

against refunding the public debt, and for the payment of the same—to the same committee.

Also, the petition of L. F. Stowe and 302 others, and of Joseph C. Doud and 15 others, citizens of Wisconsin, of similar import—to the same committee.

Also, the petition of Rev. J. G. Hull and 15 others, citizens of Wisconsin, that Congress pay off the public debt in legal tenders at the rate of \$50,000,000 per month—to the same committee.

IN SENATE.

SATURDAY, February 12, 1881.

The Senate met at twelve o'clock m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

CREDENTIALS.

Mr. CONKLING presented the credentials of Thomas C. Platt, chosen by the Legislature of New York a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

The VICE-PRESIDENT presented the credentials of THOMAS F. BAYARD, chosen by the Legislature of Delaware a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting copies of letters from the Commissioner of Pensions relative to the condition of the working force of his office and his appropriation for "contingent expenses;" which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Engineers relative to the wants of navigation and commerce at the head of Lake Superior; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented the memorial of Henry S. Distin and others, of East Jewett, New York, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims, and the amendments thereto; which was ordered to lie on the table.

He also presented a petition of the leading mercantile and other firms of the city of New York and marine insurance companies, through their officers, praying for an appropriation of money for widening and deepening the channel in Gowanus Bay, in the harbor of New York; which was referred to the Committee on Commerce.

Mr. BAYARD presented the petition of Walton, Whann & Co. and other manufacturing firms of Wilmington, Delaware, praying for an appropriation for the improvement of the Christiana River, Delaware; which was referred to the Committee on Commerce.

He also presented the petition of Peter Robinson and 28 others, citizens of Delaware, and the petition of Ebe Townsend and 28 others, citizens of Delaware, praying for an appropriation for the improvement of the Indian River in that State; which were referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin, presented the memorial of James R. Luce and others, of Stevens Point, Wisconsin, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims, and the amendments thereto; which was ordered to lie on the table.

Mr. VOORHEES. I present, perhaps in the nature of a memorial, a resolution adopted by the fourth general conference of the American Library Association, held in this city on the 10th of this month, and I ask that it be read in consideration of the high character of the gentlemen who compose the conference. The resolution is signed also by the librarians of the foremost libraries in the United States, and I ask that the signatures may be published in the CONGRESSIONAL RECORD.

The resolution was read, and referred to the Committee on the Library, as follows:

At the meeting on February 10, 1881, of the fourth general conference of the American Library Association, held in Washington, the following resolution was adopted:

Resolved, That the American Library Association of librarians, assembled in annual conference at Washington, share the conviction of the United States of America, that the Library of Congress is emphatically the one National Library, the only one in the country destined to be encyclopedic and universal in its comprehensiveness, like the government libraries of the Old World; and it therefore reaffirms the spirit of the resolution adopted at its last meeting, that it is desirable that provisions should speedily be made for the Library by a new building, to be commensurate with its present necessities and future magnitude.

JUSTIN WINSOR,
President American Library Association.
MELVIL DEWEY,
Secretary.

This librarians' convention was attended by the following-named librarians: President, Justin Winsor, librarian of Harvard University; A. R. Spofford, Librarian of Congress; William F. Poole, Chicago Public Library; Henry A. Holmes, New York State Library; Lloyd P. Smith, Library Company of Philadelphia;

Daniel C. Gilman, president Johns Hopkins University; S. S. Green, Worcester Free Public Library; J. N. Larned, Buffalo Young Men's Library; C. A. Cutter, Boston Athenæum; F. Jackson, Newton, Massachusetts; J. S. Billings, Surgeon-General's Office; Mellen Chamberlain, Boston Public Library; John Eaton, United States Commissioner of Education; John Edmunds, Philadelphia Mercantile Library; Weston Flint, United States Patent Office; C. M. Hewins, Hartford Library; S. B. Noyes, Brooklyn Library; Lucy Stevens, Toledo Public Library; C. W. Merrill, Public Library, Cincinnati; W. T. Peoples, Mercantile Library, New York; H. W. Haynes, trustee Boston Public Library; G. W. Harris, Cornell University Library; A. P. Massey, Case Library, Cleveland, Ohio; Fred. Vinton, College of New Jersey Library; A. W. Tyler, Indianapolis Public Library; H. T. Carr, Grand Rapids, Michigan; T. Leypoldt, Library Journal; T. P. W. Rogers, Free Library, Burlington, Vermont; W. M. Griswold, Bangor, Maine; R. B. Pool, Young Men's Christian Association, New York; H. F. Bassett, Bronston, Waterbury, Connecticut; O. H. Robinson, Rochester University, New York; D. L. Shovey, late president Public Library, Chicago; K. A. Lindefelt, Milwaukee Public Library; W. E. Foster, Public Library, Providence, Rhode Island; E. J. Nolan, Academy Natural Sciences, Philadelphia; S. B. Maxwell, Iowa State Library; J. M. W. Lee, Mercantile Library, Baltimore; P. R. Uhler, Peabody Institute Library, Baltimore; W. H. Browne, Johns Hopkins University Library, Baltimore.

Mr. VOORHEES presented the petition of Peter Schultz and others, citizens of Indiana, praying for the enactment of an income-tax law in order that the burden of taxation may be equally and justly imposed on the wealth of the country; which was referred to the Committee on Finance.

He also presented the petition of T. B. Barkley and others, citizens of Indiana, praying for the passage of the bill now before Congress making the Commissioner of Agriculture a member of the President's Cabinet; which was referred to the Committee on Agriculture.

He also presented the petition of Alfred Miller and others, citizens of Indiana, praying for such legislation upon the subject of interstate commerce as will secure equality of privileges for all our citizens in the matter of transportation; which was referred to the Committee on Transportation Routes to the Seaboard.

He also presented the petition of George M. Fowler and others, citizens of Indiana, praying for the enactment of a law that will protect innocent purchasers against the imposition of fraudulent vendors of patents and patent rights; which was referred to the Committee on Patents.

Mr. ALLISON presented the memorial of James W. Moore and others, citizens of Maquoketa, Iowa, surviving soldiers of the war for the Union, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

INTERNATIONAL EXHIBITION OF 1883.

Mr. KERNAN. I am authorized by the Committee on Finance, to whom was referred the joint resolution (S. R. No. 156) in relation to the international exhibition of 1883, to report it without amendment. I think it will take but a moment to pass the joint resolution; and I venture to ask unanimous consent that it be acted upon now.

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

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

COUNT OF ELECTORAL VOTES.

Mr. MORGAN. I am directed by the Select Committee to take into consideration the state of the law respecting the ascertaining and declaration of the Result of the Elections of President and Vice-President of the United States, to say that in view of the very few legislative days of the session remaining they are of the opinion that it will not be of any value to consider the measures that are now pending before that committee any further during the present session, unless the Senate should be pleased otherwise to direct. The committee feel very anxious, indeed, to bring forward some propositions for the consideration of the Senate in reference to this very important subject, but feel that their effort would be entirely in vain if they should attempt to do so at this late day of the session.

BILLS INTRODUCED.

Mr. HEREFORD. I ask leave to introduce a bill, and in connection with it I wish to have read a joint resolution of the Legislature of West Virginia.

The Chief Clerk read as follows:

STATE OF WEST VIRGINIA,
Office of Clerk of the House of Delegates.

Joint resolution No. 6, instructing our Senators and requesting our Representatives in Congress to introduce a bill ceding to the State of West Virginia the vacant lands and water-power at Harper's Ferry, in the county of Jefferson.

Resolved by the Legislature of West Virginia, That our Senators be instructed and our Representatives be requested to introduce a bill into their respective bodies, asking the United States to cede to the State of West Virginia the vacant lands, water-power, or any other property belonging to the United States in the town of Harper's Ferry or county of Jefferson, the proceeds from the sale of which shall be applied to educational purposes as directed by the Legislature of this State; that the governor shall cause a copy of the foregoing resolution, immediately upon its passage, to be transmitted to each Senator and Representative in Congress from this State.

Adopted by the Legislature of West Virginia January 24, 1881.

Attest:

J. B. PEYTON,
Clerk of the House of Delegates.

Mr. HEREFORD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2177) to cede certain property in the county of Jefferson to the State of West Virginia; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. WALLACE asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. No. 158) to admit free of duty a monument to General Washington; which was read twice by its title, and referred to the Committee on Finance.

Mr. THURMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2178) to authorize the construction of a fire-proof building at Columbus, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the claimant in the matter of the claim of Reuben S. Jones, of Memphis, Tennessee, have leave to withdraw his papers from the files of the Senate.

HOOR OF DAILY MEETING.

Mr. DAVIS, of Illinois. If there is no further morning business—

Mr. INGALLS. I ask action on the order I introduced on a previous day relative to the hour of meeting of the Senate on and after Monday next.

The VICE-PRESIDENT. The order will be reported.

The Chief Clerk read the following order, submitted by Mr. INGALLS on the 10th instant:

Ordered, That on and after Monday next the daily hour of meeting shall be eleven o'clock a. m.

The VICE-PRESIDENT. The question is, Will the Senate agree to this order?

The order was agreed to; there being on a division—ayes 32, noes 9.

Mr. DAVIS, of West Virginia. In connection with that order I desire to make an inquiry. When we meet at eleven o'clock will the morning hour cease at twelve o'clock, or will it continue to one? It is a question as to what was the intention of the mover.

The VICE-PRESIDENT. The Chair supposes the proportionate time would be allotted to the morning hour.

Mr. DAVIS, of West Virginia. That I think would be the proper understanding of the order.

Mr. INGALLS. I did not understand the question of the Senator from West Virginia.

Mr. DAVIS, of West Virginia. The order of the Senate is now that the morning hour begins at twelve o'clock and runs for the purpose of considering the Calendar until half past one. Now that the Senate is to meet at eleven, will an hour and a half still be retained as the morning hour, or will it extend to half past one?

Mr. INGALLS. The whole subject will be under the control of the Senate. My own judgment would be that the public interest would be promoted by the consideration of the cases on the Calendar until half past one; but the whole subject will of course rest with the Senate.

The VICE-PRESIDENT. The Chair is informed by the Secretary that that was the course last year. He was not present when it was adopted.

Mr. DAVIS, of West Virginia. I did not hear the Chair.

The VICE-PRESIDENT. The morning hour ran under the Anthony rule until half past one. Shall that be the understanding of the Senate under the order just agreed to?

Mr. EDMUNDS. I do not wish to agree to any such understanding as to the time when the morning hour ends with the vast amount of unfinished business there is of great public importance, appropriation bills, funding bill, and other bills.

The VICE-PRESIDENT. The whole matter is in the power of a majority of the Senate.

DEBATE ON MOTIONS TO TAKE UP.

The VICE-PRESIDENT. Is there further business for the morning hour?

Mr. COCKRELL. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. MORGAN. I desire to call up the resolution I submitted a few days ago limiting debate. The Senator from Kansas [Mr. INGALLS] then made objection to it; I do not know on what ground. I think the resolution ought to be adopted.

The Senate proceeded to consider the following resolution, submitted by Mr. MORGAN on the 10th instant:

Resolved, That on a motion to take up a bill or resolution for consideration at the present or at a future time debate shall be limited to fifteen minutes, and no Senator shall speak to such motion oftener than once or for a longer time than five minutes.

Mr. CONKLING. Is that a report?

Mr. MORGAN. It is not a report.

Mr. CONKLING. The resolution does not come from the Committee on Rules?

The VICE-PRESIDENT. The Chair understands not.

Mr. MORGAN. I offered the resolution in the Senate a few days since, and it was objected to, and went over under objection.

Mr. CONKLING. I was not aware that the resolution had been submitted. I should like to inquire, does it so change the rule that on a motion to take up, debate on any subject pertinent to the merits is in order?

Mr. MORGAN. Not at all. It does not affect the rule, as I understand. The resolution provides that on a motion to take up a bill or resolution for present or fixing a time for future consideration the debate shall be limited to fifteen minutes.

Mr. CONKLING. Does the Senator remember any instance in

which without violating the rule a Senator has been able to talk fifteen minutes on a motion to take up?

Mr. MORGAN. I think during the last week I have heard a debate extending over an hour upon a question whether the Senate would take up one bill or another.

Mr. CONKLING. I submit to the Senator (I have not noticed what he speaks of) that if the rule as it stands is enforced, namely, that no debate shall occur and no reference be made to the merits of a measure on a motion to take up, it would be impossible that fifteen minutes should be consumed upon such a motion as that.

Mr. MORGAN. Notwithstanding that rule, debate has not only run over fifteen minutes frequently; it has run over half an hour, and over an hour. My purpose is that debate shall be limited by the Chair to fifteen minutes on motions to take up bills for present consideration or to be considered at a future time, fixing a special order.

Mr. CONKLING. The Senator is quite clear that this resolution, being of later date, will not supersede the rule which prohibits debate upon the merits?

Mr. MORGAN. By no means; it is entirely in harmony with that rule.

Mr. INGALLS. I should like to ask the Senator from Alabama if this is intended to be a standing rule of the Senate, to act for all subsequent sessions until repealed?

Mr. MORGAN. It is not so framed. There is no phraseology making it a standing rule of the Senate. It will only apply during this session, unless the Senate should hereafter renew it.

Mr. INGALLS. Unless there is some limitation placed in the body of the resolution, until it be repealed at some subsequent session of the Senate, it would continue to be operative.

Mr. MORGAN. I think it would require an express order that it should be put among the standing rules to give it the effect the Senator from Kansas supposes. The resolution, if adopted now, would be a provision that might be repealed to-morrow; it could be set aside at any time.

Mr. INGALLS. I should be unwilling to agree to any resolution that would have the effect of making that a standing order of the Senate, although I think that during the remainder of this session it might be advisable perhaps to apply it in the manner designated by the Senator from Alabama.

Mr. MORGAN. I am entirely willing to put in words limiting the resolution to this session.

Mr. INGALLS. I think the words should be inserted.

Mr. MORGAN. "For the remainder of the session."

The VICE-PRESIDENT. The resolution will be thus modified, and the question is on agreeing to it as modified.

Mr. PENDLETON. Let it be reported.

The VICE-PRESIDENT. The resolution as modified will be reported.

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

Resolved, That for the remainder of the session, on a motion to take up a bill or resolution for consideration at the present or at a future time debate shall be limited to fifteen minutes, and no Senator shall speak to such motion oftener than once or for a longer time than five minutes.

Mr. CONKLING. The word "present" should be inserted before "session" so as to read "for the remainder of the present session."

Mr. MORGAN. Very well.

The VICE-PRESIDENT. That modification will be made.

Mr. INGALLS. The resolution practically limits debate to three Senators.

The VICE-PRESIDENT. Will the Senate agree to the resolution? The resolution was agreed to; ayes 23, noes not counted.

SUITS AGAINST GOVERNMENT OFFICERS.

Mr. DAVIS, of Illinois. I hope the Chair will recognize me as soon as morning business is over.

Mr. GARLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Arkansas rise to morning business?

Mr. GARLAND. No, sir.

The VICE-PRESIDENT. The regular order has been demanded by the Senator from Missouri, [Mr. COCKRELL,] which is the consideration of the Calendar of General Orders under the standing order.

Mr. COCKRELL. I withdraw the demand for the regular order so far as the measure which the Senator from Illinois wishes to have considered is concerned.

Mr. DAVIS, of Illinois. I move to take up the bill (S. No. 2075) to amend section 989, Revised Statutes, so as to extend its provision to all officers of the United States in the performance of official acts in which the United States is a party or has an interest. The Judiciary Committee reported the bill unanimously, and the Treasury Department is very anxious to have it passed. I can explain it in a minute.

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

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

That section 989 of the Revised Statutes of the United States be amended so as to read as follows:

"Sec. 989. When a recovery is had in any suit or proceeding against a collector or other officer or employé of the United States for any act done by him in the performance of official duty in which the United States is a party or has an interest, or for the recovery of any money exacted by or paid to him, and by him paid into the Treasury, in the performance of his official duty, and the court certifies

that there was probable cause for the act done by the collector or other officer or employe, or that he acted under the direction of the Secretary of the Treasury, or other proper officer of the Government, the court may stay proceedings under such judgment against such officer or employe for a period not exceeding twelve months; and the amount so recovered shall, upon final judgment, be provided for and paid out of the proper appropriation from the Treasury."

Mr. CONKLING. I ask the Senator from Illinois to state the change the bill makes in the existing law.

Mr. DAVIS, of Illinois. Section 989 of the Revised Statutes provides that collectors and other officers of the revenue, where the United States is a party in interest, shall be protected in the performance of their official duty if the court certifies that there was probable cause for the act done by the collector or other officer; and that no execution shall issue against such collector or other officer, but upon final judgment the amount shall be paid out of the Treasury.

There are two amendments made to that section by the bill. One is to extend it to other officers and employes of the United States as well as revenue officers. A great many instances were called to the attention of the Judiciary Committee where officers of the mint at San Francisco, the postmaster at New York, and various other officers of the Government were sued. There is no reason why the law should be confined to revenue officers, but it should be extended to all officers who are acting under the direction of the Secretary of the Treasury or other head of Department, when the court will certify that there is probable cause for the conduct of the officer. The statute at present says that no execution shall issue in such a case where a recovery is had, but after the final judgment the amount shall be paid out of the Treasury. The Judiciary Committee doubt very much whether there is authority in a civil suit to say that the execution shall not issue, but they have provided that it shall be suspended long enough for the Government to provide for the payment. That is a statement of the change made in the existing law by the bill.

Mr. CONKLING. There is no other change?

Mr. DAVIS, of Illinois. There is no other change.

Mr. McMILLAN. Do I understand the Senator to say that the amendment extends to the officers and employes of the Government?

Mr. DAVIS, of Illinois. To officers and employes of the Government who act under the direction of the Secretary of the Treasury, or other head of Department.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported from the Committee on the Judiciary.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to amend section 989, Revised Statutes, relating to suits against officers of the United States."

ORDER OF BUSINESS.

Mr. ROLLINS. Mr. President—

Mr. COCKRELL. The regular order is called for.

The VICE-PRESIDENT. The regular order is demanded.

Mr. ROLLINS. Will the Senator from Missouri allow me to state the request which I desire to make to the Senate? I wish the Senate to take up and consider Senate bill No. 404, to amend section 14, chapter 1, title 2 of the Revised Statutes. The bill was taken up on a former occasion, and I think it will occupy but a few moments more. If any action whatever is to be had on the subject, it is necessary that it should be done at once. If the Senate will agree to allow the bill to be read—it is very brief, only a few lines—Senators will see at once the propriety of immediate action upon it.

The VICE-PRESIDENT. Is the call for the regular order withdrawn?

Mr. COCKRELL. I ask for the regular order. We are now at order of business No. 573; we can soon reach the bill referred to by the Senator from New Hampshire.

Mr. ROLLINS. Does the Senator from Missouri object to the reading of the bill?

Mr. COCKRELL. I call for the regular order, and that bill, when reached in regular order, will be read.

Mr. ANTHONY. I gave notice day before yesterday that at the close of the morning business to-day I should ask the indulgence of the Senate to make some remarks upon the report of the two committees that visited Rhode Island to inquire into alleged violation of the law in that State. If it be the pleasure of the Senate, I will now proceed.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island? The Chair hears none.

ELECTIONS AND APPOINTMENTS IN RHODE ISLAND.

Mr. ANTHONY. I enter a formal motion that the report of the Committee on Civil Service and Retrenchment, to which was referred the resolutions of the Senate of May 29 and of June 18, 1879, be recommended to that committee.

The VICE-PRESIDENT. That motion is pending, and the Senator from Rhode Island has the floor.

DEFENSE OF RHODE ISLAND.

Mr. ANTHONY. Mr. President, there are persons within and without, mainly without the State, who are calling upon Congress to in-

terpose its authority in guaranteeing a republican form of government in Rhode Island, on account of our constitutional limitations upon the suffrage. Those who clamor on this matter from without the State are clearly meddling with what is not their proper concern; those within have mainly come from other States and countries, attracted by the advantages of a residence in Rhode Island, and belong to a class which has been happily described as composed of men who came among us uninvited, and "on whose departure there is no restraint."

Those persons are just about ninety-one years too late in their demand. It should have been made when the State entered the Union; and then would have been referred to the representatives of the other States, most of which placed equal or greater restriction upon the suffrage, and some of which do still; for the constitution of Rhode Island is more liberal now, in respect to suffrage, than it was at that time, and was then a more liberal government, generally, than prevailed in most of the States which preceded her in ratifying the fundamental law.

DEFINITIONS OF REPUBLIC.

A republic is not necessarily a democracy. It may be as far removed from that as from a despotism. It is not essential to a republican form of government that the suffrage should be universal. If it were, none of the States had in the beginning, and none of them have now, a republican form of government.

Noah Webster defines a republic:

A State in which the sovereign power is exercised by representatives elected by the people.

Worcester defines it:

That form of government in which the supreme power is vested in the people, or in representatives, elected by the people; a commonwealth. A republic may be either a democracy or an aristocracy. In the former the supreme power is vested in the whole body of the people, or in representatives elected by the people; in the latter, it is vested in a nobility, or a privileged class, of comparatively a small number of persons.

Ogilvie defines a republic as—

A commonwealth; a political community in which several persons share the sovereign power, or that form of government in which the supreme power is vested in the people, or in representatives chosen by them. A republic may be either an aristocracy or a democracy; the supreme power in the former being consigned to the nobles, or a few privileged individuals, as was formerly the case in Venice and Genoa; while in the latter the supreme power is placed in the hands of rulers chosen by and from the whole body of the people, or by their representatives assembled in a congress or national assembly.

Montesquieu, in his *L'Esprit des Loix*, gives this definition:

A republican government is that in which the body, or only a part of the people, is possessed of the supreme power.

Macaulay says:

The Roman Emperors were republican magistrates, named by the senate.

Lord Brougham, in his *Political Philosophy*, says:

The name of a republic has also been applied to a monarchy, as in the case of Poland; nor, indeed, could the principalities into which the Italian republics declined, and the mixed government of the united provinces, though termed republics, be considered in any other light than as a species of monarchy.

George Cornewall Lewis, in his "Remarks on the use and abuse of some political terms," says:

Commonwealth, or republic, is a general name for all governments in which the sovereign power resides in several persons, whether they be few or many. Thus we speak of the commonwealths or republics of Rome in early times, Venice, &c., which were aristocracies; of Athens, of Rome in later times, &c., which were democracies.

Johnson, who was the accepted authority at the time when the Constitution was framed and ratified, defines a republic:

Commonwealth: State in which the power is lodged in more than one.

Madison, in the *Federalist*, defines a republic as—

A government in which the scheme of representation takes place.

This was the meaning of the word republican then, and is its meaning now. Rome, in a part of her history, Venice, Genoa, Florence, Pisa, were anciently republics, and are recognized as such in history. They had a republican form of government, with institutions highly aristocratic, and as far removed from real democracy as the monarchies around them. If it be said that the significance of the word "republican" has changed with new ideas, that have been introduced in government, since the formation of the Constitution, the reply is that the instrument is to be interpreted by the significance of the language at the time when it was employed. Otherwise it is saying too much, for since that time the word has twice been employed as the designation of a party; and, by that interpretation, the Constitution must be construed as guaranteeing a government of the republican party, which, I think, would hardly be accepted by those who adduce this argument.

SUFFRAGE IN THE SEVERAL STATES AT THE TIME OF ENTERING THE UNION.

The suffrage of Rhode Island, when she entered the Union, was limited to the holders of real estate of the value of \$134, or of the annual rental of \$7, and to the eldest sons of such land-holders. No additional qualification was required of the governor, general officers, and members of the General Assembly; neither was any man disqualified from holding any office on account of his religious belief, or because he was a minister of the Gospel. Now, let us see what were the qualifications for suffrage and eligibility to office in the twelve States that preceded Rhode Island in entering the Union.

New Hampshire required the payment of a poll-tax as a qualification

for suffrage, and that the governor and members of the Legislature should profess the Protestant religion; that the senators should have a property qualification of £200 and the representatives of £100.

Massachusetts required as a qualification for suffrage a freehold estate of £60 or the annual value of £3; that a senator should own real estate to the value of £600 at least, or personal estate worth £600 at least, and have been an inhabitant of the Commonwealth for five years preceding his election; that a representative should own real estate to the value of £100, or personal property worth £200; and that the governor should own real estate to the value of £1,000 and have been an inhabitant of the State for seven years preceding his election; and further required of any person elected governor, lieutenant-governor, councilor, senator, or representative, the declaration of a belief in the Christian religion and a firm persuasion of its truth, as preliminary to entering upon the duties of his office.

Connecticut required a freehold of the annual value of \$7, or the performance of duty in the enrolled militia, or the payment of a State tax.

New York required a freehold of £20 or of the annual rental of forty shillings; and all ministers of the Gospel were declared ineligible for holding any civil or military office.

New Jersey required a clear estate of the value of £50, proclamation money, and a year's residence; it was also required that legislative councilors should be worth at least £1,000, proclamation money, of real or personal estate, and members of the Legislative Assembly £500.

Pennsylvania required, and still requires, that the elector should be a tax-payer; and also, by implication, authorized the disqualification of infidels and atheists. It was necessary that a member of the house of representatives should have resided in the city or county for which he was chosen for two years preceding his election.

Delaware required the members of the upper branch of the Legislature to be twenty-seven years of age and possessed of a freehold of two hundred acres of land or £1,000 in other property.

Maryland required, as a qualification for suffrage, a freehold of fifty acres of land, or an estate of £30 current money. For members of the Legislature she required a property qualification of £500; and the bill of rights authorized the requirement of a declaration of belief in the Christian religion, as a qualification for any office of trust or profit, while ministers of the Gospel were excluded from the general assembly and the council.

Virginia limited the suffrage to freeholders and tax-payers, and I believe that as late as our day electors were allowed to vote for members of one branch of the Legislature, in every district in which they owned real estate.

North Carolina required a qualification of three hundred acres of land for a senator and one hundred for a representative; the qualification for a voter for senator was fifty acres of land, of a voter for representative that he be a tax-payer. Clergymen were excluded from membership in the senate, the house of commons, and the council of State; and any person was disqualified from holding any civil office who should deny the being of God or the truth of the Protestant religion, or the divine authority of the Bible, or who should hold religious principles incompatible with the freedom and safety of the State.

South Carolina required, as a qualification for suffrage, a freehold of fifty acres of land or a town lot, or the payment of a tax of three shillings sterling the preceding year. For member of the house of representatives a freehold of five hundred acres of land and the ownership of ten negroes was required—a pretty qualification this for a republican form of government according to the ideas of those who dispute the republican form of Rhode Island—or a freehold estate of the value of £150; for senator, a freehold of £300 value, clear of debt. In case of non-residents in the election district a larger qualification was required. For governor, an estate of the value of £1,500 was required, a great sum in those days, fully equal in its purchasing power to \$15,000 in our time.

The constitution under which South Carolina ratified the Constitution of the United States and came into the Union required, as a qualification for suffrage, a belief in God and in future rewards and punishments; and a freehold of fifty acres of land. For senator was required the qualification of a freehold of £2,000, if resident in the district, and of £7,000 if a non-resident. For representative was required a qualification of £1,000 of residents, and £3,500 of non-residents, in the respective districts, a belief in the Protestant religion, and three years' residence in the State. For governor, lieutenant-governor, and privy councilor a freehold qualification of £10,000 was required, an enormous sum at that time, and which must have restricted the persons from whom those officers could be selected to a very small part of the people. Moreover, they were required to profess the Protestant religion, which was declared to be the established religion of the State, and there were enumerated in the constitution five cardinal articles of faith which must be professed, in order to entitle a church to corporate privileges.

Georgia affixed to the right of suffrage the qualification of being a tax-payer, or of having a mechanical trade.

This was a republican form of government, according to the ideas of those who object to our Rhode Island limitations upon the suffrage.

These were the States that agreed, in the fundamental law, to guarantee to each other a republican form of government. What were

their ideas of a republican form of government in respect to suffrage is shown by their own constitutions. The *Federalist*, (No. 42,) written by Mr. Madison, is very explicit and quite conclusive on the nature and extent of the constitutional guarantee. It says:

It may possibly be asked what need there could be of such a precaution, and whether it may not become a pretext for alterations in the State governments, without the concurrence of the States themselves. These questions admit of ready answers. If the interposition of the General Government should not be needed, the provision for such an event will be a harmless superfluity only in the Constitution. But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues and influence of foreign powers? To the second question it may be answered, that if the General Government should interpose by virtue of this constitutional authority, it will be of course bound to pursue the authority. But the authority extends no farther than to a *guarantee* of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the Federal guarantee for the latter. The only restriction imposed on them is that they shall not exchange republican for anti-republican constitutions, a restriction which, it is presumed, will hardly be considered as a grievance.

Is it true that force and right are necessarily on the same side in republican governments? May not the minor party possess such a superiority of pecuniary resources, of military talents and experience, or of secret succors from foreign powers as will render it superior also in an appeal to the sword? May not a more compact and advantageous position turn the scale on the same side, against a superior number so situated as to be less capable of a prompt and collected exertion of its strength? Nothing can be more chimerical than to imagine that in a trial of actual force victory may be calculated by the rules which prevail in a census of the inhabitants or which determine the event of an election. May it not happen, in fine, that the minority of CITIZENS may become a majority of PERSONS, by the accession of alien residents, of a casual concourse of adventurers, or of those whom the constitution of the State has not admitted to the rights of suffrage? I take no notice of an unhappy species of population abounding in some of the States, who, during the calm of regular government, are sunk below the level of men, but who, in the tempestuous scenes of civil violence, may emerge into the human character and give a superiority of strength to any party with which they may associate themselves.

OFFICIAL RECOGNITION OF THE REPUBLICAN FORM OF GOVERNMENT IN RHODE ISLAND.

The republican form of government in Rhode Island was recognized by the President of the United States, in 1842, when an insurrection against its authority was organized, on the very ground of an extension of suffrage, and with specious pretenses that it had the support of a majority of the people. The insurgents attempted to take possession of the government, which they claimed by virtue of a pretended vote of the people, and armed themselves for that purpose. The constituted authorities of the State appealed to the President, in the mode pointed out by the Constitution of the United States, under the guarantee of a republican form of government, by protection against invasion and domestic violence. On this very ground, under the obligation of this very provision of the Constitution, President Tyler addressed a letter, dated May 5, 1842, to the governor of Rhode Island, from which the following is an extract:

I shall not adventure the expression of an opinion upon those questions of domestic policy which seem to have given rise to the unfortunate controversies between a portion of the citizens and the existing government of the State. They are questions of municipal regulation, the adjustment of which belongs exclusively to the people of Rhode Island, and with which this Government can have nothing to do. For the regulation of my conduct, in any interposition which I may be called upon to make between the government of a State and any portion of its citizens who may assail it with domestic violence, or may be in actual insurrection against it, I can only look to the Constitution and laws of the United States, which plainly declare the obligations of the Executive Department, AND LEAVE IT NO ALTERNATIVE AS TO THE COURSE IT SHALL PURSUE.

By the fourth section of the fourth article of the Constitution of the United States, it is provided that the United States SHALL GUARANTEE TO EVERY STATE IN THIS UNION A REPUBLICAN FORM OF GOVERNMENT, and shall protect each of them against invasion; and on the application of the Legislature, or executive, (when the Legislature cannot be convened,) *against domestic violence*. And by the act of Congress, approved on the 28th February, 1795, it is declared that in case of an insurrection in any State *against the government thereof* it shall be lawful for the President of the United States, upon application of the Legislature of such State, or of the executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection. By the third section of the same act, it is provided that whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a reasonable time.

By the act of March 3, 1807, it is provided "that in all cases of insurrection or obstruction to the laws, either of the United States, or any individual State or Territory where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect."

This is the first occasion, so far as the government of a State and its people are concerned, on which it has become necessary to consider of the propriety of exercising these high and most important constitutional and legal functions. By a careful consideration of the above-recited acts of Congress, your excellency will not fail to see that no power is vested in the Executive of the United States to anticipate insurrectionary movements against the government of Rhode Island so as to sanction the interposition of the military authority, but that there must be an actual insurrection manifested by lawless assemblages of the people or otherwise, to whom a proclamation may be addressed, and who may be required to betake themselves to their respective abodes. I have, however, to assure your excellency, that should the time arrive (and my fervent prayer is that it may never come) when an insurrection shall exist against the government of Rhode Island, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guaranteed to each State by the Constitution and laws, I SHALL NOT BE FOUND TO SHRINK FROM THE PERFORMANCE OF A DUTY WHICH, WHILE IT WOULD BE THE MOST PAINFUL, IS, AT THE SAME TIME, THE MOST IMPERATIVE. I have also to say that in such a contingency the Executive could not look into real or supposed defects of the existing government in order to ascertain whether some

other plan of government proposed for adoption was better suited to the wants and more in accordance with the wishes of any portion of her citizens. To throw the executive power of this Government into any such controversy would be to make the President the armed arbitrator between the people of the different States and their constituted authorities, and might lead to an usurped power, dangerous alike to the stability of the State governments and the liberties of the people.

It will be my duty, on the contrary, to respect the requisitions of that government which has been recognized as the existing government of the State through all time past, until I shall be advised in regular manner that it has been altered and abolished, and another substituted in its place by legal and peaceable proceedings, adopted and pursued by the authorities and people of the State.

And, in a subsequent letter, dated May 7, 1842, he said :

I freely confess that I should experience great reluctance in employing the military power of this Government against any portion of the people; but, however painful the duty, I have to assure your excellency that if resistance is made to the execution of the laws of Rhode Island by such force as the *civil posse* shall be unable to overcome, it will be the duty of this Government to enforce the constitutional guarantee, a guarantee given and adopted mutually by all the original States, of which Rhode Island was one, and which in the same way has been given and adopted by each of the States since admitted into the Union. And if any exigency of lawless violence shall actually arise, the Executive Government of the United States, on the application of your excellency, under the authority of the resolutions of the Legislature already transmitted, will stand ready to succor the authorities of the State in their efforts to maintain a due respect for the laws.

At the date of these letters Daniel Webster was the Secretary of State, and his authority is added to that of Madison.

The States generally have enlarged their suffrage, but they have done this voluntarily and in their own discretion, without compulsion, or advice, or suggestion by the Federal Government, except in the fifteenth amendment of the Federal Constitution. No pressure has been applied by the Federal Government, nor has it ever been pretended that the Federal Government had the right to interpose its authority, other than in the case provided by the fifteenth amendment, by which our suffrage was not affected.

If Rhode Island was not republican when she entered the Union, the other States were not; and if she was republican then, she is now, for the changes in her suffrage have been in the direction of liberality. Many of the Northern States adhered to their discrimination against colored citizens, till the results of the war compelled its abandonment, and all the Southern States retained or established it. In New York the proposition to admit colored citizens to equal rights of suffrage was submitted to a separate vote, with the constitution of 1846, and was rejected. It was submitted again, in an amendment in 1860, and again in 1863, and was both times rejected. It was not adopted till 1874, when the fifteenth amendment to the Federal Constitution had removed the disqualification and established the equality of the whites and the blacks in the suffrage. New Hampshire resisted, through all parties, the repeal of the religious test, in discrimination against the Roman Catholics, till 1877.

The right of a State to fix her own suffrage is as well settled as anything in our form of government. It existed at the formation of the Government, and it has not been impaired since, except by the fifteenth amendment, to which our suffrage was already in conformity. That the fourteenth amendment does not affect our suffrage was determined by the unanimous report of the Judiciary Committee of the United States Senate, of which committee, and concurring in the report, was my distinguished friend, the senior Senator from Ohio, [Mr. THURMAN,] and by the unanimous decision of the Supreme Court of the United States in the case of *Minor vs. Happersett*.

Many of the States still require the payment of assessed taxes as a qualification for voting. Rhode Island requires, for native citizens, only a voluntary tax of \$1, to be applied to the support of public education; and even this is waived in the case of performance of militia duty; and, assuredly, an assessed tax in any State must be on property of the value of \$134, which makes our suffrage for citizens of foreign birth as liberal as the general suffrage in those States, except in the character of the property assessed. Nor is Rhode Island the only State that discriminates between the native and the foreign-born citizens. New York requires that a naturalized citizen shall have been naturalized ten days before voting. Pennsylvania requires thirty days. Michigan requires of citizens of foreign birth a residence of two years and six months after declaration of their intention of naturalization, while for native citizens a residence of only three months is required. Massachusetts required from 1850, when the provision was adopted as an amendment to her constitution, till 1863, when it was repealed, two years. So that a naturalized landholder, while that provision was in force, could not vote as soon, by two years, as he could and can, in Rhode Island. If the right to discriminate at all be conceded, the States themselves must be the judges of the limits of the discrimination; and it is not less truly a violation of republican form of government in New York to require ten days, and in Pennsylvania to require thirty days, in Michigan to require two years and three months, and in Massachusetts to have required two years additional residence of citizens of foreign birth, than it is in Rhode Island to require the possession of one hundred and thirty-four dollars' worth of real estate.

SUFFRAGE IN RHODE ISLAND NOT AFFECTED BY THE FOURTEENTH AND FIFTEENTH AMENDMENTS.

But the case is too plain for argument or illustration. It is settled by the facts, it is confirmed in the exposition of the Constitution by James Madison, in the *Federalist*, and by Daniel Webster, in the case of the Rhode Island insurrection; by the unanimous report of the Judiciary Committee of the Senate; by the unanimous decision of

the Supreme Court of the United States. The committee, referring to the effect of the fifteenth amendment of the Constitution of the United States, say:

The Committee on the Judiciary, to whom was referred the petition of citizens of Rhode Island setting forth, by reference, the fourteenth and fifteenth articles of amendment to the Constitution of the United States, and stating that "the State of Rhode Island, notwithstanding the provisions of the above-named amendments, persists in and by the first section of article 2 of the constitution of said State, in denying and abridging the right of about ten thousand citizens of the United States to vote at any and all elections holden in said State," and praying that Congress will "pass such appropriate legislation as may be found necessary to obtain for, and secure to, the citizens of the United States resident in Rhode Island all the rights, privileges, and immunities guaranteed to them by the Constitution of the United States," respectfully report:

That the constitution of Rhode Island, adopted in 1842, prescribes two alternative classes of qualifications for voting. The first gives to all male citizens of the United States of a certain age, &c., the right to vote, if they own real estate of the value of \$134 or which shall rent for \$7 per annum. The second gives to every male native citizen of the United States of a certain age, &c., the right to vote, if he pays a tax of one dollar a year, &c., although he may not own real estate. No man or party has ever questioned the right of the people of Rhode Island, and of every other State, to establish such a constitution of government as may be agreeable to their views of the public welfare in that State, although its provisions as to suffrage may not conform to the opinions of citizens of other States. At the time when this constitution of Rhode Island was adopted the right to regulate the qualifications of voters belonged exclusively to the respective States. The petition under consideration fully recognizes this, but it raises the question (although studiously framed in such a manner as not to declare or insist upon such a conclusion) whether, by the fourteenth and fifteenth amendments to the Constitution of the United States, natives of foreign countries who may have become citizens of the United States are not entitled to vote in Rhode Island, without regard to the qualifications imposed by her constitution?

The committee is unanimously of the opinion that this question must be answered in the negative.

The "privileges and immunities of citizens of the United States," mentioned in the petition as secured by the fourteenth amendment, do not include the right of suffrage. If they did, the right must necessarily exist in all citizens of the United States, from the mere fact of citizenship, without the power in any State or in Congress to abridge the same in any degree; and in such case, therefore, no qualification of any kind could be imposed, and all persons, (being citizens,) males and females, infants, lunatics, and criminals, without respect to age, length of residence, or any other thing, would be entitled to participate directly in all elections. Every provision in every State, which experience has proved to be essential to security and good order in society, would thereby be overthrown. It is enough to say that the rights secured by this amendment to the Constitution are of an altogether different character.

The fifteenth amendment does apply to rights of suffrage, and to those only. By it the State of Rhode Island, in common with every other State, is forbidden to deny or abridge the right of citizens of the United States "to vote on account of race, color, or previous condition of servitude." But, plainly, the constitution of Rhode Island does not preclude any citizen from voting on either or any of the grounds thus prohibited. No fact of race, or color, or previous servitude prevents any citizen from voting in Rhode Island. Neither of these qualities depends in any degree upon the place of his nativity. This seems too obvious to need discussion. It is also a fact, appearing in the public records of Congress and doubtless known to the petitioners, that when the fifteenth amendment was under consideration by Congress it was proposed to embrace in it a prohibition of any denial of suffrage on account of "nativity," and that this proposition was not agreed to, for the reason that Congress did not think it expedient to restrict the ancient powers of the States in those respects any further than appeared to be absolutely needful to secure to the whole people the great results of the overthrow of the rebellion.

The committee is therefore of opinion that there is nothing in the provisions of the constitution of Rhode Island referred to in conflict with the Constitution of the United States.

Whether these provisions are wise or right in themselves is a matter over which neither the committee nor Congress has any control. That subject belongs to the people of Rhode Island, who, it must be presumed, will correct any and all errors that may, from time to time, be found to exist in her internal affairs.

And again, in the unanimous report of the same committee in its report on the memorial claiming the right of female suffrage, the committee says:

By the Constitution of the United States, prior to the fourteenth and fifteenth amendments, the power to regulate suffrage, even in the election of President and Vice-President, Senators and Representatives in Congress, was possessed by the States composing the Union, so that Congress could make no affirmative provision concerning the same; nor could Congress alter or amend regulations made upon this subject by the respective States. Article I, section 2, provides as follows:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

Section 3 of the same article provides:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote."

Article III, section 1, provides:

"Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."

From these provisions of the Constitution it is apparent that the States possessed the sole power of determining the qualifications of electors therein. And, so far as these provisions are concerned, it is manifest that each State had the power to make such discrimination as it pleased between its own citizens in regard to their participation in the elective franchise. Each State might admit all citizens, male and female, over a prescribed age, or only some classes of them, or might require a property qualification, which would, in effect, exclude all citizens not possessing the required amount of property. Each State might discriminate in this particular between its citizens on account of race, color, servitude, or upon any other ground. And under this Constitution the several States established various and incongruous regulations upon this subject. In Massachusetts no distinction on account of color was recognized, while in other States all persons having even admixture of African blood, however slight, were excluded; and some States required a property qualification, while others did not.

