evaporation, waste, &c., occurring between the time of manufacture and sale, and I wish to state briefly the reasons that will influence my vote. Sir, I am always desirous of reducing taxes and lightening the burdens of government. I wish that all our commodities and products could be relieved of the load and oppression of taxation. But, sir, the burdens of government must be borne by some one and rest upon some of our commodities or articles of merchandise. And since all may not be relieved, the question arises, are the owners of liquors now in Government warehouses entitled to consideration and relief in preference to all the other of our tax-paying people.

Does the public interest demand that relief should begin and begin alone here; that nobody else but the class contemplated in this bill should have any burdens of government lifted from their shoulders during this session of Congress? Others of our people and other industries, to say the least of it, are entitled to equal consideration and relief. Yes, and to far more; yet no bill has been reported in their behalf by the Committee on Ways and Means. Reduce the revenues as contemplated in this bill, and their chance of redress is just that much lessened. I do not want to begin to reduce our revenues just here and in this way. Bring in your bill revising our tariff, lift the burden from the people, and then we will, if it can be safely done, extend the relief which you demand shall first be given. I prefer to reduce, and demand that the reduction shall first be made upon the taxes upon hats, blankets, trace-chains, and implements of husbandry, and the other necessaries that the people I here represent must of necessity purchase, those things they cannot do without, and in purchasing which they pay high tariffs.

Who will be benefited by the passage of this bill unamended or by the change of law as contemplated in the bill? The gentleman from Kentucky [Mr. CARLISLE] tells us the Commissioner of Internal Revenue estimates that the rebate for waste, leakage, &c., will be about $1,700,000 per annum, and from the release of the 5 per cent. about $75,000; being a saving, or rather a gain, to those who have liquors in the Government warehouses of near $2,000,000, and a consequent reduction of that much revenue from the Treasury of the Government per annum. The Government plainly loses nearly two million per annum by this transaction. Now, who gains it? Will the consumer purchase his liquor any cheaper? Not at all. Will the producer of corn and grain receive any higher price from the distiller for his products by reason of the passage of this bill? None whatever.

This rebate is only upon certain liquors, as has been explained, called table liquor, &c. The gentleman from Pennsylvania [Mr. KELLEY] has assured this House that about 66 per cent. of all the alcohol made is used in the arts, and only about 33 per cent. used as a beverage. It is evident that the liquors upon which this rebate is sought to be made are those used or consumed as a beverage—the table liquors; hence his ingenious argument about the works of art being relieved of taxation does not apply, for the alcohol so used is not affected by this bill. Since the rebate contemplated in the passage of this bill is but a small percentage, perhaps from 5 to 15, of the liquors to which it applies, and which it seems are not more than a third of the amount manufactured in the country, the price to the consumer will not be affected by the passage of the bill. But the owners of liquor in the Government warehouses will realize a fine margin; they scoop in just what the Government loses; it is a fine speculation to them. It is not the first time our revenue laws have been changed in the interest of the speculator. I for one will never aid by my vote what seems to me a project of speculation.

In my judgment, we ought to change the revenue laws as little as possible, and only for the benefit of the people generally; not for the benefit of the manufacturers alone or of those who happen to have

large amounts of spirits in the warehouses. I will join hands with any one to reduce taxes and to take the tariff off those things which the people most use in this country; and if taxes are to be reduced I would rather do so in that field, and afterward reduce the tax upon whisky.

The question being taken on Mr. CONGER's amendment, there were—ayes 52, noes 64.

Mr. CONGER. Before making the point that a quorum has not voted, I desire to inquire of the gentleman who has charge of the bill whether it was understood I should have the right to offer this amendment in the House?

Mr. CARLISLE. There has been nothing said to me on that subject.

Mr. CONGER. I had stated my desire, and I had supposed it was agreed that if the amendment should fail in Committee of the Whole I should have a vote upon it in the House.

Mr. CARLISLE. Unless such an understanding as the gentleman from Michigan suggests would result in having a large number of other gentlemen asking the same privilege, and permitting perhaps fifteen amendments to be voted upon in the House which had been offered in the committee, I would have no objection.

Mr. CONGER. There are only three, or at most four, amendments upon which gentlemen would desire to have a vote in the House.

Mr. CARLISLE. With the understanding that there are no more than that, I will agree that this amendment shall be voted upon in the House.

Mr. CONGER. With the understanding, then, that I shall have an opportunity to offer this amendment in the House before the previous question is called, I do not insist on the point of order that a quorum has not voted.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the fifth section, as follows:

SEC. 5. That section 3294 of the Revised Statutes, as amended by an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by inserting after the word "casks," in the tenth line thereof, the words "or packages," and by inserting after the word "them," in the thirteenth line thereof, the words "at the time they were deposited in the distillery warehouse; and said entry shall also specify the number of gauge or wine-gallons, and of proof-gallons and taxable gallons contained in said casks or packages at the time application shall be made for the withdrawal thereof."

The Clerk read the following amendment proposed by the committee:

In line 2, after the word "Statutes," insert the words "of the United States."

The amendment was agreed to.

The Clerk read the sixth section, as follows:

SEC. 6. That section 3287 of the Revised Statutes of the United States, as amended by an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by striking out all after said number and substituting therefor the following:

"All distilled spirits shall be drawn from the receiving-cisterns into casks or packages, each of not less capacity than ten gallons wine measure, and shall thereupon be gauged, proved, and marked by an internal-revenue gauger, by cutting on the cask or package containing such spirits, in a manner to be prescribed by the Commissioner of Internal Revenue, the quantity in wine-gallons and in proof-gallons of the contents of such casks or packages, and by branding or burning on the head of such cask or package in letters of not less than one inch in length; and such brands shall distinctly indicate the particular name of such distilled spirits as known to the trade, that is to say, high wines, alcohol, or spirits, as the case may be; and shall be immediately removed into the distillery warehouse, and the gauger shall, in the presence of the storekeeper of the warehouse, place upon the head of the cask or package an engraved stamp, which shall be signed by the collector of the district and the storekeeper and gauger; and shall have written thereon the number of proof-gallons contained therein, the name of the distiller, the date of the receipt in the warehouse, and the serial number of each cask or package, in progressive order, as the same are received from the distillery. Such serial number for every distillery shall be in regular sequence of the serial number thereof, beginning with number one (No. 1) with the first cask or package deposited therein after July 20, 1868, and no two or more casks or packages warehoused at the same distillery shall be marked with the same number. The said stamp shall be as follows:

"Distillery-warehouse stamp No. —. Issued by —— ——, collector, —— district, State of ——, distillery warehouse of —— ——, 18—. Cask No. —; contents —— gallons proof-spirits.

"—— ——,
"*United States Storekeeper.*

"Attest:

"—— ——,
"*United States Gauger.*"

The Clerk read the following amendments proposed by the committee:

In lines 10 and 11 strike out the words "by cutting" and insert the words "who shall cut."

In lines 15, 16, and 17 strike out the words:

"By branding or burning on the head of such cask or package in letters of not less than one inch in length; and such brands shall distinctly indicate."

In line 19, after the words "may be," add the following: "shall be marked or branded on the head of such cask or package in letters of not less than one inch in length;" and after the word "and" add the words "the spirits."

The amendments were agreed to.

The Clerk read the seventh section, as follows:

SEC. 7. That section 3310 of the Revised Statutes be amended by striking out the words "every distiller at the hour of twelve meridian on the third day after that on which his bond is approved," occurring on the first and second lines thereof, and by inserting in lieu thereof the words:

"The first fermenting period of every distiller shall be taken to begin on the day the distiller's bond is approved; and every distiller at the hour of twelve meridian on the last day of such first fermenting period, or at the same hour on any previous day of such fermenting period on which spirits are distilled."

The Clerk read the amendments proposed by the Committee on Ways and Means, as follows:

After the word "Statutes" insert the words "of the United States."

The amendment was agreed to.

The Clerk read the eighth section, as follows:

SEC. 8. That section 3318 of the Revised Statutes of the United States, as amended by an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by striking out all that was added to said section by said amendatory act.

The Committee on Ways and Means reported an amendment to strike out the eighth section.

The amendment was agreed to.

Mr. HUNTON. In accordance with an informal agreement between the gentleman from Kentucky [Mr. CARLISLE] and myself, I move that the committee rise for the purpose of allowing the House to take a recess until half past seven o'clock, an evening session having been appointed for the consideration of the District of Columbia code.

Mr. FERNANDO WOOD. Let us go on till half past four.

Mr. CARLISLE. I suggest to the gentleman from Virginia that we may go on a little further.

Mr. HUNTON. I have no objection.

The Clerk read the following:

SEC. 8. That section 6 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be amended by inserting after the word "premises," on the twenty-first line thereof, the following: "And the Commissioner of Internal Revenue, upon the production to him of satisfactory proof of the actual destruction, by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, or of any spirits in process of manufacture or distillation, and before the tax thereon had been paid, shall not assess the amount of internal taxes which might accrue thereon.

The Committee on Ways and Means recommended the following amendments:

After the words "negligence of the" strike out the words "owner thereof of any distilled spirits or," and insert in lieu thereof the word "distiller."

Also strike out the words "and before the tax thereon has been paid" and insert in lieu thereof the words "or before removal to the distillery warehouse."

Also at the end of the section strike out the words "amount of internal taxes which might accrue thereon" and insert in lieu thereof the words "distiller for a deficiency in not producing 80 per cent. of the producing capacity of his distillery as established by law when the deficiency is occasioned by such destruction, nor shall he, in such case, assess the tax on the spirits so destroyed."

Mr. CARLISLE. I desire to state that these amendments were prepared by the Commissioner of Internal Revenue, and by him submitted to the Committee on Ways and Means, who recommended their adoption.