There is, however, another provision of the Constitution which merits consideration in this connection. Article IV, section 4, provides:

"The United States shall guarantee to every State in this Union a republican form of government."

Under this provision it is insisted, with some plausibility, that a State government which denies the elective franchise to a majority of the citizens of such State is not "a republican form of government." But your committee are not satisfied

that this proposition can be maintained. In construing the Constitution we are compelled to give it such interpretation as will secure the result which was intended to be accomplished by those who framed it and the people who adopted it. The Constitution, like a contract between private parties, must be read in the light of the circumstances which surrounded those who made it. The history of the colonies, the history of the Confederation, and the circumstances under which the Constitution itself was framed and adopted, must all be taken into account; and then we must ascertain by reading the whole instrument together the sense in which particular provisions and phrases were employed. If any State government which to-day excludes from suffrage a majority of its citizens is not in form a republican government, then a State government which did the same thing at the time the Constitution was adopted was not in form a republican government. The exclusion of all female citizens from the suffrage cannot impair the republican form of an existing State government, unless the same thing worked the same result upon the State governments in existence when the Constitution of the United States was adopted.

It was assumed on all hands that the governments of the thirteen States which framed and adopted the Constitution were in form republican; and this provision was intended to keep them so, and make it impossible for any State to change its government into a monarchy. The construction of this provision now contended for would have made it the duty of the Government of the Union, during the first year of its existence, to enter upon the reconstruction or remodeling the governments of the States by which the Union itself had been spoken into existence. In view of the history of those times, it cannot be maintained that the States or the people intended to confer such a power upon the Government of the Union; and no one can doubt that such an attempt on the part of the Union, in regard to the thirteen States, would have been condemned by the unanimous voice and resisted by the united force of the people. If such a power did not then exist under the Constitution of the United States, it does not now exist under this provision of the Constitution which has not been amended. A construction which should give the phrase "a republican form of government" a meaning differing from the sense in which it was understood and employed by the people when they adopted the Constitution, would be as unconstitutional as a departure from the plain and express language of the Constitution in any other particular. This is the rule of interpretation adopted by all commentators on the Constitution, and in all judicial expositions of that instrument; and your committee are satisfied of the entire soundness of this principle. A change in the popular use of any word employed in the Constitution cannot retroact upon the Constitution, either to enlarge or limit its provisions.

There is another provision of the Constitution which is generally referred to in this connection, but which, in the opinion of your committee, has no application to the subject. Article 4, section 2, provides:

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

It has been much discussed whether the right to vote and hold office in a State was within the privileges and immunities protected by the provision above quoted. But it is unnecessary to consider that question here, because, even if the right to vote and hold office be considered as embraced within this provision, still it was in the power of the State to which a citizen might remove to determine what class of citizens should or should not vote or hold office in such State; and the citizen removing to such State was only entitled to the privileges and immunities possessed by the class of citizens to which such removing citizen belonged under the constitution and laws of the State to which he had removed.

We come now to consider the fourteenth and fifteenth amendments to the Constitution, under which, also, the right of female suffrage is claimed. The fourteenth amendment, so far as applicable to this subject, is as follows:

"All persons born and naturalized in the United States, &c., are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

The second section of this amendment provides that—

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election, &c., is denied to any of the male inhabitants being twenty-one years of age, &c., the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

It is evident from the second section of this amendment above quoted that the States are considered to possess the power of excluding a portion of their male citizens from the right to vote upon grounds or reasons to be determined by themselves; because this section determines that, in case the State shall exercise this right so as to exclude citizens of the United States, except for commission of crime, the basis of representation for such State shall be correspondingly reduced.

And the Supreme Court of the United States, in the case of *Minor vs. Happersett*, has settled the same question.

Upon this question the Chief-Justice leaves no room to doubt as to what is the opinion of the court. He says that at the adoption of the constitution every State, except Rhode Island,* had a constitution of its own, in no one of which were all its citizens permitted to vote. Each State determined for itself who should vote, and in this state of the laws there can be no doubt if it had been intended by the framers of the Constitution to make all citizens voters that the instrument would have said so, and not left it for implication. That such was not the intention is to be found in the provision that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, and if suffrage is a part of citizenship, then the citizens of each State, while retaining their original citizenship, may vote in any State—a claim not yet set up.

Another reason for believing that it was never intended that suffrage and citizenship should be coextensive is found in the fourteenth amendment itself; where, after providing that Representatives in Congress shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, (excluding Indians not taxed,) the amendment declares that "when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of repre-

sentation shall be reduced in the proportion which the number of male citizens shall bear to the whole number of male citizens twenty-one years of age in such State." The Chief-Justice adds:

Why this, if it was not in the power of the Legislature to deny the right of suffrage to some male inhabitants? And if suffrage was necessarily one of the absolute rights of citizenship, why confine the operation of the limitation to male inhabitants? Women and children are, as we have seen, "persons." They are counted in the enumeration upon which the apportionment is to be made; but if they were necessarily voters because of their citizenship, unless clearly excluded, why inflict the penalty for the exclusion of males alone? Clearly, no such form of words would have been selected to express the idea here indicated if suffrage was the absolute right of all citizens. And, still again, after the adoption of the fourteenth amendment, it was deemed necessary to adopt a fifteenth, as follows: "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude." The fourteenth amendment has already provided that no State should make or enforce any law which should abridge the privileges or immunities of citizens of the United States. If suffrage was one of these privileges or immunities, why amend the Constitution to prevent its being denied on account of race, &c.? Nothing is more evident than that the greater must include the less, and if all were already protected, why go through with the form of amending the Constitution to protect a part?

Previously to this, Judge Dady, of the United States district court in Oregon, had arrived at the same decision. He says:

Under the fifteenth amendment of the Constitution, and the act of May 1, 1870, to enforce it, all persons declared citizens of the United States by the fifteenth amendment are entitled to vote in the States where they reside, at all elections by the people, without distinction of race, color, or previous condition of servitude; but the several States, notwithstanding the amendment, have the power to deny the right of suffrage to any citizen of the United States on account of age, sex, PLACE OF BIRTH, vocation, WANT OF PROPERTY or intelligence, neglect of civic duties, crime, or other cause not specified in the amendment.

The senior Senator from Pennsylvania, [Mr. WALLACE,] in a speech at the first session of the Forty-sixth Congress, arguing that the whole matter of the suffrage, except the provisions of the fifteenth amendment, is exclusively of State concern, said:

It is thus settled upon principle and by authority, as well as from the history of our institutions, that the voters under our systems are the people qualified by State laws and constitutions, and that the Federal Government has no voters of its own creation. Suffrage is under State control except in the single case of race, upon which subject the States can make no rule of discrimination. If there be such a thing, then, as a "national election," it wants the first element of an election—a national voter. The Federal Government, or (if it suits our friends on the other side better) the nation, has no voters; it cannot create them, it cannot qualify them. The depositary of absolute sovereignty and power is in the people, the people of the States, qualified as electors by State constitutions and State laws; and all authority of every kind comes from them by representation, and this vital principle of democracy permeates every part of the Government.

National power over the voter as such, or national elections as such, are new forms of old federal theories. In the laws we propose to repeal, and in kindred enactments in 1870 and 1871, the revamped doctrines of the federalism of 1793 first finds statutory existence. The universal practice of the Government since 1891 has been against any such theory as is found in these statutes. National electors would require national citizenship for qualification. How absurd a theory, that a man may be a citizen of the State and not of the United States and yet be a national voter. Yet I propose to show that such would be the legitimate result of this teaching as to national elections. This subject is rightly and absolutely controlled by State law and State constitutions in almost every State. There are no national voters. Voters who vote for national Representatives are qualified by State constitutions and State laws, and national citizenship is not required of a voter of the State by any provision of the Federal Constitution nor in practice. Under the constitutions of Kansas, Nebraska, and Colorado an unnaturalized foreigner who has declared his intention to become a citizen may vote for members of Congress and State officers if he has resided six months in the State, and in Indiana, Minnesota, Oregon, and Wisconsin after a residence of twelve months, while in Massachusetts* he must have resided in the State two years after he has been naturalized. Does the new gospel as to control of elections by national authority contemplate making the rule of seven years' residence, required by Massachusetts, or that of six months, required by Kansas, the test of qualification as a "national" voter for a foreign-born citizen? Which is the doctrine? Is it that of Massachusetts or that of Kansas? The foreign-born citizen declaring his intention, after six months' residence in Kansas, is a voter, and may vote for a member of Congress and governor of the State, while in Massachusetts he must carry a parchment certifying that he is a citizen of the United States and must have resided two years in Massachusetts. The whole difference is the difference between seven years in one State and six months in another as applied to foreign-born citizens.

A naturalized foreigner can vote in California after a residence of six months; Connecticut, after a residence of one year and able to read any article of the constitution or any section of the statutes of the State; Delaware, after one year's residence and having paid taxes; Illinois, after one year's residence; Iowa, six months' residence; Kentucky, two years' residence; Louisiana, one year's residence; Maine, three months; Maryland, one year; Michigan, three months; Mississippi, six months' residence; Nevada, six months; New Hampshire and New Jersey, one year; North Carolina, one year; Ohio, one year; South Carolina, one year; Tennessee, one year; Vermont and Virginia, one year; and West Virginia, one year in the State. The same residence is required in those twenty-one States of the native-born citizens.

In these States residence is superadded by State authority as a qualification to voting for all officers, State as well as Federal. In Massachusetts two years, in Pennsylvania thirty days, and in New York ten days are added by State authority to the qualification of five years; and in Rhode Island ownership of real estate must be in the naturalized foreigner before he is a voter.

Are all these distinctions, are all the restrictions imposed by State authority and State constitutions as to residence, naturalization, qualification, registration, age, tax, and property to be obliterated in this effort for the "universality of the security of equal suffrage" in this renewed and earnest effort for a consolidated government?

It has been argued that the right to restrict the suffrage by a landed qualification might allow the practical denial of the right by exaggerating the value of the qualification, and it is asked, triumphantly, why may not the same power that limits the qualification to \$134 extend it to \$10,000, which would be less in purchasing power than the ancient qualification for governor, lieutenant-governor, or privy coun-

*The colonial charter of Connecticut was not superseded by a constitution till 1818.

*This requirement has been repealed by an amendment to the constitution of the State.

cilor of South Carolina? This could only be done by the people, who would not be likely thus to disfranchise themselves, however they might have the sovereign right to do so. But the argument drawn from the liability of abusing the restriction is an argument against any qualification for voting. What is to prevent the people from forming a constitution that shall limit the suffrage to men of seventy years of age? Therefore should there be no limitation of age? What is to prevent them from limiting it to men who have resided fifty years in the State? Therefore should there be no qualification of residence? What is to prevent the Legislature from assessing a tax of 50 per cent. upon property? Therefore should it not have the power of taxation? What is to prevent the Legislature from making Sabbath-breaking and profane swearing capital crimes? Therefore should it not have the power to define crimes, and to affix the punishment of them? No power can be wholly protected from abuse, but power must be granted for the purposes of government, and the supervision of the people over their servants, to whom they delegate it, must be relied upon to restrain it within reasonable limits, and to prevent any exercise of that power for extravagant purposes.

MODE OF AMENDMENT.

During the investigation of the committee appointed by the Senate to inquire into alleged frauds in the late elections, and which, in Rhode Island, took the form of an inquiry into the provisions of our State constitution, in matters pertaining exclusively to the State; in other words, into the right of the people of Rhode Island to manage their own affairs in their own way, much stress was laid by witnesses summoned to give eager testimony against the State in which they lived, and the laws whose protection they enjoyed; laws which were enacted by the people and to which the people have adhered, with patriotic persistency, upon the conservative mode of amending our constitution, and which was held up as anti-republican. The mode prescribed is the passage of a resolution proposing amendments by a majority of all the members elected to each house of two successive Legislatures, and the ratification by a vote of three-fifths of the people voting upon it.

Without going into a defense of the reasonableness of this mode of amendment, which assumes that something more than a mere majority, which may be accidental, may be fairly required in so grave a matter as a change of the fundamental law; without dwelling upon the evident argument that those who abstain from voting may be fairly counted as content with the existing constitution, and not favorable to a change, it is quite enough to compare our mode of amendment with the modes of other States, the republican form of whose government is not disputed, and with the mode prescribed in the Federal Constitution itself, that guarantees a republican form of government to all the States.

In the initiation of amendment Rhode Island is more liberal than most of the States. She requires only a majority of the members elected to two successive Legislatures to propose amendments for the consideration of the people. Alabama, Colorado, Florida, Georgia, Illinois, Kansas, Louisiana, Maine, Massachusetts, Mississippi, Nevada, North Carolina, South Carolina, Tennessee, Texas, and West Virginia require the assent of two-thirds of their Legislatures, some of them the assent of two-thirds of two successive Legislatures, to the adoption of a proposition for submitting amendments to the people. Maryland requires the assent of three-fifths of all the members elected to each house of the Legislature. Nevada requires two-thirds of all the members elected to each house to call a convention for the revision of the constitution, and the approval of a majority of the people, not merely of those voting upon it, but a majority equal to the majority given for any candidate, or upon any question voted upon at the election. Massachusetts, in the original instrument which was in force at the adoption of the Federal Constitution when the guarantee of the republican form of government was made, required the assent of two-thirds of the people, given in town meeting, to a revision of the constitution. She now requires the assent of a majority of the senate and two-thirds of the house to propose amendments for the ratification of the people. Delaware requires two-thirds of each house of the Legislature and the approval of the governor and three-quarters of each house of the next Legislature to amend the constitution, and does not require the submission of the amendment to the people. Vermont requires two-thirds of each house and a majority of each house in the next Legislature to propose amendments, and limits the right of proposing to once in ten years. New Hampshire requires the sense of the people to be taken once in seven years on the question of amending or revising the constitution, and that a vote of two-thirds of the people shall be necessary to the ratification of amendments.

The constitution of Indiana requires propositions of amendment to pass two successive Legislatures by a majority of the members elected to each house, then to be submitted "to the electors of the State, and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this constitution." Yet, by a judicial decision, certain amendments that were submitted to the electors, under this provision, and ratified by an immense majority of the popular vote, were declared invalid, on the ground that they had failed to receive a majority of the whole number of votes given for any candidate, or on any question voted upon, at the same election. This decision practically makes the constitution of Indiana perpetual, for such is the character of our people that a proposition to change

the fundamental law hardly ever brings out as large a vote as an election of officers, and if more than one amendment be submitted at the same time, only that on which the largest vote was given on both sides would be likely to receive a majority of all the votes cast. This decision appears to me, and I think to everybody else outside of those for whose partisan benefit it was made, as atrociously absurd. Yet it concerns the people of Indiana alone, and any criticism upon it here would be impertinent. It is none of my business, no more than the questions of the internal government of Rhode Island were the business of the committee which, under the chairmanship of the Senator from Pennsylvania, assumed to inquire into, in the summer of 1879.

Without conceding the right of Congress to take cognizance of the matter, I submit that the provisions of constitutional amendment are more liberal in Rhode Island than in a majority of the States, and far more liberal than in some of them. The requirement of two-thirds of the Legislature to submit propositions of amendment is a greater impediment to change than the requirement of three-fifths of the popular vote to their ratification; and, when we consider the unequal representation of many of the States, in their Legislatures, gives a far greater negative power to the minority. But look at the mode of amendment provided in the Federal Constitution. Two-thirds of each House of Congress and the assent of three-fourths of the States are necessary to the ratification of amendments to that instrument, or the application of two-thirds of the States to call a convention for proposing amendments and the like assent of three-fourths of the States. One more than a quarter, in number, of the smaller States can prevent any amendment. One more than a third can prevent even the proposition of amendment.

The population of the thirty-seven States, by the census of 1870, was 38,015,641. An amendment to the Constitution might be proposed by the unanimous vote of both Houses of Congress and receive the ratification of twenty-seven States, including a population of 35,877,062, and be defeated by the votes of the following States, whose aggregate population is 2,238,579:

Nevada	42,491
Oregon	90,123
Nebraska	122,993
Delaware	125,015
Florida	187,748
Rhode Island	217,353
Vermont	330,551
New Hampshire	318,300
Kansas	364,399
Minnesota	439,706

Total 2,238,579

If this be republican, in the judgment of the objectors to republican form of government in Rhode Island, I do not see how they can call even the Federal Constitution republican.

The administration of the power of amendment in Rhode Island has been most liberal. No less than eight times has the General Assembly, by large votes in both houses, often approaching to unanimity, submitted propositions of amendment. Those proposing the enlargement of the suffrage have been uniformly voted down, both political parties swelling the majorities against them. An effort was made to show before the committee that these propositions have sometimes been submitted in bad faith, that whig and republican members of the General Assembly voted for the submission to appease popular clamor, and then opposed them at the polls. The effort to prove this utterly failed. The testimony of the members of the General Assembly who voted to submit the amendments shows that they supported them at the election. But even if it was so, it would be only a proof of the liberality of the Government. A man may consistently vote to submit to the judgment of the people propositions that he does not approve. He votes to consult the popular will, content to abide by its verdict, and to live under such institutions as a constitutional majority of his fellow-citizens may choose. It does not follow that his own judgment approves of the decision of the majority, but only that he will not set it up against such decision. He votes to ask the people, whose elected servant he is, if they desire a change. As one of the people, he votes against it, and so far from being discreditable, this is an evidence of his respect for the will of the people. Had this point been sustained—as it clearly was not—it would have been an evidence of the elasticity and liberality of our constitution. And whether the amendment was put out in good faith or not, if the people had desired it, they could have adopted it.

THE RESTRICTION ON THE SUFFRAGE IN RHODE ISLAND NOT A PARTY MEASURE.

I have said that the propositions for enlarging the suffrage were voted down by both parties. They found supporters in both parties; but at no time anything like the entire strength of either. Had they received from the democratic party anything like the support that it gave to its candidates they would have prevailed. The first proposition to revise the constitution by a convention was voted down by nearly a two-thirds vote, although the State was then democratic; the next attempt—the State still democratic—was voted down by more than two to one. The last two attempts were made in 1871, at a special election, and in 1876, at a presidential election. It is to be observed that equal complaint has been made of the submission of the amendments, at a special and at a general election; that at

the first there was nothing to call out the popular vote, and that at the second the popular mind was so much occupied with the immediate question of the day, that it had not the leisure to dwell upon the grave question of changes in the fundamental law. In 1871 the proposition for a general enlargement of the suffrage was voted down by more than two to one; and received but little more than half the votes that were given to the democratic candidates at the preceding election in April. At that election Gloucester, the democratic Gibraltar of the State—more than the Gibraltar, for it has never been captured—gave 40 votes for the amendment, and the following year it gave 171 for the democratic candidate for President; Cranston gave 70 for the amendment, 158 for the democratic ticket; New Shoreham, none for the amendment, not a vote, 24 for the democratic ticket; Exeter, not one for the amendment, 27 for the democratic ticket; Hopkinton, 6 for the amendment, 92 for the democratic ticket; Warwick, 49 for the amendment, 208 for the democratic ticket. This is the way in which the democratic party in Rhode Island vote for opening the suffrage, unrestricted, to all the citizens of the State. In 1876 the proposition was only to admit to the right of suffrage, without the landed qualification, citizens of foreign birth who had served in the war. The republican constituencies of Providence, Newport, Pawtucket, Woonsocket, (the largest in the State,) and the republican towns of Bristol, Warren, and Smithfield, embracing together more than half the population, gave majorities for the amendment. At that election, which was held on the day of the presidential vote, Gloucester gave 211 votes for Tilden and 20 for the amendment; West Greenwich, generally a democratic town, although at that election it gave a republican majority, returned 16 votes for the amendment, 46 for Tilden; Tiverton gave 2 votes for the amendment and 80 votes for Tilden; Exeter gave 6 for the amendment, 46 for Tilden. I think that at that trial the republican votes for the amendment were about equal to the democratic. It is certain that if the democrats had given it a unanimous or even a general support it would have prevailed.

It is not a republican doctrine or a democratic doctrine; it is a Rhode Island doctrine; a doctrine with which the people of all parties are deeply interested, and to which they are sincerely attached. It arises from the peculiar character of our population, which is singularly deficient in that class where experience proves that political power is most safely deposited, the agricultural class. A limited territory and an ungrateful soil restricts our farming population; the restless activity, the aggressive enterprise, and the ingenuity of the people have diversified our industry, and attracted a large manufacturing and mechanical population, much of it transient in its residence, and with less of local attachments than the natives of the soil. We believe that if we had the suffrage of New York City we should have the government of New York City; worse, that we should have such a government as that city would have if freed from the restraint of the rural population. At any rate the suffrage suits us, and it is no concern of outsiders.

RESTRICTIONS ON FOREIGN SUFFRAGE IN OTHER STATES.

Nor is ours the only State that discriminates against people of foreign birth.

Besides, the discrimination in the constitutions of New York, of Pennsylvania, and of Michigan, which, although lesser in amount, are the same in character, the State of California discriminates against a whole race, refusing them the hospitality of its shores; and this the race that inherits the oldest civilization extant, the subjects of that Emperor whose representatives were received in this Chamber with highest honors, whom your predecessor descended from the chair to welcome, and as a mark of respect to whom the Senate took a recess.

The people of California have lately voted against permitting the continuance of Chinese immigration, and have voted against it with a preponderance greater than that of some of the democratic towns in Rhode Island that I have quoted against free suffrage; no, not greater, for out of the 155,521 voters of California, 883 declared for the Chinese. But in two of the towns in Rhode Island not a vote was given for the extension of the elective franchise. I received, as we all did at the time of its date, the following communication from the governor of California:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.

SIR: The Legislature of this State, assuming that it was desirable that the wishes of the people of the State, upon the subject of Chinese immigration, should be unmistakably expressed, passed an act, approved December 21, 1877, entitled "An act to ascertain and express the will of the people of the State of California on the subject of Chinese immigration." This act provided for the submission to the electors of the State, at the next general election, the question of the continuance or prohibition of Chinese immigration. It provided that such electors as should desire the continuance of Chinese immigration might express such desire by placing on their ballots the words "For Chinese immigration;" and that such electors as should desire the prohibition of Chinese immigration might place on their ballots the words "Against Chinese immigration."

This question was submitted to the voters of the State, in pursuance of the act above mentioned, at the general election held on the 3d day of September, 1879. At said general election there were chosen all State and county officers and members of the United States House of Representatives. The total vote cast at such election was 161,403 votes, which is several thousand more than the votes cast at any previous election in the State. It is probable, therefore, that the vote was as nearly full as it would be possible, under any circumstances, to secure. The vote was:

For Chinese immigration.....	883
Against Chinese immigration.....	154,638
Voters who did not express any wish on the subject.....	5,884

The conclusion from this vote is unavoidable, to wit: that the citizens of the State are substantially unanimous against the continuance of Chinese immigration.

The act above referred to further provides that the governor shall, after the vote on the question of Chinese immigration shall have been taken, make a statement of the question submitted to the electors and of the vote thereon, and forward copies of such statement, properly certified, to the President and Vice-President of the United States, to each Cabinet minister, Senator, Member of the House of Representatives, and to the governor of each State and Territory.

Now, for your information as to the actual sentiment of the citizens of this State touching the question of the continuance of Chinese immigration, and in pursuance of law, I have the honor to transmit to you the foregoing statement.

Very respectfully,

WILLIAM IRWIN,
Governor.

THE LARGE FOREIGN IMMIGRATION IN RHODE ISLAND.

A political system is to be judged mainly by its results. If it works well upon those to whom it is applied, this is the strongest argument in its favor. It was attempted to be shown, before the committee, at Providence, that the restriction upon the foreign suffrage discouraged immigration. All the arguments, all the speculations, all the opinions to this effect are dissipated by the invincible arithmetic of the census. Under our suffrage laws the foreign-born population of the State has increased in a greater ratio than in any other of the "Old Thirteen," being 25.5 per cent. of the total number. New York exceeds it in this respect nominally by one-half of 1 per cent., the ratio in that State being 26 per cent. But New York contains the great port of immigration, and there are always present in that State thousands of immigrants, newly arrived, and only temporarily resident. Of the permanently resident, Rhode Island undoubtedly has a greater proportion than New York, and no other State equals it, even nominally. The following table furnishes the actual and relative number of persons of foreign birth in each of the Old Thirteen for the three last censuses. Previously to 1850 no account was taken of the nativity of the population in the enumeration of the census. I take the figures of the ninth census, as the returns of the census just concluded are not accessible:

States.	1870.			1881.			1880.		
	Total population.	Foreign-born.		Total population.	Foreign-born.		Total population.	Foreign-born.	
		Absolute.	Per cent.		Absolute.	Per cent.		Absolute.	Per cent.
Connecticut.....	537,454	113,639	21.1	460,147	80,696	17.5	370,792	38,518	10.4
Delaware.....	125,015	9,136	7.3	112,916	9,165	8.2	91,532	5,253	5.7
Georgia.....	1,184,109	11,127	.9	1,057,286	11,671	1.1	906,185	6,488	.7
Maryland.....	780,894	83,412	10.7	687,049	77,529	11.3	583,034	51,209	8.8
Massachusetts.....	1,457,351	333,319	24.2	1,231,066	260,106	21	994,514	164,034	16.5
New Hampshire.....	318,300	29,611	9.3	326,073	20,938	6.4	317,976	14,265	4.5
New Jersey.....	906,096	188,943	20.9	672,035	122,790	18.3	489,555	50,948	12.2
New York.....	4,382,750	1,138,353	26	3,880,735	1,001,280	25.8	3,097,394	655,929	21.2
North Carolina.....	1,071,361	3,029	.3	992,622	3,298	.3	869,039	2,581	.3
Pennsylvania.....	3,521,951	545,309	15.5	2,906,215	430,505	14.8	2,311,786	303,417	13.1
Rhode Island.....	217,353	55,396	25.5	174,620	37,394	21.4	147,545	23,902	16.2
South Carolina.....	705,606	8,074	1.1	703,708	9,986	1.4	668,507	8,707	1.3
Virginia and West Virginia.....	1,667,177	30,845	1.9	1,596,318	35,053	2.2	1,421,661	22,985	1.6
	16,875,426	2,570,193	15.2	14,800,090	2,100,416	14.2	12,269,520	1,357,220	11.1

Without drawing invidious comparisons with other States, it is enough to say that the foreign-born population of Rhode Island is unsurpassed by that of any other State in intelligence, in industry, in thrift, and in respectability. More than five thousand of them,

males above the age of twenty-one years, are the holders of landed estates; and the possession of land is a most respectable thing in any man. The man who has bought a lot of land has acquired the habits of frugality. He casts about him for the means to erect upon it a

home for himself and family. He sends his children to school; he improves himself and them, and sets an example to his fellow-citizens, which raises them as well as himself in the scale of respectability. Nor has there been any prejudice against electing foreign-born citizens to high trusts of honor and profit. They have been chosen to both houses of our General Assembly, to Congress, and to the general offices of the State. Our present secretary of State, eleven times successfully elected, is of foreign birth.

The deposits in the savings banks are regarded as a good criterion of the thrift and prosperity of the laboring classes of a community. In Rhode Island these deposits are largely held by the foreign-born citizens, who form a great part of our laboring population. These deposits in several of the most prosperous States are as follows:

In New York the average deposit to population is.....	\$65 15
In Massachusetts the average deposit to population is.....	128 95
In Connecticut the average deposit to population is.....	134 35
In Rhode Island the average deposit to population is.....	203 40

THE LIMITATION ON THE SUFFRAGE IN RHODE ISLAND DOES NOT PRACTICALLY AFFECT HER REPRESENTATION IN CONGRESS.

I think I have shown that neither the limitation upon the suffrage nor the mode of amendment provided in the constitution takes from Rhode Island the claim to a republican form of government, which the Federal Constitution guarantees to every State. Equally unfounded is the objection that our limitation upon the suffrage endangers our representation in the House of Representatives. The fourteenth amendment to the Constitution of the United States provides that if the right to vote is denied to any of the male inhabitants of a State twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. This undoubtedly reduces our representation in the proportion which the naturalized citizens disqualified by reason of the freehold requirement bears to the whole number of our male population of the requisite age. The number of naturalized citizens thus disqualified, as ascertained by the census, is a little over two thousand; and counting these against us, and not counting various other disqualifications which should equally reduce the representation in other States, the population of Rhode Island was found to be still sufficient to entitle us to a second Representative.

Number of male citizens of the United States residing in the State of Rhode Island June 1, 1870, who were reported in the United States census returns as "of twenty-one years of age and upward, whose right to vote is denied or abridged on other grounds than rebellion or other crime."

Bristol County:	
Barrington.....	1
Bristol.....	63
Warren.....	2
Kent County:	
Coventry.....	64
East Greenwich.....	2
Warwick.....	29
West Greenwich.....	9
Newport County:	
Jamestown.....	6
Little Compton.....	15
Middletown.....	2
Newport.....	30
New Shoreham.....	11
Portsmouth.....	11
Tiverton.....	101
Providence County:	
Burrillville.....	12
Cranston.....	31
Cumberland.....	21
East Providence.....	84
Foster.....	12
Gloucester.....	11
Johnston.....	15
North Providence.....	60
Pawtucket.....	9
Providence.....	1,157
Scituate.....	7
Smithfield.....	47
Woonsocket.....	105
Washington County:	
Charlestown.....	1
Exeter.....	5
Hopkinton.....	32
North Kingstown.....	10
Richmond.....	50
South Kingstown.....	43
Westerly.....	13
Total for the State.....	
2,060	

Almost or quite every State disqualifies citizens under this provision of the Federal Constitution. The requirement of the payment of a tax, of residence, of the ability to read and write, all deny or abridge the right to vote, for other reason than participation in the rebellion or other crime; and the number of citizens disqualified by these requirements must be deducted from the number of citizens of full age, in making the apportionment for the States in which these disqualifications prevail. Certainly if the representation of Rhode Island

be reduced, at the next apportionment, in consequence of the limitations upon the suffrage in that State, a similar reduction must apply to Delaware, Pennsylvania, Tennessee, Massachusetts, New Hampshire, Georgia, and Virginia, which require the payment of a tax as a qualification for suffrage; to Vermont, which requires the voter to take a freeman's oath that he will cast his vote with a regard to the best interests of the State; to Massachusetts, which requires the ability to read and write; to Connecticut, which requires the ability to read, and that the voter shall be of good moral character. In estimating the representative ratio of these States, the number failing to fulfill these conditions must be deducted.

Again, the qualification of residence differs largely in the several States. In most of them it is one year, but in Iowa, Nebraska, Kansas, and Nevada, it is six months; in Kentucky it is two years; in Maine it is three months; in Minnesota it is four months. Michigan discriminates largely against citizens of foreign birth. The residence qualification in that State is three months for native citizens and two years and six months for foreigners, who have declared their intention to be naturalized. Pennsylvania discriminates not only against citizens born out of the country, but against citizens of the United States born out of Pennsylvania. The residence qualification for suffrage in Pennsylvania is one year, except for citizens of foreign birth, who must have been citizens of the United States for at least one month, and six months for natives of the State who have removed from it and returned.

Now, how shall all these differences be marshaled, so as to ascertain a standard by which to fix the suffrage, a standard of departure from which to estimate the disqualification? To require any term of residence is to abridge the right of suffrage; but if all the States required the same term the question would be easy of solution. Shall we take the standard of Maine, which is three months, and reckon, as an abridgment of the right of suffrage, all those who have resided three months in Kentucky, but are denied the right because they have not resided there two years? And shall we, in the States that require one year's residence, thus reckon those that have a residence of three months, but who lack the full term of one year? Shall we likewise reckon in Pennsylvania the naturalized citizens, otherwise qualified, who lack the requirement of thirty days' citizenship, and in New York those that lack ten days, and in Michigan those that lack that of two years and six months?

And shall we take the standard of that State, (Michigan,) which permits civilized Indians, natives of the United States, to vote, and take account of all persons of this class who are excluded from the suffrage in other States, and cut down the representative ratio accordingly? It will be readily seen that it is quite impossible to carry out this provision in all the States. And, if it cannot be carried out in all, it is manifestly unequal and unjust to apply it to one.

The law for taking the ninth census, the returns of which I have quoted, made no provision for taking the enumeration of the persons thus disfranchised. A constitutional provision does not generally execute itself; it requires the aid of an act of Congress or of the Executive. The very imperfect enumeration of these classes of citizens was undertaken, without the requirements of the law, which made no provision for it, and only because the Constitution seemed to require what the law had failed to prescribe the mode of doing.

The Superintendent of the Census and the Secretary of the Interior furnish official testimony to the worthlessness of the returns for the purpose of the fourteenth amendment. The Superintendent of the Census says in his report:

To schedule No. 1 two inquiries were added (Nos. 19 and 20) in compliance with what was believed to be the requirements of the fourteenth amendment to the Constitution. The first was intended to obtain the number of male citizens of the United States in each State of twenty-one years and upward. The second, to obtain the number of such citizens whose right to vote is denied or abridged on other grounds than rebellion or other crime. No anticipations were entertained that the results of these inquiries would be of value for the purpose for which directly they were introduced into the schedule, but it was believed that, in the absence of any legislative provision for determining these two classes of the population, in order to carry out the requirements of the fourteenth amendment, the Department would not be clear if it neglected to make the attempt, it being the only executive organ through which, without such special provision, the information could be obtained, and the present being the only time in ten years when the attempt could be made.

The census is not the proper agency for such an inquiry. The questions of citizenship and of the denial of suffrage to rightful citizens are mixed questions of law and fact, which an assistant marshal is not competent to decide. No particular value is attached to the results of these questions, so far as the original object is concerned, but incidentally it is believed information of value has been obtained. The count thus required of the total number of male citizens above twenty-one in each State, and in the United States, while it perhaps has not authority enough to be used in reducing the representative rights of a sovereign State, has yet been carefully made, and is believed to be as exact as most statistical results. The information is of a kind never before obtained in the country and has certainly an important bearing upon political philosophy and political history in the United States.

And the Secretary of the Interior fully indorses this in a communication to the House of Representatives, in which he says:

It is necessary to state, in transmitting these tables, that the Department is disposed to give but little credit to the returns made by assistant marshals in regard to the denial or abridgment of suffrage. The unfavorable judgment of the Department in respect to this single class of statistics is formed, first, from the application of certain statistical tests, and, second, from a consideration of the agencies employed, which are not deemed adequate to the determination of the numerous questions of difficulty and nicety which are involved.

DISQUALIFICATION OF CITIZENS.

Any reduction of our representation, in consequence of our peculiar

suffrage, must equally apply to the States which require the payment of a tax as a qualification for voting, or exceptional length of residence, or education, or a good moral character. I should like to see the enumerator taking the census of the persons disqualified by that requirement. A distinguished citizen of Massachusetts has declared that the tax and educational qualifications in that State disfranchised a hundred thousand of its inhabitants, fifty times as many as the census returns render as disqualified by the real-estate qualification in Rhode Island. This gentleman estimates that, by the enforcement of the fourteenth amendment, the representation of Massachusetts would be reduced from eleven to eight. What reduction the strict application of the fourteenth amendment might make in the representation of other States, it would be difficult to calculate. It was estimated, in the debate on the last apportionment, that it would reduce the representation of two great States about one-half. On this point the late Mr. Kerr, afterward Speaker of the House of Representatives, said, (Congressional Globe, second session, Forty-second Congress, page 106:)

The fourteenth amendment was declared ratified on the 16th of June, 1866. Negro suffrage did not then exist in the States. It was denied by the States of the South. It became the policy of the Republican party and of Congress to require its adoption. The party and Congress hesitated at first to propose to enforce it directly. Hence the resort to the indirect mode contained in the section under consideration. It is punitive in its character and object. It practically said to the States, "Grant negro suffrage, or your representation here shall be reduced." It was the application of a sort of force to the States to compel them to accept the views of Congress. It was then never pretended by any one, in or out of Congress, that this section was intended to affect any States except such as might deny suffrage to some classes of its citizens on some ground of race, color, nationality, or other quality which inheres in and constitutes a part of the identity or individuality of the voter, on some ground which was a part of the man, was permanent and fixed in his person, in contradistinction from a mere regulation concerning the exercise of the right, such as previous residence, or registration, or the payment of taxes. Such is the history of its enactment.

It is proper further to appeal to contemporaneous construction in order to explain the doubtful or ambiguous language used in this section. It will thus appear that, after June 16, 1866, and long before the ratification of the fifteenth amendment, several States of the South were reorganized; new constitutions were formed by them; and those constitutions were submitted to the Congress of the United States for its ratification or approval. Those constitutions involved many provisions which, under the construction to-day put upon the second section of the fourteenth amendment, are in direct conflict with it. Notably, the constitution of the State of Georgia requires that electors, before they shall be allowed to vote, shall not only be registered, but shall have paid a certain tax. Other constitutions of the Southern States contain somewhat similar but not quite the same provisions. Those constitutions so framed and adopted by those people have been approved by Congress; they have been by you in this House solemnly adjudged to be not only "republican in form," but also in entire harmony with the Constitution of the United States, including the fourteenth amendment. It was never suggested by way of objection to any of them that their ratio of representation in this body ought to be reduced because they required the citizen to reside a certain length of time in the State before voting, or to go and have himself registered or lose his vote, or to pay a small poll-tax or be denied his vote. It was never intimated against them that such regulations of suffrage by any such States amounted to a denial or abridgment of the rights of suffrage for other causes than participation in rebellion, or for other crime.

On the 30th day of March, 1870, after nearly all of these constitutions had been framed, the fifteenth amendment was declared to have been ratified by three-fourths of the States of the Union. Why was the fifteenth amendment proposed to the States at all? I submit, Mr. Chairman, that the entire and single object of the fifteenth amendment was to accomplish by more direct, effective, and speedy means the very end proposed to be accomplished under the second section of the fourteenth amendment. The only difference is that under the second section of the fourteenth amendment it was proposed that by a sort of punitive regulation in the Constitution of the United States the States should be forced to grant suffrage to all their people without any distinctions based upon color or race or nationality, or any other cause or qualities that inhere in and constitute a part of the individuality of the voter. The adoption of this policy was considered to be too slow under the second section of the fourteenth amendment. The States did not receive very kindly the suggestion made in that section. Some of the States were not willing to follow it. They were willing possibly to suffer a reduction in their representation here rather than voluntarily adopt universal suffrage. Hence, the policy conceived and forced upon the country by the republican majority in Congress, of compelling by a fifteenth amendment the giving of suffrage to the negroes, was a practical abandonment of this second section, as ineffective and insufficient to accomplish the establishment of their policy on this subject in the South. Does not this latter amendment, therefore, in legal effect, supersede the second section of the fourteenth amendment?

I have looked in vain through the entire discussions that took place upon the fourteenth amendment to find one single utterance from the mouth of any gentleman on either side of this House which indicates an understanding in his mind at the time that the purpose of this second section was to require the States of this Union to surrender or cease to exercise their constitutional right without any consequent loss of representation here, to regulate the manner in which the suffrage should be enjoyed and exercised by their citizens, or to require that there should be certain previous residence in the State, district, and voting precinct, or that there should be a previous registration of the voters, or a previous payment of a poll-tax by the voter, or compliance with any other domestic regulation intended to regulate suffrage, protect the ballot-box, secure the purity of elections, and keep persons from voting who are not *bona fide* residents and citizens. Every State of the South and of the whole country does these things, and no question was ever before raised.

Viewing this section, then, in the light of these contemporaneous acts and constructions and expressions of opinion, intent, and purpose, I hold it to be clear that the sole object of this second section, both in the minds of its framers and in the light of its history and of sound reason, was and ought now to be held to be merely to prohibit the States of this Union from denying suffrage to any class of their citizens on any ground of race, or color, or nationality, or any other quality which inheres in the person and constitutes a part of the individuality of the voter. This construction is consistent with the idea of leaving some powers to the States, and not entirely sponging them out or reducing them to mere slavish dependence on the will of Congress.

When you give to the constitutional provision this construction you make it easy for the Congress of the United States to observe and enforce it. So long as you have reference alone to those limitations upon the right of suffrage which are of the character to which I have referred you find that the determination of the number of electors in each of the States thus deprived of suffrage becomes not only practicable, but easy and simple.

The census takers can then have no trouble in determining how many persons are denied the right of suffrage, and on what grounds—of race, color, nationality, or other cause pertaining to or existing in the persons of the voters. But if you hold, for example, that no State shall require the payment of a poll-tax as a condition precedent to the exercise of suffrage, and then a State, as it appears now that the States of Georgia and Pennsylvania in fact do, declares that no citizen shall vote until he pays the required tax, and you attempt to determine the numbers of electors whose right is thus denied or abridged, how will you proceed, and what rule will you adopt? Will you say to those States that they shall have no representation here because the right of suffrage of all their citizens is abridged? Or will you attempt to ascertain the actual numbers who do not or cannot pay the required tax, and then reduce the representative rights of those States in Congress in that proportion? Or, take the State of Massachusetts, in which there is an intelligence qualification, and of Rhode Island, in which there is a property qualification required of voters. Will you attempt to ascertain how many voters in those States do not possess the requisite ability to read and write, or own the required amount of property, and then reduce their representation here proportionately?

But the men who cannot read and write to-day may do so a week hence, or at the next election; so the poor man may acquire the requisite property. It appears to me that any attempt of this kind would be most unsatisfactory and unsafe modes by which to settle the representation of a State in this House. But if these forbidden qualifications are limited to such as I have mentioned, the process becomes easy and simple. It must not be inferred that I approve the policy of the States of Massachusetts and Rhode Island in the regulation of suffrage there. I do not, but I think they retain the power to so regulate it without violation of the second section of the fourteenth amendment. I think this the better and safer construction of it. If, under this section, no disqualifications are considered as forbidden except such as relate to race, color, nationality, or other quality of the person, then there is no trouble, for these matters are permanent, fixed, and palpable, and easily ascertained. When a State requires of the voter residence, payment of taxes, ownership of some property, or previous registration, it does not absolutely deny or abridge suffrage, but only prescribes a mode by which the elector shall come into the actual enjoyment of it, shall exercise it, and leaves it always in the power of the elector by compliance to attain and exercise it. These regulations are in the nature of police regulations and only touch the manner of enjoyment.