The amendments were agreed to.

The Clerk read the following:

SEC. 9. That section 7 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, be repealed.

SEC. 10. That section 3329 of the Revised Statutes of the United States be amended by striking out, after the word "of," in the fifty-sixth line, the word "seventy" and inserting in lieu thereof the word "ninety."

The Committee on Ways and Means recommended the following amendment:

Add to section 10 the following:

"And by striking out the words 'in quantities of not less than one thousand gallons,' in the third line thereof and by inserting the word 'packages,' after the word 'casks,' in the fifth line thereof."

The amendment was agreed to.

Mr. HUNTON. With the consent of the gentleman from Kentucky [Mr. CARLISLE] in charge of this bill I move that the committee now rise.

Mr. CONGER. I hope the gentleman will allow us to go on for fifteen minutes longer.

Mr. HUNTON. It is perfectly manifest that this bill cannot be finished this afternoon. A session has been ordered for to-night, and members all around me are clamorous for the committee to rise. I therefore move that the committee rise.

The motion was agreed to upon a division—ayes 70, noes 48.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. THOMPSON, of Kentucky, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4812) to amend the laws in relation to internal revenue and had come to no resolution thereon.

FISHERIES REPORT FOR 1879.

Mr. WILSON. I ask unanimous consent that Senate joint resolution No. 100, to print extra copies of the Report of the Commissioner of Fish and Fisheries for the year 1879, returned from the Senate with its disagreement to the amendment of the House thereto, be now taken from the Speaker's table. My object in making the request is to move that the House insist on its amendment and ask a committee of conference.

There was no objection, and the resolution was accordingly taken from the Speaker's table.

Mr. WILSON. I now move that the House insist upon its amendment and ask for a conference.

The motion was agreed to.

RECIPROCITY TREATY WITH CANADA.

Mr. COX. I move that extra copies be printed of the report (No. 1127) of the Committee on Foreign Affairs accompanying the joint

resolution (H. R. No. 149) for the appointment of commissioners to ascertain and report a basis for a reciprocity treaty between the United States and the British provinces.

Mr. BLOUNT. Has that report ever been printed?

Mr. COX. It has been printed, but the first print has been exhausted, and I ask to have it reprinted.

There was no objection, and it was so ordered.

INTERNAL REVENUE.

Mr. CARLISLE. I ask for an order to reprint House bill No. 4812, to amend the laws in relation to internal revenue, the first print having been exhausted.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HUNTON. I move that the House now take a recess until half past seven o'clock.

Mr. WILSON. I would inquire what is the order of business for the session to-night?

The SPEAKER *pro tempore*. The Chair is informed that the session of to-night is for the consideration of the bill reported from the Committee on the District of Columbia for a codification of the laws relating to this District.

ENROLLED BILLS SIGNED.

Pending the motion for a recess,

Mr. WILBER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the House of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana;

An act (H. R. No. 3534) to authorize and equip an expedition to the Arctic seas; and

A joint resolution (H. R. No. 284) authorizing the Secretary of War to furnish two hospital tents to the Soldiers' Orphans' Home of the State of Illinois.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. VAN AERNAM, for ten days from Friday next.

WITHDRAWAL OF PAPERS.

Mr. JONES asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Hyacinth D. St. Cyr; no adverse report.

Mr. ELLIS asked and obtained unanimous consent that the papers in the claim of Samuel Jamieson be taken from the files of the House and referred to the Committee on War Claims.

ORDER OF BUSINESS.

Mr. HUNTON. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Virginia [Mr. HUNTON] that the House now take a recess.

The motion was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m., Mr. BLACKBURN in the chair as Speaker *pro tempore*.

CODE FOR THE DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore*. The session of to-night is for the consideration of the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia.

Mr. HUNTON. I move that the House resolve itself into the Committee of the Whole House for the consideration of the bill just named.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. BURROWS in the chair,) and resumed the consideration of the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia.

Mr. HUNTON. When the Committee of the Whole, having under consideration this bill, last rose, the House made an order, at the request of several members, that the remaining sections in regard to taxation should be passed over for the time being, and that we should at this evening's session commence at Title IV, "Public schools," on page 86.

The Clerk read as follows:

TITLE IV—PUBLIC SCHOOLS.

SEC. 239. Every person in the District of Columbia, having under control any child between the ages of eight and fourteen years, shall annually, during the continuance of such control, send such child to some public school in that part of the District in which he shall at the time reside, at least twelve weeks, six of which shall be consecutive, and for every neglect of such duty the party offending shall forfeit to the use of the public schools a sum not exceeding $20, to be recovered before any justice of the peace of the District.

SEC. 240. If, upon the hearing of any case provided for in the preceding section, it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school, or that the child has been attending any other school for a like period of time, or that the child, by reason of bodily or mental infirmity, was not fit to attend such school, the penalty shall not be enforced.

Mr. HUNTON. I ask unanimous consent to go back, before it escapes my memory, to page 39, to insert an amendment in the exemption clause. My attention has been called by the Secretary of State to an omission which I wish to correct. The first exemption, in section 131, is "the property of the United States and of the District." I move to amend so as to make that clause read "the property of the United States, of the District, and of foreign governments held for legation purposes."

Mr. CONGER. Would that include property rented by foreign legations?

Mr. HUNTON. No, sir; it would apply only to property belonging to foreign governments and used for legation purposes.

Mr. LAPHAM. Why should property owned by foreign governments be exempted from taxation any more than property rented for legation purposes?

Mr. HUNTON. I have been informed by the Secretary of State in a letter which I received since this question was before the House that property owned by foreign governments has not been taxed heretofore, and that according to the comity of nations such property when used for legation purposes is exempt from taxation. The reason why rented property is not exempted is that the owner of the property pays the taxes.

Mr. LAPHAM. I was looking to see whether we could not get back a little of the five millions and a half of dollars that we paid for a few fish. [Laughter.]

Mr. HUNTON. I reckon we got that in the Geneva award.

Mr. LOUNSBERY. It seems to me that the clause as now proposed to be amended would not express the sense intended. The clause to which the amendment refers now reads, "first, the property of the United States and of the District." The amendment as reported leaves out the word "and" after "the United States," so that possibly it might be construed that property of the District was not included in the exemption.

Mr. HUNTON. It certainly would not. The clause as proposed to be amended would read:

First, the property of the United States, of the District—

That is, the property of the United States and of the District—

and of foreign governments.

That is, property of foreign governments.

Mr. BARBER. If you leave out the word "and" the construction may be "property of the United States in the District of Columbia."

Mr. HUNTON. With a comma inserted after "United States" and "District," there can be no doubt about the meaning.

Mr. LAPHAM. I suggest that the words "of Columbia" be inserted after "District."

Mr. HUNTON. I would have no objection to making that modification, but the gentleman will recollect that near the beginning of this code there is a section which provides that the words "this District" or "the District" shall be construed as equivalent to "the District of Columbia."

Mr. VAN VOORHIS. It is never safe, in my judgment, to allow the construction of an important clause in a statute to depend upon the question whether a comma is or is not in a certain place. While I agree with the gentleman from Virginia that perhaps if the comma be inserted the technical grammatical construction might be as he says, yet it sometimes happens that in printing statutes commas are omitted. We had better make the language plain enough, even if the comma be omitted. I think we had better retain the word "and" after the words "United States." While making the expression emphatic, it preserves the meaning.

Mr. HUNTON. I have no objection.

Mr. VAN VOORHIS. It will then read "property of the United States, and of the District, and of foreign governments."

Mr. HUNTON. I do not think it necessary to retain the word "and," and it is hardly grammatical.

Mr. VAN VOORHIS. It is grammatical.

The CHAIRMAN. Does the gentleman from Virginia accept the modification?

Mr. HUNTON. I have no objection.

Mr. MITCHELL. It appears to me that in a bill of this kind we ought to observe the same rules of composition which we would follow in writing a letter or anything else. I cannot conceive any reason why the conjunction "and" should be inserted after the words "United States." I do not believe any court ever existed, or ever will be created, or can be imagined to exist, which would construe that phrase, "of the District," as relating to the United States, whether there is any comma there or not. I do not think there can be any question about it.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia, as modified.

Mr. MITCHELL. I move to strike out "and," if that is part of the amendment.

Mr. VAN VOORHIS. That word "and" is there now, and the motion was made to strike it out, and I move to keep it in.

The CHAIRMAN. The amendment was accepted by the gentleman from Virginia.

Mr. MITCHELL'S amendment to the amendment was adopted.

Mr. VAN VOORHIS. I move that the gentleman from Pennsylvania be a committee to see that that comma is put there when this law is printed. [Laughter.]

Mr. HUNTON'S amendment, as amended, was adopted.

Mr. BARBER. I should like to inquire of the gentleman in charge of the bill whether the term "any other school," in line 5 of section 240, is intended to embrace private schools?

Mr. HUNTON. Unquestionably it is. If a parent is sending his child to any school, then of course the penalty of not sending to the public school ought not to be, and is not by this section, enforced, the object of the section being to require education in some school.

Mr. LAPHAM. Is that broad enough? I ask the gentleman from Virginia to include the class of cases where private teachers are employed.

Mr. HUNTON. Unquestionably.

Mr. LAPHAM. I fear not.

Mr. HUNTON. Undoubtedly it is. It was intended to be.

Mr. LAPHAM. I have no doubt of that. But I doubt whether a single child under the instruction of a private teacher would come within the designation of a person attending school.

Mr. HUNTON. What would you propose?

Mr. LAPHAM. Some apt word.

Mr. HUNTON. What is the apt word?

Mr. VAN VOORHIS. A comma. [Laughter.]

Mr. BARBER. I move, in line 5, after the word "school," to insert "or private instruction."

Mr. HUNTON. Let me make a suggestion. That in lieu of the words you propose to insert, would it not be better to insert after "any other school" the words "public or private?"

Mr. BARBER. That would be all right.

Mr. HUNTON. I have no objection to that.

Mr. LAPHAM. I think that would cover it.

Mr. SINGLETON, of Illinois. I rose when section 131 was under consideration for the purpose of moving an amendment to section 239. I do not understand that section has yet been passed upon.

The CHAIRMAN. Section 239 has been passed; but, if there be no objection, as soon as the pending amendment is disposed of the Chair will hear the gentleman's amendment.

Mr. SINGLETON, of Illinois. I rose to move an amendment.

The CHAIRMAN. The Chair remembers that, and will recognize the gentleman when the pending amendment has been acted on.

Mr. ROBINSON. Read the pending amendment.

Mr. BARBER'S amendment was read, as follows:

Line 5, section 240, after the word "school," insert the words "public or private."

Mr. ROBINSON. That would be right provided there are public schools which are not supported by the District, and if there are no public schools apart from the Distict schools, then the word "public" is plainly out of place, because you are here, in this bill, requiring children to attend public schools, and then you say instead of attendance on public schools you will accept attendance elsewhere or an excuse of mental or bodily infirmity. You are providing under what circumstances the child may not be compelled to attend public schools, therefore the word "public" is quite out of place as I look at it, and I think some apt word or a comma ought to be inserted. [Laughter.]

Mr. BARBER. Section 239 provides that the child shall be sent to some public school in that part of the District in which he shall at the time reside, and this is contradistinguished from that.

Mr. BARBER'S amendment was rejected.

Mr. SINGLETON, of Illinois. I move, in section 239, to strike out the following words:

And for every neglect of such duty the party offending shall forfeit to the use of the public schools a sum not exceeding $20, to be recovered before any justice of the peace of the District.

The CHAIRMAN. Is there objection to going back to that section and receiving the amendment?

There was no objection.

Mr. SINGLETON, of Illinois. It will be observed by the committee that section 240 relieves the parent from the penalty prescribed in section 239, if the child labors under bodily or mental infirmity. But the parent may be laboring under mental or bodily infirmity and may require the services of the child.

Now, sir, I am in favor of education, but I want no education but that which society and the necessities of mankind compel. I want no education that the law compels. Let the parent be the judge of whether his child is necessary to take care of him, to minister to his wants in his old age, to nurse him in his infirmity, and not let the law say that because the child is infirm the parent shall be exempt from the penalty attached, when the infirmity of the parent should exempt him when he keeps his child at home from school to care for him in his old age, or want, arising from sickness or otherwise. I think the section is imposing or will impose a very great and unnecessary hardship upon many persons who necessarily keep their children at home to wait upon them in cases of infirmity or sickness, who ought not to be subject to that provision because their infirmity necessitates the attendance of their children perhaps at their bedside. I hope therefore the amendment will be agreed to.

Mr. HUNTON. I will say to my friend from Illinois that if it be the judgment of the committee that the last portion of this section should be stricken out, then the whole section ought to be stricken out, because it is not worth while to declare by statute that the parent should send his children to school if he is not required to send them, or if there is no penalty attaching to it.

Mr. SINGLETON, of Illinois. The statute in that event would be directory; that is a very good thing often.

Mr. HUNTON. But I say there would be no sense in requiring a thing to be done if there is no forfeit or penalty attached to its violation. If my friend is right in his views all the District ought to do would be to open the school and allow the children to come in or not to come as they pleased, or as their parents pleased. The main point in this matter is as to whether it is proper in a government to say that the parents must, to some extent, educate their children, and I for one, sir, think it is probably right that the Government should require parents to send their children to school for a certain portion of the time at least, for the purpose of educating them, to fit them for the duties of citizenship, and for the purpose of preventing the increase of criminals and paupers upon the community.

Mr. ROBINSON. I do not know whether it is necessary to move an amendment or not.

The CHAIRMAN. The time for debate on the amendment is not yet exhausted.

Mr. ROBINSON. Then, I wish to suggest to the gentleman from Illinois that perhaps he will find relief for the objection which he urges in lines 2, 3, and 4 of the next section of this bill, where it is provided that if it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school, &c.

Mr. HUNTON. That is true.

Mr. ROBINSON. That I say seems to be in the nature of relief in such cases as the gentleman from Illinois has mentioned as probably ones of hardship which might arise under this bill. But coming to the purpose of this section I believe that a community that undertakes to support public schools and to provide free education for the children has the right also, and that it is a duty which that community is called upon to perform, to see that the children attend the schools and receive the education which is offered to them. One of the best foundations for our free institutions is undoubtedly to be found in the education of the young; and if we open the school-doors and provide every convenience and advantage for the children, we undoubtedly have the right to impose upon the parents and those in charge of the children the duty of sending them at least for a time to the schools. Is it a hardship? Is it that I am taxed to furnish the fund out of which my neighbor's children shall be educated and I have no interest in it? The interest of every one that regards the peace and good order of the community in which he lives, and of society at large, is closely involved in the education of the youth who are to be the coming generation.

I know my friend from Illinois is in full accord with that. The section of this bill which provides relief for the objections he urges covers fully the point that he makes and leaves the section complete in its operation as to children where no such objections exist. The State of Massachusetts has had this species of school legislation for a great many years and has to-day classes—if I may use the word in no odious sense—we have all grades of property in our State—but all are compelled for a certain portion of the year to send their children into the public schools or to some school which is approved by the school committees. For instance, the Catholic children, many of them, are educated in strictly Catholic schools, and the school committees approve of them, for it is in accordance with the wish of the parents. I sincerely hope that in this capital of the country we will take no backward steps in this regard. Let us take a forward step if necessary. Surely we cannot go far wrong if we require all the children to go to the schools for the short time, only twelve weeks, prescribed in this bill. That is all that is required. That is not a great hardship upon anybody. Thus all are enabled to derive the benefit of the public schools, and the effect will be to produce better men and better women and better citizens, and the country will be all the safer twenty-five or fifty years hence.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. ROBINSON. Certainly.

Mr. SPRINGER. I wish to ask the gentleman if he has any objection to parents having a private tutor for their children and not send them to school at all?

Mr. ROBINSON. Not at all. That is provided for in the next section.

Mr. SPRINGER. Where? I would like to hear it.

Mr. ROBINSON. Let the gentleman read the next section. That point has been commented upon already.

Mr. SPRINGER. I find in the next section these words:

Or that the child has been attending any other school.

Mr. ROBINSON. If those words are not broad enough it has been agreed by the chairman of the committee to accept any words broad enough to cover private instruction. If the words are not broad enough let the gentleman from Illinois suggest what will answer the purpose.

Mr. HUNTON. An amendment offered for that purpose has been voted down.

Mr. SINGLETON, of Illinois. I am aware that under the rules I am not permitted to make any further remarks; but if there be no objection I desire to answer my friend from Massachusetts, [Mr. ROBINSON,] with whom I agree in the main.

I am opposed, Mr. Chairman, to imposing a penalty upon any poor

man whose children must necessarily be educated at a public school. Public schools were intended and should be preserved for the purpose of educating the children of those who are unable to educate them themselves, and to impose a penalty upon the parent whose infirmity may require the presence of his child at home is wrong.

I am opposed to the general doctrine of compulsory education. This is all wrong. It ought not to be tolerated by Congress, even if the States of this Union may all have adopted it. Congress is now legislating for the District of Columbia alone, and what States may do may be improper to be done for the District of Columbia. But even if it were proper and within the sphere of the power of Congress to do this thing, which I shall not discuss or deny, still I say it is wrong to impose upon the people of the District of Columbia the obligation to send their children to the public schools, whether they can or cannot afford to have their children away from their homes and from attending to themselves, the necessity of which we see evidenced every day by the little children running around selling newspapers, &c., to maintain their poor parents.

I have no objection to an amendment which will relieve the parent in any way from this penalty. My friend from Massachusetts has referred to the provision in section 240:

If upon the hearing of any case provided for in the preceding section it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school.

Not able from any cause. What does that mean? It means if he is not able to furnish him with clothes, with shoes, with stockings and all these things. But suppose he had no ability himself to send the child or ability to take care of himself. The inability I speak of is not in regard to sending the child, but in regard to taking care of himself. Therefore the penalty is all wrong and should be stricken out.

[Here the hammer fell.]

Mr. VAN VOORHIS. I move to strike out the last word.

I think the difficulty which the gentleman from Illinois labors under can be very easily disposed of. The only part of the section he objects to is that which imposes a penalty.

Mr. SINGLETON, of Illinois. That is all.

Mr. VAN VOORHIS. We have been informed repeatedly that this is a "perfect" code of law. Now, every perfect code of laws has a general provision imposing a penalty for the breach of such portions of it as have no specific penalty attached to them. Generally it is made a misdemeanor. So that when you get through with this code, if it is not in already, it will be put in, that every offense specified in the code for which no specific penalty is provided shall be a misdemeanor; and if the amendment of the gentleman from Illinois prevails he will find the people in whose interest he speaks, much worse off when they come before the court to answer for a misdemeanor than if they had to pay a penalty of $20 or under. I withdraw the amendment.

Mr. LOUNSBERY. I rise to oppose the amendment of the gentleman from New York, [Mr. VAN VOORHIS.]