This construction—not free from doubt, I agree—seems to me to be most in harmony with the spirit of the whole Constitution, the particular language in this section, and the rights and dignity of the States. It secures to the States the right to regulate their own domestic policy according to their own judgment.

Mr. Chairman, this construction enables us to proceed at once on the information we now have to make a just and fair apportionment. We need no delay, no further statistics, no angry attack upon any States, no departure from the golden rule of numbers in apportioning Representatives to the several States. It best maintains relations of equality and harmony among them. The statistics sent us from the Census Bureau of the number of persons in each State denied suffrage or abridged in its enjoyment for other reasons than participation in rebellion, or for other crime, are wholly unreliable and in my judgment of no value in this business. They do not inform us what the grounds of denial are in the respective States. They only inform the House that in each State there are certain numbers of persons who are denied the right of suffrage for reasons other than participation in crime or in the rebellion. For example, in my own State of Indiana this report shows six hundred and nine persons are denied the right to vote for other reasons than those named. When I state to gentlemen of this House why those six hundred and nine are denied the right to vote I think they will agree that it was never intended by this amendment that you should deduct those persons from the basis of representation. Those six hundred and nine persons are idiots or insane persons disqualified by the laws of nature.

Are we to be punished in our representation here for the State of Indiana because we do not suffer those insane and idiotic persons to go to the polls and vote? It is equally true, I have no doubt, that a large per cent. of all these denials in all the other States is for these same reasons of idiocy and insanity. And shall it be said that a State shall be denied representation here because it prescribes the qualification of sanity as a basis for a right to vote—because its law recognizes sanity as needful for the safe and proper exercise of the sacred franchise of suffrage? Surely that will not be attempted.

It may be said by gentlemen on the other side that if we concede the right of a State to require the payment of a tax at all it follows logically that a State may require the payment of a tax of any amount it pleases, and thus may make the amount of the tax an engine of oppression and tyranny. In reply I have only to say that from arguments of that kind Congress does not and cannot acquire power. We must get our power from the letter and from the intent and meaning of the Constitution. If a State government attempts an act of that kind, it will become instantly odious in the State itself, and its own people will combine and agitate against it, and require that such legislation shall be reversed, and that the popular rights of the people of the country in the matter of suffrage shall be protected and maintained under all circumstances. But I say that those regulations to which I have referred, including this one, are not intended to deny to any classes the right of suffrage absolutely or unconditionally. It appears to me fair to assume that the effect, the legal and constitutional effect, of the ratification of the fifteenth amendment, as I before said, is to supersede and practically to do away with the second section of the fourteenth amendment; because, under the fifteenth amendment, no State hereafter can do any of those things which would involve a denial of the right of suffrage to classes of its people for reasons based upon color, or race, or nationality, or any qualities that belong to them personally.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) The morning hour has expired.

Mr. GARLAND. I move that the Senator have leave to conclude.

The PRESIDING OFFICER. The Senator from Arkansas asks that unanimous consent be granted to the Senator from Rhode Island to conclude his remarks. Is there objection? The Chair hears none, and the Senator from Rhode Island will proceed.

Mr. ANTHONY. Mr. President, I agree with Mr. Kerr, that the construction which he puts upon the constitutional provision is "not free from doubt." Nor can any construction, practicable of execution, be put upon it that is free from doubt. It requires the advice of a lawyer, in each individual case, and is a matter far beyond the capacity of an ordinary census enumerator; nor would it be at all practicable to obtain a just and legal enunciation of the disqualification under it. Mr. Kerr's construction is rather an exposition of what the provision should be, or is intended to be, than what it really is. Yet it is the best that seems to be obtainable. We have no reason, therefore, to apprehend that the denial or abridgment of the right of suffrage, in our State, will work against us in the apportionment more than similar denial or abridgment, for other reasons, will work against other States; nor that any reduction will thereby be made in our representation that will not apply in as great or greater degree to most of the other States.

In the course of the debate upon the resolution, which is the foundation of these reports, something was said upon this question of the right of Rhode Island to the representation which she enjoys in the other House of Congress; and Senators representing larger States saw fit to sneer at her for the narrow limits of her territory and the paucity of her population. Her territory is as large as it was when she entered the Union; entered it, not admitted into it, by the grace of Congress, as were some of the larger States, whose representatives on this floor have not deemed it in bad taste to make themselves merry at her size; not acquired by purchase, without consulting the population whose allegiance was violently transferred; not wrung, by conquest, from a neighboring power; but entered it, of her own free will, and of her own right, as one of the Old Thirteen, that together achieved the independence of the country, and made us a nation.

EQUAL REPRESENTATION SECURED BY THE CONSTITUTION.

Her equal representation in this body is secured to her by the common Constitution, on which the largest States depend for the definition of their rights and the protection of their liberties. Her representation in the other House is given to her by the law made in pursuance of that Constitution. I do not deem it needful to defend her rights to either. Comparison between States, never decorous in either branch of the Government, are especially inappropriate in this Chamber, where the Senators are the equal representatives of equal States. But the discussion is forced upon us, and we meet it. Claiming nothing for myself, personally, yet as representing, in part, the State of Rhode Island, I deem myself the peer of any Senator, however numerous his constituents, and spread over however many miles of territory, he may have at his back. It has been said that our suffrage includes but 24,000 voters, and that, therefore, we are not entitled to two Representatives in the House. Representation is not based by the Constitution upon voters, but upon numbers, with the restriction of the fourteenth amendment, which, I have already shown, does not cut down our representative population, below the limit that entitles us to a second Representative, not even when the reduction made by this amendment is applied to us, and not to other States, to which it is equally applicable. We are entitled, therefore, to our two Representatives by the strict construction of the Constitution and the law. The ratio of representation is 134,675, and the fraction of Rhode Island, after deducting this number from her representative population, was found to be sufficient to entitle her to a second Representative under the law. Holding one Representative by virtue of a fraction, she is not expected to have the same number of voters as a State that receives two Representatives on a full ratio.

But while I utterly deny the pertinency of the argument adduced against the representation of Rhode Island, I may ask, why is a rule suggested against that State which is not applied to other States? If the representation in the House were based on voters, instead of on population, the political majority would be largely reversed, for the number of persons who voted for the Republican minority in that body exceed the number who voted for the majority by more than two hundred thousand. I have here a list of congressional districts, every one of them democratic, that gave less than ten thousand votes each at the last election of Representatives:

Alabama:	
First district.....	9,516
Third district.....	7,075
Fifth district.....	9,271
Seventh district.....	2,747
Georgia:	
Third district.....	2,628
Sixth district.....	3,192
Eighth district.....	3,413
Arkansas:	
First district.....	8,863
Fourth district.....	7,326
Kentucky:	
Sixth district.....	7,778
Mississippi:	
Third district.....	4,040
Fourth district.....	4,671
Fifth district.....	5,413
Virginia:	
Third district.....	9,959
North Carolina:	
Sixth district.....	5,166
Seventh district.....	8,403
Eighth district.....	2,894

And the tenth district of Tennessee returned 10,078 votes.

Here are eighteen districts that returned an average of 6,246 votes. Why is it not complained that the States in which these districts are situated are overrepresented? But Senator after Senator, from those States, rose and said that in those districts there was practically no opposition. Does it not occur to them that this may be true in Rhode Island? In the first district of Rhode Island, the more populous, but where the vote was the smaller, there was practically no contest. The vote might have been doubled with a severe contest.

The whole number of voters in Rhode Island is 42,741. The number returned as voting for members of Congress was 18,461. Bristol County, with a voting population of 1,871, returned a vote of 830;

Coventry, with a voting population of 901, returned 494; Warwick, with 1,775 voters, returned 1,154; Newport, with 2,232, returned 716; Burrillville, with 772, returned 501; Cranston, with 995, returned 395; East Providence, with 812, returned 370; Lincoln, with 1,124, returned 569; Pawtucket, with 2,757, returned 1,471; Scituate, with 882, returned 348; Providence City, with 16,631, returned 5,636; North Kingstown, with 893, returned 460; South Kingstown, with 979, returned 472, and Westerly, with 1,001, returned 495.

The State census of 1875 returns the number of votes at 42,741, of whom 5,364 were of foreign birth. The Senators from the States to which I have referred say that their voters have a right to stay at home and refrain from voting. Have not the voters of Rhode Island an equal right? And in Rhode Island no voter is kept from the polls by violence or intimidation. Can the Senators from those States say the same?

Nor is Rhode Island the only State that receives an additional Representative by virtue of a fraction? Sixteen other States are represented in the same way. They are:

Connecticut.....	133,429
North Carolina.....	128,636
Wisconsin.....	111,945
Massachusetts.....	110,601
Kentucky.....	108,936
Maryland.....	107,519
Ohio.....	106,435
Illinois.....	105,741
Missouri.....	105,195
Iowa.....	104,392
New Jersey.....	98,046
Michigan.....	97,459
Kansas.....	95,049
Maine.....	88,215
Rhode Island.....	82,678
Arkansas.....	80,446
New York.....	73,158

The basis was 134,675 representative population.

Additional Representatives were allowed to the following States by the supplemental apportionment act, approved May 30, 1872: Vermont, New York, Pennsylvania, Indiana, Tennessee, Louisiana, Alabama, and Florida.

LIMITATIONS OF THE SUFFRAGE LEFT TO THE STATES.

The limits of the suffrage, within the provisions of the Federal Constitution, are left to the States; they prescribe its bounds and fix its conditions. These conditions vary in the different States, according to the pleasure of each, and so long as they do not violate the Constitution of the United States—as the suffrage of Rhode Island clearly does not—the other States and the General Government have no concern in them. Especially do the qualifications for the suffrage of citizens of foreign birth differ in the different States, as I have already shown. In some, not even naturalization is required, and only a residence of three months. This I regard as a shameful abuse of the right of suffrage; but it is no concern of mine or of any other persons, without the States where it prevails. In New York City, the chief port of immigration, when an emigrant ship arrives on the day of election, it is said that the passengers march, or did march, before the passage of the supervisor law, from the ship to the polls, and with forged naturalization papers put into their hands, vote before they have learned to perjure themselves in intelligible English.

But while I hold that this discussion is wholly impertinent to this Chamber, while I base the right of Rhode Island to her representation upon the Constitution and the laws, and deny the right of any one, here or elsewhere, to question it, I will, since the question has been raised, present some facts to show that she is not unworthy of the Union of which she is a member. Her territory is to the area of the Union as 1 to 1,361; her population is as 1 to 175. Her territory is well filled, and she is the most densely populated State in the Union, her population being 206 to the square mile—I take the census of 1870, with the extent of territory corrected; that of 1875 returns 244—while that of the whole country, Territories excluded, is 21 to the square mile, of the Old Thirteen 49 to the square mile. This exceeds in density the population, not only of any other State in the Union, but of Spain, Austria, Prussia, or France, and very largely of the average of Europe. She is the thirty-eighth State in respect to territory, the thirty-second in respect of population, and when the internal taxes were highest, she was the tenth in her return of internal revenue to the Federal Government. With a population of 217,353, by the census of 1870, her contribution to the Treasury from internal taxes was greater than those of California with 560,247; than Indiana with 1,680,637; than Kentucky with 1,321,011; than Michigan with 1,184,059; lacking but \$75,875.27 of as much as Louisiana with a population of 726,915; more than double the amount returned by Tennessee with 1,258,520; four times as much as West Virginia with more than double her population. With one-twentieth the population of New York she returned more than one-twelfth as much internal revenue; with one-tenth the population of Pennsylvania she returned more than one-seventh as much revenue; with one-eleventh the population of Illinois she returned more than one-third, nearly 40 per cent. as much internal revenue. The congressional district in which I live returned a greater amount than either one of twenty-

three States of the Union. When the city of Chicago was devastated by the awful visitation of fire, and the sympathies of the whole people were aroused, Rhode Island, although the thirty-second State in population, and, although her insurance offices suffered, some of them to their ruin, by the disaster, and although her whole business community shared, directly and indirectly, in the terrible calamity, she was the eighth State in the amount of her contributions for the relief of her distressed fellow-citizens; and when the pestilence broke out in the South her heart and her hand were alike open.

I refer to these statistics, not to justify the right of Rhode Island to her representation in the House of Representatives—her right to that rests on the law, and she would be equally entitled to it if none of these were true—but I refer to them to show that she is not unworthy of the privileges that she enjoys. National greatness is not reckoned by the square mile, nor are State rights computed by the acre.

Thus, at greater length than I have expected, yet leaving many points untouched and others slightly elaborated, I have endeavored to defend the institutions of the State which I have the honor in part to represent, and which have been assailed by those who have no authority over them, and misrepresented by those who have no concern in them. Our institutions may be peculiar; our people are peculiar, and they have the right to enjoy their peculiarities. They are satisfied with the government which their fathers ordained, and which they have maintained. That this government is not distasteful to others is proved by the large addition made to our population, from the neighboring States and from foreign countries, till it has become the most densely populated State in the Union. When the people become weary of their form of government they will, in their own way, in their own time, and at their own pleasure, change it; but so long as they are content with it, and it does not infringe upon the Constitution, which is the supreme law over us all, they will not alter it at the dictation of those who neither enjoy its benefits nor suffer its evils.

GENEVA AWARD.

Mr. GARLAND. I gave notice of a motion to take up the Geneva award bill to-day, but the Senator from Vermont [Mr. EDMUNDS] has been called out of his seat on account of sickness, and he desires to be here when it is taken up. I now give notice that I will call up the bill on Tuesday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

- A bill (H. R. No. 301) for the relief of William R. Wilmer;
 - A bill (H. R. No. 802) granting a pension to Wyatt Botts;
 - A bill (H. R. No. 853) granting a pension to Caroline Stief;
 - A bill (H. R. No. 936) relinquishing the right of the United States to an island therein named;
 - A bill (H. R. No. 1259) granting a pension to Phineas Gano;
 - A bill (H. R. No. 1453) for the relief of James R. Gordon;
 - A bill (H. R. No. 1452) for the relief of James B. Furman;
 - A bill (H. R. No. 1455) granting a pension to Albert O. Miller;
 - A bill (H. R. No. 1467) granting a pension to Mary A. Casterweller;
 - A bill (H. R. No. 1583) for the relief of Mrs. Fanny S. Conway, of Louisville, Kentucky;
 - A bill (H. R. No. 1885) for the relief of John A. Innes;
 - A bill (H. R. No. 2549) granting a pension to Edward H. Mitchell;
 - A bill (H. R. No. 2550) granting a pension to Lewis Blundin;
 - A bill (H. R. No. 2773) granting a pension to James P. Hunter;
 - A bill (H. R. No. 2075) granting a pension to Amanda J. McFadden;
 - A bill (H. R. No. 2439) granting a pension to Henry Mills;
 - A bill (H. R. No. 3309) for the relief of John T. Neale;
 - A bill (H. R. No. 4028) granting a pension to Jesse T. Myers;
 - A bill (H. R. No. 4257) granting a pension to Jane Stout;
 - A bill (H. R. No. 4367) granting a pension to Emma A. Porch;
 - A bill (H. R. No. 6201) granting a pension to Thomas Worthington;
 - A bill (H. R. No. 6248) directing the payment of certain awards in favor of parties therein named;
 - A bill (H. R. No. 6423) granting an increase of pension to Rebecca Reynolds; and
 - A bill (H. R. No. 6717) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.
- The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes, and had concurred in the second amendment of the Senate, with an amendment in which it requested the concurrence of the Senate.
- The message further announced that the House had passed the bill (S. No. 752) granting an increase of pension to Crafts J. Wright.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

- A bill (H. R. No. 799) granting a pension to Richard P. Taylor;
- A bill (H. R. No. 859) granting a pension to William H. Scribner;
- A bill (H. R. No. 1107) granting a pension to Mrs. Elizabeth Upright;

- A bill (H. R. No. 1628) granting a pension to Dalton Hinchman;
- A bill (H. R. No. 1953) for the relief of Henry C. Groomes;
- A bill (H. R. No. 2044) granting a pension to Martha J. Porter;
- A bill (H. R. No. 2548) granting a pension to Martha Neil;
- A bill (H. R. No. 3098) granting a pension to Jacob Ginder;
- A bill (H. R. No. 3487) granting a pension to James Forsyth Harrison;

A bill (H. R. No. 6451) to amend and re-enact sections 2517 and 2518 of the Revised Statutes, and changing the boundaries of a customs district in the State of Maine;

A bill (S. No. 201) for the relief of Somerville Nicholson;

A bill (S. No. 1191) for the relief of James Monroe Heiskell, of Baltimore City, Maryland;

A bill (S. No. 1193) granting a pension to Milton L. Sparr; and

A bill (S. No. 1487) to restore the lands included in the Fort Reading and Fort Crook military reservations, in the State of California, to the public domain, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

Mr. WALLACE. I ask that the pending order, the Post-Office appropriation bill, be taken up, and I give notice to the Senate that I shall ask them to "sit it out" to-day; I want it disposed of this afternoon.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes, the pending question being on the amendment proposed by Mr. HAMLIN to the amendment of Mr. PUGH, to strike out all after the words "Postmaster-General," in line 3, and in lieu thereof to insert:

And the Postmaster-General is authorized, after due public competition, to enter into contract with the lowest responsible bidders, for terms of ten years, for such transportation between such home and foreign ports as he may in his discretion designate, in order best to promote the postal and commercial interests of the United States, in iron steamships wholly owned by American citizens and registered in American registry, such ships to be duly inspected under the direction of the Postmaster-General and Secretary of the Navy, and be equal in construction, accommodations, safety, and speed to the best vessels on the ocean carrying mails to the same ports, at a rate of compensation not exceeding \$30 per mile, one way, for twelve round trips per annum, or the same proportionate rate for a quarter or less number of trips per annum; such contracts to contain all provisions for securing efficient service which may be customary and required by law in such cases. One-fourth part of the appropriation herein made shall be made applicable to ports on the Pacific coast, one-fourth part to ports lying south of and including Fortress Monroe and ports on the Gulf of Mexico, and one-half to ports lying north of Fortress Monroe.

Mr. HAMLIN. Mr. President, I beg to say a very few words in relation to the amendment which I have proposed. It does not materially vary from the committee's amendment in its scope, but I have offered it in the belief that it is a little better guarded and is a little better calculated to effect the object than the amendment reported from the Committee on Post-Offices and Post-Roads. That amendment provides no manner in which the Postmaster-General shall enter into his contracts; the amendment which I have offered does provide that it shall be on public competition, and then to the lowest bidder. I propose to modify my amendment by adding after the word "public," in the second line, the words "advertisement and;" so as to read:

And the Postmaster-General is authorized, after due public advertisement and competition, to enter into contracts, &c.

It varies from the amendment of the Post-Office Committee in that it provides for public advertisement and then that the contract shall be let to the lowest bidder; and it varies from the amendment of the Post-Office Committee again in the condition that no contract exceeding \$30 per nautical mile shall be entered into by the Postmaster-General, making that the maximum amount, while the amendment of the Post-Office Committee names no sum and leaves it entirely discretionary with the Postmaster-General. This makes a limitation.

I always mean to be frank in my legislative capacity, and I will state distinctly what my understanding of the amendment which I offer is. It would comport more with my judgment if the word "built" was inserted, so that these iron steamships should be required to be built and wholly owned by American citizens. I excluded that, however, from the amendment, and with a purpose. There are propositions to allow ships to be purchased by citizens of this country built in foreign countries. I think it would be a disastrous thing to allow that to be done. That proposition is not now before us, and I am not going to discuss it; but, supposing a majority of Congress should be of the opinion that it is a wise thing to do and it should be done, if the words "American built" were here, they could not participate in this mail service; but if the words "American built" be not here, then if the principle of "free ships" be adopted they would come within the language of this provision. There is that latitude to Senators who are in favor of "free ships." If we adopt this amendment and that at any time it shall be deemed a wise policy, or if the Government shall at any time enact a law by which foreign-built vessels may be admitted into this country, they would come in then on equal terms with other vessels under the provisions of this amendment. Otherwise than in guarding the manner of the exercise of power by the Postmaster-General as to making contracts under advertisement and limiting him in the amount of compensation which shall be paid, I believe my amendment is in essence and in spirit the amendment of the Committee on Post-Offices and Post-Roads, and for this reason I have offered it.

Mr. MORRILL. Before the Senator from Maine sits down I desire to get a little information, because I am anxious to vote for something of this kind. I desire in the first place to ask him whether he proposes to increase the amount that shall be left in the hands of the Postmaster-General above a million dollars?

Mr. HAMLIN. I do not.

Mr. MORRILL. Then, as it seems to be confined one-half of the sum, that is, \$500,000, to places above the port of Norfolk, I desire to ask the Senator how much of service that would get? As I figure it, it would give six trips of one vessel from New York to Liverpool and no more. The amendment provides that the pay shall be not over \$30 per mile; it being at least 3,000 miles from the port of New York to Liverpool, it would consequently require \$90,000 for each trip. Therefore it would pay for only about six or less than six trips for one vessel from New York to Liverpool. I may not understand the amendment aright, but if I do that is the result of it.

Mr. HAMLIN. The amount of money appropriated here is a very little portion of that for which I would gladly vote. I would triplicate it; I would add largely to it; and I would do so in the belief that I was subserving the best interests of a common country in all its parts, believing that those sections of the country who are owners of the lesser portion of the navigation are still more interested than the Northern Atlantic States; but we are seeking to inaugurate a policy which we believe is in the very best interests of the country, a policy which we think will be a commencement of the revival of our commercial marine. Whether we be erroneous in our opinions or not, such is our belief. We take this small sum to try to inaugurate a policy; and if we do not get all of the service which we would desire and all which we want and all which I believe is actually needed, we can at least make a commencement. But my friend from Vermont puts his figures at the full sum. Under competition, I am in the hope that a less sum than \$30 a mile may be found sufficient to commence this service; but if we get only a monthly service once a month, performing but six trips in the year each way, I am for it. We favor this sum only as a commencement of a system. We may succeed with this, while we might not with a larger sum.

Mr. WALLACE. Mr. President—

The PRESIDING OFFICER. (Mr. WYTHE in the chair.) The Senator from Pennsylvania reserved all points of order yesterday when this amendment was proposed.

Mr. WALLACE. I raise the point of order under the twenty-ninth rule that I raised to the other amendment, and this is more in the nature of general legislation than that was; indeed, on its face it is nothing but legislation. I shall not attempt to debate it before the Senate, but simply submit the question to the Senate, and ask the ruling of the Chair.

Mr. HAMLIN. I will only say in relation to my amendment, that it is in order precisely as every amendment is in order that is reported by the Committee on Appropriations. It is just as much in order as all the amendments which that committee offer that change an existing law. It may be said that no question of order has been raised on that committee's amendments. My answer is, that the long practice of the Senate settles the meaning of the rule to be that on an appropriation bill an amendment pertinent to the bill is proper. The Committee on Appropriations have so regarded it in this bill, and in all other bills, and hence have added so much legislation as is necessary to shape and direct the expenditure of the appropriations in the bill. This amendment does that; it does no more, and it is therefore in order.

Mr. WALLACE. The answer of the Senator from Maine perhaps would be a correct one if this did not do what the appropriation bill does in no regard. It extends to a contract for more than one year; it provides that the Government shall be bound for ten years by a contract to be entered into, and therefore it is much more obnoxious to the charge of general legislation than the other provisions, which relate solely to the appropriation for the year 1882.

Mr. HAMLIN. Now, let me ask my friend, as he passes along, if it is not rather a limitation than an extension of the original proposition? The Postmaster-General might make a contract for twenty years under that, as there is no limitation, while this does limit him.

Mr. WALLACE. But the amount of money expended under the enacting words of the bill is to be confined to money appropriated for the service of the Post-Office Department for the next fiscal year; and at the end of that fiscal year, unless the provisions of the bill itself authorize an extension beyond the fiscal year, the appropriation drops; but here is a provision which carries into effect for ten years this contract, and binds the Government for the whole of the money to carry it out. I suppose that after this amendment goes on, the next movement of the Senator will be to increase the amount of the appropriation. If it is to be retained simply at the amount of \$1,000,000, with all these ports to be supplied, and to extend over a period of ten years, there would be rather a homeopathic dose of subsidy. It would not amount to very much in regard to caring for our commerce to foreign ports.

But it does seem to me, Mr. President, that the whole of this proposition is broadly within the rule, and in the performance of my duty I raise the point that it is general legislation.

The PRESIDING OFFICER. The Chair is of the opinion that this amendment is out of order, but at the request of any Senator he will submit the question to the Senate.

Mr. HAMLIN. I ask the Chair to submit the question to the Senate.

The PRESIDING OFFICER. Objection has been made to this amendment under the twenty-ninth rule, and the question is submitted to the Senate whether the amendment is in order or not. Those in favor of the reception of the amendment as in order will say "ay," those of the contrary opinion "no."

Mr. INGALLS. This is the same question, I suppose, that was raised on the amendment reported from the Post-Office Committee by the Senator from Texas that was voted upon last evening, and on which I voted to sustain the decision of the Chair, that the amendment was not in order. During the debate upon the subject, the Senator from Arkansas, who is not now in his seat, [Mr. GARLAND,] quoted with approbation and as having the force of law a previous decision of the Senate upon the same question that has been raised at other sessions, and he read from a "compilation" of the clerk "upon questions of order and decisions thereon under the rules of the Senate since their adoption, January 17, 1877."

I advert to this subject for the purpose of expressing the hope that no Senator will be restrained from voting as he may see fit on this amendment upon the ground that any precedent has been established by previous action of the Senate; for if the Senator from Arkansas had taken the trouble to have read a dozen more lines on the same page from which he quoted he would have found that the same question proposed by the same Senator under the same rule was decided exactly the opposite way. I read from page 4 of this compilation. The Senator from Arkansas quoted as follows:

Mr. EDMUNDS raised a question of order, namely, that the amendment proposed general legislation to a general appropriation bill, and under the twenty-ninth rule of the Senate was not in order.

The PRESIDING OFFICER submitted the question of order to the Senate.—*Senate Journal*, second session Forty-fifth Congress, page 504.

Determined in the negative—yeas 23, nays 32.

Below, upon the same page and under the same subdivision, appears the following:

Whereupon,

Mr. EDMUNDS raised a question of order that the amendment proposed general legislation to a general appropriation bill, and could not be received under the first clause of the twenty-ninth rule. Question submitted to the Senate and determined in the affirmative—yeas 33, nays 26.—*Senate Journal*, third session Forty-fifth Congress, page 319.

So that at different sessions of the same Congress the same question submitted by the same Senator was decided in exactly the opposite way. I make this remark for the purpose of relieving any Senator from the question of propriety or of consistency that may arise, and for the purpose of saying further that any Senator who will examine the precedents upon these questions of order will find an elaborate number of very able-bodied decisions upon both sides of every question that can be raised under the rules.

I am clearly of opinion, as I was upon the question that was raised last night, that the amendment is not in order under the twenty-ninth rule and that the decision of the Chair is correct and should stand as the judgment of the Senate.

Mr. HILL, of Georgia. I have said heretofore and on several occasions that we can show a precedent for any ruling by this Senate, especially on the standing rules. The same is true also of the House and of all legislative bodies. According to our practice, a decision made by this Senate is authority only in the case decided, and only for that vote. A contrary decision and a contrary vote is in order the next day. The Senate makes no decision on rules which the Senate is bound to respect. I believe I may say, judging by our practice, that nothing is *res adjudicata* in this Senate but a vote which tramples on the Constitution and denies to a State her equal suffrage in this body. Such a vote as that, I believe, is held to be sacred and utterly beyond review. Nothing else is binding on the Senate. Everything else can be changed, modified, reviewed, and corrected at will; but a decision or vote, with or without investigation, that a mob is a Legislature can never be reviewed or reversed, however absurd and against facts and the Constitution it may be.

It has been ruled by the Senate that the amendment to which this is an amendment is in order. That was the decision of the Senate yesterday. I thought the amendment offered by the Senator from Alabama, [Mr. PUGH,] which was reported from the Committee on Post-Offices and Post-Roads by the Senator from Texas [Mr. MAXEY] originally, was in order; I so voted, and the Senate has concurred by a large majority, a vote of 29 to 15, in saying that that amendment is in order. Under the rules and under parliamentary law an amendment to an amendment is always in order. This amendment offered by the Senator from Maine [Mr. HAMLIN] is not an amendment to the original bill; it is not an original amendment; it is an amendment to an amendment, as I understand it; it is an amendment offered to an amendment, which has been ruled to be in order.

Mr. INGALLS. But does the Senator from Georgia mean to be understood that therefore, on that account, because it is offered as an amendment to an amendment that has been held to be in order, the amendment is necessarily in order under the rule?

Mr. HILL, of Georgia. I have not said so.

Mr. INGALLS. I beg pardon. I thought the Senator so held.

Mr. HILL, of Georgia. I only suggest that either that or this will follow, to wit: that you cannot move to amend an amendment to an appropriation bill. A proper amendment to an amendment ought to be in order if the original amendment is in order. I do not see

exactly the answer to that. I am simply calling the attention of the Senate and of the Senator from Kansas to that point. Is the amendment offered by the Senator from Maine a proper amendment under the general parliamentary rule to the amendment offered by the Senator from Alabama? If the amendment offered by the Senator from Alabama is not obnoxious to the twenty-ninth rule, how is an amendment to that amendment obnoxious to the same rule? That is the point I make.

I do not know that I care particularly how this vote goes. I have no special feeling one way or the other. I scarcely know how I myself will vote on the amendment to the amendment; but on the simple question of order, the point I propose to the gentleman who was doubting whether this amendment was in order, is that this is not an amendment to the original bill; it is an amendment to an amendment, and that original amendment has been ruled by the Senate to be in order. Now, I believe, under parliamentary rules, an amendment to an amendment is always in order where the amendment itself is properly receivable, where it is germane. Now, the Senate having ruled the original amendment moved by the Senator from Texas in order, how does it happen that there is anything to prevent the application of the other rule, the general rule that an amendment to an amendment is in order? If the amendment to the amendment proposed by the Senator from Maine is itself a proper amendment under the general rule, how can you make this amendment to the amendment out of order under the twenty-ninth rule, when under the twenty-ninth rule the original amendment is held to be in order?

Mr. CONKLING. May I ask a question to understand the Senator from Georgia?

Mr. HILL, of Georgia. Certainly.

Mr. CONKLING. Does the Senator maintain that an amendment being offered to an appropriation bill which is manifestly in order, against which no point of order could be made, then to that amendment any amendment whatever is in order, provided it falls within general parliamentary law, notwithstanding the rule of the Senate? Perhaps I do not make myself understood.

Mr. HILL, of Georgia. The Senator has asked precisely the same question which the Senator from Kansas has already asked.

Mr. CONKLING. I beg the Senator's pardon; I have been out of the Chamber for a moment and I had not heard the previous debate. My purpose was to understand the Senator myself. Doubtless the Senator from Kansas already understands him. I should like to know whether the argument of the Senator is that an amendment being in order to an appropriation bill, notwithstanding the rules of the Senate, any amendment to that amendment is in order provided the general parliamentary law does not exclude it?

Mr. HILL, of Georgia. I will say to the Senator from New York, as I said to the Senator from Kansas, I have not decided whether that could be so or not. I am simply calling the attention of the Senate to the point. It is a new point to me, I confess. It is one I have never seen raised before. That is the reason why I call the attention of the Senate to it, and I am glad the distinguished Senator from New York is taking an interest in it. I have never seen this condition of things exist before in the Senate or in any other legislative body. Here is an appropriation bill. Under the twenty-ninth rule an amendment is prohibited which proposes general legislation. An amendment has been offered which was objected to because it proposed general legislation. The Senate has ruled distinctly, by a vote of nearly two to one, that that amendment is not obnoxious to Rule 29, which prohibits that specific character of amendment. Then the Senator from Maine offers an amendment to that amendment which, under the general parliamentary law, is a proper amendment to that amendment. The objection is made that the amendment to the amendment is not in order under the twenty-ninth rule.

Mr. CONKLING. How, under the Senator's argument, can that point be made? If an amendment to an amendment does not fall within the rule, how could the question be raised against the Senator from Maine?

Mr. HILL, of Georgia. That is precisely what I am inquiring. The Senator will understand me. I am only making my point as one of inquiry. I want to see how it can be raised. That is the very point. How can it be raised?

My point is, the original amendment being in order you cannot raise the point of order on the amendment to the amendment. If you could, this state of things might arise: suppose the point of order was not made on the amendment to the amendment, and it should be adopted as an amendment to the amendment, then if it is held to be general legislation it becomes immediately obnoxious under the twenty-ninth rule, and the Senate would defeat the whole proposition to amend, and thereby defeat by one amendment proper in itself another amendment which the Senate had previously held to be proper. By this process an amendment which has been declared by the Senate to be in order gets out of order by being amended in a proper parliamentary way. Is not this giving an effect to Rule 29 which was not intended?

Mr. KERNAN. Will the Senator allow me to put an inquiry for information?

Mr. HILL, of Georgia. Yes, sir.

Mr. KERNAN. Assuming that the Senator believed that the original amendment from the Committee on Post-Offices and Post-Roads did not propose general legislation, and therefore that it was in order,

and supposing the Senator believed that an amendment to that amendment is one proposing general legislation, is not the amendment to the amendment out of order?

Mr. HILL, of Georgia. That is the very question I am asking. The junior Senator from New York, the senior Senator from New York, and the Senator from Kansas have all asked me questions that I am asking the Senate to answer.

Mr. EATON. Will my friend permit me to say a word to him? I suggest that the great difficulty is here, that the amendment reported from the Committee on Post-Offices and Post-Roads was taken into consideration at all. An amendment has been offered; the Senate has said that amendment is in order; a proposition is made to amend the amendment. The only question is, is the amendment of the Senator from Maine in order without any regard to the previous amendment whatever? In other words, if this were an independent proposition which is offered by the Senator from Maine it must be determined whether it is obnoxious to the rule without any regard to the original amendment which has been offered. Such, I apprehend, is a fair version of this whole matter, and will take us all out of the trouble.

Mr. HILL, of Georgia. I seriously question that conclusion, and for this reason: I do not think that the twenty-ninth rule was intended for any purpose but to secure the consideration by the Committee on Appropriations to a proposed amendment. That consideration has been secured to the amendment proposed by the Senator from Texas and it has been ruled in order. If you rule that the amendment of the Senator from Maine is not in order, you thereby rule that an amendment to an amendment is not in order, although it is germane and proper in itself.

Mr. FERRY. If the Senator will allow me, I am in favor of the amendment in question, but in regard to the doctrine that the Senator is advancing as regards the proposition that an amendment in the second degree is not covered by Rule 29, I think the Senator labors under the mistake of not keeping in mind the fact that the rule does not consider the degrees of the amendment but simply applies to amendments whether in the first or second degree. If the Senator's proposition is correct, any amendment could be put upon an appropriation bill by first moving an amendment that is in order and then moving to amend that, which would be in the second degree, by a proposition which is out of order.

Mr. HILL, of Georgia. No, I do not hold any such thing, but I think it reasonable to hold that any amendment which under the general parliamentary law is a proper amendment to an amendment which has been ruled in order could be put in. That is what I suggest and that is all. I do not hold that any amendment could be moved. I do not say myself that the view I suggest is conclusive. Indeed I have said it is one of inquiry. It is a new point. I never heard it raised in a legislative body before, and I am willing for Senators to dispose of it as they please.

Mr. HARRIS. I desire to call the attention of the Senator from Georgia to the language of rule 29:

No amendment which proposes general legislation shall be received to any general appropriation bill.

In the decision pronounced by the Senate yesterday evening the Senate must have decided that the amendment reported by the Senator from Texas did not contain general legislation. Hence, it seems to me, the only question involved in the amendment proposed by the Senator from Maine is, whether it does or does not contain general legislation, wholly independent of the amendment reported by the Senator from Texas, because if the amendment of the Senator from Texas contains general legislation, it was directly in violation of the first clause of Rule 29 to have received it at all. Therefore the Senate must have decided by the vote of yesterday evening that that amendment contained no general legislation. The question now is, does the amendment of the Senator from Maine contain general legislation?

Mr. GARLAND. Yesterday evening the Senate determined that the amendment reported by the Senator from Texas did not propose general legislation. The Senator from Pennsylvania having in charge this bill, as a matter of course, accepted the decision of the Senate, and admitted that to be true. The Senator from Maine [Mr. HAMLIN] proposed an amendment, "to strike out after the words 'Postmaster-General,' in line 3, all of the amendment and insert as follows," which his amendment is. Upon that the Senator from Pennsylvania says, "While I accept the decision as to the amendment offered by the Senator from Texas, and agree that in the judgment of the Senate it does not propose general legislation, yet the amendment of the Senator from Maine does not propose general legislation." That is all there is in the question.

If the suggestion made by the Senator from Georgia is correct, and you get your amendment in, you may strike out all after the first word and put in the Geneva award bill, the Indian severalty bill, and all the rest of the bills—the pension bills, too—and the Ten Commandments, my friend from Pennsylvania suggests. There is no difficulty in this question, according to my understanding of it.

Mr. HARRIS. The question of relevancy or whether germane or not would arise.

Mr. GARLAND. That might arise; but I am speaking now of this particular point, and that is all I can discuss at one time. The Senator from Pennsylvania says now, and as I state the proposition there is

no difficulty about it: "I accept the decision of the Senate and agree that the amendment of the Senator from Texas contains no general legislation." So far so good. The Senator from Maine now proposes this amendment. But, says the Senator from Pennsylvania, "I think that does contain general legislation, and I object to it under Rule 29." I am very much afraid the Senator from Pennsylvania is right about it, coming now to the question before the Senate, because it makes a general provision for ten years in reference to this specific business, and goes beyond the period of the appropriation. I am rather afraid that he is correct about it.

The PRESIDING OFFICER. The Chair so decided the point of order upon that view of the case, and then submitted the question to the Senate.

Mr. HAMLIN. I want to say one word and but one word. The amendment which I have offered is a limitation upon every single thing that is contained in the amendment offered by the Post-Office Committee. It confines the Postmaster-General to ten years; the other leaves the term of the contract indefinite. The Post-Office Committee amendment authorizes the Postmaster-General to enter into the service; my amendment provides the mode and manner in which he shall do so. The amendment of the Post-Office Committee has no limitation as to what shall be paid for the service; my amendment prescribes the amount, fixes a maximum. There is not a single thing in my amendment that is not a limitation on the Post-Office Committee's amendment.

Mr. MORGAN. As I shall vote that this amendment is in order, I will state very briefly the reasons why I do so, inasmuch as some question has been made on the floor of the Senate by gentlemen with whom I am in the habit of concurring on questions of this kind.

When the Senate ruled that \$1,000,000 might be added to this bill for additional postal service to foreign countries, it then declared, in my opinion, that it was competent to make such regulations as to the expenditure of that \$1,000,000 as might be found convenient and proper for the benefit of the mail service and the benefit of the country. That \$1,000,000, if expended under existing laws without any change or modification, would have to be expended in the payment of postages and not under contracts, as I understand; or at least that construction might be given. There is no regulation which precisely bears upon this question in the existing statutes, because the existing statutes authorize the appropriation of postages only to mail pay for sea service.

We now add to that fund a million dollars in money; and the question is, how shall we apply that million dollars which we add to the postages, for I do not understand that this amendment if adopted or this bill when passed will supersede the existing regulation or law which authorizes the Postmaster-General to contract for the carrying of mails from any port of the United States to any foreign port, and paying for the transportation of the mails by the postages that shall be received upon that route. That system will stand. That system authorizes the mails to be carried in steamships or in sailing-vessels, according as the Postmaster-General may determine to be the best method. That system is not affected by this provision of law which we now propose to enact, as I understand it, but this is a new provision, adding to the mail facilities of the United States. It is a provision for the extension of the mail service to the high seas under the contract system, and that is all. We undertake to extend this service to the high seas under the contract system, and yet it is not mentioned in the proposed law that it shall be under the contract system.

The real point upon which I understand objection is made to this amendment is that it authorizes contracts to be made for a period of ten years for carrying the mail. That is the substantial part of it, because in other respects the amendment of the Senator from Maine is very much in harmony with the amendment to the bill proposed by the Senator from Texas. Section 3956 of the Revised Statutes provides that—

No contract for carrying the mail shall be made for a longer term than four years, and no contract for carrying the mail on the sea shall be made for a longer term than two years.

A contract for carrying the mail on the sea, under the provisions of this statute, is a contract to be paid for by transferring the postages, and those contracts are limited to two years. The Senate has now declared that contracts may be made to be paid for, not in postages, but in money, to be paid out of the Treasury of the United States, precisely as mail pay is granted from the Treasury upon contracts on land.

Having so far held that we have the right to appropriate this million of dollars, then two questions arise: shall we appropriate this million dollars under contract; and shall we extend the time of the contract from two to ten years? In order to appropriate it by contract we have merely to grant the appropriation, because the provision of law is here now that contracts may be made for two years, to be paid for in postages. If we add money to it, that provision of law stands to warrant the contract to be paid in money to be appropriated out of the Treasury. The only remaining question, therefore, is, have we the right, in the appropriation of this million dollars, so to regulate the appropriation of that sum of money as that it shall apply to contracts to be made for ten years?

I really can see no difficulty in the rule of the Senate. The Senate may proceed to put that condition upon the expenditure of the money

if it sees proper to do so. It might not choose to risk a million dollars in the hands of the Postmaster-General from which so little of public permanent benefit might be expected as would be derived if the contracts were to last for only two years, and it might be a wise provision of law if in the application of this million dollars the contract should be made for a longer period than two years. What general legislation is there in that? What else is there in it than the removal of difficulties that exist under the law to the efficient use of this money in the public service?