I understand the gentleman from New York to take the floor in advocacy of penalties. It seems to me that a school law is the very worst place to load up with penal statutes. I have a good deal of sympathy with the position taken by the gentleman from Illinois, [Mr. SINGLETON.] I know that if we enter upon the discussion of the question of compulsory education we open a very wide field of discussion indeed. I have never been an advocate of compulsory education. The best public men we have had, the most successful men in business, in art, and in science, have been self-made men, men who were not forced into an artificial curriculum of a public school, but men who by their own volition, while engaged it may be in work, have laid the foundation for a noble public or private career.

I have always distrusted these statutes, and I would like to ask the gentleman from Virginia [Mr. HUNTON] who has charge of this bill exactly where he pickod out this code of compulsory education; whether he took it from the laws of Connecticut, or Massachusetts, or some other of the New England States, or whether he took it from a statute in New York which has not been enforced at all, but stands on the statute-book as the deadest of dead-letter statutes in that State?

Mr. HUNTON. I will tell the gentleman if he will allow me.

Mr. LOUNSBERY. Of course this is not a matter to show any special feeling about. I am satisfied that among the population of the District of Columbia a compulsory-education law will be a dead letter.

Mr. HUNTON. Will my friend allow me to answer his question?

Mr. LOUNSBERY. Certainly.

Mr. HUNTON. The gentleman asked me where I picked up this law, whether in Massachusetts or in New York. I will answer my friend that we took it from the laws of the District of Columbia that have been in force for sixteen years.

Mr. LOUNSBERY. Enforced?

Mr. HUNTON. In force for sixteen years.

Mr. LOUNSBERY. Not enforced; you are mistaken in that, I think.

Mr. HUNTON. I say in force.

Mr. LOUNSBERY. You mean enacted, not enforced.

Mr. HUNTON. I say the law has been in force for sixteen years in this District, without one single murmur of complaint from the people.

Mr. LOUNSBERY. Is my time running on?

The CHAIRMAN. The Chair understood the gentleman to yield to the gentleman from Virginia.

Mr. LOUNSBERY. For a question; not for a speech.

Mr. HUNTON. I am not making a speech; I am giving you an answer to your question.

Mr. LOUNSBERY. I have not completed my argument against this compulsory-education provision.

The CHAIRMAN. Does the gentleman decline to yield further?

Mr. LOUNSBERY. Not if I can have other time in which to conclude my argument.

Mr. HUNTON. Very well; go on.

Mr. LOUNSBERY. There is a mistaken view in regard to the meaning of education. That is to say, it is a mistake to believe that education means instruction in the course of learning which is prescribed in any public school. There is a more useful education than that; and that is what I mean by education, and it is the true meaning.

I ask gentlemen here to turn their attention to persons educated in art. Look at Switzerland, where the finest watches are made to-day, where the art has been perfected so that the eye is instructed, the fingers are instructed, the mind is instructed in a particular art, which no man can learn except he commences at the very beginning when he is a boy and continues to the time he is an old man.

Now, I ask whether gentlemen here believe it is a wise thing for the Government to compel a boy born of a generation of watch-makers to be drawn out of the direction where nature and hereditary instincts have carried him, and to be forced by a penalty to acquire the kind of learning prescribed by public schools, to which he is disinclined by nature and by his hereditary instincts, and thereby instead of making him one of the most useful men in arts make him a troublesome, boisterous, and disagreeable man in society, inflamed by an ambition for a place for which he is not fitted, and make him a charge upon instead of a help to the community?

[Here the hammer fell.]

Mr. VAN VOORHIS. Does the gentleman state that the Swiss watch-makers never go to school.

The CHAIRMAN. Debate upon the pending amendment has been exhausted. Does the gentleman from New York [Mr. VAN VOORHIS] withdraw his amendment?

Mr. VAN VOORHIS. I withdraw it.

Mr. HUNTON. I renew the amendment. I am not particular about this matter of compulsory education. But when the committee came to codify the laws of the District they found the law under consideration on the statute-books, enacted in 1864, and there was not a murmur of complaint about it before the committee. I will read the old law:

Every person in the District of Columbia, having under control any child between the ages of eight and fourteen years, shall annually, during the continuance of such control, send such child to some public school in that part of the District in which he shall at the time reside, at least twelve weeks, six of which shall be consecutive, and for every neglect of such duty the party offending shall forfeit to the use of the school in that portion of the District in which he resides a sum not exceeding $20, to be recovered before any justice of the peace of the District.

There is not a word or syllable changed in that law.

Mr. SHELLEY. I would ask the gentleman from Virginia if he knows of any instance in which this law has been enforced?

Mr. HUNTON. I am not inquiring into that. It is our duty to enact the law; it is the duty of other parties to enforce it.

Mr. SHELLEY. I would inquire of the gentleman whether if this law should be enforced rigidly there are school facilities enough in this District provided by Congress or by the district to accommodate all the children of the District.

Mr. HUNTON. No child has been refused admission to the public schools.

Mr. SHELLEY. My information is different; I have known of children being refused.

Mr. HUNTON. That would be a good excuse from the penalty imposed by this section for non-attendance.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, [Mr. SINGLETON.]

Mr. SPARKS. What is that amendment?

The CHAIRMAN. It is to strike out of section 239 the words which the Clerk will read.

The Clerk read as follows:

And for every neglect of such duty the party offending shall forfeit to the use of the public schools a sum not exceeding $20, to be recovered before any justice of the peace of the District.

The question was taken upon the amendment; and upon a division—ayes 14, noes 27—it was not agreed to.

Mr. LOUNSBERY. I move to amend section 40 by inserting after the words "or that the child has been attending any other school" the words "or is being instructed by a private tutor."

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

The amendment was agreed to.

Mr. LOUNSBERY. I move to further amend the section by inserting after the words "by reason of bodily or mental infirmity" the words "or unless the child is earning wages upon which the parent is relying for support."

Mr. HUNTON. Any case of that sort is provided for now in the first part of section 240, which is as follows:

If, upon the hearing of any case provided for in the preceding section, it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school, &c.

Mr. LOUNSBERY. I would like to say a word in defense of the amendment. I do not find that this proposition is covered by the text of the bill as it stands; and I offer it so that we shall not have the District of Columbia supporting a parent by charity while a child that could earn wages for the support of that parent is prevented from doing so by a law compulsorily requiring attendance at a public school.

Mr. ROBINSON. The amendment opens the door very wide. If it said "earning wages necessary for the parent's support" it might not be objectionable, though I think it would do no more than the bill already provides for.

The amendment of Mr. LOUNSBERY was not agreed to, there being—ayes 13, noes 25.

Mr. SHALLENBERGER. I suggest that in order to make line 7 harmonize with line 5 the words "or receive such private instruction" should be inserted after the word "school" in the seventh line.

Mr. HUNTON. That is right.

The amendment was agreed to.

The Clerk read as follows:

SEC. 241. The trustees or school board having charge of public schools in the District may make such arrangements for the purpose of ascertaining whether any children within the ages prescribed by law are not attending the public schools, as they shall deem best for the purpose of enforcing the attendance of such children upon said schools, under the provisions of the two preceding sections.

Mr. SPRINGER. For the sake of asking a question, I move to amend by striking out the last word. I desire to understand whether this section authorizes the trustees of the public schools to make arrangements for ascertaining whether any children between the ages prescribed by law are not attending the public schools? Children are not required absolutely to attend public schools; they may have private tuition or may attend a private school. Why not simply authorize the trustees to ascertain whether the provisions of this act are complied with?

Mr. ROBINSON. The gentleman will find that his objection is met by the two preceding sections.

Mr. SPRINGER. The provision made in the preceding section applies only when a person is being prosecuted before a justice of the peace, when he may plead certain things in justification of keeping his child away from the public schools.

Mr. BROWNE. Let me suggest to the gentleman that if he will move to insert the words "or other" between the word "public" and the word "schools," it will carry out his idea.

Mr. LAPHAM. The two preceding sections meet the whole difficulty.

Mr. SPRINGER. Those sections would not have force until some parent had been prosecuted and brought before a justice of the peace.

The CHAIRMAN. Does the gentleman insist on his amendment?

Mr. SPRINGER. No, sir; I withdraw it.

The Clerk read as follows:

SEC. 242. No child shall be admitted into the public schools who shall not have been duly vaccinated, or otherwise protected against the small-pox.

Mr. BAILEY. I move to amend by striking out the last two words of this section. I wish to inquire of the honorable chairman of the District Committee whether there is any provision in this bill making an appropriation for vaccination?

Mr. HUNTON. Oh, yes, sir.

Mr. BAILEY. I mean specifically for vaccination.

Mr. HUNTON. Yes, sir. The physicians of the poor are required to vaccinate whenever called upon; and during the recent alarm about small-pox thousands of children were vaccinated in this city without charge.

Mr. SPARKS. A portion of the appropriation in the Indian bill might be taken for this purpose. [Laughter.]

Mr. BAILEY. I was about to say that as this House decided the other day by a very emphatic majority that there should be a specific appropriation for the vaccination of certain kinds of animals in the far West, I wanted to be sure that we had an equally specific provision for our own race here in our midst.

I think there ought to be an amendment to this section. It now reads, "No child shall be admitted into the public schools." I do not know but that an amendment ought to come in right there so as to make the section read:

No child shall be admitted into the public schools or into the corridors of the Capitol or the galleries of the House of Representatives without being vaccinated.

Mr. SPRINGER. The gentleman might provide that no member shall be admitted unless vaccinated.

Mr. BAILEY. I do not want these children to come into contact with members without previous vaccination.

Mr. VAN VOORHIS. They do not come in contact with members by coming into the galleries.