I think there is a misconception in the Senate as to the scope and purposes of this measure generally. It is not a measure to create a new system. Under the Constitution of the United States it is confided exclusively to the Congress of the United States to establish mail service anywhere and everywhere. No one has ever dreamed that mail service might not be extended to foreign countries over the seas. We have passed laws which are upon the statute-books to provide for it, and in order to make the service only the more efficient we propose so to modify the application of those laws to the particular arrangement that we are making now as to authorize a contract to be made for ten years instead of for two.

I very much prefer, if we are undertaking a system of this kind, that both sides should have a fair opportunity to test it; that both sides should have a fair chance, the contractor and the Government; for it is no small matter to get up an iron steamship for the purpose of transporting mails. A man would scarcely be likely to do a thing of that sort knowing his contract was to be ended under the law in two years.

Therefore I shall vote with the Senator from Maine that his amendment is in order.

Mr. WALLACE. I want the Senate to understand fully the point I make in regard to this amendment. When we carefully consider it, examine it in all its details, it certainly initiates contracts for the transmission of the mails for a period of ten years and pledges the Government to the contracts thus made by the Postmaster-General. The amount appropriated by the amendment will perhaps be but the beginning of that to which we are pledged by the contracts, for this million dollars would be used for the coming fiscal year. The Postmaster-General by this provision is authorized to make contracts—

For terms of ten years, for such transportation between such home and foreign ports as he may, in his discretion, designate in order best to promote the postal and commercial interests of the United States, in iron steamships wholly owned by American citizens and registered in American registry, such ships to be duly inspected under the direction of the Postmaster-General and Secretary of the Navy, and be equal in construction, accommodation, safety, and speed to the best vessels on the ocean carrying mails to the same ports, at a rate of compensation not exceeding \$30 per mile one way for twelve round trips per annum.

He may contract for half a dozen lines for twelve round trips per annum at \$30 per mile one way, and by those contracts thus entered into under this power the Government is pledged to all the money that is needed to carry them out. That is the whole of this proposition. The legislation that this amendment contemplates pledges the Government to ten years of this policy, and if it does not amount to general legislation under the provision of the twenty-ninth rule, there is no such thing as making use of words which can make general legislation. It covers the whole field, it embraces the whole scope of the proposition to carry mail for ten years at twelve trips per annum in steamships, and when the contracts are made you are bound to carry them out, and it involves an expenditure of I know not whether five million, or ten million, or fifty million dollars, but the discretion is a frightful one to give to any man. I trust the Senate will not give it.

The PRESIDING OFFICER. The question is on the point of order made against the reception of the amendment proposed by the Senator from Maine [Mr. HAMLIN] to the amendment reported from the Committee on Post-Offices and Post-Roads. The Chair submits the point of order to the Senate.

Mr. HAMLIN. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BROWN. I desire to understand the question now to be voted on. The Chair has ruled, as I understand, that this proposition is out of order. Are we voting on the ruling of the Chair, or is the Chair submitting to a vote of the Senate whether it is in order or not?

The PRESIDING OFFICER. The Chair submitted that to the Senate; and the yeas and nays are ordered on the question, and those who are in favor of this amendment being in order will vote "yea;" those opposed, "nay."

Mr. BROWN. Then the question is not to sustain or overrule the decision of the Chair?

The PRESIDING OFFICER. There is no appeal taken from any decision of the Chair. The question was submitted early to the Senate.

Mr. HAMLIN. "Shall the amendment be admitted," is the question, "yea" or "nay?"

The Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired upon the subsidy question with the Senator from Vermont, [Mr. EDMUNDS], who is called home by illness. I believe I ought to differ from him on the point of order, but it is differing from very high authority.

Mr. HOAR, (when Mr. BAYARD's name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.] I suppose he would vote against the amendment.

Mr. DAVIS, of West Virginia, (when his name was called.) On all questions relating to this bill I am paired with the Senator from Minnesota, [Mr. WINDOM.]

Mr. GROOME, (when his name was called.) On all political questions and upon this question I am paired with the Senator from New Hampshire, [Mr. BLAIR.] If he were present, I should vote "nay."

Mr. PUGH, (when the name of Mr. JONES, of Florida, was called.) The Senator from Florida [Mr. JONES] is detained at home by the dangerous illness of his son, and is paired with the Senator from Tennessee, [Mr. BAILEY.]

Mr. McMILLAN, (when his name was called.) On this question I am paired with the Senator from Mississippi, [Mr. BRUCE.] If he were present, I should vote "nay."

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were here, I should vote "yea."

Mr. WALLACE, (when his name was called.) On this question I am paired with my colleague, [Mr. CAMERON, of Pennsylvania.] If he were here I should vote "nay."

The roll-call was concluded.

Mr. COCKRELL (after having voted in the negative.) Inadvertently I voted, having forgotten that I had at the instance of my good friend from Maine [Mr. HAMLIN] paired with the Senator from Kansas, [Mr. PLUMB.] Were the Senator from Kansas present he would vote "yea" and I should vote "nay." My vote is withdrawn.

Mr. BECK. On this and all other questions relating to the original amendment and all amendments thereto I am paired with the Senator from Maine [Mr. BLAINE] who is now at home sick. I should vote "nay" if I could vote.

Mr. BAILEY. I am informed that a statement has been made to the effect that I am paired with the Senator from Florida, [Mr. JONES.] That is a mistake. An agreement of that kind was made, but the pair was transferred, I believe, to the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. BECK. I received a dispatch from the Senator from New Jersey [Mr. MCPHERSON] and that change of the pair was made.

Mr. BAILEY. I am not paired at all, and vote "nay."

The result was announced—yeas 17, nays 26; as follows:

YEAS—17.

Allison,	Conkling,	Kirkwood,	Rollins,
Baldwin,	Dawes,	Morgan,	Williams.
Brown,	Ferry,	Morrill,	
Burnside,	Hamlin,	Paddock,	
Cameron of Wis.,	Kellogg,	Platt,	

NAYS—26.

Bailey,	Farley,	Kernan,	Vance,
Booth,	Garland,	McDonald,	Vest,
Butler,	Hampton,	Maxey,	Voorhees,
Call,	Harris,	Pugh,	Walker,
Coke,	Hereford,	Ransom,	Whyte.
Davis of Illinois,	Ingalls,	Slater,	
Eaton,	Jonas,	Teller,	

ABSENT—33.

Anthony,	Davis of W. Va.,	Jones of Nevada,	Sannders,
Bayard,	Edmonds,	Lamar,	Sharon,
Beck,	Groome,	Logan,	Thurman,
Blaine,	Grover,	McMillan,	Wallace,
Blair,	Hill of Colorado,	MCPHERSON,	Windom,
Bruce,	Hill of Georgia,	Pendleton,	Withers.
Cameron of Pa.,	Hoar,	Plumb,	
Carpenter,	Johnston,	Randolph,	
Cockrell,	Jones of Florida,	Saulsbury,	

The PRESIDING OFFICER. The amendment to the amendment is decided to be out of order. The question recurs on the amendment proposed by the Committee on Post-Offices and Post-Roads.

Mr. MORGAN. I move to amend the amendment by adding to it:

When vessels built in other countries are so accepted and employed, the same shall be entitled to all the rights and privileges secured by law to vessels built in the United States of America, except the privilege of engaging in the coastwise trade.

I offer the amendment for the purpose of getting a more distinct expression than I think is contained in the amendment reported by the Committee on Post-Offices and Post-Roads as to the character of vessels in which the mails may be carried. I am in favor of opening to American capital the right to purchase vessels built anywhere of the description mentioned in the committee's amendment for the purpose of carrying into effect the appropriation of this million dollars; and as I do not understand that the amendment proposed by the committee very distinctly presents that view, although I believe the Senator who proposed the amendment believes that it does, I desire to have a more distinct expression on that point.

I do not propose to debate it at all. The question has been debated, on this side of the Chamber at least, by several Senators, especially by my colleague [Mr. PUGH] and the Senator from Kentucky, [Mr. BECK,] so fully that I do not feel disposed to add anything to what has been said on that head, even if I had the ability to do so, which I do not pretend that I possess. I do not see that I could cast any new light on the proposition; but I will say that I think this is a fair compromise between those who are in favor of having the commerce of this country and its mails carried in American-built ships and those who are not. I am in favor of extending the postal convenience and service of this country upon the high seas, and in that respect I am inclined to extend the law now on the statute-book; and I

think the postal service will be greatly facilitated if capitalists of this country are permitted to build ships in American ship-yards or to buy them elsewhere and offer them for this service.

I hope that gentlemen who differ with us in respect to the general policy of the repeal or modification of the navigation laws will find themselves willing on this occasion to meet us on the half-way ground and let us start this matter by an experiment which cannot do any harm, and may result in very great good. I think that all ships built abroad engaged by special contract in the service of the United States in the transportation of its mails ought to be entitled, in consideration of that fact, to an American register. They are on a footing with the vessels of the Navy and various other transports which are employed exclusively in the service of the United States in the transportation of its troops, munitions of war, and crossing upon the high seas. These ships, employed in the service of the United States under a special contract, should be required, it seems to me, to be put under no greater restriction in reference to all lawful privileges than a ship-of-war. Each of them is an agency of the Government of the United States in carrying on a constitutional operation, and I think we might as well require that a postal car that conveys the mail across this continent on the Union and Central Pacific Railways should be built in the United States and owned in the United States as to require that a ship chartered under a contract for carrying the mail between the ports of our country and ports of other countries should be built in the United States. The Government of the United States should have the opportunity of obtaining the facilities needed at the cheapest possible rate for carrying its mails to all parts of the world.

While I am in favor of giving every due protection to American industry where that protection is of any service to it, I think a fair opportunity is now presented to gentlemen on both sides of the Chamber to commence in this way an experiment which will be advantageous to the country.

Mr. WALLACE. I raise the point of order—I feel it my duty in regard to this bill—that this is general legislation of the most radical kind.

Mr. MORGAN. Not radical; it is democratic.

Mr. WALLACE. It repeals the navigation laws, so far as these steamships are concerned, and opens up a very large subject. It is very clearly obnoxious to the twenty-ninth rule, it seems to me, and I raise the point of order upon it.

Mr. PUGH. Mr. President, I do not rise for the purpose of making any further argument on this question, as I had the privilege of making one on a former occasion. All I desire to say is that the amendment of my colleague is entirely acceptable to me. I suppose it will not be out of order for me to state my position in the Committee on Post-Offices and Post-Roads, from whom the original amendment came. I am willing to make this appropriation of a million dollars for carrying our mail across the ocean in iron ships owned exclusively by citizens of the United States, but I am not willing to make any further limitation. I am opposed to confining the appropriation to ships constructed in American ship-yards. I now repeat what I said on a former occasion, that all I am willing to do is to make an appropriation for ships owned exclusively by citizens of the United States wherever purchased, and let us try the experiment. I stated to the committee of which I am a member that I should vote to make the amendment reported from the committee plain upon that subject, and for that reason I favor the amendment of my colleague; and if the clause that this appropriation is for the benefit of American-built ships is not excluded from the amendment, I shall not be able to support it.

Mr. KERNAN. Mr. President, I ask that the amendment proposed by the Committee on Post-Offices and Post-Roads be read.

The Clerk read as follows:

For additional postal service to foreign countries, \$1,000,000, to be expended under the direction of the Postmaster-General in the establishment of mail steamship lines equitably distributed among the Atlantic, Mexican Gulf, and Pacific ports: *Provided*, That the vessels employed for such service shall be owned and manned by American citizens, and that said vessels thus employed shall be iron steamships, accepted by the Secretary of the Navy, after due inspection, as in all respects seaworthy and properly fitted to such service.

Mr. KERNAN. Mr. President, I am opposed to this amendment proposed by the Post-Office Committee. As a provision for the carrying of our mails to foreign countries, I do not think that it is necessary to appropriate this million of dollars. The Postmaster-General asks for no such appropriation of money to carry the mails to foreign countries. In his last report he speaks of our ocean mail service, and he does not ask, as I understand, any larger amount for the same than the \$225,000 already appropriated by the bill as reported from the Committee on Appropriations. In his report at page 517 he gives the cost of ocean mail transportation for the year ended June 30, 1880, as \$196,634.08.

Mr. MORGAN. I will ask the Senator from New York how that money is spent?

Mr. KERNAN. That which is appropriated by the bill is expended for carrying the mail on the system that now prevails to foreign countries.

Mr. MORGAN. Does not the law require the vessel which carries the mail to receive the postages?

Mr. KERNAN. I understand that; but have you heard any complaint from our commercial community anywhere that the present system does not give adequate mail facilities with foreign countries?

Mr. MORGAN. Now, if the honorable Senator will allow me, I do

not so hear from anybody but the Postmaster-General; and even he requires more money for the purpose of transporting the foreign mails.

Mr. KERNAN. The appropriation is increased in the bill as reported by the Committee on Appropriations over last year.

The PRESIDING OFFICER. The Chair would suggest that the question before the Senate is the point of order. By consent of the Senate the Senator from New York may proceed.

Mr. KERNAN. I rose to speak on the merits of the amendment proposed by the Post-Office Committee. This has been decided by the Senate to be in order; but if I am out of order at this time I will wait until that amendment comes up.

On page 517 of the volume containing the last annual report of the Postmaster-General I find this:

Statement showing the amounts recognized in payment of ocean mail transportation performed during the fiscal year ended June 30, 1880.

TRANSATLANTIC.	
By Cunard line, 53 trips from New York.....	\$27,389 29
By Cunard line, 52 trips from Boston.....	1,227 69
	\$28,616 98
By Hamburg line, 53 trips from New York.....	20,539 97
By Liverpool and Great Western line, 46 trips from New York.....	30,518 50
By North German Lloyd's line, 60 trips from New York.....	\$22,444 63
By North German Lloyd's line, 10 trips from Baltimore.....	5 75
	22,450 38
By White Star line, 52 trips from New York.....	24,806 20
By Inman line, 52 trips from New York.....	20,350 67
By Anchor line, 52 trips from New York.....	2,655 58
By Canadian line, 51 trips from New York.....	614 54
By American line, 33 trips from New York.....	1,964 28
By National line, 1 trip from New York.....	1,390 79
	\$153,907 89
TRANSPACIFIC.	
To Japan and Hong-Kong, China, and the East Indies via Hong-Kong:	
By Pacific Mail line.....	\$1,206 85
By Occidental and Oriental line.....	1,515 49
	2,722 34
To Shanghai, China:	
By Pacific Mail line.....	303 38
By Occidental and Oriental line.....	394 40
	697 78
To Australia, New Zealand, Fiji Islands, &c.:	
By Pacific Mail line.....	9,206 97
	12,627 09
MISCELLANEOUS.	
To and from the Isthmus of Panama, Central America, and the South Pacific:	
Outward mails.....	\$7,457 41
Inward mails.....	6,806 95
	14,264 36
To Mexico.....	2,531 18
To Cuba and Porto Rico.....	5,644 31
To and from other West India Islands:	
Outward mails.....	\$2,482 66
Inward mails.....	871 59
	3,354 25
To Brazil.....	2,875 40
To Venezuela.....	455 75
To Canada.....	789 51
To Newfoundland.....	81 90
From Uruguay.....	152 44
	30,149 10
Total.....	196,624 08

JOSEPH H. BLACKFAN,
Superintendent of Foreign Mails.

I remember very well that in 1878, when a provision like the amendment under consideration was before the Senate, the opinion of the Postmaster-General was called for and his letter was read, in which he said he did not ask for any such provision. Therefore I do not think as legislators we can justify ourselves in appropriating a million more money if we are looking only to the proper carrying of our mails to foreign countries. I believe this is done now to the satisfaction of the commercial community. There has been no petition, no resolutions from boards of trade, that I have heard of, asking us to appropriate more money for ocean mail service or saying that the service is not well performed by the present system of carrying the mails on the ocean.

The Senator from Maine [Mr. HAMLIN] and other Senators have intimated that the real purpose of this amendment is to inaugurate a system by which our ship-building industry will be promoted and our ocean carrying trade restored by subsidies paid from the Treasury to the owners of American-built steamships. Do I not state it fairly? Is not this the real object? That is a great question, and one that I wish to have considered not as a part of an annual appropriation bill, but as a distinct measure, and when Congress has time to fully examine and discuss it, in the belief that there may be such legislation as will restore the ocean carrying trade which we have lost.

I shall be brief, for I realize the importance of time at this short session of Congress. As a measure to restore our foreign carrying trade I do not think this proposed amendment is in the right direction at all. The idea of building up our ocean carrying trade by taxing our people to pay subsidies to a few steamship lines is fallacious, in my judgment. This will never restore our lost carrying trade, nor will it materially increase our export trade. We have had some ex-

perience on this point, and we have had it within a few years past. I will briefly allude to it.

In 1864 a law was passed—a distinct law, not a rider to an appropriation bill—with a view to aid by this kind of legislation our carrying trade and our commerce with other countries. That law was in these words:

That the Postmaster-General be, and he is hereby, authorized to unite with the general post-office department of the Empire of Brazil, or such officer of the government of Brazil as shall be authorized to act for that government, in establishing direct mail communication between the two countries by means of a monthly line of first-class American sea-going steamships, to be of not less than two thousand tons burden each, and of sufficient number to perform twelve round trips or voyages per annum between a port of the United States north of the Potomac River and Rio de Janeiro, in Brazil, touching at Saint Thomas, in the West Indies, at Bahia, Pernambuco, and such other intermediate port or ports as shall be considered necessary and expedient: *Provided*, That the expense of the service shall be divided between the two governments; and that the United States' portion thereof shall not exceed the sum of \$150,000 for the performance of twelve round trips per annum, to be paid out of any money appropriated for the service of the Post-Office Department.

What was our experience under this law? The measure was adopted, doubtless honestly, by Congress, with the expectation of largely increasing our export trade with Brazil and other countries in South America, and not merely for the purpose of carrying the mails. A contract was made with the owners of American-built steamers by the Postmaster-General. There was but one party who had the required vessels to execute the contract, as I am informed, and he contracted that for ten years he would carry the mail as required by the statute for the price of \$150,000 per year, to be paid by the Government of the United States. He performed the contract. How much did it aid us in creating a market for our products in Brazil, or how much did it aid us in increasing the carrying trade with foreign countries? I will state as briefly as I can the results of this experiment, made at an expense of one million and a half of dollars to the Treasury.

It will be found on examination that for the six years prior to 1865, when this contract took effect, our domestic exports to Brazil had averaged annually \$5,713,000. That was what the exports averaged annually before we established this line of steamships running to that country. During the ten years of this subsidized line up to September, 1875, how much had our domestic exports to Brazil increased? That was the inducement that carried that bill. The purpose was to open a market for our products, to increase our domestic exports. During those ten years the average annual value of our domestic exports to Brazil was only \$6,364,000. They increased only about half a million per year; and yet we were paying \$150,000 per annum to have a line of steamships making a round trip every month between New York and Rio. Did this expenditure tend even to build up a permanent carrying trade by American-built ships between the United States and Brazil or other parts of South America? It did not. When the contract expired and the subsidy ceased, in 1875, the steamship line was discontinued. Not a vessel of that line made a single trip between New York and Rio after the subsidy ceased.

What further was the experience? For I was able to examine it a little further. It will be found that the subsidized line broke down other carrying lines that received no subsidy and that the freights were not made any cheaper. The line which had the subsidy broke down other lines, and freights were not reduced even while the subsidized line was in existence.

What happened after the subsidized steamers were withdrawn to which we had paid one million and half of dollars during the ten years? You will find that after that was withdrawn, and in 1876, there was established a line of iron steamers not American-built or owned by American citizens—I wish they could have been—which line ran between New York and Rio regularly each month. They were foreign-built steamers of a thousand tons burden each, run by agents residing in New York, but not under our flag, for they were not built in our country; and our laws would not permit our citizens to own them and sail them as American ships under our flag in transporting our own commerce. During the next two years this line of steamers carried our mails to and from Brazil for about one hundred dollars a month, and there was no complaint made that this mail service was not satisfactory. The export trade to Brazil increased during those two years to over seven million dollars annually. I am insisting that this subsidized line did not increase our export trade and did not materially tend to restore our carrying trade to American merchants or American vessels.

In 1878, when I asked the Senate to hear me briefly on this subject, I had all the papers before me showing the exact figures. I will read from what I then said a paragraph:

That line stopped in September, 1875. What has been our experience since we have ceased to pay the subsidy? Has our export trade diminished? The average annual value was \$6,300,000 while the line ran. I find from statistics that since that line stopped and during the past two years our export of domestic products to Brazil have been of the average annual value of \$7,463,596, having increased about a million a year under the natural laws of trade more than with the subsidy.

In the chief mercantile city of the Union I have inquired of merchants and business men whose opinions have great weight with me, and they expressed themselves against the idea that we can build up our American mercantile marine or our export trade to foreign countries or our ocean carrying trade by subsidizing a few lines of ocean steamers. The effect of such subsidized lines is to break down other lines and to discourage private enterprise, and the moment you

cease to pay subsidies the lines receiving them stop and we have no American vessels, either sail or steam, engaged in the foreign carrying trade. That is the result of our experience, and I submit to Senators that we must adopt some other measure than drawing from the tax-payers money to subsidize a few lines of steamships to run on the ocean to build up our mercantile marine and restore to our own citizens the carrying trade. It will not succeed. You will have a few lines, there will be great complaint and jealousy that there is favoritism, and you will bring about our Federal Legislature an atmosphere that none of us wish to have surround it. The pressure for these special contracts or subsidies comes from owners of particular lines of steamships. As far as I know no petition from the people has come to us for this kind of legislation. There are no boards of trade recommending it. This amendment, if adopted, places a million of dollars in the hands of the Postmaster-General that he, in his discretion, may establish mail steamship lines among our different ports; it is all left to his discretion.

But I am not now criticising the mere language of the amendment, I am insisting that we cannot build up our carrying trade by subsidies to a few steamship lines.

I submit that this is not the remedy, it is not a move in the right direction to build up our ocean mercantile marine or our carrying trade upon the seas. It is, in the language of a Senator, [Mr. HAMLIN,] "an entering-wedge" to appropriate next year a larger sum, and the next year a still larger sum for these subsidies; and soon you will have no one running steamships except those who get a subsidy from the Treasury. The subsidized lines can easily combine and drive from the ocean competing lines not subsidized, and when the subsidy ceases we will be without any American vessels in the ocean carrying trade. There were complaints in 1878, when this question of subsidizing was before us, by the owners of ships in Baltimore that the prior subsidized line to Brazil had been detrimental to the carrying trade they were carrying on to and from Brazil in their sailing-ships; that it had driven them out of this trade, and when they were driven out of the trade, during eight or ten years, the subsidized line stopped when it could get no more money from the Treasury.

I object to the measure as an entering-wedge to open the Treasury for millions of the people's money to flow out of it into the pockets of a few persons without any substantial benefit to the mass of the people. I am as much in favor as any one can be of trying to regain our carrying trade by legislation, matured with care and the advice of the best-informed men of the country. I venture to say that on a full examination of this subject, so important to our country, we will be satisfied that the granting of large subsidies to a few ocean steamship lines for carrying our foreign mails will not prove efficacious in restoring to our merchants our proper share of the ocean carrying trade in American-built ships. Some other measure than subsidies to a few steamship owners is necessary to re-establish our mercantile marine upon the ocean.

In my judgment our navigation laws should be revised and materially changed. We have had navigation laws in force, which are claimed to be for the protection of American ship-builders and for the protection of American laborers, until we have ruined our ship-building business for the foreign ocean carrying trade. Let me give some statistics on that point. I take them from a table in the annual report of the Chief of the Bureau of Statistics on the foreign commerce of the United States for the fiscal year ended June 30, 1880. Table F, on page 61 of this report, is headed "Nationality of the tonnage entered at sea-ports of the United States from foreign countries from 1856 to 1880, inclusive." In this table the total tonnage entered at our ports for each year, and also the portion of it which was American and the portion of it which was foreign, is given. For the year ended June 30, 1856, the total tonnage entered at ports of the United States from foreign countries was 4,464,038 tons, of which the American-built ships constituted 3,194,275 tons, and the foreign-built ships only 1,269,762 tons. How was it during the year ending June 30, 1880? For the year ending June 30, 1880, the total tonnage from foreign countries entered at American sea-ports was 15,240,534 tons. How much of this was American-built ships? Only 3,128,374 tons, being 65,901 tons less than it was for the year ending June 30, 1856. We have been by our navigation laws protecting, as is claimed, American ship-building and the American foreign carrying trade during all these years; and yet our American-built ships engaged in the foreign trade, which in 1856 constituted three-fourths of all the tonnage entered at our ports from foreign countries, in 1880 constituted only about one-fifth of all the tonnage entered at our ports from foreign countries. In 1880 the foreign tonnage was 12,112,160, the American only 3,128,374. From 1856 to 1880 the tonnage entered at our ports from foreign countries had increased from 1,269,763 to 12,112,160 tons, and the American had decreased to 3,128,374 tons.

Now, let us see how the merchant marine of other countries has increased while ours has decreased. On page 43 of his report the Chief of the Bureau of Statistics speaks of the decline of our foreign carrying trade, while that of other countries has increased. He says:

The decadence of that branch of American shipping which is employed in our foreign trade is more clearly indicated, however, by the statistics of the movement of tonnage hereinbefore presented. The table showing the nationality of tonnage entered indicates that since the year 1856 there has been an increase in the tonnage entered at American sea-ports of vessels of every nationality except those carrying the American flag. American tonnage alone has exhibited a decline. The increase in British tonnage entered amounted to 6,967,173 tons; the increase in

German tonnage amounted to 922,903 tons; the increase in Swedish and Norwegian tonnage amounted to 1,214,098 tons; the increase in Italian tonnage amounted to 596,907 tons; the increase in French tonnage amounted to 203,412 tons; the increase in Spanish tonnage amounted to 164,683 tons; the increase in Austrian tonnage amounted to 204,572 tons; the increase in Belgian tonnage amounted to 226,377 tons; the increase in Russian tonnage amounted to 104,009 tons, whereas there was a decrease in the American tonnage entered of 65,901 tons.

And is it true that it can be materially increased and built up by a system of subsidies granted to a few ship-owners from year to year? I want to call attention to the value of the exports and imports of this country from 1856 down to this time. By whose ships have they been carried? That will be found in this report, Table G, at page 62, in detail; and the percentage of our total exports and imports for each year from 1856 to 1880 carried in American-built vessels is there stated.

In the year ending June 30, 1856, the value of the total exports and imports from this to other countries, and from foreign countries to us, amounted to \$641,604,850. What portion was carried in foreign vessels, and what portion in American vessels, built in America, owned by Americans, commanded by American officers, and manned by American sailors? American vessels carried \$482,268,274 in value of this total of exports and imports in 1856. In foreign vessels there were carried only \$159,336,576 in value. How is it to-day? For the year ending June 30, 1880, the value of our total exports and imports to and from foreign countries amounted to \$1,613,770,633. Of this there was carried in foreign vessels in value \$1,309,466,596; in American ships in value only \$280,005,497. In 1856 the amount of our total exports and imports was \$641,604,850, and of this amount there was carried in American vessels \$482,268,274 in value. Now we carry in American ships only \$280,005,497 of a total value of \$1,613,770,633 of our exports and imports.

The following, taken from Table G above referred to, shows the total value of the exports and imports of the United States in each year, and the percentage of the same carried in American-built ships:

Fiscal years.	Total imports and exports.	Percentage carried in American vessels.
1856	\$641,604,850	75.2
1857	723,850,823	70.5
1858	607,857,571	73.7
1859	695,552,592	66.9
1860	762,288,550	66.5
1861	584,995,065	65.2
1862	435,710,714	50.0
1863	584,928,502	41.4
1864	669,855,034	27.5
1865	604,412,996	27.7
1866	1,010,938,552	32.2
1867	877,020,391	33.9
1868	848,527,647	35.1
1869	876,449,384	33.1
1870	991,896,979	35.6
1871	1,132,472,098	31.2
1872	1,212,328,233	28.5
1873	1,340,902,221	25.8
1874	1,312,680,640	26.7
1875	1,219,434,544	25.8
1876	1,242,904,312	33.1
1877	1,194,045,627	26.5
1878	1,210,519,399	25.9
1879	1,202,708,614	22.6
1880	1,613,770,633	17.4

This same report, on page 42, says:

The building of ships and barks employed in our foreign commerce fell from an annual average of two hundred and thirty-three during the ten years from 1851 to 1860 to an annual average of fifty-six during the ten years from 1871 to 1880. There were only twenty-three ships and barks built (for foreign commerce) during the year ending June 30, 1880.

We were building from 1851 to 1860 two hundred and thirty-three ships and barks annually for our foreign carrying trade. For the ten years from 1871 to 1880 we built only an annual average of fifty-six vessels; and during the year ending June 30, 1880, we built only twenty-three ships and barks for the ocean carrying trade. The Chief of the Bureau says in his report, pages 42, 43:

The iron steamship is now the controlling vehicle of commerce on the ocean. The tonnage of iron vessels built in this country during the last five years amounted to only 101,823 tons, almost entirely for our coastwise or home trade, in which no foreign competition is allowed under the provisions of our navigation laws, whereas the iron ship building of Great Britain during the last five years reported amounted to 1,800,193 tons.

These facts prove clearly that under our present policy and laws we cannot successfully compete with foreign countries in building ships for the ocean carrying trade, nor are our citizens able to engage successfully in the ocean carrying trade. Our ship-building industry, so far as ships for the foreign carrying trade is concerned, amounts to nothing; and our own citizens are really excluded from engaging in the carrying trade between our own and foreign countries.

There should be a remedy for this; I believe there is; but I do not believe the granting of subsidies by the Government to the owners of a few lines of steamers will prove to be a remedy.

In my judgment the remedy is to change our policy and laws as to

ship-builders and ship-owners; relieve both from restrictions and burdens which prevent them from competing successfully with the ship-builders and ship-owners of other countries.

In addition to the exclusive right to build vessels for our coast-wise and inland trade which our ship-builders now enjoy, let our laws be changed so that they shall have free from import duty or tax everything which they use in building, equipping, or repairing ships for use by American citizens in the foreign carrying trade. Then if they cannot furnish us ships for the ocean carrying trade at as low prices as they can be bought of foreign build, they cannot complain if our citizens are allowed to buy ships built in foreign countries and employ them as American ships in the carrying trade with foreign countries.

We should revise and change our navigation laws so that our citizens shall be permitted to buy ships wherever and from whomsoever they can buy them cheapest, and obtain for such ships an American registry and employ them under American officers as American ships in the foreign carrying trade no matter where they were built. Our citizens certainly should be allowed to have as cheap vessels to transport our exports and imports as foreigners. If not, they cannot compete successfully with foreigners in the carrying trade.

Permit vessels owned by American citizens and engaged in the foreign trade to take their stores out of bond duty free; and change our consular system and laws so that American vessels shall not be subject in foreign ports to any consul fees or charges, or if to any, not in excess of those paid by British ships.

Adopt for American vessels a new tonnage measurement based on actual carrying capacity and excluding the space occupied by engines and boilers and for the accommodation of officers and crew, and thus place American ships on an equality with foreign ships as to tonnage dues.

Abolish compulsory pilotage in the United States. Modify our laws as to seamen so that the owners of American ships shall not be burdened and annoyed by needless restrictions. So far as it can be done exempt from taxation all vessels employed in the foreign carrying trade. In a word, we should relieve American owners and ships employed in the foreign carrying trade from all restrictions and burdens which place them at a disadvantage in competing with foreign ships and owners. Legislation of this character will aid our ship-builders and will enable our citizens to become again carriers on the ocean.

Mr. President, I have indicated why I oppose this subsidy system. It will not, in my judgment, materially aid in restoring the carrying trade in American ships owned by American citizens. It will not enable the American ship-builders to compete successfully in building ships for the American foreign carrying trade, for they cannot do so now. Twenty-three ships and barks only were built during the last year for foreign commerce. I am opposed to this amendment proposed by the Committee on Post-Offices because I think it means nothing but a system of subsidies to a few owners of steamships. This will not remedy the difficulties under which American ship-builders labor or restore our mercantile marine. I think Congress should turn its attention to revising and changing our navigation laws so as to relieve our citizens from restrictions and burdens which have driven them out of the foreign carrying trade. If this is done we shall soon begin to carry a large portion of our exports and imports in American ships owned by American citizens and navigated by American officers and sailors.

HOUSE BILLS REFERRED.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Chair asks the indulgence of the Senate to lay before it some bills from the House of Representatives for the purpose of reference:

The bill (H. R. No. 301) for the relief of William R. Wilmer was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 936) relinquishing the right of the United States to an island therein named was read twice by its title, and referred to the Committee on Public Lands.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

A bill (H. R. No. 1583) for the relief of Mrs. Fanny S. Conway, of Louisville, Kentucky;

A bill (H. R. No. 6248) directing the payment of certain awards in favor of parties therein named; and

A bill (H. R. No. 6717) for the allowance of certain claims reported allowed by the accounting officers of the United States Treasury Department.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. No. 802) granting a pension to Wyatt Botts;

A bill (H. R. No. 853) granting a pension to Caroline Stief;

A bill (H. R. No. 1259) granting a pension to Phineas Gano;

A bill (H. R. No. 1452) for the relief of James B. Furman;

A bill (H. R. No. 1453) for the relief of James R. Gordon;

A bill (H. R. No. 1455) granting a pension to Albert O. Miller;

A bill (H. R. No. 1467) granting a pension to Mary A. Casterweller;

A bill (H. R. No. 1885) for the relief of John A. Innes;

A bill (H. R. No. 2075) granting a pension to Amanda J. McFadden;

A bill (H. R. No. 2439) granting a pension to Henry Mills;

A bill (H. R. No. 2549) granting a pension to Edward H. Mitchell;

A bill (H. R. No. 2550) granting a pension to Lewis Blundin;

A bill (H. R. No. 2773) granting a pension to James P. Hunter;

A bill (H. R. No. 3309) for the relief of John T. Neale;

A bill (H. R. No. 4028) granting a pension to Jesse T. Myers;

A bill (H. R. No. 4257) granting a pension to Jane Stout;

A bill (H. R. No. 4367) granting a pension to Emma A. Porch;

A bill (H. R. No. 6201) granting a pension to Thomas Worthington; and

A bill (H. R. No. 6423) granting an increase of pension to Rebecca Reynolds.

ARMY APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882.

Mr. DAVIS, of West Virginia. The Senator who has charge of the Army bill, the Senator from Virginia, [Mr. WITHERS,] is not in his seat, and I move in his absence that the Senate insist on its amendments and ask a committee of conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

THOMAS WORTHINGTON.

Mr. THURMAN. I wish to have the Senate consider one of the bills that came over from the House, a bill granting a pension of \$30 a month to Thomas Worthington. It passed the House unanimously and I do not think there will be the least objection to granting to that poor old soldier who performed such meritorious service for his country this little pittance to keep him from absolute poverty. I ask unanimous consent to have the bill acted on at once.

The PRESIDING OFFICER. If there be no objection, the order by which the bill was referred to the Committee on Pensions will be reconsidered. The Chair hears no objection.

The bill (H. R. No. 6201) granting a pension to Thomas Worthington was considered, as in Committee of the Whole, reported to the Senate, ordered to a third reading, read the third time, and passed.

AMENDMENT TO A BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6372) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes.

Mr. MAXEY. Mr. President—

Mr. HAMLIN. With the consent of the Senator from Texas, who is entitled to the floor, I want to make a correction, or rather to add a word or two to what I said in reply to an interrogatory put to me this morning by the Senator from Vermont, [Mr. MORRILL.] I had in my mind the idea that the amount of one million appropriated would furnish us with only a very small proportion of the mail facilities to foreign countries that are desirable. As I now understand, he put to me the question whether the \$30 per mile was not too much for each trip. I did not catch the precise scope of his question at the moment. The \$30 is for the twelve trips per annum, not for one trip; but if a contract were made for twelve trips a year this rate was to be only on the nautical mile of the route one way for the whole twelve trips, and the amendment which I offered so read.

Mr. MORRILL. In reading the amendment I thought the language was ambiguous at least, and probably open to the interpretation which I gave it.

Mr. MAXEY. The Senator from Alabama offers an amendment to the amendment reported by the Committee on Post-Offices and Post-Roads. To that the Senator from Pennsylvania interposes a point of order, on the ground that it is, as he terms it, radical legislation. The question, then, and the only question before the Senate at this time, is, the amendment of the Senator from Alabama in order?

I call the attention of the Senate to the text of the amendment which is proposed to be amended by the amendment of the Senator from Alabama.

Provided, That the vessels employed for such service shall be owned and manned by American citizens, &c.

The expression is "owned and manned," not "built." That has been decided by the Senate to be in order. Now, the purpose, and the only purpose, of this amendment of the Senator from Alabama is to make clear and plain the right of vessels thus employed, owned, and manned by American citizens to be registered as American vessels.

But it is insisted by the Senator from Pennsylvania that that is a repeal of the navigation laws. I submit that it is not so, nor does it touch the navigation laws in any regard except in so far as Congress has the right to do it. The Constitution grants to Congress the power to establish post-offices and post-roads, and there goes necessarily with that grant the power to do anything to effect or accomplish the object of the grant. Hence if Congress sees proper to except out of the operation of the navigation laws vessels employed by virtue of an act of Congress in the carrying of the mail, Congress has a perfect right to except those vessels thus employed out of the operation of the navigation laws without in the slightest degree affecting the navigation laws themselves.

That is what this says; not that the navigation laws shall be repealed, but that vessels which are employed by the Government in the carrying of the mail shall be owned and manned by American citizens; and the amendment offered by the Post-Office Committee, and which is proposed to be amended by the Senator from Alabama, applies alone to vessels employed by the Government in the execution of a constitutional duty and without the slightest interference with the navigation laws as I consider. Therefore I think that it is in order. Besides, it simply perfects the text of that which the Senate has decided to be not in contravention of the twenty-ninth rule.

Mr. WHYTE. Mr. President, I wish I could vote conscientiously for the amendment proposed by the Senator from Alabama, but I have an unfortunate propensity for being consistent in my votes, and having objected yesterday to this original amendment as changing existing law and therefore liable to objection under the twenty-ninth rule, I feel compelled to vote against this amendment upon the same ground.

It strikes me that it is a repeal *pro tanto* of the navigation acts. I should like to see them repealed. I think the amendment of the Senator from Alabama is the best thing that has been presented to the consideration of the Senate since this Post-Office appropriation bill has been up, and if it were a substantive proposition I should vote for it with cheerful alacrity. I cannot vote for it now because I do not think it is in order, and therefore I shall vote to sustain the theory that it is out of order.

But see what it would accomplish if it were only in order. It would destroy the hope, and the view, and the anxiety of that distinguished public benefactor, Mr. John Roach. It would be distressing to his sensibilities if such an amendment as this should be tacked onto an amendment which in reality, however intended, is to redound entirely and exclusively for his benefit. Mr. Roach does not want "free ships;" he wants American-built ships to be engaged in this traffic. Why? Because Mr. Roach is the only man who has got the American-built ships to comply with this requirement and this demand. Mr. Roach comes here and says that anybody that opposes him—so I read from his testimony before the Committee on Finance—is a selfish man; and he described me, (I do not object to it,) because I opposed his subsidy two years ago, as a currier, a leather-man, in some anecdote which he detailed to the Committee on Finance, because I was in favor of building the ruined town in leather, being a currier, and that I did not want anybody but myself and my own town to succeed. Mr. Roach must have been cutting my cloth according to his own measure. He is selfish, and wants no free ships; he wants only ships of his own build to be used in this carrying trade. If you adopted this proposition look how distressed he would be. In this testimony he says:

I have here a paper that appears in the hands of nearly every shipping man of New York once a month or once in three months, (H. E. Moss & Co.'s Ocean Steamship Circular,) and in this list here published are four hundred and six iron ships of all ages and of all tonnage, tied to the docks of Liverpool, Glasgow, and other places, for sale.

No wonder he is horrified at a proposition for free ships. No wonder he dreads our opening wide the doors to American capitalists to go abroad and do as Germany has done and as other nations have done that have increased their tonnage upon the ocean and buy ships where they can buy them cheapest. No wonder he is horrified at our ability to go to Glasgow and other ports in Great Britain and buy some of these four hundred and six iron ships and bring them over here to run in competition with him for a subsidy.

Here is over forty million dollars' worth of property for sale at a low valuation.

Can any comment stronger than that be made upon our navigation laws, against which the junior Senator from Alabama [Mr. PUGH] so well inveighed the other day, that here is forty million dollars' worth of property in steamships lying tied to the docks of British ports open for sale to American citizens and we are not able to go out and buy them and run them in the American ocean service? What a commentary it is upon our shortsightedness! We are asked to imitate England in regard to subsidizing vessels, and yet we turn our backs upon what England did in former years. To build up her tonnage, to increase her ship-sailing facilities, she came to America and bought our Baltimore clippers and other sailing-vessels in those days when we outstripped the world in the way of fast-sailing ships. England did that. England permitted its people to come here and buy these ships as cheaply as they could buy them and take them back to British ports to sail under the British flag; but we in our wisdom will not permit our citizens to do any such thing.

I wish I could vote for this amendment; but I cannot vote for it under my view of the rules of the Senate. Therefore I only desire to explain that while I favor this proposition, one of the very best, in my judgment, which has been proposed—while I approve of it entirely, under my views it is impossible for me to give it my support upon this occasion.

Mr. PUGH. Will the Senator from Maryland allow me to ask him if he would not support this amendment if the Senate should hold that it is in order?

Mr. WHYTE. I would not; because I do not think a majority of the Senate ought to control my judgment.

Mr. McDONALD. Mr. President, the merits of the proposition before the Senate have so far been discussed upon questions of order, first, as to the amendment reported by the Senator from Texas, [Mr.

MAXEY,] representing the Committee on Post-Offices and Post-Roads, and now upon the amendment offered by the Senator from Alabama, [Mr. MORGAN.] I voted to sustain the Chair in deciding that the amendment first offered was not in order. I voted more upon the ground that I did not favor the proposition than upon the abstract question of order. Since I have been in the Senate I have found that upon this class of questions Senators have usually voted that that was in order which they were in favor of, and that that was not in order which they were opposed to. If the amendment offered by the Senator from Alabama were addressed to a proposition which I favored, it would certainly meet my favor. If the proposition submitted by the Committee on Post-Offices and Post-Roads through their chairman to add \$1,000,000 to the Post-Office appropriation bill, to authorize the Postmaster-General to establish ocean mail lines, was one which I felt ought to be adopted at this time, I should certainly desire that it should be adopted with the amendment offered by the Senator from Alabama, made perhaps a little clearer in its terms than that amendment now stands.

This discussion has run into the question of how our commercial marine has gone down to its present point and how it may be re-established. It is a lamentable fact that of our foreign commerce but little in proportion is carried by American vessels; that while twenty years ago three-fourths of it was carried in American vessels, but 17 per cent. of it is so carried now. The statistics show the additional fact, not very encouraging to us, that if a disturbance should take place in Europe between two of the commercial nations of that hemisphere, by which their commercial marine might become locked up by the dangers of war, almost our entire surplus would remain upon our hands; that of the eight hundred and odd million dollars of our exports, as shown by the reports for the last current year, we should have the capacity to carry but 17 per cent., and should have to find some means of obtaining a shipment of the remainder until we could create the power within ourselves, or we should have to keep it on hand.

Many speculations as to the cause of this decadence of American shipping have been indulged in, and I do not think the statistics give any very clear exposition of it. That it could be remedied to some extent by a change in our policy in reference to the licensing and registration of vessels, I have no doubt. At one time it was supposed by our Government that it had greatly injured us during the late civil war for our commercial marine to be compelled in a great measure to take down the American flag and to take protection under foreign governments. That was certainly at one time regarded as a very great injury to us. It will be found in what is called the American case, in connection with the proceeding of the Geneva tribunal, that it was made one of the substantive grounds of complaint under which we sought to recover damages from Great Britain, that our vessels had been thus compelled to abandon the protection of our own flag and take protection under foreign governments.

While contemplating that fact, when we look into our statute-books we find that at the close of the war, in 1866, just after this great damage and wrong had been suffered in the revision of our navigation laws, a distinct and substantive section was inserted by which those vessels that had thus, for the time being, denationalized themselves were declared expatriated and prohibited from ever again returning; and that was put alongside of other legislation by which the right of registration and license was limited not merely to vessels owned by American citizens but to American-built vessels. These two facts do not go very well side by side, and yet they are prominent facts in connection with this branch of our industrial interests.

Mr. President, I am of those who do not believe that the remedy is to come by the class legislation that is proposed in the amendment submitted by the Committee on Post-Offices and Post-Roads. In the first place, a million dollars is here to be placed at the discretion of the Postmaster-General for the establishment of marine lines for the transportation of our mails. This, it is stated in the amendment, is to be equitably distributed between the ports of the Atlantic, the Gulf of Mexico, and the Pacific; but every dollar may be expended in six months or a year, or in any other period that in the discretion of the Postmaster-General he may see proper to expend it. He is not required to enter into contracts for any determinate period of time. He is simply vested with authority to expend \$1,000,000 in an experiment to establish ocean mail lines from the different ports of the United States, which he may select under the very general limitation contained in this act.

I am perfectly willing to provide for carrying our mails to foreign countries, and to provide liberally for it. I am also willing that in selecting the modes of conveyance there shall be discrimination in favor of our own citizens; but I am not willing that this Government shall pay any portion of the freight bills of those who may ship produce from our country to foreign countries. If subsidies are to be resorted to I would rather go at once to the freighter than to the ship-owner, and give any direct subsidy to those who might ship to foreign countries with which our trade at present is limited, by way of building it up, and subsidize upon the amount of their shipments or give drawbacks upon the amount of the freights that they have to pay. I would prefer to go to that directly rather than to undertake to subsidize lines of transportation.

The objection that has been stated to this proposition it seems to

me is unanswerable. Whenever you subsidize a line between any port in the United States and a foreign port, you necessarily limit the amount that is to be transported between those ports to the capacity of that line and exclude competition from it. The subsidized line has the advantage. It has the patronage of the Government, the countenance and support of the Government, and the Government money. The statistics read by the Senator from New York [Mr. KERNAN] in reference to the experiment made some years ago in regard to the trade and commerce between the ports of New York and Rio de Janeiro are but a simple illustration of that fact. A subsidized line of limited capacity carried a certain amount of freight for ten years, and when the subsidy ended the line ended, and as a matter of course until volunteers came in, until others came forward to engage in the trade upon their own account, the intercourse in the shape of commerce almost ceased between those points. But during all that time the stream did not rise above the fountain, and could not rise above it from the very nature of the transaction in which the Government was thus engaged.

If this experiment is to be tried, if this million dollars is to be thus put at the option of the Postmaster-General, I certainly hope and trust that all limitation and restriction in regard to the selection of vessels, so that they shall be owned by citizens of the United States, will be taken off, and that not merely one establishment in this country, but the constructors of vessels of this class everywhere may have the opportunity to sell them to American citizens to be used in this experiment. But I shall be compelled to vote against the entire experiment, because I do not believe it is the proper mode of restoring our lost condition upon the ocean, or of remedying the evils under which we are now suffering in that regard.

Mr. EATON. Mr. President, I will confine myself entirely to the amendment offered by my friend from Alabama, and I would not say a word except for the fact that I shall be compelled to vote against that amendment while the principles involved in it meet my entire approbation. Three or four years ago on this floor I announced my desire to vote for measures changing our navigation laws; further than that, even to abrogate treaties if necessary in order to give a rebate to American bottoms. I have not changed my opinion upon that subject. In my judgment, it is the only way that we can bring back to us the commerce which we have lost. But we cannot do it by an amendment of this character, which, in my judgment, is plainly out of order. Therefore, while seemingly I should vote for an amendment of this character, I shall be compelled to vote against it because I believe it to be entirely out of order. While I would be very glad to join with my friend from Alabama in the passage of any measure which would give to American citizens the right to buy ships wherever they may choose to buy them, I would discriminate in favor of American bottoms after the ships become American bottoms, and in that way rebuild, if possible, our commerce.

Mr. BAILEY. Mr. President, I concur in what has been expressed so briefly by the Senator from Connecticut, [Mr. EATON.] The principle that is embodied in the amendment offered by the Senator from Alabama [Mr. MORGAN] meets with my approbation. I would give to an American citizen the right to buy a ship wherever he may find it to his interest to make the purchase, and bringing it to this country make it an American ship; for unless we do away with the navigation laws of the United States which exclude vessels of foreign origin from the benefits and advantages pertaining to ownership by an American citizen, I have no hope of seeing American citizens enjoying the advantages of the carrying trade of the products of our country.

The destruction of this carrying trade is to my mind one of the most remarkable facts that we have witnessed in this remarkable age. Twenty-four years ago there belonged to American citizens almost altogether the carrying of American products and the bringing to this country the articles that our people bought abroad. The ratio carried by American vessels has diminished, as has been stated this afternoon, from 75 per cent. of the entire foreign trade of the country to 17 per cent., while in every other department of industry we have grown in a manner that is almost miraculous. While our population in twenty-four years has increased almost or quite a hundred fold, while our territory has been enlarged—I mean that which is brought under the hand and control of man—while our domestic productions of every kind have increased from one hundred to five hundred fold, we find the remarkable fact that the carrying trade of American citizens has been diminished in the ratio I have mentioned.

There is a cause for this, and I do not think that it has been fully stated here. I do not propose to go into the discussion, however, because the measures that are necessary, in my opinion, to correct the evil are not to-day before the Senate; but there is a variety of causes. First, we have protected the ship-building interests out of existence; we have forbidden American citizens to buy any other than American-built vessels to engage in the foreign trade, and the building of vessels has diminished from an average of two hundred and fifty per year to twenty-three per year. Protection has strangled this industry. That is one of the causes, and why has it so operated? People engage in buying ships and in operating them for the purpose of making a profit; and if they are compelled to buy ships at an advanced price; if, in other words, they are compelled to pay more than others are compelled to pay, they cannot enter into free competition with the other people who buy them cheaper than they. So I regard it as in-

dispensable if we are to enter upon legislation looking to a correction of this evil, that we should abolish our navigation laws.

But that is not, in my opinion, the only cause of the decadence of American shipping. In the past twenty years we have been afflicted in this country with what is called so familiarly here the war of the rebellion. There was an immense waste of capital and of wealth in the North and in the South. There was an accumulation of debt, which is resting still upon the country. There was an enlargement of the pension-roll, which requires to-day forty or fifty million dollars annually, the interest upon our debt being seventy or seventy-five million dollars annually. For the ten years past it has averaged \$100,000,000 annually, and is now not less than seventy-five or eighty million dollars. All this waste we have had to supply.

More than that, in the years that have rolled by since 1865 the Government has endeavored to build up the manufacturing interests of the country and every inducement and every persuasion that Government could offer has been offered to the capitalists of the country to invest their money in manufactures. Our manufacturing interest has increased greatly beyond anything that had been before known in the history of this country. More than that, we have invited immigrants to come here from abroad. We have built great lines of railroad penetrating the wilds of the West and opening up to the use of our people and of those who come from abroad the vast territories that lie beyond the Mississippi River. Homesteads have been given to the people. Bounties have been given by the Government to corporations to enable them to build railroads to penetrate into the western country and to carry there all the arts of civilization. The capital, the enterprise, the energies of our people have thus been engaged in opening up the great West and giving to the country, I may say, and to the world, the magnificent productions of the soil of the West, and thus our foreign trade has been increased. From this cause and from this source there has been brought about that remarkable change in our foreign exchanges enabling us to resume specie payments and bring into the country one, two, or three hundred millions a year in the shape of gold, the value of our products exported over the value of the products that we have brought from abroad.

I say the wealth of the country, the enterprise of our people, the energies of our people have been in a different direction, and we to-day, in consequence of the well-directed efforts of the citizens of the United States, are the most prosperous people on the face of the globe. No other people are fed and clad and enjoy the comforts that the American people enjoy. Great Britain has a large commerce; so has Germany; so has Spain; so has every European power; but still do the subjects of those governments enjoy the comforts accorded or that, I might almost say, belong to every American citizen? Not at all. We are a rich people, and we are growing richer every day, North, South, East, and West. There is an improvement and an advance in wealth. Can we expect, does any reasonable man expect, that we can surpass all the peoples of the world in every department of industry? Have we any reason to expect that we shall surpass our English friends, or our German friends, or the French, a people who have a civilization equal to our own, a people who are advanced in the arts, a people who are our equal in respect to the sciences and in everything that civilization can bring? I certainly do not expect it.

I have no doubt there will be disappointments whatever measure we may adopt in the Congress of the United States to restore the carrying trade to American citizens. There will be disappointments, because I do not think that we have taken a broad enough view of this whole subject. I should vote for the amendment offered by the Senator from Alabama to the amendment that comes from the Post-Office Committee if it were broad enough, if it would at once abolish the navigation laws of the United States, with a view to make an experiment, not believing that in one year, or in five years, or in ten years, or indeed in twenty years, we can recover our lost carrying trade, but with a view to make the effort and to diversify the industries of our people, to take away some part of their capital which is now invested in manufactures, some part of their enterprise and their energy that is now directed to the development of the country that is west of us, and save something for the children and grandchildren of those who are living to-day, for I believe that we are settling up our great domain much too rapidly. I believe the American people are making a mistake in encouraging to come from abroad 300,000, or 500,000, or 1,000,000, as they would be welcome should they come, to settle up our vacant territories. We are saving nothing for those who come after us. We have a population to-day in the United States sufficient for every purpose that we should desire. We have enough to make us one of the strongest governments upon earth. We have enough to give us an internal commerce the most magnificent that the world has ever seen. We have population enough and territory enough already opened up to the industries of our people to make us, as I said a while ago, the richest people in all the comforts that can accompany civilization upon the globe. I think in that we are making a mistake. I would wish to diversify still further our industries. I should like to see a part of that capital, I should like to see some of that enterprise and some of the great energies of the American people turned in the direction that is now desired.

But I cannot vote for the amendment, because it means nothing. It seems to me, I say so respectfully, that it is nothing more than empiricism. It undertakes, by establishing three or four lines of

steamers and putting upon the ocean ten or twelve ships, to restore that lost carrying trade, amounting to hundreds of millions of dollars, to bring it up to 50, 60, or 75 per cent. of the entire foreign commerce of the country, and place it where it was twenty-five years ago. That reminds me very much of the story that is told of Mrs. Partington, who undertook with her broom to sweep back the rolling billows of the ocean that were threatening to overwhelm her. You can do nothing in that way. It is a mere drop in the bucket; it will amount to nothing. Your million of dollars thus expended will pay you, what? As has been said by other Senators here to-day, it will but build up a few capitalists at the expense of those who are competing with them. You establish a line of these steamers from New York to Rio Janeiro, and what will be the effect upon the commerce of Baltimore? I remember a few years ago thirty or forty sailing-vessels, not steam-vessels, where sailors were trained, were employed in the Baltimore and Rio trade. What was the effect of the bounties that were paid by the Government to a line of steamers? It was almost to destroy the interests connected with that shipping. That will be the effect and the only effect of it. I think that the remedy must be more radical; you must go to the very root of this thing.

I agree with what the Senator from Connecticut has said, that if you expect to restore the ocean carrying trade by legislation you must abolish your navigation laws, and you must extend to all the American people (not to a few, not to the builder of an iron vessel upon the Delaware, excluding everybody else) the advantages that are to be derived from legislation, and you must have freedom of competition. In other words, let there be a rebate of duties on all dutiable articles brought into this country in American bottoms. I do not know what rate per cent. would be required, but if I to-day were voting for any subsidy system my mind would take that direction and make it free and equal to everybody. I cannot vote for this amendment.

Mr. President, I beg pardon of the Senate for detaining it as long as I have. I intended when I rose to say only one word.

Mr. MORGAN. Mr. President, I think it would be entirely fair, as the mover of this amendment—

Mr. CONKLING. As it is Saturday afternoon and well-nigh five o'clock, I ask the Senator from Alabama whether he will yield to a motion to adjourn?

Mr. MORGAN. I will in a very few moments, I will say to the Senator from New York.

It would be entirely fair, I was about to remark, as the mover of this proposition, that I should be allowed some latitude upon the merits of this proposition, which have been brought into this debate very much contrary to the views of the Senate under the fortieth rule, because as I understand it the Chair has not yet decided, but Senators have taken the liberty to express a very wide and reverential loyalty to the rules of the Senate. I prize that, particularly as our precedents, as was shown by the Senator from Kansas this morning, are revolutionized whenever the judgment of the Senate changes upon a particular proposition, especially under the rules relating to the bringing in of amendments to appropriation bills. You can find almost any kind of decision by the Senate upon those rules you choose to look for. The fact is that the Senate in ruling matters in order or out of order upon appropriation bills under the two rules which have been quoted here is frequently moved, as has been confessed by Senators on the floor this afternoon, by the consideration that it bestows upon the amendment itself and not upon the question of order that is involved in it. Whenever the Senate has seen proper to introduce a subject into an appropriation bill, it has always found a reason for doing so; and in truth no one decision made by the Senate is a precedent for another unless the cases are precisely alike.

The case that is now presented is not like any that has heretofore been presented. I desire to state to the Senate substantially the grounds upon which I think this amendment is in order, and then I shall have said on this subject all I desire to say at this time.

On page 8, line 184, under the head of "Office of Superintendent of Foreign Mails," the Committee on Appropriations, following what the House had done, appropriated "for transportation of foreign mails, \$225,000," without saying anything as to how they shall be transported, or in what kind of ships. When we turn to the statutes on that subject we find that the Postmaster-General has a right to contract with ships built in America, or to contract with ships built abroad, for the expenditure of that sum of money; so that we have both classes already in the provisions of the law; and the money is appropriated out of the Treasury to pay the expenses of transporting foreign mails to be carried in American-built ships or in foreign-built ships, as the Postmaster-General may see proper. This amendment adds to that sum \$1,000,000, and that is the whole effect of it; so that the appropriation stands on the statutes at \$1,225,000 for carrying foreign mails, with this addition:

For additional postal service to foreign countries, \$1,000,000, to be expended, &c.

The additional postal service is not provided for under the laws of the United States in reference to the manner in which it shall be expended. Therefore it is proper when we vote the money for that additional service that we should indicate the channels through which that money is to be used; and inasmuch as the existing laws authorize the Postmaster-General to contract with foreign-built ships and also with American-built ships for the transportation of these mails, there can be no violation of the rules of the Senate and no repeal of

the statutes by saying to what particular classes of ships this particular appropriation of a million dollars shall be applied. Nor can there be any violation of law or repeal or alteration of law by saying that the vessels which are employed, as the Senator from Texas so well remarked, to carry these mails back and forth, shall be entitled to the privileges of American-built ships; that is, to wear our flag and to have an American register while they are engaged in the service, not permanently, but while they are thus employed.

It would be a strange thing if the Postmaster-General under existing laws can employ foreign-built ships to carry the mails of the United States, and if the Senate of the United States in increasing the appropriation has no right to say that those vessels shall be accepted in this country for registration as if they had been built in this country. Senators talk about consistency as if they felt that they were really very consistent; but there is no consistency in action of this kind.

Some remarks have been made about the doctrine of subsidy contained in this amendment. If you leave it to stand where it is as offered by the committee, Senators claim that it is a subsidy. If you put my amendment upon it, then you say it is not quite so much of a subsidy, but yet some argue that it is a subsidy even after that is put upon it. Let us see what Senators who have been so anxious about subsidies have done on this very bill, and let us see what democrats in the House and in the Senate, who as yet have a majority of both bodies, have done in reference to the matter of voting subsidies to foreign ships and foreign countries. I will read a proviso in the appropriation bill which follows the appropriation I have just read:

Provided, That the Postmaster-General is authorized to pay to the colonies of New Zealand and New South Wales so much of the cost of the overland transportation of the British closed mails to and from Australia as he may deem just, not to exceed one-half of said cost; and the sum of \$40,000 is hereby appropriated for that purpose.

What is that? The two colonies of New Zealand and New South Wales have made by colonial legislation a subsidy of \$450,000 per annum to two lines of steamships sailing between those colonies and San Francisco. One of the lines is an American-owned line, and the other is a British line. The American mails are carried upon these steamships, and we pay the sea postage under this very appropriation to those ships for carrying that mail. In addition thereto we subsidize them to the extent of paying one-half of the cost of the transportation of the British mails clear across this continent upon our railroads, in order that we may compensate the British Government for having extended to them such a large amount of subsidy.

Something has been said about John Roach and Brazil. John Roach did receive a subsidy from Brazil, and the Brazilian Government made it a condition of that subsidy that the American Government should pay an equal sum—\$100,000 I think it was. We refused to do that upon the ground that we were subsidizing John Roach, an American ship-builder. What have we done in this bill except to subsidize a British line to convey the mails from New Zealand and New South Wales to San Francisco by paying half the expenses of the transportation of the British closed mails across this continent?

Mr. WALLACE. It is not a British, but an American line.

Mr. MORGAN. That makes it only so much the worse. We are subsidizing an American line, then, that carries the British mails.

Mr. WALLACE. We are not subsidizing them; we simply give them the mails to carry.

Mr. MORGAN. We give them the sea postage for the transportation of these mails, and this bill provides for that. In addition to that, we give \$45,000 for the transportation of those mails closed across this continent in order to give them that advantage. It cannot be that that is a special subsidy. It is nothing but a subsidy, and Senators who put that on the bill and recommend it here rise on this floor and inveigh against an amendment which does contain no feature of a subsidy, but leaves these mail contracts open to competition in bidding just as much as the star-route contracts are left open to all American citizens. We confine what we are doing to American citizens as contractors, but we say they ought to have the right to buy their ships wherever they can buy them for this particular purpose, and after they have been bought for this particular purpose and while they are employed in this particular service they ought to have the liberties, rights, and privileges of American-built ships.

I beg pardon on my part for having violated this fortieth rule. I really feel that I am loyal to the rules of the Senate, and I try to obey them as I go along usually; but older Senators than I am, who have been here much longer, have taken the liberty this afternoon of discussing this question out of order.

Mr. BURNSIDE. I move that the Senate adjourn.

Mr. WALLACE. I trust the Senator will not press that motion now.

Mr. KIRKWOOD. I hope not. We want to get more work done yet to-day.

Mr. BURNSIDE. We have been here a long time, and the Senate is not in a condition to go on further to-day. I insist on my motion.

Mr. WALLACE. I hope the Senator will allow me to make a statement.

Mr. BURNSIDE. I withdraw the motion to allow the Senator to make a statement, if he will renew it.

The PRESIDING OFFICER. The Senator from Rhode Island withdraws the motion.

Mr. WALLACE. I am only anxious that the Senate should dispose of the question of order to-day. We can do it by a vote immediately, and the main question as to whether this proposition shall go upon the bill I am content shall go over until Monday, and we can dispose of the question on Monday.

Mr. ALLISON. Sitting it out.

Mr. WALLACE. Sitting it out Monday if it takes a night session.

Mr. KIRKWOOD. Can we not fix some time Monday at which we shall get through with this bill and get to other things which are pressing upon the attention of the Senate?

Mr. WALLACE. It is very difficult to get an understanding of that kind in the Senate; but I desire to give notice that I shall ask the Senate to finish the bill on Monday. I hope we shall have a vote on the question of order now.

The PRESIDING OFFICER. The question before the Senate is, is the amendment of the Senator from Alabama [Mr. MORGAN] in order?

Mr. BUTLER. Let it be reported.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. It is proposed to add at the end of the amendment proposed by the Committee on Post-Offices and Post-Roads:

When vessels built in other countries are so accepted and employed, the same shall be entitled to all the rights and privileges secured by law to vessels built in the United States of America, except the privilege of engaging in the coastwise trade.

Mr. MORRILL. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, to lay the amendment just reported on the table.

Mr. CONKLING. Does that carry the original amendment with it?

Mr. WALLACE. Let us understand what the effect of the motion is.

The PRESIDING OFFICER. The present occupant of the chair would hold that under the rules of the Senate, it would carry the amendment of the Senator from Texas, which has been ruled in order. It would not affect the bill. The question is on the motion made by the Senator from Vermont to lay the amendment on the table.

The question being put, there were on a division—ayes 15, noes 21; no quorum voting.

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

Mr. TELLER. I will vote "no" to make a quorum. I am paired but will vote the same way as my pair.

The PRESIDING OFFICER. The Senator from Tennessee asks for the yeas and nays.

Mr. CONKLING. Pending that call I move that the Senate adjourn.

The question being put, there were on a division—ayes 12, noes 34.

The PRESIDING OFFICER. The Senate refuses to adjourn, and the question recurs on the motion of the Senator from Vermont to lay the amendment on the table.

Mr. WALLACE. I call for another vote by a division on that question.

Mr. BUTLER. I simply desire to say that if the yeas and nays are called on the motion to amend made by the Senator from Alabama, I shall vote that the amendment is not in order. I desire, however, to say that I am in entire accord with the principle of that amendment, and if my friend from Alabama will bring it in as a separate proposition I shall vote for it with a great deal of pleasure. But I do not believe it is in order, and therefore shall vote that it is not in order.

Mr. BURNSIDE. I suggest to the Senator from Pennsylvania that after the pairs are taken out there is no quorum present, and I ask that he allow the bill to go over until Monday.

Mr. KIRKWOOD. Cannot we have an understanding that we shall have it ended some time on Monday?

Mr. BURNSIDE. I am ready for that, but there is no quorum present after the pairs are taken out.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, to table the amendment, upon which the Senator from Tennessee has called for the yeas and nays.

Mr. HARRIS. I have no objection to a division if there is a quorum present. I will withdraw the demand for the yeas and nays.

The PRESIDING OFFICER. The Chair will put the question again and take another count by a division.

Mr. McDONALD. I should like to understand the force of that vote. Would it carry with it the amendment offered by the Senator from Texas himself?

The PRESIDING OFFICER. The ruling of the present occupant of the chair is that tabling this amendment tables the amendment of the Senator from Texas. The question is on the motion of the Senator from Vermont, to table the amendment of the Senator from Alabama.

Mr. BECK. Before that vote—

The PRESIDING OFFICER. Debate can only proceed by consent, the motion being to lay on the table.

Mr. BECK. I only desire to state I am not at liberty to vote at all, being paired. I am paired with the Senator from Maine [Mr. BLAINE] and cannot vote at all.

The PRESIDING OFFICER. The question is on the motion to lay the amendment on the table.

The question being put, there were on a division—ayes 17, noes 21; no quorum voting.

Mr. TELLER and others. Let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, to lay on the table the amendment of the Senator from Alabama.

Mr. COCKRELL. I did not vote upon the last question because I was paired with the Senator from Kansas, [Mr. PLUMB,] at the instance of the Senator from Maine, [Mr. HAMLIN.] I am also paired upon this question which is now about to be submitted to the Senate, and I shall not vote. If the Senator from Kansas were here, he would vote, I presume, as I am informed by the Senator from Maine, "nay" and I should vote "yea."

Mr. INGALLS. Did not the last vote disclose the want of a quorum?

The PRESIDING OFFICER. The last vote did.

Mr. INGALLS. And can the yeas and nays be ordered when there is no quorum present?

The PRESIDING OFFICER. It was being done by unanimous consent. If the Senator from Kansas objects it cannot proceed.

Mr. CONKLING. To what has unanimous consent been given?

The PRESIDING OFFICER. The Chair thinks unanimous consent was given to the ordering of the yeas and nays upon the motion to lay upon the table.

Mr. CONKLING. My consent was not given, and I was here. I demand the regular order.

The PRESIDING OFFICER. The Secretary will proceed to call the roll to ascertain whether there is a quorum present.

The Secretary proceeded to call the roll.

Mr. WHYTE, (when his name was called.) I have been paired with the Senator from Michigan, [Mr. FERRY,] but with the understanding that I should vote if there was not a quorum at any time.

Mr. BURNSIDE. I see by the roll-call that there are just forty Senators here. Taking out the pairs, it is manifest that there is no quorum present, and I think it would be wise to adjourn.

The PRESIDING OFFICER. The roll-call discloses forty-six Senators present.

Mr. WALLACE. With the understanding that immediately after the disposition of the routine morning business—not after the close of the morning hour—on Monday I shall ask the Senate to take up and finish the bill before the Senate adjourns on Monday, I move that the Senate do now adjourn.

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

HOUSE OF REPRESENTATIVES.

SATURDAY, February 12, 1881.

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

The Journal of yesterday was read and approved.

TAX ON WEISS BEER.

Mr. CARLISLE, by unanimous consent, from the Committee on Ways and Means, reported back, with an amendment, House bill No. 6383, to regulate the collection of the tax on weiss beer; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. KING. I rise to a privileged report.

Mr. TUCKER. I have a report to make from the Committee on Ways and Means.

The SPEAKER. The Chair will endeavor to recognize gentlemen in the order of their committees. The Chair will recognize the gentleman from Virginia, [Mr. TUCKER.]

ALL SOULS CHURCH, WASHINGTON.

Mr. TUCKER, from the Committee on Ways and Means, reported back, with a favorable recommendation, the joint resolution (H. R. No. 349) authorizing the remission or refunding the duty on a painted glass window from London, England, for All Souls church, in Washington; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

EXPORT TAX ON TOBACCO, ETC.

Mr. TUCKER, from the same committee, also, by unanimous consent, reported, as a substitute for House bill No. 6592, a bill (H. R. No. 7161) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco, &c.; 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.

ORDER OF BUSINESS.

Mr. KING. I desire to make a privileged report.

Mr. PAGE. I call for the regular order.

Mr. WARNER. I call for the regular order. Let us have a morning hour in which these reports can be made.

Mr. ATKINS. If the regular order is demanded, I will move to dispense with the morning hour.

Mr. CLYMER. I desire to report from the Committee on Appropriations the Army appropriation bill with the Senate amendments thereto.

The SPEAKER. The Chair thinks that unanimous consent should be given for that purpose.

Mr. ATKINS. Does it require unanimous consent?

The SPEAKER. The Chair hardly thinks that it does.

Mr. CONGER. If it is a privileged report, then it can come in at a time when other business is not so pressing.

The SPEAKER. The object of the Chair is to facilitate the transaction of the most important business by the House, and if forced to do so the Chair would recognize the gentleman from Pennsylvania [Mr. CLYMER] as entitled at this time to make the report as a privileged report.

Mr. ATKINS. There will be no objection, I suppose.

ARMY APPROPRIATION BILL.

Mr. CLYMER, from the Committee on Appropriations, reported back, with the Senate amendments thereto, the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes.

The Committee on Appropriations recommend concurrence in amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 16, and 17.

The committee recommend non-concurrence in the amendments of the Senate numbered 1, 11, 12, and 15.

The committee recommend that Senate amendment number 2 be concurred in with an amendment; to strike out the last four words, "and length of service."

Mr. CLYMER. I desire to explain briefly to the House wherein the Committee on Appropriations recommend concurrence and wherein they recommend non-concurrence with the Senate amendments, and the reasons therefor.

The first amendment of the Senate in which concurrence is recommended is the amendment numbered 3. It is a mere transfer of a provision in the bill as it passed the House from one portion of the bill to another.

The next amendment in which concurrence is recommended is amendment No. 4, in lines 59 and 60 of the printed bill. As the bill passed the House it provided for one retired ordnance sergeant. Since the bill passed the House it has been ascertained that there are two retired ordnance sergeants, and the Senate amendment is to provide for two retired ordnance sergeants, instead of one.

Amendment No. 5 of the Senate is merely a verbal amendment. Amendment 6 of the Senate relates to the transfer of a provision of the bill from one portion to another. It is the transfer of the following provision to a preceding portion of the bill:

And for payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1882, in excess of the numbers for each class provided for in this act.

The next amendment in which concurrence is recommended is amendment No. 7, commencing in line 83 of the bill. It is to insert a provision allowing to the Lieutenant-General of the Army \$100 per month for commutation of quarters.

The next amendment in which concurrence is recommended is amendment No. 8, in line 123 of the printed bill, to insert the words "and lights" before the words "for offices," &c. It is in the portion of the bill making appropriation for quartermaster supplies, and is intended to provide lights for offices, enlisted men, hospitals, &c.

The next amendment of the Senate in which concurrence is recommended is an amendment numbered 9, in line 136 of the printed bill, increasing the appropriation for the regular supplies of the Quartermaster's Department from \$3,250,000 to \$3,500,000. It is an increase of the appropriation by \$250,000. It is made by the Senate for this reason: When the bill passed the House it contained a reappropriation of the amount of \$564,714.25. The Senate disagreed with the House in making that reappropriation and determined that it was better to allow the law to stand as it is, and to appropriate directly what was needed instead of reappropriating any unexpended balance, so that the unexpended balances in the Quartermaster's and other departments of the Army shall be covered into the Treasury at the end of two years, according to the law as it now stands.

While the Committee on Appropriations of the House, when they prepared this bill, thought it would be well, as there were large amounts which had been appropriated in former years for the Quartermaster's Department still unexpended, to reappropriate a portion of that money, still that committee does not deem it expedient to differ with the Senate in regard to this question of reappropriations, especially as the Senate Committee on Appropriations seemed to be unanimously of the opinion that instead of making any reappropriation we had better make direct appropriations. The House committee therefore recommend concurrence in that amendment of the Senate.

The next amendment of the Senate in which concurrence is recommended is amendment No. 10, commencing in line 138 of the printed bill. It is to insert the following:

Provided, That there shall be no discrimination in the issue of forage against officers serving east of the Mississippi River, provided they are required by law to be mounted, and actually keep and own their animals.

In 1879, in the Army appropriation bill of that year, it was provided that forage should not be allowed to officers serving east of the Mississippi River. Complaint was made that great injustice was done by that provision of the Army appropriation bill of 1879. The Senate Committee on Appropriations unanimously hold that there was no well founded reason why officers serving east of the Mississippi River should not receive forage while those serving west of the Mississippi River should receive it. There seemed to be no reason why an officer of the Army serving in Saint Louis should receive forage while an officer serving on the opposite bank of the Mississippi should not receive it. It was deemed a merely arbitrary line for which no good reason could be given. After full consideration of the subject, the House Committee on Appropriations felt that justice required us to accede to this proposition. The provision is guarded as well as we could guard it. I will read the provision which the Senate attached:

Provided, That there shall be no discrimination in the issue of forage against officers serving east of the Mississippi River, provided they are required by law to be mounted, and actually keep and own their animals.

We do not see why officers who are required to keep horses, and who actually do own them and pay for their feed, should receive no allowance for such expenses while serving east of the Mississippi, although officers serving west of the Mississippi receive such allowance under precisely similar circumstances. This consideration has commended itself to our sense of justice; and therefore we have recommended concurrence in the amendment.

Mr. DUNNELL. How long has this discrimination existed?

Mr. CLYMER. Since 1879. It has created great dissatisfaction, causing a feeling that gross injustice was done to officers serving east of the Mississippi River.

The thirteenth amendment (in which the Committee on Appropriations recommend concurrence) increases the appropriation for clothing \$100,000. This comes under the same considerations as the amendment increasing by \$250,000 the appropriation for Quartermaster's supplies.

The fourteenth amendment strikes out in lines 227 to 234 the provision as passed by the House for the reappropriation of unexpended balances. In this, as I have already stated, we recommend concurrence.

The fifteenth amendment (in which we recommend non-concurrence) provides that \$50,000 may be used, under the direction of the Secretary of War, for the manufacture or purchase of magazine guns.

The sixteenth and seventeenth amendments, in lines 301 to 302, are merely verbal.

We have recommended non-concurrence in the first amendment, increasing from \$75,000 to \$97,000 the appropriation for expenses of recruiting and transportation of recruits. We have made this recommendation for the purpose of being able to confer with the Senate committee as to the necessity there may be for this increase. This is a mere matter of precaution, which we deem proper on the part of the House.

The amendment numbered 11 is with reference to the provision in lines 200 to 202 on the subject of land-grant railroads. The provision as passed by the House was submitted by the Quartermaster-General of the Army, and we deemed it a proper one. The Senate has inserted an amendment as to the propriety of which the House Committee on Appropriations were not determined. We felt it to be the safer course to non-concur, so that in conference with the Senate committee, and upon consultation with the Quartermaster-General and the Auditor of Railroads, we may agree upon some provision which shall absolutely protect the rights of the Government under any circumstances. The twelfth amendment of the Senate adds at the end of line 210 a provision with reference to this same subject of land-grant railroads, and we have recommended non-concurrence for the same reason.

The second amendment is to insert after the word "pay," in line 48, this provision:

And the actual time of service in the Army or Navy, or both, shall be allowed all officers in computing their pay and length of service.

We deemed it entirely equitable that the actual time served by an officer in the Army or Navy should be allowed in computing his pay; but it was not deemed wise that this should in every case be counted in determining length of service, as it might create great confusion and give rank which would not be right. The committee did not deem it just that service at the Naval Academy or at West Point should be counted in giving rank. Therefore we recommend that the House concur in this amendment, with an amendment striking out the words "and length of service."

Now, Mr. Speaker, I ask for a vote on the amendments.

Mr. VALENTINE. What is the recommendation of the committee with reference to the amendment referred to in regard to computing length of service?

Mr. CLYMER. We recommend the striking out of the words "and length of service," because otherwise the provision would change, as we think improperly, the relative rank of officers.

Mr. VALENTINE. I think the Senate is right on that point; and I want to vote that way.

Mr. HAWLEY. I believe the gentleman, if he considers the question, will find that he is mistaken. Suppose two young men are commissioned as first lieutenants on the same day—one of them appointed from civil life and the other coming from West Point. We do not

think it proper that in such case the young man appointed from West Point should have four years' advantage by reason of his service at the Military Academy.

Mr. CLYMER. It would work great inequality, which we think was not intended by the Senate. To prevent misconstruction we have recommended an amendment striking out the words "and length of service."

The Senate amendments in which concurrence was recommended were concurred in; those in which non-concurrence was recommended were non-concurred in; and the amendment of the Senate to which an amendment was reported from the Committee on Appropriations was concurred in as amended.

PERSONAL EXPLANATION.

Mr. ANDERSON. I rise, Mr. Speaker, to a question of personal privilege. Yesterday when the bill authorizing the erection of a public building at Leavenworth, Kansas, was under consideration, the following proceedings occurred:

The State of Kansas having been called,
Mr. ANDERSON said: I call up the bill (H. R. No. 6013) for a public building at Leavenworth, Kansas, reported by the Committee on Public Buildings and Grounds, and referred to the Committee of the Whole House on the state of the Union.

Mr. Speaker, is it in order to make a statement before objection is called for?
The SPEAKER. The Chair thinks not. The rule provides the objections shall be in order after the reading of the bill.

Mr. ANDERSON. Is it in order to call for the reading of the report before objections are called for?

The SPEAKER. The Chair thinks not.
The bill was read.

The SPEAKER. The Chair desires to state in connection with this bill that heretofore by consent the House adopted an arrangement by which bills for public buildings should be taken up in their order on the Calendar. But the rule recently adopted, the Chair thinks, destroys that arrangement to the extent of allowing a member in this hour to call up such a bill. The positive rule operates as against the understanding. Is there objection to the consideration of this bill?
[After a pause.] Six gentlemen rising object to the consideration of this bill.

Mr. ANDERSON. I make the point that two gentlemen were counted who were not rising to object. I will state there is no public building in that State now.

The SPEAKER. The gentlemen who rise to object are the gentleman from Ohio, [Mr. WARNER,] the gentleman from Wisconsin, [Mr. BRAGG,] the gentleman from Alabama, [Mr. SAMFORD,] the gentleman from Wisconsin, [Mr. BOUCK,] the gentleman from Tennessee, [Mr. SIMONSON,] and the gentleman from Pennsylvania, [Mr. CLYMER]—six. The Chair is correct.

Mr. ANDERSON. All right. I have got the names, which is what I wanted.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, nobody can hear what is going on in the Hall.

The SPEAKER. It is because members will not preserve order. The Sergeant-at-Arms will request members to resume their seats and preserve order.

Mr. ANDERSON. The new rule provides that a bill shall be considered unless five members rise in their seats to object. Yesterday upon the announcement by the Chair that the requisite number of gentlemen had objected, I asked for a recount by making the point that two gentlemen were counted who were not rising to object. Some time afterward I was surprised at the intimation by a gentleman that this request for a recount was being construed on the floor as a reflection by me upon the personal veracity or fairness of the Speaker, in which view I found that gentleman to concur; and upon examining the RECORD there is foundation for such construction.

Now, Mr. Speaker, I have too much respect for you personally, and too square an opinion of the non-partisan fairness which characterizes your rulings in the chair, to be capable of intentionally laying a foundation for any such reflection; and I have altogether too much respect for my own sense of justice to permit an injustice done by me to anybody to remain uncorrected. So far from having any desire to question your count or to place the Chair in an unpleasant light, the thought never even entered my mind that I was so doing. If it had, I would not have made the point. And on reading my language I find that it may convey an impression wholly different from the only one which I designed to convey.

This new rule is so new, and the constructions placed upon it are so various, that none of us exactly know just what is proper and what is not. I believed yesterday that I had an undoubted right to ask for a recount, and that the exercise of this right could in no proper way be construed as an imputation upon either the accuracy or impartiality of the Chair. And that is precisely my belief to-day after an examination of the matter.

Take the instance of a *viva voce* vote and of the demand for a division, does anybody construe such a demand by a member as a reflection upon the Chair? Or take the instance, exactly analogous to the case in point, where, after a rising vote, and after the Chair has counted members standing in their places, tellers are demanded; is such a demand construed as an imputation upon the Chair? Most certainly not. And after a division by tellers nothing is more common than a call for yeas and nays; but nobody ever supposed that the object in calling for yeas and nays is that of reflecting on either the honor or the fidelity of the tellers. These several demands are made from wholly different motives and to effect wholly different objects, such as gaining time to explain a subject to members, or for the purpose of seeing how they vote, or to put them on record. It was from such motives, and not at all with the purpose of questioning the fidelity of the Speaker's count, that I asked for a recount.

It often happens in a rising vote that members are standing who do not know what question is pending or that a vote is being taken,

and who therefore certainly cannot intend to vote; yet the Chair is compelled to count them.

Now, yesterday I noticed gentlemen over the way standing, but in earnest conversation, one of whom I thought to be the gentleman from Ohio, [Mr. WARNER,] and whom, of course, the Speaker was bound to count. One purpose I had in asking for a recount was to avail myself of the hope that my friend from Ohio was expounding his views on the silver question and was not opposed to allowing the House the simple chance of voting one way or the other on a bill authorizing the erection of a public building in the largest city in a State having a million of people. But, unfortunately for me, my esteemed friend had not gotten started on finances so early in the day. I express my sincere regret that he had not.

Another purpose I had in requesting a recount was because, owing to the rapidity of the proceeding, I had not seen all of the gentlemen who objected, and I wanted to know who they were, as a matter of curiosity and as reliable data for a careful study of human nature. The science of psychology is as interesting as it is exhaustless; and there are some data to be obtained on this floor respecting those forces which shape the actions of men that are rarely met elsewhere. I am fond of that science, and pounced upon the opportunity of yesterday just as an entomologist does on a new bug. And I am glad that the data has been preserved—preserved in the RECORD—though at the time I only wished personal information.

The reason for that, Mr. Speaker, was this: there is no district in the Union more vigorously republican than the one for which I appear; nor is there any republican on this floor who is more sincerely stalwart than am I. All of the gentlemen who objected were democrats. One was from Alabama, one from Tennessee, two from Wisconsin, one from Ohio, one from Pennsylvania, and one from New York.

Mr. BRAGG. Mr. Speaker, I rise to a question of order. Is it permissible under the rules, when a gentleman rises to make an apology to the Chair, to conclude his remarks by making attacks on other members of the House?

Mr. ANDERSON. I have not concluded my personal explanation, and am exactly in the line of it. I am showing why I did not intend to say what it was supposed I had said.

The SPEAKER. The gentleman will confine himself to his personal explanation.

Mr. ANDERSON. I am doing that just exactly.

The SPEAKER. The gentleman from Wisconsin is making the point it is not a part of a personal explanation to attack other members.