Mr. BAILEY. Well, if my friend mixes with his constituents in the same way as most members of Congress do with theirs just before election time, he knows that a member of Congress comes in pretty close contact with all kinds of people. If members of this House had seen my friend last week, when he was home "fixing up his fences," they would have thought that his constituents were very close to him. Now it is a well known fact within the experience of every man here that you cannot leave this Capitol to-night and walk the length of Pennsylvania avenue without being solicited at almost every corner by mere children for alms—for money, for bread, for the means of sustaining life. I do not know but there is something in this bill—I have not had time to read it—and I should like to ask the chairman whether there is anything in the bill which prevents this kind of abuse, for I call it abuse; yes, it is an abuse of children.

Mr. HUNTON. I will answer the gentleman from New York. I do not suppose that the District commissioners have the slightest right on the earth to control ingress and egress of this Capitol. It would be a singular anomaly for a little district government to say who should come into the Capitol of the United States and who should not. If the gentleman desires to enter upon such legislation as that, I will say to him such a thing was certainly foreign to the intention of the committee.

Mr. BAILEY. I did not ask my friend from Virginia any such question about the Capitol. I asked him whether there was anything in this bill to prevent begging on the public streets in the District of Columbia.

Mr. HUNTON. I beg the gentleman's pardon. I understood him to ask whether there was anything in this bill to prevent egress or ingress to this Capitol.

Mr. BAILEY. What I wished to know was whether there was anything here to prevent this general street-begging, which is an abuse.

Mr. HUNTON. There is a vagrant law, the nearest we can get to it.

Mr. BAILEY. Is that incorporated in this bill?

Mr. HUNTON. It is.

Mr. BAILEY. I think it will be a great shame to this American nation when such street begging exists in this capital if we should adjourn without enacting some law to prevent such begging on every corner in the national capital. If these people are poor let us make an appropriation for them. If they wish to be vaccinated, why let us vaccinate them. [Laughter.] But do not let us be interrupted and overhauled by these young American citizens on all the corners of the streets and upon every broad, wide, avenue of the capital day after day and week after week, with importunity for alms. I appeal now to the chairman of the Committee on the District of Columbia who has a great, big, large heart, and who lives so near this District on the shores of the Potomac, to frame something and to put it into this bill, which will prevent what I call a great abuse.

The CHAIRMAN. The gentleman's time has expired. Does he withdraw his formal amendment.

Mr. BAILEY. I do.

Mr. SINGLETON, of Illinois. I move to strike out section 242.

Now, Mr. Chairman, under section 240 the only excuse which a parent can give to exempt himself from the fine imposed by section 239 is bodily or mental infirmity of the child. Under section 242 no child shall be admitted into the public schools who shall not be duly vaccinated. Do the commissioners, or does the committee which has reported this bill, mean to say that persons who have not been vaccinated are mentally or bodily infirm? Certainly not. Then the child is not admissible, although he may be of sound body or mind, if he has not been vaccinated.

And the gentleman from New York has well remarked that there is no reason why the same rule should not be applied to this House. Are we not entitled to protection against contagion as much as the schools of the District? Why should these galleries be occupied by unvaccinated persons, [laughter,] by persons who may convey contagion to this House? Why should not Congress protect itself as well as the schools of this District?

I think the section, for these reasons, should be stricken out. It is in the interest of the doctors and not in the interest of health at all. It is in the interest of doctors to give them employment in vaccination. [Laughter.]

Mr. HENKLE. It is perhaps my misfortune, Mr. Chairman, to be a doctor.

Mr. VAN VOORHIS. I wish to ask the gentleman from Illinois whether he has ever been vaccinated? If he has, he is protected against the galleries.

Mr. HENKLE. I should like to say, if the public can stand it, the doctors can stand it. For the more there are of people who are not vaccinated the more business there will be for the medical profession.

It seems to me, however, very strange that it is necessary to defend a provision so obviously proper as this which is contained in this section. I believe a similar provision exists in every public-school law in every State of the Union; and if it does not it ought to. Small-pox is a highly contagious disease. That you all know. Children come from every part of the city, from every grade and condition of life, to these public schools, where they have frequent and close intercourse, and contagious diseases in that way are spread throughout the community—small-pox, scarlet-fever, measles, every kind and character of contagious disease. The common law of self-protection, common-sense, would seem to indicate to us, it seems to me, that whatever can be done for the protection of the public against the ravages and spread of a deadly, loathsome, contagious disease, should, in God's name, be done.

Some object to the compulsory feature. If not made compulsory the beneficial effects are lost. There is no hardship upon the poor, because vaccination is provided for at the public expense. In some countries where vaccination has been enforced and made compulsory small-pox has been almost entirely exterminated.

Mr. SINGLETON, of Illinois. I ask my friend, although vaccina-

tion is provided at the public expense, whether doctors do not get paid at the same time?

Mr. HENKLE. The doctor gets his pay out of the public, not out of the patient.

Mr. SINGLETON, of Illinois. It does not matter; he gets his pay at all events.

Mr. HENKLE. This is not a hardship upon the parent or the scholar who is required to be vaccinated, because, I say, it is paid for at the public expense.

Mr. SPARKS. Will the gentleman from Maryland allow me to ask him a question; and that is, whether or not medical men do not differ on the subject of vaccination, as to its propriety?

Mr. HENKLE. Yes, sir; there is a difference of opinion.

Mr. SPARKS. If that be so, you compel all persons to be vaccinated. They are compelled according to this bill to be sent to school, and if they do not go to school they are liable to penalties. You compel them if they do go to school, however, to be vaccinated whether they object to it or not. Therefore you make vaccination compulsory. Now, it is a well-known fact that there are objections on the part of many people to the vaccine virus being infused into the systems of their children. Is not that running compulsory education and vaccination and all that a little too strong? I do not object to it myself, I merely suggest that other people do object to it.

Mr. LAPHAM. Then, they can apply that other protection that is given in this section.

Mr. SPARKS. What is that?

Mr. LAPHAM. The section provides "or otherwise protected" against small-pox.

Mr. SINGLETON, of Illinois. I would like to inquire of the gentleman from New York how they can be otherwise protected?

[Here the hammer fell.]

Mr. HENKLE. I hope my time will not be cut off, as I yielded to gentlemen to ask questions.

The CHAIRMAN. The time of the gentleman has expired.

The amendment was not agreed to.

The Clerk read as follows:

SEC. 244. The commissioners of the District of Columbia shall maintain public free schools for the education of all the children within said District between the ages of six and seventeen years, and may continue to provide separate schools for white and for colored children, and to cause necessary books and stationery to be furnished free of charge to destitute pupils attending the public schools. They shall divide the trustees of public schools of said District into three classes, one of which shall go out of office on the 30th day of June of each year; and all appointments of trustees hereafter made, except to fill unexpired terms, shall be for the term of three years unless sooner removed.

Mr. SINGLETON, of Illinois. I move to amend by inserting, after the word "years" in line 4 of this section, the following words: "Except such as have not been vaccinated;" so that if amended the section will read:

The commissioners of the District of Columbia shall maintain public free schools for the education of all the children within said District between the ages of six and seventeen years, except such as have not been vaccinated, &c.

The amendment was not agreed to.

Mr. LAPHAM. I move to strike out the word "may" in line 4 of this section and insert the word "shall."

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

The amendment was not agreed to.

Mr. LAPHAM. Mr. Chairman, I wanted to say a word upon that before the vote was taken.

Mr. HUNTON. I ask if debate is in order after the vote has been taken and the amendment has been disagreed to?

The CHAIRMAN. The Chair did not hear the gentleman from New York, and did not suppose he desired to debate the amendment. The Chair thinks he should have the right to do so, as he offered it.

Mr. LAPHAM. I was not off my feet, and it was my intention to have given the reasons for the amendment which I offered.

The CHAIRMAN. The gentleman spoke so low that the Chair did not understand him; but will now hear the gentleman with pleasure.

Mr. LAPHAM. The committee will see by reference to section 263 of this bill that sections 306, 307, and 308 of the Revised Statutes of the United States relating to the District of Columbia are proposed to be repealed. Now, I desire to call attention to these sections. Section 306 of the statutes for the District is in the following words:

SEC. 306. It shall be the duty of the proper authorities of the District to set apart each year from the whole fund received from all sources by such authorities applicable to purposes of public education in the cities of Washington and Georgetown such a proportionate part of all moneys received or expended for school or educational purposes in said cities, including the cost of sites, buildings, improvements, furniture, and books, and all other expenditures on account of schools, as the colored children between the ages of six and seventeen years in the respective cities bear to the whole number of children, white and colored, between the same ages, for the purpose of establishing and sustaining public schools in said cities for the education of colored children; and such proportion shall be ascertained by the last reported census of the population of said cities made prior to such appointment, and shall be regulated at all times thereby.

Section 307 provides that the proportion of school money to be set apart for colored schools shall be kept as a fund distinct from the general school fund and shall be paid to the treasurer of the board of trustees of schools for colored children; and section 308 gives the trustees the right to maintain an action of debt in the supreme court of the District against the District for the non-payment of any sum of money arising under the provisions of the preceding section. In other words, it gives a remedy for enforcing the payment of such sums of money as are therein provided.

Now, the trustee of one of the schools of this District, himself a colored man, has called my attention to the importance of this change which proposes to strike out entirely the existing system of education in this District in that respect, which he says has worked well for a long time and which it is desired by the people, as he understands it, to continue. The proposed section blots out all of that law and leaves it merely optional with the commissioners of the District of Columbia to continue such schools or not, as they may see proper. They may continue them, but it is not compulsory.

I shall also, in line 5, after the word "children," propose to amend by inserting "as now provided by law;" so that when we come to the other section, proposing to strike out these three sections that I have named, I shall ask to exempt them from the operation of this law and leave them in force as at present.