Mr. ANDERSON. I am not attacking anybody.

The SPEAKER. In their representative capacity.

Mr. ANDERSON. I am not attacking them.

The SPEAKER. The Chair thinks the point well taken.

Mr. ANDERSON. I am not attacking them. I am simply stating a fact. [Laughter.]

Now, Mr. Speaker, two years ago, out of the thirty-one counties then voting in my district, there was only one of them in which the democrats had a majority, and that one was the identical county in which this building was to be erected.

Mr. HOUSE. I do not think the speech the gentleman is now making is connected in any respect with what may be deemed properly to be a personal explanation. He is discussing the question of the political complexion of his district. We have no time to spend on that, and I object to his proceeding in that line.

The SPEAKER. The gentleman will confine himself to the question of personal privilege.

Mr. ANDERSON. I am; and I submit I am in order, Mr. Speaker. I frankly believe that or I would not do it.

The SPEAKER. The Chair has no doubt the gentleman believes it, and yet it is not in order under the unanimous consent granted.

Mr. ANDERSON. I do not understand it is by unanimous consent. I understand I have the right to this explanation.

The SPEAKER. It would require unanimous consent if the gentleman were to speak outside of the personal matter complained of.

Mr. ANDERSON. I am not speaking outside of it. I know what I am going to say, and these gentlemen do not. [Laughter.]

The democratic vote in the city of Leavenworth gave my opponent a majority of 29.

Mr. BRAGG. I insist the gentleman is not in order.

Mr. YOUNG, of Tennessee. I hope the gentleman will be permitted to go on as I wish to reply to him. I have a grievance myself.

Mr. CAMP. Let the gentleman from Kansas finish his remarks.

Mr. SIMONSON. I am one of the gentlemen alluded to as objecting yesterday. I feel no sensitiveness at all, and I desire the gentleman should proceed. I wish merely to say I did not object to his bill because he was a republican, but was actuated by motives arising from my duty as a Representative upon this floor.

Mr. ANDERSON. Nor do I make this personal explanation for the reason that gentlemen fear I am making it. I want to plead with them. [Cries of "Go on."]

Mr. BRAGG. It is on that point I make my point of order. The gentleman had permission to rise to a question of personal privilege, which was to explain the action of yesterday. Now he announces his purpose in continuing his remarks to plead with us to procure the passage of the bill. He has confessed himself this is not a question of personal privilege, and is now arguing in favor of the bill.

The SPEAKER. The Chair would like to hear the gentleman from Kansas; but the point of order having been made, the Chair holds that he must confine himself to the point of order.

Mr. ANDERSON. I am confining myself to the point of order, and I have been doing it all along.

And that city of Leavenworth is the one which the democratic gentlemen punished yesterday. It is true that a majority of twenty-nine is not very much; but when it is cast by the only county in a district four hundred and twenty-five miles long, that county ought to be encouraged.

Mr. BRAGG. I insist, Mr. Speaker, upon the point of order which I have made.

The SPEAKER. The Chair must rule that anything that does not relate to the question of privilege directly involved is out of order.

Mr. ANDERSON. Well, I will ask consent to print two pages, as gentlemen object so much.

Mr. FINLEY. I object.

Mr. ANDERSON. All right, then, I will read them.

Mr. BRAGG. But I insist on the point of order that the gentleman has no right to go beyond a question of privilege.

The SPEAKER. The gentleman from Wisconsin insists upon the point of order. The Chair is bound to rule that the gentleman from Kansas confine himself directly to the question.

Mr. ANDERSON. I have but a few more words to add. I was about to say that they will feel toward you as Caesar did toward Brutus, and they will use strong adjectives. Would it not be better for the democratic majority of this House, in the few remaining hours of its life, to pass this bill as a mere matter of party gratitude, if not as an act of fairness to a million of people in whose State but one other building is authorized, and it has not been erected—

Mr. BRAGG. I must insist on the point of order.

The SPEAKER. The gentleman will confine himself to the question of privilege.

Mr. ANDERSON. Very well, then, I will come at once to the point, as I have no desire to complicate the Chair.

If I was unfortunate in using language capable of a construction which was not intended, it may be that the democrats were far more unfortunate in punishing their own friends, even though Kansas is a gloriously republican State.

After this statement, the House will see that I had no intention whatever of questioning the rectitude and fair play of the Chair; and I assure you, Mr. Speaker, that nothing could be more foreign to my own feelings and convictions.

The SPEAKER. The Chair is very much obliged to the gentleman from Kansas, and entirely satisfied with his statement.

REPORTS FROM COMMITTEE ON INTEROCEANIC SHIP-CANAL.

Mr. KING. I desire, Mr. Speaker, to make some privileged reports from the Committee on Inter-oceanic Ship Canal.

Mr. VALENTINE. I demand the regular order.

The SPEAKER. This is the regular order.

The Clerk will report the title of the bills reported from the Committee on Inter-oceanic Ship Canal.

The Clerk read as follows:

A bill (H. R. No. 6609) to incorporate the Maritime Canal Company of Nicaragua.

The SPEAKER. The bill is reported favorably from the Committee on Inter-oceanic Ship-Canal, and will be referred to the House Calendar and the accompanying report printed.

Mr. KING. There is also another bill reported from the committee.

The Clerk read as follows:

A bill to incorporate the Inter-oceanic Ship-Railway Company, and for other purposes.

Mr. PAGE. I object to the reception of that report. I do not object to the first, but to the second.

Mr. WARNER. I demand the regular order.

The SPEAKER. This is the regular order.

Mr. ATKINS. The gentleman from Ohio objects to the reception of any of these reports, as I understand.

Mr. WARNER. We always get along better when we follow the regular order of business in the House. I therefore demand the regular order.

The SPEAKER. This is a privileged report. The Chair understands this is a bill in reference to a railway—

Mr. PAGE. I do not object to the first, but to the second bill presented.

Mr. KING. On what ground does the gentleman object? This is a privileged report.

Mr. ATKINS. The gentleman from Ohio objects to all of them.

Mr. WARNER. If this is in pursuance of the regular order of business of the House I do not object, but under any other circumstances I do object.

The SPEAKER. The gentleman from Louisiana claims the right to report as a question of privilege. The Chair will cause to be read the authority given to that committee by the House.

The Clerk read as follows:

Resolved, That a select committee of eleven members be appointed, whose duty it shall be to examine into the subject of the selection of a suitable route for the construction of an interoceanic ship-canal across the American Isthmus; that all petitions, memorials, resolutions, bills, and reports on such canal or other mode of facilitating communication between the Atlantic and Pacific Oceans be referred

to that committee; and that they have authority to report to the House at any time such legislation as may be best adapted to secure such communication between said oceans.

Mr. KING. Now, what point does the gentleman from California make against that?

Mr. PAGE. The point that I make is that this is not a report coming from a majority of the Committee on Inter-oceanic Ship-Canal.

Mr. KING. The gentleman has no right to question that. I do not know how the gentleman can make that statement.

The SPEAKER. The gentleman from California will state his point of order.

Mr. PAGE. My point of order is that the bill or substitute purporting to be a report from that committee in reference to the Eads interoceanic ship-canal was never adopted, as the record will show, by a majority of the committee.

Mr. KING. What record?

Mr. PAGE. And I call for the reading of the report of the committee to see if it is signed by a majority of the members.

Mr. KING. That is entirely out of order.

The SPEAKER. That is unusual.

Mr. PAGE. I ask for the reading of the report.

The SPEAKER. The Chair will cause to be read a ruling which covers this ground.

The Clerk read as follows:

If it is disputed that a report has been ordered to be made by a committee the question of receiving must be put to the House.—*Journal*, second session Twenty-seventh Congress, page 1410.

Mr. WARNER. Does the Chair rule that this is a privileged report?

The SPEAKER. The Chair goes by the authority which the House gave to the committee, which has been read. That order gives this committee the right to report at any time touching a ship-canal across the Isthmus, and the right to report at any time carries with it the right to consider, but of course the right to consider subject to the rules.

Mr. VALENTINE. But this refers to a ship railway, as I understand.

Mr. CONGER. It refers to a ship-canal or other means of communication. I ask for the reading of the order.

The SPEAKER. The Chair will cause it to be again read.

The order creating the committee was again read.

The SPEAKER. Under the authority given the Chair has recognized the gentleman from Louisiana. The point made by the gentleman from California now is that this is not a report from the committee, and under the practice of the House the Chair will submit the question to the House.

Mr. CONGER. I ask that the name of the chairman of that committee be announced to the House.

The SPEAKER. Mr. KING, of Louisiana, is the chairman of the committee.

Mr. CONGER. And that is the gentleman who proposes to report the bill. I do not see how his right can be questioned if he is chairman of that committee.

Mr. REAGAN. The point of order was that this was not the report of the majority of the committee. It is not necessary it should be the report of a majority of the committee. It is the report of a majority of a quorum.

The SPEAKER. The Chair is not to judge as to whether a report is the report of a committee. That belongs to the committee. But the members of the committee having raised the issue, the question as to the reception of the report must be determined by the House.

Mr. KING. I state this is the report of that committee.

Mr. ATKINS. I ask the gentleman to state if it is the report of a majority of a quorum.

Mr. KING. The report is made under the authority and by the order of a majority of a quorum of the committee.

Mr. ATKINS. Then there is a direct issue between the gentlemen.

Mr. PAGE. I desire to say to the gentleman from Tennessee that five members of the committee voted for and five against reporting the bill.

Mr. SINGLETON, of Illinois. I call the gentleman to order. I say no gentleman, a member of a committee, has a right to refer to what has taken place in that committee until the report is received and before the House.

The SPEAKER. The report has been received.

Mr. SINGLETON, of Illinois. To make such a reference is against parliamentary practice everywhere.

The SPEAKER. The report has been received.

Mr. COX. I desire to inquire of the Chair what is the pending proposition?

The SPEAKER. The point of order is made by the gentleman from California [Mr. PAGE] that this is not the report of a majority of the committee, and the Chair has caused to be read what has been the practice of the House in such cases.

Mr. KING. And as the chairman of the committee I state this is a report from the majority of a quorum of that committee and presented by their order.

The SPEAKER. The Chair has no knowledge other than what he hears in connection with the case. He recognized the chairman of the committee to make a report by virtue of the authority given by the resolution creating the committee; and the report was brought

to the desk and received, but is now questioned on a point of order, as has been stated.

Mr. SINGLETON, of Illinois. I wish to say one word on the point of order.

The SPEAKER. The Chair has recognized the gentleman from California, [Mr. PAGE.]

Mr. PAGE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. How can a report be objected to but by a member of the committee?

The SPEAKER. There is too much confusion prevailing. The House will come to order. Gentlemen will please take their seats.

Mr. KING. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KING. Is it competent for a member of this House to bring up and discuss on the floor of the House all that has occurred in a committee?

The SPEAKER. There have been cases where it has been questioned whether a report presented was the report of the committee.

Mr. KING. I have before me a precedent which I ask may be read to the House. I ask only for information on this point, whereby I may be guided. I should be glad to have the minutes of the committee on this entire point read to the House.

Mr. FRYE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FRYE. The chairman of the Committee on the Inter-oceanic Ship-Canal reported a bill to incorporate the Nicaragua Canal Company. That is now hanging in mid-air as I understand.

The SPEAKER. It is not. That was received without objection.

Mr. FRYE. Has it gone to the Calendar?

The SPEAKER. It has gone to the House Calendar.

Mr. FRYE. All right. I did not understand it had.

The SPEAKER. The Chair will cause to be read the decision to which the gentleman from Louisiana refers.

The Clerk read as follows:

It is not in order to allude on the floor to anything that has taken place in committee, unless by a written report sanctioned by a majority of the committee.—*Journal*, 1, 26, page 418; 1, 31, page 393.

Mr. KING. Upon that I caution the gentleman from California against endeavoring to bring before the House except upon that written report any statement of his own regarding transactions that may have occurred in that committee.

The SPEAKER. The very point here is whether this is a report from the committee. The gentleman from California rises to contend against that proposition.

Mr. KING. My statement, as the chairman of the committee, is that it is the report of the committee, and I would like to know from the Chair what more he would require as authority. The precedent cited seals my lips further as to transactions in the committee.

The SPEAKER. Under the authority of the decision read a few moments ago the question whether a report has been ordered to be made by a committee may be disputed.

Mr. PAGE. I understand I have been recognized.

Mr. HASKELL. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HASKELL. I think the gentleman from California will permit the interruption. If I understand the decision of the Chair it is when a report is objected to the House is called upon to decide whether or not it is to be considered. Am I correct in that?

The SPEAKER. The Chair will cause to be read in the hearing of the House the action of the House on a former occasion referred to in the decision which has already been read. That will be the shortest way.

The Clerk read as follows:

Mr. Gentry, from the Committee on the Public Lands, proposed to report a bill to repeal the proviso to the sixth section of the act entitled "An act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights," approved September 4, 1841.

When the bill was about to be handed in, Mr. Wise objected to its reception as a report of the committee, for reasons which he stated in writing, as follows:

"That a quorum of that committee was not present when the report was ordered to be made. The facts, as stated by three of the members of the committee, were that but five of the members of the committee were in the city; that these five members met in the committee-room on the morning of this day; that they discussed this report until after the meeting of the House; that, after the meeting of the House, and before any vote was put or taken in committee upon the bill, one of the members [Mr. Thompson of Mississippi] retired, to leave the committee without a quorum, because he could not obtain a postponement to a fuller meeting of the committee, and actually left the committee to consist of but four members; and, after his retiring, these four members decided to make this report, and accordingly have done so, to the House. Mr. Wise, on this statement of facts, submitted to the House, without disagreement, by Messrs. Gentry, Thompson, and Howard, of the committee, objected that this was no report, on the ground, first, that there was no quorum when the report was ordered by the four members of the committee only; and secondly, that the committee, even though there was a quorum present at the time of the decision to report, had no authority to sit during the session of the House without its special leave."

Mr. Howard stated "that before Mr. Thompson left the committee-room three of the five members present had given their opinions in favor of reporting the bill to the House, and two (one of whom was Mr. Thompson) against reporting it."

The Speaker stated that no question of order was involved; that the question shall the bill be received as the report of the committee? was for the House alone to decide; and as the reception of the bill was objected to, that question would be put to the House.

The question was then put, under the operation of the previous question, And passed in the affirmative—yeas 90, nays 78.

The SPEAKER. The Chair desires also to have read another decision on the same subject, by Mr. Speaker Banks.

Mr. KING. The case just read does not touch the question.

The SPEAKER. It does touch the question as to the reception of the report.

Mr. KING. It does not touch the point as to the reception of this report, which is made by the order of a majority of the committee when there was a quorum present, and which quorum voted.

Mr. SINGLETON, of Illinois. A majority of a quorum.

Mr. HASKELL. I rose to a parliamentary inquiry which I have not completed.

The SPEAKER. Will the gentleman from Kansas allow the Chair to have read an extract from the proceedings of the House on July 1, 1856?

Mr. HASKELL. Certainly.

The Clerk read as follows:

Mr. Howard, from the select committee, appointed under the resolutions of the House of the 19th of March last, to inquire into and collect evidence in regard to the troubles in Kansas, &c., submitted as a question of privilege a report in writing.

Mr. Houston made the point of order that inasmuch as it had been admitted that the paper presented had not been acted upon at a full meeting of the committee, it would not be received as the report of the committee.

The Speaker overruled the point of order on the ground that it was competent for a majority of the committee to act.

From this decision of the Chair Mr. Hendley S. Bennett appealed.

Pending which.

On motion of Mr. Lewis D. Campbell,

Ordered, That the said appeal be laid on the table.

Mr. PAGE. Mr. Speaker—

Mr. HASKELL. Now, if the gentleman from California will allow me to conclude my inquiry, it will aid him in the point of order he desires to make.

Mr. PAGE. Allow me to get through. I have not stated the reason why I objected. If the gentleman will allow me to do so, I will yield the floor to him for any parliamentary inquiry or anything else.

Now, Mr. Speaker, the only question of difference between the gentleman from Louisiana, [Mr. KING,] the chairman of the committee, and myself is this: if that is the report of the majority of the committee, he has the right to make it; but I am here as a member of that committee to deny that it is in my judgment a report of the majority of the committee.

The SPEAKER. The Chair is clear on the point that a majority of a quorum of the committee has the right to report a bill.

Mr. PAGE. I claim that on Saturday last—

Mr. SINGLETON, of Illinois. I call the gentleman to order.

Mr. PAGE. I hope the gentleman will allow me to proceed.

Mr. SINGLETON, of Illinois. I send to the desk the authority upon which I rely in making my point of order.

The SPEAKER. The gentleman from Illinois rises to a point of order, that the gentleman from California has no right to proceed.

Mr. SINGLETON, of Illinois. I do.

The SPEAKER. And the gentleman from Illinois in support of his point of order cites what will be read.

The Clerk read as follows:

When the report of a committee has been made, it is irregular, even though the report itself is under consideration, to allude to or introduce the committee or their proceedings in debate, except so far as they appear in the report itself, unless there is a motion made or to be made that the report be recommitted. The report of the committee appointed to inquire into the state of the impeachment against Governor Hastings having been brought up and read, and a motion made thereupon, one of the members of the committee proceeded to make some remarks upon the committee and its proceedings; but the speaker [Mr. Addington] called him to order, and informed him that he could not regularly state to the house anything upon the subject of the report that was not in the report itself, unless he intended to move for its recommitment.—*Cushing's Law and Practice of Legislative Assemblies*, section 1732.

Mr. SINGLETON, of Illinois. Now, Mr. Speaker, I wish to speak to my point of order.

The SPEAKER. The point of order involved here is simply whether—

Mr. SINGLETON, of Illinois. Permit me one word. The point of order I make is that before the action of the committee can be inquired into, there must be a motion made to recommit, and then a motion to bring into the House the minutes of the committee. You cannot question the action of the committee in this collateral way.

Mr. OSCAR TURNER, (to Mr. SINGLETON, of Illinois.) Why is the gentleman unwilling the House should know how the vote stood in the committee or what the proceedings were on that bill? Five of the committee are against that bill and I among the number.

Mr. SINGLETON, of Illinois. I have the floor. I will tell the gentleman when the time comes. I will make the gentleman understand when the time comes.

Mr. KING, (addressing Mr. OSCAR TURNER.) There is no effort here to suppress evidence of any nature—

Mr. OSCAR TURNER. I cannot hear the gentleman's remarks. The noise is so great—

The SPEAKER. The Chair desires to have order. The Chair is very clear in the opinion that a majority of a quorum of a committee has the authority to make a report.

Mr. KING. I ask the consent of the House that the journal of the Committee on Inter-oceanic Canal, showing the order under which I am acting, be read.

The SPEAKER. The point of order made by the gentleman from

Illinois [Mr. SINGLETON] is that proceedings in committee cannot be alluded to.

Mr. SINGLETON, of Illinois. That is my point.

Mr. KING. If direct or tentative charges are to be made by the gentleman from California [Mr. PAGE] and the gentleman from Kentucky [Mr. OSCAR TURNER] against the majority of this committee, I think it a matter of personal privilege to have the record of the action of the committee placed before the House.

The SPEAKER. The gentleman from Louisiana asks that the record of the committee be read.

Mr. SPRINGER. I do not understand there is any dispute as to the question of fact. The question is whether a majority of a quorum of the committee agreed to the reporting of this bill to the House.

The SPEAKER. They have such power, and having such power the report can be received, but the Chair does not think that was the point of order made by the gentleman from California. The gentleman disputes the fact that this is the report of the committee.

Mr. COX. I reserve all points of order.

Mr. PAGE. If the House will only hear me, I will state my point of order.

Mr. KING. I rise first as to a matter of personal privilege.

The SPEAKER. The Chair has heard almost everybody else but the gentleman who makes the point of order, and he thinks it is now about time the gentleman from California should be heard.

Mr. PAGE. Certainly.

Mr. COX. Now, Mr. Speaker, if this question is to come in—

Mr. PAGE. I hope I will not be interrupted.

Mr. COX. I wish to say if this is to be received, then I reserve all points of order. There is money in it, and I want it to go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair at the proper time will recognize the gentleman on that point.

Mr. PAGE. I state on my authority as a member of the committee that if the Chair rules I have a right to refer to anything that occurs in committee—

The SPEAKER. The Chair does not so rule.

Mr. PAGE. Does he rule, then, that I have not?

The SPEAKER. The Chair thinks the practice has been to deny the right on the part of any member of a committee to allude in the House to what has occurred in the committee. These points, in the judgment of the Chair, should be settled in the committee.

Mr. PAGE. If I am ruled out from stating why this is not a report from the majority of the committee, that the committee stood five and five when the whole committee except myself who was absent on that occasion should have been recorded, then I withdraw my point of order and move to recommit this bill to the Committee on the Inter-oceanic Canal with instruction to strike out the \$50,000,000.

Mr. KING. There is no \$50,000,000 subsidy in it. If the gentleman states that, he states what is not in accordance with the facts. I further say he makes a misstatement when he says that five members of that committee voted for and five against the order to report this bill. Upon the same ground of privilege on which he stands in saying so, I state that the committee consists of eleven members; five voted for and four against ordering me to make that report, as the journal of the committee shows, and if the House will, it can see for itself.

Mr. PAGE. There is no question of veracity between the gentleman and myself.

Mr. KING. I hope not.

Mr. HASKELL. It is entirely easy, Mr. Speaker, to settle this matter if the honorable gentleman on my left will only hold a moment and allow the House to take cognizance of a simple fact. Under the rules of parliamentary proceeding of course it is impossible for the interior workings of a committee to be disclosed on this floor; but there is on the journal of that committee an accurate transcript of all the facts as they occurred in the committee. The gentleman from California will admit it, everybody will admit it, and I ask now in the interest of a settlement of this question that the journal of the committee may be read here in the House and then it will become apparent what the point is which the gentleman from California makes, and what point the gentleman from Louisiana makes, and then the House may come to an intelligent decision.

Mr. PAGE. As the Speaker ruled I had no right to reveal what occurred in the committee I shall certainly object to the transcript of the proceedings being read; for, without explanation, it would be of no use to the House. My point of order has been withdrawn, and while I am recognized by the Speaker I move to recommit to the committee with instructions to strike out that part of the bill which proposes a subsidy of \$50,000,000 to these ship railways.

Mr. KING. I object to the motion and I deny there is any such clause in that bill.

Mr. HASKELL. Let it be done by unanimous consent.

The SPEAKER. The Chair will ask for unanimous consent.

Mr. PAGE. I object.

Mr. SINGLETON, of Illinois. I deny he has the right to object.

The SPEAKER. The Chair will ask unanimous consent that each side shall have an opportunity to be heard.

Mr. SINGLETON, of Illinois. Give me a moment. I say under the charges which have been made it is a right which follows the

motion to recommit to demand that the minutes shall be read. It is a right which follows that motion and accompanies it under the circumstances. I want it read for the purpose of refuting the slander of the statement that there is a subsidy of \$50,000,000 in this bill.

The SPEAKER. The gentleman will be in order.

Mr. COFFROTH. I move to lay the whole subject upon the table.

Mr. FRYE. I want to ask the attention of the chairman of the committee—

Mr. KING. The gentleman from Pennsylvania should permit this matter to come before the House, as it involves a question of importance, national and international.

The SPEAKER. The gentleman from Louisiana will please give his attention.

Mr. FRYE. I ask the gentleman's attention for a few moments, as there evidently is a little misapprehension or misunderstanding here, which is liable to end in a great deal of personal feeling and heat, if not explained. Now, as an opponent of the Eads's bill, I desire to state to this House that there is no question of fact at issue between the chairman of the Committee on the Inter-oceanic Ship-Canal and the gentleman from California, [Mr. PAGE.] There is nothing which calls into question the personal integrity of either gentleman in this issue. It all comes purely and simply from a difference of opinion as to the construction of parliamentary law bearing upon it. That is all there is of it.

Mr. KING. There is no room even for that question. I am acting under a positive order of a majority of a quorum of the committee.

Mr. PAGE. Now, Mr. Chairman, I have moved to recommit this to the Committee on the Inter-oceanic Ship-Canal, with instructions to strike out from it all that part of the bill with reference to a guarantee on the part of the United States of the interest upon the bonds or stocks of any such corporation. I do not desire to make a speech upon it, and therefore will move the previous question upon my motion.

Mr. KING. I object to any motion while the motion I have made is pending.

The SPEAKER. The Chair will state to the gentleman from Louisiana that this motion comes in under authority of the rules of the House, and at the proper time must be regarded and entertained by the Chair.

Mr. KING. I object to any amendment at all. I want the report accepted or rejected as a whole.

Mr. PAGE. The House can do that if it desires. My motion is to test the sense of the House upon the question.

Mr. KING. If it is in order, I ask as a matter of personal privilege that the order of the committee to report this bill, or the order authorizing me as chairman of the committee to report it, may be read in justice to myself.

The SPEAKER. The Chair desires to state to the gentleman from Louisiana that a motion is pending which will obviate the necessity of reading the proceedings in committee.

Mr. KING. But I ask that this be read in justice to myself, as my orders from a committee have been called into question.

Mr. PAGE. Mr. Speaker, the motion that I have made is to recommit to the committee.

The SPEAKER. The Chair will recognize that motion in a moment. The Chair thinks, however, that the gentleman from Louisiana should be allowed to make his explanation.

Mr. KING. What I ask is as a matter of personal privilege, that the order directing the chairman of the committee to make this report be read to the House.

The SPEAKER. That has been objected to on both sides of the House, and also the reading of the record of the committee has been objected to. The Chair must recognize the objections, as the gentleman from Louisiana will perceive.

Mr. ATKINS. What does the gentleman from Louisiana want to do with it?

Mr. KING. I want to have it printed and placed upon the Calendar.

Mr. ATKINS. I hope that will be allowed. There should be no objection to that.

Mr. PAGE. I have no objection to its being printed; if that is all.

Mr. KING. And placed upon the Calendar.

Mr. PAGE. I certainly object to its going upon the Calendar. I insist upon the motion that it be recommitted to the committee with instructions to strike out all of that part of it which guarantees the interest of the stock or bonds by the Government.

The SPEAKER. That motion the Chair thinks is in order.

Mr. PAGE. Then I demand the previous question upon it.

Mr. CONGER. I move that the bill—

Mr. PAGE. I have not yielded the floor.

Mr. CONGER. But I have a right to be heard on my motion.

Mr. PAGE. I am still occupying the floor.

Mr. CONGER. The gentleman has made his motion. I move now as a privileged motion under the rule that the bill be committed to the Committee of the Whole on the state of the Union, which motion must be first put under the rule.

Mr. PAGE. I ask the parliamentary question if this motion is in order after I have called the previous question and have not yielded the floor?

The SPEAKER. The Chair will hear the gentleman's parliamentary question.

Mr. PAGE. I say is it in order for the gentleman to move the reference of this matter to the Committee of the Whole on the state of the Union while my motion for the previous question is pending and while I still occupy the floor?

Mr. KING. I think I still have the floor as chairman of the committee in charge of this measure. The gentleman from California has no right to it.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read as follows:

XIII. 2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, viz: A standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided according to its character, without debate, in the following order, viz: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

The SPEAKER. The Chair will now cause to be read the rule regulating the previous question.

The Clerk read as follows:

XVII. 1. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

The SPEAKER. The gentleman from California made his motion and demanded the previous question.

Mr. KING. I made a motion previously that the bill be reported to the House and printed and placed on the Calendar, and I call the previous question on that.

Mr. PAGE. The gentleman from Louisiana had not the floor to do that.

Mr. KING. I had the floor in personal charge of the bill as coming from the committee.

Mr. PAGE. I had the floor to make a motion to recommit, which I have made and on which I have called the previous question.

The SPEAKER. If the motion was made by the gentleman from Louisiana and the previous question was called, the motion of the gentleman from California would be in order to recommit under the rules. The rule provides that this motion is in order either before or after the previous question is demanded.

Mr. CONGER. I admit the right of the gentleman from California to make his motion and demand the previous question, which was entertained; but pending the demand for the previous question I availed myself of the right under the rule to move to commit to the Committee of the Whole on the state of the Union.

Mr. PAGE. During which time I was on the floor, and still occupied it, and the gentleman had no power or right to make the motion.

Mr. CONGER. The gentleman could not be on the floor after his motion was submitted.

The SPEAKER. The Chair recognizes the gentleman from Louisiana [Mr. KING] who has charge of the bill. He now moves—

Mr. COX. I rise to a parliamentary question. I move to lay this whole subject on the table.

Mr. KING. I object.

The SPEAKER. The Chair will entertain the motion. The Chair recognizes the gentleman in charge of the bill to make his motion; that is, to print and refer to the Committee of the Whole on the state of the Union, and on that the gentleman demands the previous question. The gentleman states that was his object.

Mr. KING. That was my object.

The SPEAKER. And the Chair recognizes the gentleman when he so states.

Mr. PAGE. What does the Chair do with the gentleman from California? [Laughter.]

The SPEAKER. The gentleman from California moves to commit with instructions. Pending that the gentleman from New York [Mr. COX] moves to lay the whole subject on the table.

Mr. ACKLEN rose.

Mr. COX. There can be no debate on the motion to lay on the table.

Mr. ACKLEN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ACKLEN. If the motion of the gentleman from New York shall prevail, does that dispose of this subject entirely?

The SPEAKER. It does.

The question having been taken on a *viva voce* division,

The SPEAKER said: The Chair thinks the ayes have it. The ayes have it, and the subject is laid on the table.

Mr. COX moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the morning hour of to-day for the call of committees for reports be dispensed with.

The question being taken on Mr. ATKINS's motion, there were—ayes 114, noes 26.

So (two-thirds having voted in the affirmative) the motion was agreed to.

The SPEAKER. The morning hour for the call provided for in the new rule now begins at twenty minutes past twelve o'clock; and the gentleman from Massachusetts [Mr. BOWMAN] is recognized on the unfinished business in that hour.

Mr. BLOUNT. I desire to make a request for unanimous consent.

The SPEAKER. The gentleman will state what is his request.

Mr. BLOUNT. On yesterday I was absent by leave of the House assisting in the preparation of the sundry civil appropriation bill. I inadvertently let the time pass when this call commenced, and not coming to the House till half past eleven was not here to avail myself of my privilege under the new rule. I desire to call up a bill which is the unanimous report of a committee.

The SPEAKER. The Chair would prefer to recognize the gentleman from Georgia to request unanimous consent after this hour shall have expired, so as not to interfere with the call proceeding in regular order. The Chair has no doubt the House will, under the circumstances, the gentleman having been absent on official business under the direction of the House, then give him the opportunity he desires.

The gentleman from Massachusetts [Mr. BOWMAN] is recognized.

IMPORTATION OF SHIP-BUILDING MATERIALS.

Mr. BOWMAN. I call up the unfinished business of the morning hour of yesterday under the new rule, being the bill (H. R. No. 5989) regulating the importation of raw materials to be manufactured in the United States and used in the construction and repair of vessels employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, or built for foreign account.

The bill was read, as follows:

Be it enacted, &c., That all materials or articles wholly of foreign growth or production which are manufactured in the United States and used in the construction, equipment, and repair of vessels to be employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, or built for foreign account, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been manufactured and used for the duties aforesaid no duties shall be paid thereon.

Sec. 2. That sections 2513 and 2514 of the Revised Statutes of the United States, and so much of section 5 of the act of February 8, 1875, as is inconsistent herewith, be, and the same hereby are, repealed.

The SPEAKER. Is there objection to considering this bill at this time?

Mr. CLYMER and Mr. RYON, of Pennsylvania, rose to object.

Mr. FRYE. I ask the House to give me one moment before gentlemen object. The Committee on Ways and Means authorized me whenever this bill came up for consideration by unanimous consent to offer a substitute for the bill. This bill is too broad in its terms. I ask the gentleman from Massachusetts to accept the substitute.

Mr. BOWMAN. I accept the substitute and ask that it be read.

Mr. CLYMER. The bill and substitute being still open to objection?

The SPEAKER. The Chair will recognize the right of objection. The Chair thinks it is no more than fair that the substitute should be read which the gentleman from Massachusetts accepts, with a view to the House voting on it.

Mr. KELLEY. I desire to say I hope the substitute will be passed. I should have objected to the original bill.

The Clerk read the proposed substitute, as follows:

Strike out all after the enacting clause and insert as follows:

"That copper and spelter of foreign growth or production which are manufactured in the United States and used in the construction, equipment, and repair of vessels to be employed in the foreign trade or built for foreign account may be imported in bond under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been manufactured and used for the purposes aforesaid no duties shall be paid thereon."

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BUCKNER. Is that an amendment which has been read?

The SPEAKER. It is an amendment in the nature of a substitute. Is there objection? The Chair sees no one rising to object, and hears no voice objecting.

Mr. BOWMAN. I claim my five minutes. [Cries of "Vote!" "Vote!"]

The SPEAKER. The Chair hopes that gentlemen will not interrupt the gentleman from Massachusetts, who is on the floor and entitled to five minutes.

Mr. BOWMAN. I yield my time to the gentleman who reported the substitute from the Committee on Ways and Means.

Mr. VALENTINE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VALENTINE. I want to know if the substitute is objected to whether we can pass the original bill? Is the substitute the only bill before the House?

The SPEAKER. The original bill is still before the House, and if the substitute should be voted down the original bill would then come up.

Mr. VALENTINE. Would an opportunity be then offered for explanation of the original bill?

The SPEAKER. The Chair thinks that would be fair if five minutes for debate is not previously exhausted.

Mr. BOWMAN. I accepted the substitute, and understand that is the only thing before the House.

The SPEAKER. The gentleman from Mississippi called up a particular bill. That bill is before the House. But the gentleman yielded to the gentleman from Maine, [Mr. FRYE], who said on behalf of the Committee on Ways and Means he proposed a substitute for the bill called up by the gentleman from Massachusetts.

Mr. BOWMAN. I yield my five minutes to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. I will not occupy three minutes. By the act of 1872 copper and composition metal were admitted free of duty for the construction and repair of certain ships. The Treasury Department construed that to be yellow-metal sheathing. Subsequently, in 1875, yellow-metal sheathing was admitted free of duty by name. There were \$2,000,000 invested in manufacture of yellow-metal sheathing in Massachusetts alone. Those manufacturers were compelled to pay five cents a pound duty on copper and one and one-half cents per pound duty on spelter. When metal sheathing was admitted absolutely free of duty that shut the doors of those manufactories and turned out of work every employé in them.

This bill simply provides that the copper and spelter which these manufacturers use to make yellow-metal sheathing shall be admitted free of duty, still leaving yellow-metal to come in free. The bill is fair and just.

The SPEAKER. The question is upon agreeing to the substitute. Mr. HATCH. Before the vote is taken I desire to ask the gentleman from Maine [Mr. FRYE] if this is the unanimous report of the Committee on Ways and Means? We could not distinctly understand over here what the gentleman said on that point.

Mr. FRYE. The Committee on Ways and Means unanimously consented that this substitute should be put in place of the original bill, the committee being opposed to the original bill.

The SPEAKER. And the committee favors the passage of the substitute?

Mr. FRYE. The committee favors the passage of the substitute. Mr. CARLISLE. I desire to state that the Committee on Ways and Means unanimously agreed that the gentleman from Maine [Mr. FRYE] should move this substitute in lieu of the original bill; but some members of the committee are opposed to the substitute.

The SPEAKER. The Chair understands the gentleman from Missouri [Mr. HATCH] to inquire whether this substitute meets the unanimous approval of the Committee on Ways and Means.

Mr. FRYE. As an amendment to the original bill.

Mr. BRIGHT. I desire to move an amendment to the substitute.

Mr. SPRINGER. Is that in order?

The SPEAKER. No previous question is pending.

Mr. ATKINS. Can an amendment be offered under this new rule?

The SPEAKER. Undoubtedly.

The amendment of Mr. BRIGHT was read, as follows:

Add to the substitute the following:
"That salt imported into the United States shall be admitted free of duty from and after the 1st day of May next."

Mr. BOWMAN. I make the point of order that that amendment is not germane to the subject-matter of the bill under consideration, and the further point that there is a bill upon the same subject now pending before a committee of this House.

Mr. FRYE. That amendment is clearly not germane. There are a half dozen bills before the Committee on Ways and Means for the purpose of the amendment.

The SPEAKER. Clause 4 of Rule XXI will be read.

The Clerk read as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

The SPEAKER. Is there a bill pending before this House or any committee upon the subject of the amendment of the gentleman from Tennessee, [Mr. BRIGHT]?

Mr. CONGER. There is another bill pending before the Committee on Ways and Means, perhaps two or three of them, to admit salt free of duty.

The SPEAKER. The Chair sustains the point of order.

Mr. MILLS. Does the Chair rule that it is in the power of any member to prevent legislation by this House simply by introducing a bill?

The SPEAKER. The Chair does not so rule.

Mr. MILLS. The bill now before the House proposes to put certain articles on the free list. The gentleman from Tennessee [Mr. BRIGHT] proposes to extend that list so as to include salt. It is certainly germane to add a single item to such a proposition as is pending before the House.

Mr. CONGER. The five minutes allowed under the new rule for debate has expired, and I call for a vote.

The SPEAKER. The Chair will hear the gentleman from Texas on the point of order.

Mr. MILLS. A bill is introduced to put salt on the free list; other bills are introduced to put other articles on the free list. The bill now before the House proposes to put certain articles on the free list, which articles are perhaps embraced in other bills. Now is the House to be prohibited from amending any bill which embraces one of the items that may be contained in other bills? The gentleman who offers this amendment [Mr. BRIGHT] takes one solitary article from another bill, the article of salt, and proposes to add it to this bill.

The SPEAKER. The Chair understands the gentleman from Texas [Mr. MILLS] to admit that there is another bill for this purpose pending before the House.

Mr. MILLS. I admit that there is a bill pending to put salt on the free list.

The SPEAKER. Then the rule which has just been read is imperative, and the Chair is compelled to rule the amendment out of order.

Mr. BOWMAN. I now demand—

Mr. TOWNSHEND, of Illinois. I desire to offer an amendment.

Mr. BOWMAN. I demand the previous question.

Mr. VALENTINE. I desire to make an inquiry of the Chair.

The SPEAKER. The Chair will hear the gentleman.

Mr. VALENTINE. Under the new rule can this hour be used up by members offering amendments to the bill?

The SPEAKER. The Chair does not think that the new rule cuts off amendments. It confines the debate to five minutes.

Mr. VALENTINE. Then the whole hour may be occupied on one bill.

The SPEAKER. That is a matter for the House to determine.

Mr. TOWNSHEND, of Illinois. Let my amendment be read.

Mr. BOWMAN. I have called the previous question.

The SPEAKER. The gentleman from Massachusetts [Mr. BOWMAN] must be recognized by the Chair as having control of the pending proposition.

Mr. TOWNSHEND, of Illinois. The gentleman from Tennessee

[Mr. BRIGHT] offered an amendment—

The SPEAKER. The gentleman from Massachusetts [Mr. BOWMAN] calls for the previous question.

Mr. TOWNSHEND, of Illinois. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. The gentleman from Tennessee

[Mr. BRIGHT] offered an amendment, the demand for the previous

question not having been then made. The Speaker ruled the amend-

ment out of order, and I instantly rose and offered another amend-

ment before the previous question was called.

The SPEAKER. The Chair always takes the word of a member on a

question of this sort. The gentleman from Massachusetts [Mr. BOW-

MAN] states that he called the previous question before the gentle-

man from Illinois was recognized.

Mr. HERR. So he did.

Mr. TOWNSHEND, of Illinois. I do not think the gentleman from

Massachusetts will make that statement.

The SPEAKER. He does so state; and the gentleman from Mich-

igan [Mr. HERR] confirms the statement.

Mr. BOWMAN. Before the gentleman from Illinois [Mr. Town-

shend] was recognized, I called the previous question.

Mr. CHALMERS. I rise to a parliamentary inquiry. If the pre-

vious question should be voted down, will that leave the bill before

the House subject to amendment?

The SPEAKER. It would. The member introducing a proposi-

tion, having the right to its control, has the right to test the sense of

the House upon ordering the previous question; but if the sense of

the House is against that proposition, then the measure is open to

amendment.

The question being taken on ordering the previous question, there

were—ayes 105, noes 49.

Mr. TOWNSHEND, of Illinois. I call for tellers.

Tellers were not ordered.

The main question was ordered; and under the operation thereof

the substitute was agreed to.

The bill, as amended, was ordered to be engrossed for a third read-

ing; and was accordingly read the third time.

Mr. BOWMAN called for the previous question on the passage of

the bill.

Mr. ATKINS. I rise to a question of order. I do not believe that

this House understood when the rule was adopted that bills coming

up in this way would be subject to amendment, because that would

open the door to all sorts of legislation. Now, do I understand the

Chair to decide that the rule does permit the offering of amendments?

The SPEAKER. The Chair decides that the rule gives the right to

the member recognized, whenever five members do not object, to call

a bill up for consideration, and that the debate shall be limited to five

minutes; but there is nothing in the rule which precludes the offer-

ing of amendments. In this case the gentleman from Massachusetts

himself admitted an amendment, and of course that brought it under

the general rule which allows further amendment not beyond the

second degree. This is the reason the Chair has entertained amend-

ments.

Mr. ATKINS. That virtually defeats the object of the rule.

Mr. CONGER. Of course any amendment offered must be sub-

mitted to objection by five members, otherwise a bill introduced with-

out objection might afterward be changed entirely by way of amend-

ment.

Mr. ROBESON. The Chair did decide that the right of objection

applied to the substitute which was the first amendment. Of course

it follows that when another amendment comes in, presenting sub-

stantially a new bill, the right of objection will still remain.

The SPEAKER. On this point the Chair will hereafter make a

closer examination, and if he should think he is not absolutely cor-

rect will review his decision; but he would now express the opinion,

not as a finality, that a bill coming before the House under the new

rule is subject to amendment.

Mr. SPRINGER. I rise to a parliamentary inquiry. Would not

the Chair recognize the gentleman calling up a bill to move the pre-

vious question—

The SPEAKER. Certainly; and the Chair has done so.