Mr. HUNTON. I trust my friend will not insist upon the last portion of his amendment, because the design of this code is to furnish a full, complete law; and if he puts in the clause "as now provided by law," that would embrace all the law as in existence to-day, or when this code goes into operation in the future. If there is any amendment to carry out the views of my friend from New York I hope it will appear in the code, and not refer to laws outside of it. We want it all in the code and have no reference to outside laws.

Mr. VAN VOORHIS. I ask a division of the question.

Mr. CONGER. I dislike to incorporate into the law of this District a provision passed by the Congress of the United States that shall, without any reference to the future or to the choice of the people, compel in every school district in the District of Columbia a separate school. There may be portions of the District where there are not scholars enough of one or the other of the races to make up the proportion necessary to maintain a separate school.

Mr. SPARKS. I hope the gentleman from Michigan will not look at this side of the House. That amendment did not come from us; the gentleman from New York offered it. [Laughter.]

Mr. CONGER. I know the gentleman from New York offered the amendment, but I look to that side of the House to support it, and therefore my argument is addressed there. Now, it appears to me that my friend from New York may perhaps be in a humorous way to-night and endeavors in this manner to draw fire on the enemy. I trust that is all he intends. [Laughter.]

Mr. LAPHAM. I will repeat in my own justification that a colored citizen of this District, himself a member of the board of trustees of the public schools, and an active and intelligent member, called my attention to this matter and asked me to bring it to the attention of the House. He says that the system in operation has worked well and has given entire satisfaction.

Mr. CONGER. I can very well understand how the colored trustee, with the present law giving equal advantages to the colored children with the white, would desire that law should not be repealed if it is to be repealed by subsequent sections. But I dislike that the representatives of the people of the United States shall here in the District, solely under the control of Congress, make a compulsory law separating the children on account of their color, making it in some parts of the District impossible to give advantages to colored children where there may be too few of them in the school district or that part of the District in which they live to keep up a separate school.

The time I believe will come when such distinctions as still linger, arising out of the old feelings and prejudices connected with former institutions in this country, will be entirely done away, and when such a law as this, a compulsory law, making separate schools for the children of the District of different colors, will be looked upon as a thing of old and barbarous times. I will not help, myself, to keep up that distinction any longer.

Republicans profess to believe that the great point gained in this country to-day over all the past is the absolute equality of American citizenship for old, for young, for middle-aged, for children. Around that point we rally in all our political movements. Against that proposition the prejudices of the past are rallying and striving to linger in our land. I for one, sir, will not be a party to any legislation whatever that will prevent by statute our reaching the time as speedily as possible when that grandest of all principles asserted in our Constitution and in our laws, the equality of citizenship of all classes, colors, and nationalities that come into our land, shall finally be asserted and acknowledged by all. For that reason I oppose this proposition to make it compulsory to keep up these separate schools. It is enough that it is left as it is now until the prejudices and the passions of men have passed away and equal justice prevails over the land.

[Here the hammer fell.]

Mr. SPARKS. I was apprehensive, when my friend from New York [Mr. LAPHAM] offered that amendment, that it was going to stir up something like a hornet's nest here. He doubtless relied to a certain extent on this side of the House to aid him in its adoption, and the gentleman from Michigan [Mr. CONGER] is therefore correct in his assertion that he did so. Now I feel very much disposed to aid him in securing its adoption, and I think there are very good reasons for doing so. I presume that it was fated that we had to have this speech from the gentleman from Michigan, [Mr. CONGER,] to which we have just listened, on the absolute and perfect equality of the

races, and on the rights of the colored man, and all that, in connection with this inoffensive little amendment making it obligatory upon the school trustees of the District to provide separate schools for white and colored children.

I have not consulted with any of the colored people of this District upon that subject; but the gentleman from New York who offered the amendment has stated that he has done so, and that an intelligent colored school trustee has informed him that that system when adopted here has worked admirably and that the colored people specially desired it. Now, in view of this desire on their part, I ask the gentleman from Michigan if he is more friendly to the colored man than the colored man is to himself? If the colored people object to this mixing themselves and desire that there shall be separate schools and object to sending their children to the same school with the whites, why should my friend from Michigan insist that they shall be compelled to do so? We are told by the gentleman from New York [Mr. LAPHAM] that the colored people of this District desire separate schools, and through their intelligent representative make that desire known here. Then, if they object, is it fair in us to force them to be put on this equality, they themselves protesting against it?

In other words, if my friend from Michigan has any children to send to school here and the colored children of this District put on airs and object to going to the same school with his children, I do not want to force them to go there with his children or with any other white children. I do not think it fair to do so. If our colored friends will not associate with us in the schools or elsewhere, but refuse to carry out this grand republican idea of equality fairly and of their own choice, I am not for forcing them to do it. I regard it as antidemocratic to force them.

I believe with the gentleman from New York, and his intelligent friend who represents the colored people, that it is well to let them, having equal facilities, march on in the effort and thirst for knowledge separate and apart if they desire it. I was against the compulsory education clause in this bill; I was also against the compulsory vaccination clause; and I am equally against forcing colored children to attend school with white children, especially so if, as on this occasion, they themselves object, through their intelligent representative, to doing so. That, I believe, is all that I wish to say at present on this amendment.

Mr. LAPHAM. I move to strike out the last word. I find this legislation to which I have referred adopted mainly in the year 1866.

Mr. SINGLETON, of Illinois. I rise to a question of order. How can the gentleman from New York move to strike out the last word of an amendment when there is but one word in it?

The CHAIRMAN. The Chair will state to the gentleman from Illinois that he is mistaken as to the character of the amendment. There are several words in it.

Mr. LAPHAM. My friend from Illinois [Mr. SINGLETON] appears to be as keen to-night as a blade used for vaccination.

Mr. VAN VOORHIS. I make the point of order that a gentleman having offered one amendment, which is pending, cannot offer another until that is disposed of.

Mr. SPRINGER. To solve this difficulty I move to strike out the last word, and yield my time to the gentleman from New York, [Mr. LAPHAM.]

The CHAIRMAN. The gentleman from New York will proceed.

Mr. LAPHAM. I have no desire to inflict a speech upon the committee if there is any objection to it. I merely want to say one word in reference to the history of this legislation. It seems to have been enacted mainly in 1866, and has been in operation for a period of nearly fourteen years.

Now, if this were an original question I might take the same view of it, and as a general thing I should take the same view of it, that has been suggested by the gentleman from Michigan, [Mr. CONGER.] But the population of this District is peculiar in this respect: it is differently situated from the generality of other populations in the country, in the different States. I have no feeling or desire with respect to this matter, but I was led to make this suggestion by an officer who has been acquainted with the operation of this law from the time it was enacted and who regrets the effort made in the pending bill to blot it out.

The CHAIRMAN. The question is on the amendment of the gentleman from New York, [Mr. LAPHAM.]

The amendment was again read.

Mr. SPRINGER. I ask for a division of the amendment.

Mr. ROBINSON. The suggestion that there should be a division of the amendment appears to me to be a very proper one. I think we should look at this matter seriously now, leaving out of view outside matters.

Mr. SPARKS. I was very serious in what I said about it.

Mr. ROBINSON. There is a direct purpose in this thing, and it appears to me we should not have the word "shall," but the word "may." What is the object aimed at? If I understand the gentleman from New York it is that the provisions of sections 306, 307, and 308 of the Revised Statutes, relating to the District of Columbia, shall be in some way enacted in this code. That is to say, a proportionate part of the money shall go for the benefit of the colored children, as well as for the white children. Now, we all agree to that. I do not think there is a gentleman on this floor who would say that we should not give the colored child proportionately as much schooling as we give a white child. I suppose that is the object of the amendment.

Mr. LAPHAM. Section 263 of this bill proposes to repeal among other sections this section of the present law.

Mr. ROBINSON. That is very true. But I submit to the gentleman from New York [Mr. LAPHAM] that he will not accomplish his object by changing the word "may" into "shall." I do not think anybody wants to say that the trustees shall continue to provide separate schools. The word "may" is enough. The sentiment of the District will continue the present practice. There is no question now but that we should not say peremptorily "shall," but leave it "may;" that will suit the feelings and prejudices of all.

Now, in regard to the second amendment of the gentleman. I wish to say that if the gentleman should withdraw his second amendment some provision should be inserted, providing that so long as separate schools for the white and for the colored children shall be maintained the money shall be expended proportionately to the number of children in the form provided by this section. I have not had time to write out the amendment. That will answer the suggestion of the gentleman from Virginia [Mr. HUNTON] that we should keep the code entire, using only such language as will secure the proportionate expenditure of the money for this purpose.

Mr. HUNTON. If the trustees have to provide schools equally for the whites and for the blacks——

Mr. ROBINSON. That is not it.

Mr. HUNTON. Yes, it is. If the trustees provide schools equally for the whites and the blacks, provide separate schools as long as that provision is in existence, how can there be a disproportion of the expenditure?

Mr. ROBINSON. For myself I do not believe that any board of trustees in this District will ever undertake to run the public schools so as to discriminate against the colored children.

Mr. HUNTON. No, sir.

Mr. ROBINSON. And if they desired to do so, they would not do it for six months consecutively before they would have a voice in their ears that would bring them to their senses. I do not think there is any necessity for this amendment to avoid the trouble which my friend seems to anticipate for the colored children.

The question was taken upon the amendment of Mr. LAPHAM to strike out "may" and insert "shall;" and upon a division there were—ayes 21, noes 19.

Before the result of the vote was announced,

Mr. CONGER said: I dislike very much to do it, but if this is the way that a small number of members of this House propose to deal with this subject, then I think we have gone far enough for to-night.

The CHAIRMAN. What point does the gentleman make?

Mr. CONGER. I make the point of order that no quorum has voted.