Mr. SPRINGER. Would not the member calling up the bill be

recognized for that purpose immediately after objections had been called for, so that upon the reading of the report the previous question might at once operate?

The SPEAKER. The House, if it so wishes, can cut off amendment by the operation of the previous question.

Mr. SPRINGER. Then the member controlling the bill has the right to move the previous question.

The SPEAKER. Of course; but if the House should not sustain the demand, the bill would be open to amendments; as the Chair has stated in response to the inquiry of the gentleman from Mississippi, [Mr. CHALMERS.]

Mr. ATKINS. I wish to make a further inquiry. Does the Chair decide that after an amendment is offered the right of objection applies to the amendment?

The SPEAKER. The Chair has not so decided.

Mr. ATKINS. Then the rule is a farce.

The SPEAKER. It may be a farce; but the House adopted it.

Mr. CONGER. I desire to give notice that unless that be the decision, I shall object (and I have no doubt a sufficient number of others will join with me in objecting) to the bringing up of any bill that can by any possibility be amended so as to present to the House a substantially different proposition.

The SPEAKER. The Chair is quite willing at any time to submit to the House any question as to the construction of this rule, as he did yesterday; and the Chair will hold himself absolutely bound by the decision of the House, even though it may differ from his own judgment.

The question recurring on ordering the main question upon the passage of the bill, the main question was ordered; and under the operation thereof the bill was passed.

Mr. BOWMAN 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.

DAVID W. BELL.

The SPEAKER. The next State is the State of Michigan; and the first gentleman in alphabetical order is Mr. BREWER.

Mr. STONE. In the absence of my colleague [Mr. BREWER] I call up—

The SPEAKER. The Chair thinks that in the absence of the member called (although this rule may in some cases operate as a hardship, as the gentleman from Georgia explained this morning it did in his case) the rule would require that the Chair should pass to the next member in alphabetical order. The gentleman from Michigan, Mr. BURROWS, is next in order.

Mr. BURROWS. I yield to my colleague [Mr. STONE] that he may call up his bill.

The SPEAKER. No yielding is necessary. The gentleman will be considered as calling up the bill in his own right. The bill will be read.

The Clerk read as follows:

A bill (H. R. No. 5832) for the relief of David W. Bell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer of the Post-Office Department is hereby authorized and directed to credit David W. Bell, postmaster at Oxford, Michigan, with the sum of \$363.68 in his account as postmaster as aforesaid with said Department; said sum being the amount of postal money and postage-stamps stolen from said post-office on the night of the 23d of March, 1880.

The SPEAKER. This bill has been reported from the Committee on the Post-Office and Post-Roads. The question is on discharging the Committee of the Whole House on the Private Calendar from the further consideration of the bill and passing it at this time. Is there objection to the present consideration of this bill?

Mr. WARNER. Let the report be read.

Mr. BURROWS. My colleague [Mr. STONE] reported it, and I yield to him.

Mr. STONE. It has been some months, in fact a year, since I made the report. It is a unanimous report from the Committee on the Post-Office and Post-Roads, and I ask the Clerk to read it. It is a case of burglary of a post-office.

The report was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 5832) for the relief of David W. Bell, would respectfully report:

That the said David W. Bell is now, and has been for a number of years past, the postmaster at Oxford, Oakland County, Michigan. He is also the township treasurer of his township, and the agent of the American Express Company at that place. The post-office is kept in the store of the said Bell, as is also the express office. The funds of the township, of the post-office, and also money and valuables held by Mr. Bell as express agent, were kept in an iron safe furnished him by said express company, supposed to be burglar-proof, and weighing about eighteen hundred pounds. This safe was kept in the store and post-office.

It is clearly established by competent evidence, and your committee find, that on the night of the 23d day of March, 1880, the store building containing the post-office was entered by burglars through the back door. The thieves effected an entrance by breaking a glass in the upper part of the door, and unlocking the door with the key which was in the lock on the inside, and had free access to the inside of the building. The safe containing postage-stamps, postal and other funds, was locked. The burglars drilled into the safe just below the combination, charged it with powder, and blew the door open and stole the contents. Besides \$2,520 belonging to the township and express company and others, there were also in the safe, and stolen, \$200 of postal funds, and postage-stamps amounting to \$163.68, making a total of postal funds and stamps stolen \$363.68.

There was no person sleeping in the store, but as the safe had been used for a number of years and was considered secure, we attach no blame to the postmaster.

Your committee, being satisfied that this loss occurred as above stated, and through no fault, negligence, or connivance of the postmaster, recommend the passage of the bill, believing it to be a case in which the postmaster should be relieved.

We append, as a part of this report, a copy of the letter of the special agent of the Post-Office Department who investigated the case; also a statement from the Post-Office Department showing the probable amount of postage-stamps, &c., on hand at the time of the burglary.

CHICAGO, May 6, 1880.

SIR: I herewith return case No. 43045 B, pertaining to the robbery of the post-office at Oxford, Oakland County, Michigan.

According to your instructions, I proceeded at once to Oxford, Michigan, and investigated the robbery of the post-office at that place thoroughly. I found, upon a careful investigation, the following facts:

That between the hours of two and three o'clock on the morning of the 24th day of March, 1880, the post-office at Oxford, Michigan, was entered by thieves through the back door in which the post-office was located. The door having a window in the top part, the thieves broke a glass in window. The key being left in the lock on the inside of the door, they reached in, unlocked the door, and had free access to inside of the building back of the boxes. The postmaster had, in this part of the office, a safe sent him by the American Express Company (he being their agent at this place) for the safe-keeping of their money and other valuables. In this safe the postmaster kept postage-stamps, money-order funds, box and stamp-funds, and the books belonging to the office. These were all in the safe at the time of the robbery. This safe was thought to be burglar-proof, but was drilled into just below the combination, charged with powder, and door blown open.

The postmaster, being very much excited when he found that he had been robbed, forgot to count the stamps left in office, and therefore cannot give an exact amount of the loss.

Amount of postage-stamps taken, as stated by the postmaster.....	\$163 68
Amount of money-order funds taken.....	200 00

Total amount of loss.....	363 68
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Finding from the best citizens of Oxford, Michigan, that the postmaster at that place is an honest, upright, and very careful business man, and that all has been done and will be done in his power to ascertain the whereabouts of the thieves, I therefore recommend that no blame be attached to the postmaster.

Very respectfully,

G. W. PORTER,

Special Agent Post-Office Department.

Captain J. E. STUART,

Special Agent Post-Office Department, Chicago, Illinois.

OXFORD, MICHIGAN, D. W. BELL, POSTMASTER.

Reported amount of postage-stamps, &c., on hand January 17, 1880, as per report made on postmaster's requisition.....	\$117 32
Amount sent on requisition, filed January 23, 1880.....	344 10

Total.....	461 42
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Deduct estimated sales for 67 days, average daily sales being \$3.30.....	221 10
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Leaving the probable amount on hand at close of business March 23, 1880.....	240 32
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The SPEAKER. Is there objection to the consideration of this bill at this time? No member rises to object, and the Committee of the Whole House on the Private Calendar is discharged from its further consideration, and it is before the House at this time for action.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE 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.

WILLIAM BLAISDELL.

The State of Minnesota was called.

Mr. DUNNELL. I ask that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of a bill (H. R. No. 7030) regulating the pension of William Blaisdell, and that the bill be passed.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Blaisdell, late of Company F, Fifth Regiment Minnesota Volunteers, and pay him a pension at the rate of \$24 per month from the 4th day of June, 1872, deducting therefrom any sums that may have heretofore been paid him since said date under any pension certificate issued to him.

The report was read, as follows:

It appears that William Blaisdell was enlisted as a private in Company F, Fifth Regiment Minnesota Volunteer Infantry, on January 24, 1862, and discharged therefrom September 6, 1863.

Claimant alleges that he contracted sciatic rheumatism and kidney troubles during his term of service, and soon after the war he applied for and was granted pension at the rate of \$2 per month, which was subsequently increased at various times and to various amounts till May 4, 1880, when he was placed on the pension-roll at the rate of \$24 per month.

The claimant asks Congress to correct the unjust rating and grant him a pension at said rate from the date of his application for pension filed September 26, 1868.

That claimant suffered with the above-mentioned diseases is clear from the evidence and from the fact that he was pensioned therefor; that he is now in a deplorable state is equally clear.

The testimony further discloses the fact that the examining surgeon—one Everheart—was at enmity with claimant and prejudiced against him. Other surgeons report his case as deserving higher rate.

Dr. R. Wilson states that he attended claimant in 1868 and 1869; that he was then suffering from sciatica and unable to perform but the slightest labor.

Dr. L. F. Cose states that he treated claimant in 1873-74-75, and that he had not been able to perform any labor since 1865.

Dr. E. M. Moorehouse states that he knew claimant before the war; that he was then sound and healthy, and that he treated him for sciatic rheumatism in 1866, and that he was then totally unable to perform manual labor.

The committee are of opinion that the relief sought ought to be granted, and report to the House the accompanying substitute for the bill, and recommend its passage.

There was no objection; and the Committee of the Whole House on the Private Calendar was discharged from its further consideration.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL 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.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The State of Mississippi was called.

Mr. CHALMERS. I ask to take from the Speaker's table for consideration at this time Senate bill No. 711, amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That so much of the seventh section of the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, as authorizes the selection and appointment of three commissioners, be, and the same is hereby, repealed.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to appoint the Comptroller of the Currency a commissioner, who shall execute a bond to the United States, with good securities, in the penal sum of \$20,000, conditioned for the faithful discharge of his duties aforesaid, and take an oath faithfully to perform his duties, which bond shall be executed in the presence of said Secretary and approved by him, and by him safely kept; and when said bond shall have been executed, and oath taken, then said commissioner shall be invested with the possession and legal title to all the property of said company for the purposes of this act and the said act of June 20, 1874, and shall have all the rights, prerogatives, and privileges, and perform all the duties that were conferred and enjoined upon the three commissioners in said act of June 20, 1874; and from and after the qualification of said Comptroller as said commissioner the duties, rights, and authority of said three commissioners shall forthwith cease and determine: *Provided*, That nothing contained in this act shall in any way impede or delay any case or cases instituted in any court by or against the commissioners appointed under the provisions of the act to which this act is amendatory, but every such case shall, upon suggestion of the appointment of the Comptroller aforesaid, and due entry of the change on the docket of the court in which said case may be pending, be proceeded with in the name of such Comptroller in the same manner as if such change had not been made.

SEC. 3. That said commissioner, with the approval of the Secretary of the Treasury, shall have the right and authority to compound and compromise debts due to and liabilities of the company.

SEC. 4. That said commissioner, with the approval of the Secretary of the Treasury, shall have the right and authority to sell any of the real and personal property of said company at public or private sale, as in his judgment he may deem best, and to buy in for the benefit of the company any property which may be offered for sale to pay debts and liabilities to said company, if in his judgment said property is being sacrificed by said sale, and to make to the purchasers of property sold by him deeds of conveyance for their respective purchases.

SEC. 5. That said commissioner shall, by the 10th day of each annual session of Congress, make a written report to Congress of his proceedings up to the first day of said session; and for his service as commissioner aforesaid, he shall, in addition to his present salary as Comptroller, receive an annual salary of \$1,000, to be paid out of the funds of said institution.

SEC. 6. That whenever said commissioner is prepared to make a dividend to the depositors, he is authorized and directed through the United States Treasurer to place in the various depository banks of the United States which are convenient to said depositors an amount sufficient to pay them, and the officers of said banks shall pay the depositors or their assignees, and take receipts from them in such way and manner as shall be prescribed by said commissioner and the Secretary of the Treasury; and said evidences of payment shall be returned by said officers to the commissioner, and by him preserved: *Provided*, That where there are no depository banks of the United States, then said commissioner may, with the approval of the Secretary of the Treasury, pay the depositors in said localities in such way as he may deem best.

SEC. 7. That said commissioner, with the approval of the Secretary of the Treasury, may prescribe such form as he may deem right and proper for the depositors to transfer their claims: *Provided*, Every such transfer shall state the amount of the claim transferred, and the amount actually received for the same.

SEC. 8. That said commissioner shall make payments to those depositors only whose pass-books have been properly verified and balanced, unless said pass-books have been lost or destroyed; then, upon satisfactory proof of such loss or destruction, and the amount due them, he may pay as though they had pass-books. But all claims founded on pass-books or otherwise not presented to said commissioner for examination and credit within six months from and after the passage of this act, as well as all dividends declared upon audited accounts not called for within two years from the date of their declaration, shall be barred, and their amounts shall inure to the benefit of the other depositors of the company.

SEC. 9. That it shall be the duty of the solicitor of the Treasury, under the direction of said commissioner, to investigate the manner in which said company has been managed by its trustees and others having control thereof; and if, in the judgment of said solicitor, the affairs of said company have been mismanaged, or managed fraudulently and corruptly, then said solicitor, under the direction of said commissioner, shall cause such civil and criminal proceedings to be instituted in the courts against those participating in said mismanagement or fraudulent and corrupt management as he shall deem right and proper to attain the ends of justice. He shall pay fees and costs of suits out of the funds in his hands as commissioner aforesaid; and said solicitor shall attend to all the suits in the courts held in the District of Columbia in which such company is in any manner a party, and he shall be the legal adviser of such commissioner in all matters in which such company is interested.

SEC. 10. That if from any cause there shall be any considerable delay in making a dividend to the depositors, then said commissioner shall, under the direction of the Secretary of the Treasury, invest the funds on hand in United States bonds, until such time as he may be prepared to make a dividend, as directed under the act of June 20, 1874.

The SPEAKER. Is there objection? The Chair hears none, and the bill is taken from the Speaker's table and is now before the House for consideration.

Mr. CLYMER. Let the report be read.

Mr. O'CONNOR. That will consume a great deal of time, and I will state for the information of the gentleman from Pennsylvania, as well as for the other members of the House, that I had the honor at the last session of this Congress to introduce a joint resolution of similar tenor and substance to the Senate bill now under consideration.

This resolution was referred to the Committee on Ways and Means, and was unanimously reported back favorably to the House by the chairman of that committee. The whole subject under consideration is in a nut-shell. The bill abolishes the commission of the three commissioners appointed under the act of 1874, who in six years have consumed in expenses and charges over three hundred and thirty-five thousand dollars of the savings deposits of the freedmen, paying to themselves each the sum of \$3,000 per annum, when one commissioner did the whole work of the three. The bill stops this waste and provides for an officer of the Treasury closing up at once the institution and distributing the proceeds of its assets and property among the needy depositors. That is all there is in the bill beyond certain details in consummating the close of the institution, and the bill should be passed at once and without dissent.

Several MEMBERS. What committee reported it in the Senate?

Mr. O'CONNOR. It came from the special committee in the Senate on the Freedman's Saving and Trust Company, of which Senator BRUCE was chairman. I now move that the bill be put upon its passage.

The Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CHALMERS 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.

SALE OF LEAF-TOBACCO WITHOUT SPECIAL TAX.

The State of Missouri was called.

Mr. BLAND. I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 933) to repeal so much of the sixth clause of section 3244 of the Revised Statutes of the United States as prohibits farmers and planters from selling leaf-tobacco at retail directly to consumers without the payment of a special tax, and to allow farmers and planters to sell leaf-tobacco of their own production to other persons than manufacturers of tobacco without special tax, and that it be put upon its passage at this time.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives, &c., That all of that portion of the sixth clause of section 3244 of the Revised Statutes of the United States embraced in the following words: "Provided, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf-tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of, to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export," be, and the same is hereby, repealed.

SEC. 2. That no farmer or planter shall be required to pay a special tax as a dealer in leaf-tobacco for selling tobacco of his own production or tobacco received by him as rent from tenants who have produced the same on his land; and they may sell the same to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export.

SEC. 3. That all laws and parts of laws inconsistent herewith are hereby repealed.

Mr. FRYE. Before objection is asked I should like to inquire what committee this bill comes from, and whether it is upon the Calendar?

Mr. BLAND. It comes from the Committee on Agriculture.

Mr. FRYE. Is there a report accompanying it?

Mr. HATCH. There is no report. It was reported before the new rules went into effect.

Mr. CAMP. Objections have not been asked for to the consideration of that bill.

The SPEAKER. Is there objection to its present consideration?

Mr. BLAND. If there is objection to it, gentlemen should be counted, as I should like to know who they are.

The SPEAKER. Several gentlemen have risen, among them the chairman of the Committee on Agriculture, [laughter,] more than enough to defeat the consideration of the bill.

SOLDIERS' REUNION, LINCOLN, NEBRASKA.

The State of Nebraska being called,

Mr. VALENTINE asked the consideration of Senate joint resolution No. 152.

The SPEAKER. The title of the resolution will be read.

The Clerk read as follows:

Joint resolution to grant the use of artillery, tents, &c., to be used at the soldiers' reunion to be held at Lincoln, Nebraska, in September, 1881.

The SPEAKER. The joint resolution will be read.

The resolution was read. It is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to send, from some convenient fort or arsenal, to be used at the soldiers' reunion at Lincoln, Nebraska, to be held in the month of September, 1881, such cannon, tents, muskets, &c., as can be conveniently spared; said cannon, tents, muskets, &c., to be returned after the holding of said reunion meeting in as like good condition as when received: *Provided*, That all transportation of said articles to and from the place of the reunion to the fort or arsenal shall be without expense to the Government: *Provided further*, That the adjutant-general of the State of Nebraska, or other proper accounting officer, shall receipt for said arms, ammunition, and camp equipage, in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota.

The SPEAKER. The question is on the third reading of a Senate resolution.

The resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

JOHN M. DORSEY AND WILLIAM F. SHEPARD.

The State of Nevada being called,

Mr. DAGGETT asked the consideration of Senate bill No. 212.

The SPEAKER. The title of the bill will be read; after which the Chair will ask for objections.

The Clerk read as follows:

A bill (S. No. 212) for the relief of John M. Dorsey and William F. Shepard.

The SPEAKER. This bill is on the Private Calendar, and reported from the Committee on Claims. Is there objection to its present consideration? [After a pause.] Several members having objected, the bill is not before the House for consideration.

PETER GROTAN.

The State of New Hampshire being called,

The SPEAKER. The gentleman from New Hampshire [Mr. BRIGGS] not being in his seat, the Chair will recognize the gentleman from New Hampshire, [Mr. HALL,] under the decision of the House made yesterday.

Mr. HALL. I ask consideration of House bill No. 1830.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. No. 1830) granting a pension to Peter Grotan.

The SPEAKER. This bill comes from the Committee on Invalid Pensions, and is on the Private Calendar. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter Grotan, father of John L. Grotan, late second lieutenant of Company G, Sixth Regiment United States Infantry.

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

There was no objection.

Mr. CLYMER. Let the report be read.

Mr. HALL. I wish to state, Mr. Speaker, that there is a typographical error in the title of the bill as also in the body of it. It should be "Grattan" in place of "Grotan."

The SPEAKER. The Chair will submit the amendment after the report is read. The gentleman from Pennsylvania demands the reading of the report.

Mr. HALL. I wish to say that this is a unanimous report from the Committee on Invalid Pensions.

Mr. CLYMER. Then I withdraw the demand for the reading of the report if it is a unanimous report.

The SPEAKER. The question is on the amendment to correct the typographical error in the bill by substituting "a" for "o" in the name of the beneficiary of the bill.

The amendment was agreed to.

The bill, 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. HALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The title of the bill will be changed to conform to the amendments made by the House in the body of the bill.

TAX ON WEISS BEER.

The State of New Jersey being called,

Mr. BLAKE asked the consideration of House bill No. 6983.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill to regulate the collection of the tax on weiss beer.

Mr. CARLISLE. This bill was reported this morning from the Committee on Ways and Means with an amendment.

The SPEAKER. The bill will be read, after which the amendment will be read.

The bill was read. It is as follows:

Be it enacted, etc., That brewers of weiss beer may bottle that liquor upon the premises where the same is brewed or made, in bottles containing not more than one pint or one quart each, and such bottled liquor may be removed from the brewery for consumption or sale, and upon payment of the tax, in boxes containing each either two dozen pint bottles or one dozen or two dozen quart bottles, and not otherwise. The stamps provided by this act shall be affixed to the boxes when sold or removed from the brewery in such manner as the Commissioner of Internal Revenue may by regulation prescribe; and such boxes, in addition to the other brands now required by law upon packages containing fermented liquors, shall be branded upon the side, in letters not less than one inch in length, with the words "weiss beer." Brewers of weiss beer shall also enter in the book required by law to be kept, and in the monthly statement made to the collector, in addition to the entries now by law required, the actual quantity of such liquors sold or removed for consumption or sale in bottles, specifying the number and size of such bottles.

SEC. 2. That there shall be paid hereafter on weiss beer, brewed or manufactured, and sold or removed for consumption or sale in bottles, within the United States, in lieu of the tax of \$1 for every barrel containing not more than thirty-one gallons, a tax of three cents per gallon, without any allowance or deduction whatever. For the payment of the tax the Commissioner of Internal Revenue shall cause to be prepared suitable stamps denoting the tax required to be paid on two dozen pints and on one dozen or two dozen quarts of such liquor, respectively; and the same shall be furnished to collectors of internal revenue, and sold and ac-

counted for, as is now provided by law respecting other stamps for fermented liquors.

SEC. 3. That whenever any stamped box containing bottles of weiss beer is emptied, it shall be the duty of the person in whose hands the same is to utterly destroy the stamp or stamps thereon; and any person who neglects or refuses to do so shall, for each such offense, be fined \$100 and imprisoned for not more than one year. And any person who gives away or accepts from another, or who sells, or buys, or uses, for holding bottles of weiss beer, any such stamped box shall, for each such offense, be fined \$100 and imprisoned not more than one year. And any wagon, cart, or conveyance, and its contents, and all horses or other animals, and all things used in the conveyance of such a stamped box which has been emptied of its contents without the stamp thereon being utterly destroyed, shall be forfeited to the United States.

The SPEAKER. The amendment proposed by the Committee on Ways and Means will be read.

The Clerk read as follows:

Strike out all after line 12 down to and including the words "weiss beer," in line 16, and insert "and such box shall have printed upon the side in letters not less than one inch in length—"

Mr. WARNER. I make the point of order, Mr. Speaker, that the hour has expired. The time for making objections has passed. This is a long bill and should have careful consideration.

The SPEAKER. The Chair sustains the point of order. The time has expired. The bill will go over. The gentleman from Georgia [Mr. BLOUNT] sought the floor to ask unanimous consent, and will now be recognized.

ORDER OF BUSINESS.

Mr. BLOUNT. I now repeat my request for unanimous consent.

Mr. REAGAN. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Texas demands the regular order by making the motion that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. BLOUNT. Will the gentleman from Texas yield to me that I may make a statement?

Mr. REAGAN. Yes, sir.

Mr. BLOUNT. I was absent yesterday by leave of the House engaged in the preparation of the sundry civil bill when my name was reached in the call under the new rule. I was in a mistake as to the time and did not get here so as to avail myself of the privilege. I ask that under the circumstances I be allowed to call up a bill for present consideration.

Mr. STEPHENS. It will not take more than five minutes.

Mr. VALENTINE. I have no desire to object to the consideration of the bill of the gentleman from Georgia. But I would like to ask unanimous consent that the same privilege be extended to the gentleman from Colorado who is absent at this moment, and who was necessarily absent yesterday when his State was called.

The SPEAKER. Is there objection?

Mr. WHITE. What is the bill called up by the gentleman from Georgia?

Mr. BLOUNT. It is a bill for the relief of W. A. Reid. It is a unanimous report of the Committee on Claims.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] asks unanimous consent that the same privilege be granted to the gentleman from Colorado, [Mr. BELFORD.]

Mr. McMILLIN. Before agreeing to that we want to know what bills are to be called up.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] objects. The bill which the gentleman from Georgia [Mr. BLOUNT] asks unanimous consent to have considered at this time will be read.

W. A. REID.

Mr. BLOUNT. I send the bill to the desk.

The Clerk read as follows:

A bill (H. R. No. 1996) for the relief of W. A. Reid.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. A. Reid, of Eatonton, Georgia, the sum of \$194.50, out of any money in the Treasury not otherwise appropriated, for advertising done for the Government in 1867, by direction of the Secretary of War.

The SPEAKER. Is there objection to the consideration of this bill at this time?

Mr. YOUNG, of Tennessee. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YOUNG, of Tennessee. Two days ago when I was endeavoring to pass a bill that required an appropriation, as was alleged, of Government property, the point of order was strenuously insisted on by the gentleman from Pennsylvania [Mr. CLYMER] that it must first be discussed in Committee of the Whole. I desire to know whether that point of order has yet been decided by the Chair? I do not object to the bill of the gentleman from Georgia.

The SPEAKER. The Chair decided that point of order on yesterday. This is not under that call at all. This is a request for unanimous consent, outside of that rule altogether.

Mr. YOUNG, of Tennessee. That would not affect the rule which requires a bill making an appropriation of money or property to go to the Committee of the Whole. I do not insist, however, on the point of order. I wish the gentleman from Georgia to have an opportunity to pass his bill.

The SPEAKER. This is not a bill under the new rule as to the morning hour.

Mr. YOUNG, of Tennessee. The same rule should apply to all.

Mr. WHITE. Do I understand the gentleman from Georgia is seeking to pass a bill under a different rule—

The SPEAKER. The gentleman has asked unanimous consent that this bill be considered.

Mr. WHITE. I ask the Chair to hear my question. It is: If the gentleman from Georgia is seeking to pass a bill outside of the morning hour by a different rule from that to which it would be subject if it were called up under the new rule?

The SPEAKER. The bill the gentleman is now seeking to pass only requires under the rules a single objection to prevent its consideration. [Cries of "Vote!" "Vote!"]

Mr. WHITE. I should like all to be subject to the same rules.

Mr. ATHERTON. Was not a bill called up yesterday by another gentleman from Georgia?

The SPEAKER. That was under a construction which the House made of the rule.

Mr. ATHERTON. If the gentleman from Georgia [Mr. BLOUNT] be recognized, then two gentlemen from that State will have had that privilege.

The SPEAKER. Only one in the call under the new rule. Is there objection to the present consideration of the bill which has been read? There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLOUNT 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. ELAM. I ask unanimous consent—

Mr. McMILLIN. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Texas, [Mr. REAGAN,] that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. ATKINS. I hope the gentleman will allow me to make one or two motions to expedite the public business.

Mr. REAGAN. I yield to the gentleman from Tennessee for that purpose.

PENSION APPROPRIATION BILL.

Mr. ATKINS. I ask that the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, with amendments by the Senate, be taken from the Speaker's table and referred to the Committee on Appropriations, and that the Senate amendments be printed.

There was no objection, and it was so ordered.

ARCTIC EXPLORING EXPEDITION.

Mr. ATKINS. I am directed by the Committee on Appropriations, under an order of the House, to report back with a favorable recommendation the bill (H. R. No. 7156) appropriating money to be used under the direction of the Navy Department to prosecute a search for the steamer Jeannette, of the arctic exploring expedition.

Mr. KEIFER. Let that bill be considered now.

Mr. WHITTHORNE. I hope it will be passed. It will take no time.

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

Mr. THOMPSON, of Kentucky. I object to its present consideration.

Mr. ATKINS. Then I move that the bill be referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 201) for the relief of Somerville Nicholson;

A bill (S. No. 1191) for the relief of James Monroe Heiskell, of Baltimore City, Maryland; and

A bill (S. No. 1193) granting a pension to Milton L. Sparr.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. No. 1457) to restore the lands included in the Fort Reading and Fort Crook military reservations, in the State of California, to the public domain, and for other purposes.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 799) granting a pension to Richard P. Taylor;

A bill (H. R. No. 859) granting a pension to William H. Scribner;

A bill (H. R. No. 1107) granting a pension to Mrs. Elisabeth Up-right;

A bill (H. R. No. 1628) granting a pension to Dalton Hinchman;

A bill (H. R. No. 1953) for the relief of Henry C. Groomes;

A bill (H. R. No. 2044) granting a pension to Martha J. Porter;

A bill (H. R. No. 2548) granting a pension to Martha Neil;

A bill (H. R. No. 3098) granting a pension to Jacob Ginder;

A bill (H. R. No. 3487) granting a pension to James Forsyth Harrison; and

A bill (H. R. No. 6451) to amend and re-enact sections 2517 and 2518 of the Revised Statutes, and changing the boundaries of a customs district in the State of Maine.

EXECUTIVE COMMUNICATIONS.

The SPEAKER. The Chair asks consent to lay before the House sundry executive communications, that they may be promptly referred to their appropriate committees.

There was no objection.

STATISTICAL ABSTRACT.

The SPEAKER accordingly laid before the House a letter from the Secretary of the Treasury, transmitting the third number of the Statistical Abstract of the United States; which was referred to the Committee on Ways and Means, and ordered to be printed.

PRIVATE LAND CLAIM IN ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting papers in the Arizona private land claim "Aribac;" which was referred to the Committee on Private Land Claims.

EASTERN CHEROKEES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relating to the desire of the eastern band of Cherokees for assistance to enable them to join their brethren in the Indian Territory; which was referred to the Committee on Indian Affairs.

MARINE HOSPITAL, WILMINGTON, NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to the marine hospital building at Wilmington, North Carolina; which was referred to the Committee on Appropriations.

REGISTRATION OF TRADE-MARKS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of the Commissioner of Patents relative to the registration of trade-marks; which was referred to the Committee on Patents, and ordered to be printed.

FORCE IN PENSION OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Pensions relative to the condition of the working force in his office; which was referred to the Committee on Appropriations.

NAVIGATION AT THE HEAD OF LAKE SUPERIOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report on the wants of navigation at the head of Lake Superior; which was referred to the Committee on Commerce, and ordered to be printed.

CONSULAR REPORTS.

The SPEAKER also laid before the House a letter from the Secretary of State, relative to an appropriation for printing consular reports; which was referred to the Committee on Appropriations.

CLAIMS OF REVOLUTIONARY LINE OFFICERS.

Mr. SIMONTON, by unanimous consent, from the Committee on War Claims, reported back adversely the bill (H. R. No. 4480) to provide for the settlement of the unpaid claims of those officers of the line of the Revolutionary army who served to the close of the war of Independence, and were so returned on the books of the Treasury; which was laid on the table, and the accompanying report ordered to be printed.

INDEPENDENT SCHOOL DISTRICT, BURLINGTON, IOWA.

Mr. VOORHIS. I am instructed unanimously by the Committee on Private Land Claims to report to the House, with an amendment, the bill (H. R. No. 4206) confirming and vesting the title to a certain tract of land in Burlington, Iowa, "in the independent school district" of said city. It is merely to correct a verbal error in one of the statutes, and I ask that it be now considered.

The SPEAKER. That requires unanimous consent.

Mr. REAGAN. I have no objection if it will not lead to debate.

The SPEAKER. The Chair is advised that it is merely to correct a clerical error.

Mr. MCCOID. That is all.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Whereas it is claimed that the word "west," after the words "Valley street," in the "act confirming the title to a tract of land in the city of Burlington, Iowa," approved July 4, 1868, (volume 15, page 82, United States Statutes at Large,) is a clerical error, and that the word "east" should be inserted in lieu thereof: Therefore, in order to properly confirm the title to the lot which was intended to be confirmed by such act.

Be it enacted, etc., That the act entitled "An act confirming the title to a tract of land in Burlington, Iowa," approved July 4, 1868, be, and the same is hereby, amended so as to read as follows: That all of the title of the United States in and to a certain tract of land in the city of Burlington, Des Moines County, in the State of Iowa, described as being west of lot No. 978 in said city, south of Valley street, east of Ninth street, and north of Market street, as laid down on the plat of said city certified under the act of Congress of March 3, 1837, by William W. Connell and George Cabbage, commissioners, and now on file in the General Land Office, and which was originally reserved from sale by the United States and dedicated to public burial purposes, be, and the same is hereby, confirmed to and vested in the "independent school district" of said city, to be forever dedicated to and used by said school district for public-school purposes, and for no other purpose whatsoever.

There was no objection, and the bill was before the House for consideration.

The SPEAKER. The first question is upon the amendment reported from the committee.

The amendment was, in line 10 of the printed bill to strike out the word "Ninth" and insert in lieu thereof the word "Boundary;" so that it will read: "East of Boundary street and north of Market street."

Mr. MCCOID. That is to make this bill conform in language with the original act.

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. WHITE. I now call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Texas, [Mr. REAGAN,] that the House now resolve itself into Committee of the Whole for the purpose of further considering the river and harbor appropriation bill.

Mr. BELTZHOVER. I rise to make a privileged report from the Committee on Elections.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

HON. RANDALL L. GIBSON.

Mr. BELTZHOVER, from the Committee on Elections, submitted a report on the petition of Hon. Randall L. Gibson to be allowed for his expenses in an election contest in the Forty-third Congress; which report was ordered to be printed, and referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. JOYCE.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WHITE. I call for the regular order now.

The SPEAKER. The regular order is the motion of the gentleman from Texas, to go into Committee of the Whole on the river and harbor appropriation bill.

Mr. REAGAN. Before the question is taken on that motion, I desire to move that all general debate upon that bill in Committee of the Whole be closed in thirty-five minutes. I will state that it is my intention to give fifteen minutes of that time to the gentleman from Massachusetts, [Mr. RUSSELL,] a member of the Committee on Commerce, and fifteen minutes to the gentleman from Louisiana, [Mr. GIBSON,] a member of the Committee on Commerce, reserving five minutes to myself to close general debate.

Mr. ACKLEN. I ask the gentleman to make the time one hour.

Mr. REAGAN. I would be glad to accommodate my friend, but I am acting under instructions of the Committee on Commerce.

Mr. ACKLEN. I desire to say that although there was, as I understand, a meeting of the Committee on Commerce this morning, it was not the day for the regular meeting of that committee, and I was not advised that there would be any such meeting. On Thursday last, when this bill was under consideration in Committee of the Whole, the then occupant of the chair, the gentleman from Kentucky, [Mr. CARLISLE,] expected to recognize me to address the committee, and I yielded to the gentleman from Texas [Mr. REAGAN] for a motion that the committee rise, expecting that when the subject was again resumed I would have a few minutes at least to explain my views upon this bill. The effect of limiting debate to thirty-five minutes will be to cut me off from any opportunity to speak.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is the motion of the gentleman from Texas to limit general debate on the river and harbor appropriation bill to thirty-five minutes.

Mr. VAN VOORHIS. I move to amend that motion so as to limit general debate to four hours. There are a great many members here who want to say a word on this bill.

The question being taken on the amendment of Mr. VAN VOORHIS to limit general debate to four hours, it was not agreed to.

Mr. ACKLEN. I move an amendment to limit debate to three-quarters of an hour. That is but ten minutes in excess of the time indicated by the gentleman from Texas.

Mr. TOWNSEND, of Ohio. It is understood that after general debate is closed, which I hope will be in thirty-five minutes, the bill will then be considered by paragraphs, and there will be an opportunity for every member desiring to be heard to make a five-minute speech.

The amendment of Mr. ACKLEN was not agreed to.

The question recurring on the motion of Mr. REAGAN, that general debate in Committee of the Whole on the river and harbor bill be limited to thirty-five minutes, it was agreed to.

Mr. REAGAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurring on the motion of Mr. REAGAN, that the House resolve itself into Committee of the Whole for the consideration of the river and harbor appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. CARLISLE in the chair,) and resumed

the consideration of the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The CHAIRMAN. By order of the House all general debate on this bill has been limited to thirty-five minutes.

Mr. REAGAN. I yield fifteen minutes to the gentleman from Massachusetts, [Mr. RUSSELL.]

The CHAIRMAN. The gentleman from Texas, [Mr. REAGAN,] who, by reservation made the other day without objection, has thirty-five minutes remaining, yields to the gentleman from Massachusetts for fifteen minutes.

Mr. RUSSELL, of Massachusetts. Mr. Chairman, the opposition so far developed against the passage of the river and harbor bill reported to the House by the Committee on Commerce and called up for consideration by Mr. REAGAN on Monday, under the suspension of the rules, is based on the following reasons:

First. That a bill of this character and magnitude should be first considered in the Committee of the Whole, where each item can be discussed and subject to amendment.

Second. That the committee had not equitably distributed the appropriations territorially.

Third. That the stipulation in regard to the appropriation for the improvement of the Lower Mississippi "in accordance with the plan therefor adopted by the Mississippi River commission, to be expended by the Secretary of War, with the advice and under the supervision of said commission, the sum of \$1,000,000; and it shall be the duty of said commission to take into consideration and of the Secretary of War to extend operations under their supervision to tributaries of the Mississippi River to the extent, and no further, that may be necessary in the judgment of said commission to the perfection of the general and permanent improvement of said Mississippi River," is not sufficiently guarded to prevent the use of this appropriation to build up the levees for the protection of the alluvial lands lying along the Mississippi River.

In answer to the first objection I wish here to state in behalf of the Committee on Commerce that we have obeyed the instructions of the House in formulating this bill in committee, and it was called up on Monday for consideration and action under the suspension of the rules by Mr. REAGAN, a member of the committee, in conformity to a custom which seemed well established by the action of the past six or seven Congresses. Formerly when the bill was considered in the Committee of the Whole and subjected to amendment it never grew smaller, and that the amendments urgently and eloquently presented and adopted always increased the bill and generally to such proportions that it failed altogether.

In answer to the second objection, that the appropriations in the bill are not equitably distributed among the States, the committee affirm that they have by a long and careful consideration of the merits and demands of each item in the bill faithfully and conscientiously recommended appropriations which in their judgment the merits and necessities of the work demanded. The reports and recommendations of the Engineer Department which has these works in charge have necessarily been to a great extent our guide. These reports give the character and probable cost of the works, and show to what extent the improvement may facilitate commerce.

The charge that certain States or particular works in the States had been favored without reference to the necessity of the improvement is unjust and without foundation in fact. Texas, which has been referred to, has large appropriations in the bill, but has not received a larger proportion to the amount recommended by the Engineer Department for the works going on in that great State than other States have received; no more than the State of California, though the gentleman from California [Mr. PAGE] complains that the Pacific coast has not received fair consideration at the hands of the committee.

I commend to the consideration of this House the remarks of the honorable gentleman from Minnesota, [Mr. DUNNELL,] whose inland State receives very little in this bill, but he, having served on the Committee on Commerce, has, through familiarity with the needs of commerce, been led to support the bill making liberal appropriations for the improvement of our navigable waters.

The committee have, with such light as they had before them, and with a due regard to the size of the bill, dealt justly with every section of the country.

Another feature of the objections which develop under this head and which has been presented by members on this floor is, that their States had better make their own improvements to their rivers and harbors (in view of what they get in this bill and the population of the State) rather than share in the general bill. This is a narrow and limited view to take of the question of river and harbor improvement. But a sufficient answer to this suggestion is in the fact that all the navigable waters belong to and are under the control of the United States.

What we want in this country is cheap transportation, the very best facilities for handling and transporting from point to point the products of field, forest, mines, and our manufactures; and while we live and have gained and enjoy so high a state of civilization through the system of an exchange of commodities, you cannot improve transportation in one section of the country without its being felt equally in every other section. It is the strength and beauty of this country

that we have a diversified soil and climate, each section producing commodities peculiar to itself; and while the cotton from the fields of the South can be more cheaply transported to the seaboard over the long and narrow rivers which traverse the low lands of that section by the removal of stumps and overhanging trees, it may be, (improvements so much criticised in the House,) the benefit is not alone to the cotton-grower nor to the cotton-spinner in our great manufacturing cities, Lowell, Lawrence, and Fall River, but to every person who uses manufactures of cotton. The coal-miners who can more cheaply transport their products over the improved rivers that flow through the coal-mining regions are not alone benefited, but the consumers of that indispensable commodity also, wherever they may be.

The improvement of the rivers and lakes for the transportation of lumber and the cereals of the great West affords no local advantages that are not felt in the remotest part of our country. The cost of transportation from the wheat-fields of the West to the consumers in the East and South is an important item in the cost of our breadstuffs, and whatever can be saved by superior facilities in transportation is a gain both to the producer and consumer.

There are three great forces which underlie and constitute our success and which are essential to the permanent prosperity of any country, namely: First, fertility of soil; second, the industry and ingenuity of the people to take advantage of what nature affords them; third, and not the least important, cheap transportation. The first we have, for no country has a more fruitful soil, and our people are industrious and ingenious.

They lead all nations in fashioning implements for agriculture and machinery for manufactures. And now, what have we done and what can we do in the interest of cheap transportation? In the early settlement of the country and until a very recent date we have been obliged for the want of sufficient capital to build our railroads on a cheap and unsubstantial basis. Iron rails, cheap road-beds, and light motive power, together with local and conflicting managements of short lines of railway, though links in a great chain reaching from the North to the South and from the East to the West, did not afford facilities for cheap transportation. But within the last few years great advances have been made in land transportation. Steel rails have been substituted for iron, the road-beds have been improved and greater motive power used; large engines of fifty tons weight having been substituted for those of thirty tons. Through connections have been so perfected that merchandise is now transported from one section of the country to the other over our railroads for one-half what it cost seven or eight years ago. And while this change has been going on by land like improvements of no less importance are going on in water transportation. The ships of 1,000 and 2,000 tons burden, which were of the largest class a few years ago, are now yielding to the larger ships of 4,000 and 5,000 tons burden; and what the improvement of the railroads has done for the land carriage of the country the large ships have done for the ocean and river carrying trade, so that the freight rates from point to point on our own coast and from our ports to foreign ports are reduced nearly one-half; and shall Congress now hesitate to follow the example of private enterprise among our own people on the one side and foreign nations on the other in improving our national water-ways so as to facilitate the union of these instrumentalities in the cheapening of freight transportation? Our harbors and rivers are certainly inadequate now for this purpose and ships are constantly increasing in size, and the sum proposed in this bill will not, spread upon the total inland and foreign tonnage carried on within our borders, amount to one cent per ton; and who can doubt that we shall reap a tenfold advantage to our people in cheapening transportation by this expenditure? This sum seems a paltry one for the repair of old and the opening of new water-ways when compared with the estimated expenditure of \$400,000,000 annually for the repair of our railroads.