Mr. HUNTON. I trust the gentleman will withdraw that point of order. If I can get the attention of the committee I would suggest to the gentleman from Michigan [Mr. CONGER] to withdraw his point of order, and then to the gentleman from New York [Mr. LAPHAM] to withdraw his amendment, for I do not think it would make a bit of difference.

Mr. SPARKS. He cannot withdraw it; it has been adopted.

Mr. HUNTON. It cannot be adopted when there is no quorum voting on it.

Mr. VAN VOORHIS. I call for tellers.

Mr. HUNTON. The amendment could not be adopted when the question of a quorum is raised. I suggest to the gentleman from Michigan [Mr. CONGER] to withdraw his point of order, and to the gentleman from New York [Mr. LAPHAM] to withdraw his amendment.

Mr. CONGER. I have no desire to stop the progress of the consideration of this bill. But if with this small attendance of members any material change, such as I consider this amendment to be, is to be made so as to become a fixture in this bill, then I think we had better have a full House before we vote upon it.

Mr. HUNTON. Will the gentleman from Michigan agree to my proposition?

Mr. LAPHAM. Let me say to the gentleman from Michigan [Mr. CONGER] that my amendment simply proposes to keep the law as it now is. It does not propose to create any new distinction. If it did I would not ask it.

Mr. CONGER. My own desire would be to remove such laws as that as far as possible.

Mr. SPRINGER. Let me suggest that if this amendment is regarded as adopted it will be reported to the House, and in the House any member can call for a separate vote upon it, and for the yeas and nays upon it.

Mr. LAPHAM. My object was to call the attention of the committee to this subject, with a view to ascertain what ideas were entained by the proposers of this code. If there is unanimous consent, I will withdraw my amendment.

Mr. SPARKS. I object to the withdrawal of the amendment.

Mr. CONGER. An objection cannot prevent the withdrawal of an amendment before a decision upon it. There has been no vote upon this amendment which the Chair can recognize as a decision of the question, because the point of order is made that there was no quorum voting.

The CHAIRMAN. The amendment has been voted upon.

Mr. CONGER. But the rule with regard to the withdrawal of an amendment says that it can be withdrawn "before a decision."

Mr. LAPHAM. I move to reconsider the vote by which the amendment was adopted.

The CHAIRMAN. The motion to reconsider cannot be entertained in Committee of the Whole.

Mr. VAN VOORHIS. I raise the point of order that tellers having been called for, the true way to settle this matter is to have tellers.

The CHAIRMAN. No quorum having voted, and the point of order having been made that no quorum voted, the Chair will appoint as tellers the gentleman from Virginia, Mr. HUNTON, and the gentleman from Michigan, Mr. CONGER.

The committee again divided; and the tellers reported that there were—ayes 23, noes 25.

Mr. CONGER, (one of the tellers.) If this amendment be regarded as not adopted, I will, at the request of the gentleman from Virginia, [Mr. HUNTON,] withdraw the point of order that no quorum has voted.

Mr. SPARKS. I renew the point that no quorum has voted.

The CHAIRMAN. The Clerk will call the roll.

Mr. ROBINSON. Is it in order to move that the committee rise?

The CHAIRMAN. It is.

Mr. ROBINSON. I make that motion.

Mr. AIKEN. Let the roll be called and absent members put on record.

The motion of Mr. ROBINSON was not agreed to; there being—ayes 22, noes 26.

Mr. SHELLEY. My colleague, Mr. HERNDON, is sick to-night. I ask that he may be excused.

The CHAIRMAN. It is not in order now to offer excuses.

The roll was called, when the following-named members failed to answer:

Aldrich, N. W.	Dickey,	Kenna,	Reed,
Anderson,	Dunn,	Ketcham,	Rice,
Armfield,	Dunnell,	Kimmel,	Richardson, D. P.
Atherton,	Dwight,	King,	Richardson, J. S.
Atkins,	Einstein,	Kitchin,	Richmond,
Bachman,	Elam,	Klotz,	Robertson,
Baker,	Ellis,	Knott,	Robeson,
Barlow,	Ewing,	Ladd,	Rothwell,
Bayne,	Felton,	Le Fevre,	Russell, Daniel L.
Belford,	Ferdon,	Lewis,	Ryan, Thomas
Beltzhoover,	Field,	Lindsey,	Ryon, John W.
Berry,	Finley,	Loring,	Samford,
Bicknell,	Fisher,	Lowe,	Sawyer,
Bingham,	Forsythe,	Manning,	Sherwin,
Blake,	Fort,	Marsh,	Singleton, O. R.
Bland,	Frost,	Martin, Joseph J.	Smith, A. Herr
Bliss,	Frye,	Mason,	Smith, William E.
Bouck,	Garfield,	McCoid,	Speer,
Bowman,	Geddes,	McCook,	Starin,
Boyd,	Gibson,	McGowan,	Stephens,
Bragg,	Gillette,	McKenzie,	Stevenson,
Brewer,	Godshalk,	McKinley,	Talbott,
Briggs,	Goode,	McLane,	Thomas,
Brigham,	Gunter,	McMahon,	Thompson, P. B.
Bright,	Hammond, John	Miles,	Thompson, W. G.
Buckner,	Hammond, N. J.	Mills,	Townshend, R. W.
Butterworth,	Harmer,	Money,	Tucker,
Cabell,	Harris, Benj. W.	Monroe,	Turner, Oscar
Caldwell,	Harris, John T.	Morrison,	Turner, Thomas
Calkins,	Haskell,	Morse,	Tyler,
Camp,	Hawk,	Morton,	Updegraff, Thomas
Carlisle,	Hawley,	Muldrow,	Upson,
Caswell,	Hayes,	Muller,	Valentine,
Chalmers,	Hazelton,	Myers,	Voorhis,
Chittenden,	Heilman,	Neal,	Wait,
Claflin,	Henry,	New,	Warner,
Clardy,	Herbert,	Newberry,	Weaver,
Clark, Alvah A.	Herndon,	Nicholls,	Wellborn,
Clymer,	Hill,	Norcross,	Wells,
Coffroth,	Hiscock,	O'Brien,	White,
Colerick,	Hooker,	O'Connor,	Whiteaker,
Covert,	Horr,	O'Neill,	Whitthorne,
Cowgill,	Houk,	Orth,	Williams, C. G.
Cox,	House,	Osmer,	Williams, Thomas
Crapo,	Hubbell,	Overton,	Willis,
Crowley,	Hull,	Pacheco,	Wilson,
Daggett,	Humphrey,	Page,	Wise,
Davidson,	Hurd,	Persons,	Wood, Fernando
Davis, George R.	Hutchins,	Phelps,	Wood, Walter A.
Davis, Horace	James,	Philips,	Wright,
Davis, Joseph J.	Johnston,	Phister,	Yocum,
Davis, Lowndes H.	Jones,	Pierce,	Young, Casey
De La Matyr,	Jorgensen,	Poehler,	Young, Thomas L.
Deering,	Joyce,	Prescott,	
Dibrell,	Keifer,	Price,	
Dick,	Kelley,	Reagan,	

The committee rose; and the Speaker *pro tempore* having resumed the Chair, Mr. BURROWS reported that the Committee of the Whole, having under consideration the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia, had found itself without a quorum, whereupon the chairman had directed the roll to be called and herewith reported the absentees to the House.

Mr. VAN VOORHIS. I move that the House now adjourn.

Mr. HUNTON. I ask the gentleman to withdraw that motion for a moment, in order that I may make a remark or two.

Mr. VAN VOORHIS. I waive the motion for the present.

Mr. HUNTON. I desire to say, Mr. Speaker, that I trust there will be no effort made here to-night to send for absentees. We are aware that no quorum can be brought here to-night. I had hoped that this bill would go through without that point of order being raised. If this code for the District of Columbia cannot be considered in Committee of the Whole without a quorum, it amounts to an abandonment of the code for this session. It is of the highest importance that this municipal code for the District should be adopted. The Committee on the District of Columbia has spent months of labor upon it; and while doubtless, as prepared by the committee, it contains imperfections, it is so great an improvement upon the present laws of the District that it is very important it shall be adopted.

In the two meetings of the House heretofore held upon this bill, we have gone on with a degree of rapidity and business-like application exceedingly gratifying to me. To-night the House, for some cause or other, seemed to meet in a different temper. This I regret; for if such a temper shall attend the future meetings of the House upon this bill, it must be the end of the bill for this session. I trust, therefore, that when we shall meet hereafter for the consideration of this bill no question of a quorum will be raised, but that any gentleman who feels dissatisfied by the decision of the members present will consent to take a vote in the House after the bill shall have been reported by the Committee of the Whole. Otherwise we might as well abandon this bill at once.

Mr. VAN VOORHIS. It was in view of the considerations which the gentleman has mentioned that I made the motion to adjourn.

Mr. HUNTON. I renew the motion.

The motion was agreed to; and accordingly (at nine o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BAYNE: The petitions of Lindsay & McCutcheon and of Smith, Sutton & Co., of Pittsburgh, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. BLAKE: The petitions of Spaulding, Jennings & Co., of West Bergen, and of the New Jersey Zinc Company, of Newark, New Jersey, of similar import—to the same committee.

By Mr. BREWER: The petition of R. A. Baldwin and 23 other ex-soldiers of Bancroft, Michigan, against the passage of the congressional-district pension bill—to the Committee on Invalid Pensions.

By Mr. BRIGHAM: The petition of Gregory & Co., of Jersey City, New Jersey, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. BROWNE: The petition of Thomas M. Harbin, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. CARPENTER: The petition of James E. Boozer & Co. and 206 other firms and individuals of Sioux City, Iowa, for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. CLYMER: The petitions of Librand & McDowell, of Moselem; of Temple Iron Company, of Berks County; of William McIlvain & Sons and of Adam Johnston & Son, of Reading; of B. F. Morret and of Rockland Furnace Company, of Douglassville; and of Maidencrup Qunbe, of Blandon, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. COVERT: Memorial of the German Society of the City of New York, for the passage of a law to protect immigrants—to the Committee on Foreign Affairs.

By Mr. COX: The petition of John Forman and 200 soldiers and sailors, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of the Diamond Rock Boring Company, for the extension of an improved tool for boring rock—to the Committee on Patents.

By Mr. ERRETT: The petitions of Moorhead & Co.; of Painter & Son; of H. Lloyd & Sons; of Hussey, Burnes & Co.; and of Williams, Long & McDowell, of Pittsburgh, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. FERDON: The petition of Wheeler, Madden & Clemsen Manufacturing Company, of Middletown, New York, of similar import—to the same committee.

By Mr. FISHER: The petitions of the Rockhill Iron and Coal Company, of Huntingdon County; of Mumper & Co., of Barre Forge; and of J. B. Morehead, of Conshohocken, Pennsylvania, of similar import—to the same committee.

By Mr. GARFIELD: The petition of John A. Coan, for compensation for property taken from him in 1864 by United States Army officers—to the Committee on War Claims.

Also, the petition of P. H. Standish, of Cuyahoga Falls, Ohio, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. HARMER: The petition of Wister, Fisher & Fox, of Hamburgh, Pennsylvania, of similar import—to the same committee.

By Mr. HAWK: The petition of O. F. Reynolds and others, citizens

of Mount Carroll, Illinois, for the removal of the duty on salt—to the same committee.

By Mr. KELLEY: The petitions of Peacock & Thomas and of Marshall, Bered & Co., of Philadelphia, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. LOUNSBERY: The petition of Tuckerman, Mulligan & Co., of Saugerties, New York, of similar import—to the same committee.

By Mr. EDWARD L. MARTIN: The petition of William Sellers, of Wilmington, Delaware, of similar import—to the same committee.

By Mr. McKENZIE: Resolution of the Kentucky Legislature, asking such appropriation as will promote the completion of a navigable water-way from the Ohio Valley to the South Atlantic coast—to the Committee on Commerce.

By Mr. MITCHELL: The petition of the Standard Iron and Nail Company, of Standard, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. MONROE: The petition of P. H. Standish, of Cuyahoga Falls, Ohio, of similar import—to the same committee.

By Mr. O'NEILL: The petition of the Logan Iron and Steel Company of Pennsylvania, of similar import—to the same committee.

By Mr. OSMER: The petitions of J. M. Speer and 34 others; of M. Leland and 34 others; and of E. W. Bettes and 52 others, for the passage of the bill providing for a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. PIERCE: The petition of citizens of Buffalo, New York, for the removal of the 25 per cent. duty on newspapers and periodicals—to the Committee on Ways and Means.

By Mr. PRESCOTT: The petition of merchants of Utica, New York, that salt be placed upon the free list—to the same committee.

By Mr. A. HERR SMITH: The petitions of Watts, Twells & Co., of Marietta; of the Pennsylvania Iron Company, of Lancaster, and of the Chickies Iron Company, of Chickies, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. STARIN: The petition of Giles V. Wheeler and 87 others, citizens and ex-soldiers of Gloversville, New York, against the passage of the "congressional-district-traveling-pension-courts" bill—to the Committee on Invalid Pensions.

By Mr. STEVENSON: The petition of citizens of McLean County, Illinois, for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. STONE: The petition of Friedrich Brothers, of Grand Rapids, Michigan, and other dealers in foreign newspapers, for the removal of the duty on newspapers and periodicals—to the same committee.

By Mr. TAYLOR: A paper relating to the pension claim of Sallie Bunch—to the Committee on Invalid Pensions.

Also, the petition of M. Seal, for an honorable discharge from the United States Army—to the Committee on Military Affairs.

By Mr. AMOS TOWNSEND: The petition of the Lake Erie Iron Company, of Cleveland, Ohio, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. RICHARD W. TOWNSHEND: The petition of distillers of Peoria and Pekin, Illinois, against the passage of the bill (H. R. No. 4812) amending the internal-revenue laws—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of Junction Iron Company, of Mingo Junction, Ohio, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

By Mr. THOMAS UPDEGRAFF: The petition of Cæsar Brothers, for the passage of the bill (H. R. No. 4812) amending the internal-revenue laws—to the same committee.

By Mr. WASHBURN: The petition of D. W. Ingersoll & Co. and 12 other business firms of Saint Paul, Minnesota, for the appointment of a commission to prepare for the consideration of Congress a uniform and permanent bankrupt law—to the Committee on the Judiciary.

Also, the petition of Charles E. Cutts and 34 others, citizens of Meeker County, Minnesota, for legislation to prevent fluctuations in freights and unjust discriminations by railroads in transportation charges—to the Committee on Commerce.

Also, the petition of J. A. Foulds and 40 others, discharged soldiers of Otter Tail County, Minnesota, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. FERNANDO WOOD: The petition of citizens of Indiana, that salt be placed on the free list—to the Committee on Ways and Means.

By Mr. YOCUM: The petitions of Valentine & Co., of Bellefonte, and of Bernard Lauth, of Howard, Pennsylvania, for the passage of the Eaton bill providing for the appointment of a tariff commission—to the same committee.

CHANGE OF REFERENCE.

Change of reference, under the rule, was made of the petition of George B. Whiting, from the Committee on Expenditures in the Navy Department to the Committee on Naval Affairs.

IN SENATE.

THURSDAY, *April* 29, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

BEN HOLLADAY.

Mr. CAMERON, of Wisconsin. I desire to give notice at this time that immediately after the morning business has been concluded this morning, I shall move to postpone the consideration of the Calendar of General Orders, under the Anthony rule, and if that motion prevails will then move to take up a bill reported by me from the Committee on Claims on the 9th of February last, being the bill (S. No. 231) for the relief of Ben Holladay.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of the Albany Rensselaer Iron and Steel Company, of Troy, New York, manufacturers of iron and steel, employing twenty-five hundred hands, praying for the passage of what is known as the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. WITHERS presented the petition of the Low Moor Iron Company, of Alleghany County, Virginia, manufacturers of pig-iron, employing three hundred and fifty hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. SAUNDERS presented the petition of the heirs of Augustus Ford, praying compensation for the use by the United States of a survey and chart of Lake Ontario prepared by said Ford; which was referred to the Committee on Naval Affairs.

Mr. PLATT presented the petition of the Canton Bloomery Company, of Collinsville, Connecticut, manufacturers of iron, employing many hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. VEST presented the petition of the Saint Louis Stamping Company, of Saint Louis, Missouri, manufacturers of iron and sheet-metal goods, employing six hundred hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. BALDWIN presented the petition of the Frankfort Furnace Company, of Frankfort, Michigan, manufacturers of pig-iron, employing one hundred hands, praying for the passage of what is known as the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. GROOME presented additional papers to accompany the bill (S. No. 1365) for the relief of Thomas P. Wollaston; which were referred to the Committee on Claims.

Mr. CAMERON, of Pennsylvania, presented the petition of William Neal & Sons, of Bloomsburgh, Pennsylvania, manufacturers of pig-iron, and employing two hundred hands; the petition of Atkins Brothers, of Pottsville, Pennsylvania, manufacturers of pig-iron rails, employing six hundred and ninety hands; the petition of the Potts Brothers Iron Company, limited, of Pottstown, Pennsylvania, manufacturers of plate-iron, employing one hundred and sixty hands; the petition of Nevegold, Scheide & Company, of Bristol, Pennsylvania, manufacturers of bar, band, and hoop iron, employing fifty hands; the petition of the Phœnix Iron Company, of Philadelphia, Pennsylvania, manufacturers of iron, employing twenty-two hundred hands; the petition of the Glasgow Iron Company, of Glasgow, Pennsylvania, manufacturers of plate-iron, &c., employing one hundred and twenty-five hands; the petition of the Etna Iron Works, limited, of New Castle, Pennsylvania, manufacturers of pig-iron, merchant iron, and nails, employing four hundred hands; the petition of Singer, Nimich & Company, of Pittsburgh, Pennsylvania, manufacturers of steel, employing six hundred hands; the petition of the Hollidaysburgh Iron and Nail Company, of Hollidaysburgh, Pennsylvania, manufacturers of bar-iron and nails, employing one hundred and eighty hands; the petition of C. Burkhart & Company, of Chambersburgh, Pennsylvania, and Hunter & Springer, of Franklin, Pennsylvania, manufacturers of cold-blast charcoal pig-iron, employing two hundred and fifteen hands; the petition of Becker & Reinhold, of Chickies, Pennsylvania, manufacturers of bar-iron, employing sixty hands, and the petition of the Reading Iron Works, at Philadelphia, Pennsylvania, praying for the passage of what is known as the Eaton bill which provides for the appointment of a tariff commission; which were ordered to lie on the table.

Mr. HOAR presented the petition of Handleth, Ellis & Co., of Cambridge, Massachusetts, manufacturers of bar-iron, employing one hundred hands, praying for the passage of the Eaton bill which provides for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. HARRIS presented the petition of the Merchant Iron and Nail Works of Chattanooga, Tennessee, manufacturers of bar-iron and nails, employing five hundred hands, praying for the passage of what is known as the Eaton bill providing for the appointment of a tariff commission; which was ordered to lie on the table.

Mr. LOGAN presented the petition of the Springfield Iron Company, of Springfield, Illinois, manufacturers of railroad iron, employing eight hundred and fifty-three hands, praying for the passage of the