I have learned through a somewhat extended business experience the truth of the saying, "Nothing ventured, nothing gained," and we must, to compete with our rivals, always on the alert, have the best of facilities in all departments of business. It is estimated that we pay to foreigners alone \$100,000,000 annually for the transport of our exports and imports. I believe that we would save annually in transportation, on this item alone, brought about by the introduction of these large vehicles of transportation, which can only enter our harbors and great rivers by an expenditure by the Government to deepen their channels, more than is appropriated in this bill, to say nothing of the improvements upon our inland rivers and lakes and the building and repairing of our harbors of refuge, which serve the double purpose of saving life and property.

The third objection, which was raised by my colleague [Mr. ROBINSON] and the gentleman from Illinois, [Mr. MARSH], is that the appropriation for the improvement of the Lower Mississippi may be expended for building up the levees, and that consequently the alluvial lands lying alongside the river may be thereby improved.

The committee examined carefully the report of the commission, and also had the commission before them, and these gentlemen explained their plan of operations, which satisfied the committee that they would confine their experiments for the improvement of the navigation of the river to the system known as the jetty system, which has proved so successful at the mouth of the river at New Orleans.

I quote from the report of the commission under the head "Plan of improvement recommended:"

It would seem, therefore, that the plan of improvement must comprise, as its essential features, the contraction of the water-way of the river to a comparatively uniform width, and the protection of caving banks, and this is presumed to be the plan referred to in the act as the "jetty system." It is known, from observation of the river below Cairo, not only that shoals and bars, producing insufficient depth and bad navigation, are always accompanied by a low-water width exceeding three thousand feet, but that wherever the river does not exceed that width there is a good channel. In other words, bad navigation invariably accompanies a wide low-river water-way, and good navigation a narrow one.

The work to be done, therefore, is to scour out and maintain a channel through the shoals and bars existing in those portions of the river where the width is excessive, and to build up new banks and develop new shore-lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

It is believed that this improvement can be accomplished below Cairo by contracting the low-water channel-way to an approximately uniform width of about three thousand feet, for the purpose of scouring out a channel through the shoals and bars, and by causing, through the action of appropriate works constructed at suitable localities, the deposition of sand and other earthy materials transported by the water upon the dry bars and other portions of the present bed not embraced within the limits of the proposed low-water channel. The ultimate effect sought to be produced by such deposits is a comparative uniformity in the width of the high-water channel of the river.

It is believed that the works estimated for in this report will create and establish a depth of at least ten feet at extreme low stages of the river over all the bars below Cairo, where they are located.

It is the opinion of this commission that, as a general rule, the channel should be fixed and maintained in its present location, and that no attempt should be made to straighten the river or to shorten it by cut-offs.

There is no intimation by the report or the testimony of the commission that the War Department through the counsel of the commission will not carry out in good faith the proposition to improve the navigation of the river, and that only; and that no part of this appropriation would be used for the direct or indirect recovery of overflowed lands only so far as that result might follow the closing of gaps, which might be found necessary as an adjunct to the improvement of the navigation of the river. The committee believe that the language of the bill is sufficiently guarded to keep them within those limits, and that these gentlemen in calling the attention of Congress and the country to the provisions connected with this item in the bill have created an unnecessary alarm, for the plan adopted by the commission looks to the same auxiliary aid which my colleague [Mr. ROBINSON] foreshadowed and promised to support if adopted. My colleague was a member of the committee which introduced a bill to form the commission. I send to the Clerk's desk to be read an extract from his speech made at that time:

The Clerk read as follows:

Mr. SPARKS. I understood the gentleman to say that he was in favor of the nine first sections of the bill.

Mr. ROBINSON, of Massachusetts. Of the first nine sections.

Mr. SPARKS. Is the gentleman in favor of this portion of the fourth section of the bill, namely, "and for the protection of the alluvial lands of the Mississippi Delta from overflow from said river?"

Mr. ROBINSON, of Massachusetts. My impression is either that the gentleman from Illinois [Mr. SPARKS] has not been present while I have been addressing the committee, or that I have been singularly deficient in making myself understood.

Mr. SPARKS. That provision is in section 4. Are you in favor of that?

Mr. ROBINSON, of Massachusetts. I will answer the gentleman. This bill is intended to provide a commission to devise a plan for the improvement of the Mississippi River and the protection of the alluvial lands combined. If, as a part of the whole plan for the improvement of the river for purposes of navigation and incidental thereto, the lands of that valley may be protected—I am in favor of it. But if the result of the work of the commission should be only a report for the protection or reclamation of the lands alone, then as I now stand, as I am at present advised, I could not advocate or vote for such a proposition.

Mr. RUSSELL, of Massachusetts. I call attention to this to show that the committee of Congress who gave this matter considerable attention at the time and the gentleman himself fully believed that some of the gaps in the banks of the river would have to be closed as an adjunct to the new plan or jetty system proposed, and that he declared his readiness to vote appropriations which might incidentally reclaim land lying alongside the river if such work were necessary for the improvement of the navigation of the river.

But, Mr. Chairman, while the committee believe that the bill is properly guarded as it is, the immediate friends of the project and the committee are perfectly willing that this appropriation shall be so guarded as to satisfy the legal critics of this House and the country, and the committee now give notice that when this item is reached they will support any amendments that are offered in good faith to draw additional safeguards around this appropriation.

Mr. Chairman, there is clearly a majority of this House in favor of this bill, and I am sorry to see factions opposition developing to defeat its passage. There is now and then a man from the business walks of life who finds his way to a seat on this floor. He is not only struck with the facility with which the business of the country can be retarded under the rules, but disappointed to find that when a purely business measure is presented in this House which cannot be defeated by the ordinary tactics under the intricate rules of the House, members are ready to inject into the discussions partisan politics and sectionalism and deprive the country of the best judgment of its legislators. We saw that demonstrated in the passage of the funding bill. When that measure was brought into the House there was a difference of opinion on both sides of the House as to the rate of interest and the length of bonds for the new loan. But, sir, after a few days' discussion, political considerations gained control and influenced the action of the House, and in the final passage of the bill the lines were strictly drawn between the political parties.

If no better rules can be made to facilitate public business it would be well if we could eliminate from practical business questions political considerations. Very little business has been or will be transacted in the Forty-sixth Congress. There are more than a thousand private and public bills which have been considered by the committees of the House now on the Calendar, a great many of them meritorious, which, failing to be enacted into law, will do injustice to both public and private interests.

Mr. Chairman, I wish to say in reference to the further action of the House in regard to this bill that there are in it three hundred and fifty items of appropriation. If there is an attempt to amend many items in the bill, with the usual discussion, it will consume more time than there is left in this Congress. We hope, therefore, in the interest of the passage of the bill and the other public business demanding attention, that no amendments will be offered other than this I have referred to in connection with the appropriation for the improvement of the Lower Mississippi. There is not an appropriation in this bill for the improvement of any waters which have not first been surveyed by Government engineers and the surveys and estimates revised by the Chief of Engineers and indorsed by the Secretary of War.

While some of them are less meritorious than others, all will facilitate commerce. These works are in no sense local but national, and when fully understood will be supported by broad and liberal-minded men of the country. I am for liberal appropriations for internal improvements, and believe I should misrepresent my people should I not support this bill, which is in the direction of American progress and development. As to the power of Congress to appropriate money for internal improvements, I quote from one of our most able commentators, Judge Story, (volume 2, page 162:)

So far as regards the right to appropriate money to internal improvements generally, the subject has already passed under review in considering the power to lay and collect taxes. The doctrine there contended for, which has been in a great measure borne out by the actual practice of the Government, is that Congress may appropriate money, not only to clear obstructions to navigable rivers; to improve harbors; to build breakwaters; to assist navigation; to erect forts, light-houses, and piers; and for other purposes allied to some of the enumerated powers; but may also appropriate it in aid of canals, roads, and other institutions of a similar nature existing under State authority. The only limitations upon the power are those prescribed by the terms of the Constitution, that the objects shall be for the common defense or the general welfare of the Union. The true test is whether the object be of a local character and local use, or whether it be of general benefit to the States. If it be purely local, Congress cannot constitutionally appropriate money for the object. But if the benefit be general, it matters not whether in point of locality it be in one State or several; whether it be of large or of small extent; its nature and character determine the right, and Congress may appropriate money in aid of it, for it is then in a just sense for the general welfare.

Which shows the wisdom and forethought of the framers of our Constitution to provide for this class of important public improvements.

Mr. REAGAN. I now yield fifteen minutes to the gentleman from Louisiana.

Mr. GIBSON. Mr. Chairman, gentlemen have addressed the committee in behalf of the tributaries of the Mississippi River. They have urged appropriations for the Ohio, for the Missouri, and for all the great rivers that form finally the Father of Waters. There are forty-three great rivers draining the continent from the Alleghenies to the Rocky Mountains emptying into this vast basin from Cairo to the mouth of the Mississippi River. It is, I would say to the gentlemen who speak for the Missouri River, but the continuation of that river, and if the magnitude of the two rivers had determined the appellation it should be called the Missouri River and not the Mississippi River from Cairo to its mouth.

I say, then, will no one here speak for the Mississippi? Since we purchased the territory embracing this river survey after survey has been made, report after report from the most learned, eminent, and scientific engineers of the country who have been appointed to investigate the phenomena of this river have been made, and their recommendations will be found in the libraries and committee-rooms of Congress. The veteran and distinguished member from Virginia himself, who served upon the Committee on the Improvement of the Mississippi River, told that committee that he himself, under orders of this Government, had given much time to the investigation of the phenomena that this river presents. In the Forty-fourth Congress, when I may say there was a reunion of the sections, the proposition was made for the formation of a commission to investigate and report upon that river.

It was again proposed in the Forty-fifth Congress, but failed in the Senate for want of time. Finally in the Forty-sixth Congress it became a law. The President of the United States, in obedience to that law, appointed the ablest engineers of the United States upon the commission, many of whom had rendered themselves illustrious in the service of the Government. He also appointed upon that commission Mr. Eads, whose success at the mouth of the Mississippi River entitles him to be regarded as one of the benefactors of mankind. That commission, Mr. Chairman, made an accurate and thorough report after an elaborate survey of the Mississippi River, and they have submitted their report to this House. That report was presented to the Committee on the Improvement of the Mississippi River. Nay, more than that, under the rules of this House the Committee on the Improvement of the Mississippi River was instructed to visit the Mississippi River personally to look into the subject-matter of this report, in order that, by actual investigation

and observation, they might verify the report of the commission. They came back and reported. Such men as Judge HARRIS of Massachusetts, Mr. PRESCOTT of New York, Mr. HUMPHREY of Wisconsin, and Mr. MYERS of Indiana. These gentlemen went there, examined the river for themselves, came back, and reported that the recommendations of that commission were useful, wise, and ought to be adopted. In addition to that, the report, under the rules of this House, was referred to the Committee on Commerce, because, under the revision of the rules, authority to consider this question was taken away from the Committee on the Improvement of the Mississippi River and intrusted to the Committee on Commerce. It was therefore brought before that committee. They summoned the members of the Mississippi River commission before them. They heard them. They questioned them. They became satisfied from their testimony that the report was correct and that it was entitled to consideration, and they brought in a bill to carry out in part the recommendations of that commission.

Mr. Chairman, I have no earthly objections to the placing of any safeguards that the House may choose to throw around this appropriation. I wish to say frankly to the committee that we do not propose to build a levee, dike, or jetty, or anything of any character whatever on the Mississippi River for the purpose of protecting the alluvial lands on the border of that stream. Not a dollar of the money is contemplated to be expended for that purpose. Not a dollar of this appropriation is to be used in the reclamation of the alluvial lands in the Mississippi bottoms. This bill stands upon the power given under the Constitution to Congress to regulate commerce between the States, and any limitation that the gentleman from Massachusetts, who has always given friendly assistance to this measure, any limitation, I say, that he may deem necessary or proper to throw around this appropriation will be cordially accepted and adopted by the Representatives of that section of the Union. Let me, then, gentlemen, disabuse your mind on that subject. This proposition is simply to improve the channel, the navigation, the commerce of the Father of Waters, embracing a coast line of over two thousand miles, from Cairo to its mouth.

In reference to the phenomena that this great stream presents, this inland sea, the engineers hitherto have been baffled and thwarted. They have united easily in recommendations for the improvement of harbors on our eastern borders, because the propositions were simple and the conditions few. They have united without difficulty in improving upland streams, because all the books they studied at West Point and all the teachings of the schools embraced the phenomena of upland or ordinary streams. But the Mississippi River cannot be so readily explained or understood. Where is there another Mississippi River? Where is there a river that forms its own bed flowing through a vast region of alluvial material? The phenomena are novel and difficult. We have had attention given by the ablest engineers of this Government to the investigation of these phenomena, and we have their report before us. That report has received the sanction of two great committees of this House, upon which are gentlemen of experience and high character and sound conservative views, biased by no sectional jealousy. Mr. Chairman, I delight to say in the presence of this committee that the gentleman from Massachusetts, [Mr. ROBINSON,] if he opposes this item at all, is not actuated by a single sentiment of sectional feeling. I know him too well for that, and I say, therefore, that in support of the report of this commission I shall stand by him in any legitimate, wise, and prudent safeguard that he may propose to protect every dollar of this money which is to be expended for the improvement of the channel and navigation of this great river.

Why, gentlemen, do you know what the difficulties of that river are? Do you know that at many points below Cairo for three, four, and five months of every year there are only three and a half feet or four feet of water; that the great granary of the West is choked up; that the great vehicles of communication on that river are tied up for three, four, and five months of the year because of these vast "reaches," as the engineers call them, some of them forty miles long with only three and a half feet and four feet water?

Are you not willing to vote to remove these obstacles to the great granary of the West? Are you not willing to allow to the hard-working people of the great valley of the Mississippi some of the profits, the legitimate profits that they may achieve if they can only get cheap transportation? Are you not willing to sweeten the toil of the laboring-men who till that great valley from the Rocky Mountains to the Alleghenies? This is no local question; it is no sectional question. It is a question which embraces, in one aspect, the cause of humanity itself. It relieves the burdens upon the distressed people of Europe who are wanting bread and meat; and it will bring to the vigorous, industrious, and intelligent population living upon the tributaries of this great river cheaper transportation and, therefore, increased wealth.

I will not, Mr. Chairman, fatigue this committee by any extended remarks. I know, when I look in the faces of the intelligent gentlemen who sit before me, that, following in the footsteps of Calhoun and Gadsden and Guthrie and Clay and Benton and Douglas, they will appreciate the importance of doing something to remove the impediments to commerce on this the grandest feature of the American continent.

Mr. Chairman, I could wish that the gentleman who is President-

elect might be here once more to raise his voice upon this floor in favor of the improvement of the Father of Waters. No man appreciated the necessity of that more than he did when the matter was here for discussion, insisting upon the establishment of this Mississippi River commission; and in his letter of acceptance he goes further and says not only the interests of commerce but the interests of agriculture require this improvement. He declared that the Government should devise measures not only to facilitate its commerce, but to prevent its being any longer in seasons of great floods a "terror" to the people dwelling upon its banks. These words have touched the hearts of many a man in his cabin on the banks of the Mississippi River.

It must be remembered that every acre tilled and drained in the valley, that every stream opened and improved, precipitates in the aggregate an enormous flood upon the basin into which pour the waterfalls from the Rocky Mountains to the Allegheny. The engineers declare that the outlet theory would prove ruinous to the river. It does appear to be against common sense to propose to improve the river by taking all the water out of it. It will be clear to every one who shall examine carefully the surveys and remarks of the commission that the difficulties and impediments of the low-water navigation arise mainly from the vast floods that overflow the banks and fill the channel with sand-bars as they decline. It is the conviction of the commission that in order to improve the channel in low water, prevent the formation of these "reaches," at all seasons the water must be confined to its channel, that the increased velocity would diminish deposit and scour away the sand-bars. But we do not ask for levees or dikes or anything except such methods and plans as will improve the channel and navigation of the river. We are willing to leave these questions, the instrumentalities, to the engineers.

I am here to-day to speak in favor of the commerce of the Mississippi River. I am here to speak in favor of cheapening transportation to the people dwelling in the great valley. The district I have the honor to represent, and that has been so constant to me, may be called the jetty district, for we hold the gateway to the sea, and I hope my voice in behalf of the millions in the valley may find a responsive echo in the hearts of the inhabitants of the great Northwest and of their honored Representatives upon this floor.

It was a consolation to Sir Robert Peel when the corn laws were repealed and he was so harshly condemned by the great landed proprietors of England that he had cheapened the bread and sweetened the toil of the laboring people of England. I tell the Representatives here assembled that those who shall come forward to the support of this measure, destined to bring peace and comfort and security and blessings to the people of the Mississippi Valley, will long be remembered by them with grateful hearts.

The CHAIRMAN. The gentleman from Texas [Mr. REAGAN] has six minutes of his time remaining.

Mr. VAN VOORHIS. The gentleman from Louisiana has yielded to me.

The CHAIRMAN. The gentleman from Louisiana had but fifteen minutes allowed him by the gentleman from Texas, and he has consumed fourteen minutes.

Mr. VAN VOORHIS. Then I have but one minute. I yield that minute to the gentleman from Texas, who has occupied so little time on this bill.

Mr. REAGAN. I hope gentlemen will now consent that we take up the bill by sections for amendment and dispose of it. I think we all concur in the importance of economizing time.

Mr. SAPP. We cannot hear a word the gentleman from Texas is saying.

The CHAIRMAN. The committee will come to order.

Mr. REAGAN. We all feel the necessity of expedition in the business of the House with a view to transacting the business before us in the short time we have. I hope it will be the pleasure of members of the committee to try to reach for themselves the conclusion that when an amendment is offered the gentleman who offers it having had five minutes, and five minutes having been occupied by some one who desires to oppose it, we shall then vote on each amendment without prolonging the discussion on the paragraph. I suggest this in the sincere wish to get this measure as speedily as possible out of the way of other business.

The CHAIRMAN. The Chair finds he was mistaken as to the time. The thirty-five minutes to which the gentleman from Texas was entitled began at twenty minutes before two, and his time has now expired. The Clerk will report the bill by paragraphs for amendment.

The Clerk proceeded to the reading of the bill by paragraphs and read the following:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named.

Mr. VAN VOORHIS. I offer the amendment which I send up to the Clerk's desk.

Mr. RANDALL, (the Speaker.) Before we enter upon the consideration of the paragraphs of this bill containing appropriations, I desire to offer an amendment, to come in at the end of the paragraph just read, and which has no application whatever to the amounts proposed to be appropriated by the bill.

Mr. VAN VOORHIS. I desire to offer an amendment proposing that this work shall be done by contract.

Mr. RANDALL, (the Speaker.) The gentleman and myself are on the same line.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. VAN VOORHIS] will be read.

The Clerk read the amendment, which was to add to the pending paragraph the following:

All work done under the provisions of this bill shall be let by contract to the lowest responsible bidder in accordance with regulations to be prescribed by the Secretary of War.

Mr. RANDALL, (the Speaker.) I move to amend that amendment by substituting therefor that which I ask the Clerk to read.

The Clerk read as follows:

The Secretary of War shall cause to be let by contract all public works authorized under this act except for surveys and estimates. Such contracts shall be made after sufficient public advertisement for proposals in such manner and form as the Secretary of War shall prescribe. Such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution of the work according to such contract, and for the proper payment of all liabilities incurred in the prosecution thereof, for labor and material: *Provided*, That the interests of the Government shall not be actually injured thereby.

Mr. RANDALL, (the Speaker.) It may be necessary to strike out of the paragraph of the bill the words "and to be expended under the direction of the Secretary of War," and to add to the paragraph that which has just been read by the Clerk.

Mr. REAGAN. I am not sure but what we had better leave in the paragraph the provision for the appropriations to be expended under the direction of the Secretary of the Treasury.

Mr. RANDALL, (the Speaker.) I am not strenuous as to that.

Now, one word on the amendment. As will be observed, it is drawn with great care. I believe it is almost a copy of the provision inserted by the Committee on Commerce in the river and harbor appropriation bill of last session, and which passed this House without objection. It recognizes, as I think, an important principle; that where the public interests are not actually interfered with the lowest bidders shall receive the awards to perform this work.

In addition, allow me to say that, with such a provision as this in the law, I believe we shall obtain at a low estimate as much as 10 per cent. additional work, which will be for the interest of the people and of the commerce of the country.

Mr. CALKINS. Will the gentleman permit me to make a suggestion?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. CALKINS. If this amendment shall prevail, there ought also to be given the Government authority to sell the dredges and other property now owned by the Government which is fitted for use in this work.

Mr. RANDALL, (the Speaker.) I do not desire to enter upon that matter now. I would be glad to have the gentleman from Indiana [Mr. CALKINS] offer a separate amendment to that effect.

Mr. CALKINS. I suggest that the amendment should come in here. The Government owns a large amount of property which, should the amendment of the gentleman from Pennsylvania [Mr. RANDALL] become a law, will become entirely useless to the Government or to any one else, unless some such provision as I have suggested be inserted in the bill.

Mr. RANDALL, (the Speaker.) I desire to state that the principle of the amendment which I have offered was recognized in the river and harbor appropriation bill passed for 1866, one of the first bills of this kind after the war. I do not understand that the Committee on Commerce or any one else objects to this amendment, and I therefore ask a vote upon it.

Mr. VAN VOORHIS. A word, Mr. Chairman. I see no difference in principle between the amendment offered by the gentleman from Pennsylvania [Mr. RANDALL] and the one I have offered. I shall therefore not contend about the phraseology of the amendment, but will accept the one he has offered in lieu of mine.

Mr. TOWNSEND, of Ohio. The Secretary of War, as I understand it and as I believe, has authority under present provisions of law to advertise for proposals and to give out contracts for this work where it can be done to advantage.

I desire to say that there is much work provided for in this bill which it is almost impossible to contract for; such as dredging, removing snags and trees, and such work as that, which it is almost impossible to estimate for. The present provisions of law authorize contracts to be made where it can be done safely and with advantage.

A provision substantially the same as the one proposed here was incorporated in the river and harbor bill of last session as it passed the House. It was stricken out by the Senate at the earnest request of General Wright, who said that with that restriction much of the money appropriated by the bill could not be expended.

Mr. RANDALL, (the Speaker.) I have put in a proviso to reach such cases as those which probably General Wright had in view when he objected to the provision of the bill as it passed the last House.

Mr. TOWNSEND, of Ohio. I failed to notice it.

Mr. RANDALL, (the Speaker.) I ask that the proviso of my amendment be again read.

The Clerk read as follows:

Provided, That the interests of the Government shall not be actually injured thereby.

Mr. TOWNSEND, of Ohio. I understand that to have reference only to the lowest bidders.

Mr. RANDALL, (the Speaker.) No; it applies to the letting of the contracts. If, in the opinion of the Secretary of War, the interests of the Government will be interfered with by letting the work under contract, the work shall then be done by the Government employing laborers and not by contract.

Mr. WARNER. That is exactly the modification I asked the gentleman from Pennsylvania [Mr. RANDALL] to make.

Mr. RANDALL, (the Speaker.) I accept that.

Mr. TOWNSEND, of Ohio. I have no objection to that. It is, as I understand, just the provision of the existing law.

The CHAIRMAN. The proviso as modified will be read.

The Clerk read as follows:

Provided, In the opinion of the Secretary of War, the interests of the Government shall not be actually injured thereby.

Mr. MURCH. Mr. Chairman, I move as a substitute for the pending amendment the following:

Provided, That all the money herein appropriated for labor shall be expended under the supervision of the employés of the Government by employing day laborers and mechanics at the prevailing rates of the community in which said expenditures are to be made, and no contract shall be given out except where the employment of day labor on the part of the Government is absolutely impossible.

Mr. Chairman, I am induced to offer this amendment by the knowledge which I possess that the contract system now in vogue with reference to public works has resulted in great robbery to the Government as well as great oppression to the workmen. I am familiar with the facts on this subject; and I know that in many cases contracts made by the Government with individuals or corporations have been used as means of crowding down the prices of labor, notwithstanding the contractors themselves were reaping a profit of from 50 to 300 per cent. A resolution which I introduced at the extra session of this Congress calling for a committee to investigate the method of constructing public buildings in this country looked to an investigation of the contract system; but by reason of parliamentary tactics well known to all members of the House I have not been able to reach that resolution upon the Calendar. If such an inquiry had been instituted I could have demonstrated to the House and the country that through the contract system now prevailing in the construction of Government buildings and other public works the Government has been robbed of hundreds of thousands of dollars.

I want this amendment adopted for the protection of laboring-men who will be employed on these improvements of rivers and harbors. Without a provision of this kind they will be at the mercy of contractors; and we know too well by the experience of the past what that means. Under the contract system laborers are crowded down until they barely receive enough to keep soul and body together. I speak from intimate knowledge of the facts, having been myself a workman engaged for a number of years on Government works and having myself suffered from the evil of which I now speak.

Mr. RANDALL, (the Speaker.) I suppose the object of the gentleman from Maine [Mr. MURCH] is to require that work done by the Government shall be done under the eight-hour law.

Mr. MURCH. Not exactly that. I want to protect the working-men, no matter how many hours they work.

Mr. RANDALL, (the Speaker.) What authority have we to interfere with the contractor, either as to the amount of wages he pays his employés or the length of their service per day? I do understand we have a perfect right to say that for employés of the Government eight hours shall constitute a day's labor.

Mr. MURCH. That is not my proposition at all. I contend that Congress has the right to direct how the public work of this country shall be done, either by day labor or by contract. I know that the contract system has been a curse not only to the Government but to every workman employed on public works.

Mr. REAGAN. We have now before us a resolution proposing to substitute the contract system for the plan of allowing the work to be done under the direction of the engineer officers. The proposition submitted by the gentleman from Maine is, I understand, directly in conflict with that. I wish to say, however, that the amendment of the gentleman from Pennsylvania [Mr. RANDALL] contains a provision which may have escaped attention, looking in the line of the purpose of the gentleman from Maine. I mean the provision—not very usual but very necessary—that in giving bonds for the performance of work the contractors shall bind themselves to pay their employés. That goes far in the line of protecting the laborers; and I think it a most wise provision.

Mr. MURCH. That is not the object of my amendment at all. I want to make it obligatory upon the Government in entering into contracts with corporations or individuals to put in the contract a provision that workmen shall be employed by day labor, not by piece-work.

Mr. REAGAN. That would very materially interfere with the contract system.

Mr. MURCH. I want to interfere with the contract system, for it has proved in many instances a curse.

Mr. O'NEILL. I want to make a single suggestion. Does it not

appear to the committee on examining this amendment and the proviso that we had better leave the clause just as it is? It is now certainly in the power of the Secretary of War to order this work to be done by contract or not, as he may deem best; and of course on this point he will take the advice of the Engineer Department of the Army, which will be advised by the engineer detailed to attend to the particular work. It seems to me that, in view of this confusion about amendments and provisos, it would be best to leave the clause as it stands.

Mr. RANDALL, (the Speaker.) There is no confusion about the question. The amendment I have offered was adopted, I think unanimously, by the Committee on Commerce last year.

Mr. O'NEILL. In certain respects and for certain works.

The question being taken on the amendment of Mr. MURCH, it was not agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. COX. I move to strike out the last word.

Now, whatever may be the effect of this contract system or any other system, this whole thing needs regeneration. I believe in certain portions of the country, from information I have received, the Government would by the contract system reduce the cost of this internal improvement business perhaps one-quarter. I was so advised by an intelligent man as to one portion of the district, Shrewsbury River, represented by my friend from New Jersey. I was so informed by an intelligent correspondent. I wrote to him to give me detailed information for the benefit of Congress as to that particular place. He writes me back the following letter, which I ask to have read, and the accompanying editorial made a part of my remarks:

The Clerk read as follows:

RED BANK, N. J., February 10, 1881.

DEAR SIR: In answer to your inquiry for facts in regard to the Shrewsbury River improvements, I inclose slip from the Register of December 9, 1880. The statements made in the article are true and can be verified at any time. The work done by the Government could have been performed by private capital at about one-fourth the cost, or even less.

In regard to Cheesecake Creek: Last summer I made a trip up this stream to hunt up information in regard to the traffic and the proposed improvements. I was told that the amount of freight carried was very small, being only one or two boat-loads of clay and molding sand per week, with an occasional load of wood. I was further informed that in case the river was improved it would benefit none save one or two firms interested in clay-pits. The stream is from sixty to seventy-five feet wide, and in the three-fourths of a day which I spent there I did not see one vessel passing either up or down the river. It may be claimed that great quantities of clay have been shipped from this section, but the greater portion is shipped at Amboy and has nothing to do with Cheesecake Creek.

Of the other streams in the district I have no knowledge.

Respectfully, yours,

JOHN H. COOK.

Hon. S. S. Cox,

House of Representatives, Washington, D. C.

Mr. COX. The object of that letter and the article which the gentleman sends to me from the paper of which he is editor is to show these improvements are wasteful; are not made with good judgment; that they do not improve the navigation, and, as was said at the last session by my colleague who represents a district up the Hudson River, they are a positive injury sometimes to navigation. My argument, therefore, not only goes to the contract system, but to the whole system of improvement as now carried on by the Government.

The CHAIRMAN. The gentleman's time has expired.

Mr. COX. I ask to have printed with my remarks the editorial to which I have referred.

The CHAIRMAN. The Chair hears no objection.

The editorial is as follows:

"Improving" the rivers—How the Shrewsbury is being permanently injured—A bar forming at Rocky Point—The inside or Neptune Club Channel closed—The channel at the Highlands draw-bridge filling up—Real's Channel becoming impassable—The larger sailing-vessels of the river being sold off.

The parties who contracted to remove a quantity of sand and mud from the bed of the Shrewsbury River have stopped work for the winter. Since the alleged improvements have been begun the river has been filling up more rapidly and more bars have been formed across the channels than ever before in so brief a period.

The damage which is at present being caused through the agency of the alleged improvements is the formation of a bar across the main channel of the Neversink River, about midway between Upper Rocky Point and the Neptune club-house; the closing of the inside or Neptune-club channel by the formation of a flat reaching from Lower Rocky Point to the large flat in the middle of the river; the filling up of the channel on the eastern side of the Highlands draw-bridge; and the closing of the channel which leads from the Highlands to Seabright, known as Real's channel. All this injury to navigation has been done recently, and the sailors of the river, with the exception of those who profit either directly or indirectly by the alleged improvements, are almost unanimous in their condemnation. Even of those who are peculiarly interested in the alleged improvements, many admit among themselves that the river has been seriously injured.

The bar which is formed across the main channel of the Neversink between Upper Rocky Point and the Neptune club-house is the most serious obstruction to navigation in the river, and threatens in time to entirely prevent the larger class of vessels from reaching parts of the river above this point. This bar has been formed since the dikes which constitute parts of the alleged improvements were built. During the past season the Sea Bird has grounded on this bar and remained there for a longer or shorter period at nearly every trip. On Saturday, November 20, Captain John P. White, who oversees the prosecution of the alleged improvements, came home to Red Bank in the tug-boat belonging to the dredging machine, and on Sunday afternoon, November 21, attempted to return to the mud-digger. Although the propeller was of light draft, and although Captain White is more familiar with the river than any other sailor on the Shrewsbury and knew exactly where the channel was, yet the boat ran aground and remained fast on the bar until Monday afternoon, when it was pulled off with the assistance rendered by a passing sail-boat. It is very seldom, and only under the most favorable circumstances, that the packet vessels can pass this point without striking bottom.

The flat which has formed at Lower Rocky Point, and which has completely

closed the inside or Neptune Club channel, has been caused by dredging in other parts of the river. Before the alleged improvements were begun, the Sea Bird used to use this channel in her trips up and down the river. At the present time neither the steamboats nor the trading vessels can use this channel, and even pleasure craft get aground when trying to cross the flat. This obstruction was formed by the sand and mud loosened by the dredging-machine, which was carried thither by the current.

The eastern side of the Highlands draw-bridge has been filling up rapidly since the alleged improvements were begun, until at the present time the water is too shallow to permit the packet vessels to pass through. Vessels which attempt to make this passage almost invariably get aground. On Saturday afternoon, November 13, an oyster sloop from Fire Island got aground when passing through this side of the draw, and a few hours afterward the George Hume grounded in the same place and could not get off, although it was high tide at the time. The anchor was carried ahead of the vessel, and efforts were made to "kedge" through, but without avail. The vessel remained aground until Sunday, the draw remaining open all this time. The filling up of the channel at this point is attributed solely to the dredging which has been done further up the river. The dredging-machine, in digging the sand and mud from various parts of the river, loosens a large quantity of dirt, which is carried along with the current and deposited where the nature of the river will permit.

Real's channel, through which vessels pass to reach Seabright, has become so filled up during the last summer that only small vessels can now pass through it, and then only when the conditions are favorable. Many parties in Seabright are injured by this, as they are in want of material, which they can not get except by paying increased freight charges. Most of the vessels of the Neversink River can not get up this channel, and the few that can refuse to do so on account of the time which would necessarily be lost in getting aground and in afterward kedgeing off. The Emory Green, a light-draft vessel, owned by Mead & Taft, a firm of contractors who are building cottages at Seabright, gets aground whenever she makes a trip. The William T. Parker, Captain Edwin Ervin, the smallest schooner which plies the Neversink River, while making a trip to Seabright, got aground in this channel on Friday night, November 12, and remained fast until the following Monday, although an additional crew were procured, and every effort made to kedge the vessel off. The filling up of this channel is also caused by the dredging-machine, which for some time past has been digging a new channel through the large flat which lies between Real's channel on the one side and the Sea Bird's channel and the dyking on the other.

Several of the larger sailing vessels have been sold during the past summer among them are the John H. Patterson, the Laura Maps, the A. J. Collins, the J. B. Voorhis, and the Gracie Hoffmire. These are all of the larger class of vessels, and they have been taken to other parts. The assumption is that vessels of this size cannot longer be profitably used in the river, and it is probable that the increased difficulty in navigation, caused by the rapid filling up of the river, is one of the factors which makes boating less profitable than formerly.

Mr. RANDALL, (the Speaker.) One word in reply. The amendment I have offered goes to the extent of giving private capital the opportunity of competing for this work. It not only goes to that extent but even further, for it provides that the contractor shall give bond for the faithful performance of his duties under the contract. It provides that the Government may recover from the owner of private capital who contracts for the construction of any one of these works, for any failure to carry out the conditions of his contract. It is really in the line of a remedy for the complaints which gentlemen make in reference to these works. It gives to the Secretary of War the discretion if in his opinion the interests of the Government are not served by letting the work out to contract, that then he may have it done by day's work.

Mr. ROSS. I am ready to stake my reputation as a member of Congress that there has not been a day's work or an hour's work upon the Shrewsbury River but what has been done under contract, no matter what may be said in the Red Bank Register.

Mr. COX. I withdraw my formal amendment.

Mr. GILLETTE. I offer the following:

That one condition of each contract shall be that all employes shall be paid before the contractor is paid.

Mr. REAGAN. That amendment offered by the gentleman from Iowa is not necessary, because under the amendment of the gentleman from Pennsylvania [Mr. RANDALL] these contractors are required to give bonds for the faithful performance of their duty under the contract, and that includes, of course, all debts incurred in the construction of the work in the way of pay to employes.

Mr. GILLETTE. I did not understand that provision. I withdraw the amendment.

The CHAIRMAN. The question now recurs on the amendment moved by the gentleman from Pennsylvania, [Mr. RANDALL.]

The committee divided; and there were—ayes 103, noes 5.

So the amendment was agreed to.

Mr. VAN VOORHIS. I move to insert after the amendment that has just been adopted the following:

No work shall be begun for the completion of which the sum appropriated to it is not sufficient.

Mr. Chairman, one great objection to the system of internal improvements as now conducted is, that it is carried on in violation of law. This bill provides not that certain work shall be begun, but for completing what has been begun already and constructing new works and completing them. It provides for the construction, completion, and repair of these public works. The Secretary of War or somebody else under him, in violation of the law, has begun between three and four hundred pieces of work and left them unfinished. What I propose by this amendment is, that when we undertake a work of this sort we shall find out exactly what it is and what it will cost, and then vote money enough to complete it, so that Congress will not need to make appropriations for it during a long succession of years.

Let me take an example, Mr. Chairman. I will take Elk River, in West Virginia.

Mr. KENNA and other gentlemen. —Vote!

Mr. VAN VOORHIS. I do not blame the gentleman from West Virginia [Mr. KENNA] for crying out "vote," as I have something to say in reference to his State which perhaps he does not wish to hear.

Mr. KENNA. I beg the gentleman's pardon. I merely wanted to vote, thinking he had concluded his remarks.

Mr. VAN VOORHIS. Take Elk; \$5,000 were appropriated for it last June. What was it for? It was to enable a party to go down the river and remove overhanging boughs and snags. Five thousand dollars was voted last year for that purpose and \$5,000 is appropriated for the same purpose in this bill. The engineer says it will take \$100,000 to complete the work. That will be \$5,000 every year for twenty years to remove the snags and rocks and boughs from overhanging trees in that little rivulet called Elk River, in West Virginia.

What I wish to say is this: if that river needs \$5,000, then let it be voted, and let the contract be made; but let it be insisted that the work is to be finished, and after that has been done, let the gentleman from West Virginia hold his peace. Do not let us every year grant an appropriation of \$5,000 for twenty years to go for the same purpose.

All the appropriations in this bill for West Virginia amount to \$306,000. I have not had time to look at any other State, and take that State as a sample for the sake of convenience. That sum only is appropriated. The Engineer's estimates, however, show that it will take nearly six millions of dollars to finish these various works. Now, assuming that State to be a fair sample, assuming that my friend from West Virginia has not more than a fair share in proportion to what the other States get, it will take, according to these figures, \$200,000,000 to finish the works already begun. My friend [Mr. KEIFER] says we are able to pay, but, for one, I am unwilling to see the public money expended in this way. I do not believe that is the way to dispose of Government funds. Let us establish a fixed price or a fixed limit to moneys to be expended for this character of work, and go to that extent and no further. I have observed, Mr. Chairman, in the Engineer's Report, for I have not had an opportunity of seeing it before this morning, that there are many places where the Secretary of War has not seen proper to do anything because the appropriation, in his judgment, was not adequate to do anything of importance. That was the exercise of a laudable discretion on his part, and I think we ought to establish a general principle, that a rule should be adopted like that intended by this amendment.

I would not oppose any just appropriation for the improvement of the navigable rivers and harbors of the United States. This, in my judgment, is not such a bill. It needs to be radically amended before it will be acceptable to the country, and before it can receive my vote. There are three hundred and fifty separate and distinct appropriations in this bill, ranging from \$1,000 to \$1,000,000 each. It consists of three hundred and fifty bills conglomerated into one. No two of these appropriations have any relation to each other, and altogether they amount to the sum of \$10,179,000. There are many items in this bill which are meritorious and ought to pass on their merits. There are many other items of little merit and which ought not to pass. There are many items that are mere swindles and frauds. The two latter classes of items are put into this bill for the sole purpose of making it go through. If there is any one thing which the American people disapprove, it is log-rolling legislation. It was intended to force this bill through the House under the spur of a suspension of the rules and without debate. That scheme failed. The necessary two-thirds could not be secured.

The usual course has been with the river and harbor bill to prepare it in secret and rush it through this House without giving any opportunity for debate. This year, having failed to do that, the chairman of the Committee on Commerce brings the bill into the Committee of the Whole and calls on his adherents to permit no amendments and pass the bill just as it came from the hand of this committee. In this he has again been thwarted. Amendments have been offered in spite of him, and I trust will be adopted.

We are not obliged to be blind to the fact that the chief motive for combining these three hundred and fifty bills in one is to get votes enough to pass the bill.

Does any one believe that if the \$750,000 which the State of Texas gets by this bill were stricken out of it that the gentleman from Texas [Mr. REAGAN] would be anxious to improve Sumpawamus Inlet at a cost of \$5,000? Does any one believe that he would support the bill at all if the items it gives his State were stricken out of it, even though every other item should remain just as it is? I cannot stretch my belief to that extent. My faith in him is not strong enough for that.

Texas supports the items in the bill which go to other States because the other States can give Texas votes on the passage of the bill. The chairman of the Committee on Commerce is no better and no worse than any other member of that committee. Every member of this committee has feathered his own nest. The States from which this committee come take over one-half of the money appropriated by this bill. Having glutted themselves, the committee then set about distributing the rest in such a way as to secure the passage of the bill. No money was appropriated in any locality which could not help it on its way. The work of improving rivers and harbors is assumed

to be a continuing work. The gentleman from Texas [Mr. REAGAN] has asserted that great injury will result to this Government if we fail to make appropriations to continue work which has been already begun.

Who authorized the beginning of any work which the appropriations already made are inadequate to complete? There is no law authorizing any such work. This bill is complete in itself. It does not on its face authorize any work beyond the amounts appropriated. The money appropriated by this bill is "for the construction, completion, repair, and preservation" of the public works. This is the language of every river and harbor bill. And yet the engineers, in violation of law, have sought to mortgage the revenues of the Government for all time to come by expending the immense sums appropriated, not for the "construction, completion, repair, and preservation" of the public works, but for the commencement of vast public works which will never be completed, and which require the expenditure of many millions annually to keep them in progress.

What should be done in the case of any given needed improvement is to appropriate enough money to do the work and finish it promptly. This work should be let by contract to the lowest responsible bidder, and should be finished by a given time. Upon the plan of the engineers nothing is ever finished. Each year the demand increases. On the 14th of June, 1880, we appropriated \$8,951,500. Now, in less than eight months comes this bill appropriating \$10,179,800 more. Within a single year, if this bill passes, Congress will have voted away \$19,131,300 of the people's money.

To recur for a moment to West Virginia. There are eight appropriations in this bill for that State. They amount to \$306,000 or about 47 per cent. of the estimates of the engineers for this year. The aggregate of these estimates is \$630,500. The cost of the work now in progress in these eight localities is very nearly \$6,000,000.

What I desire to accomplish by my amendment is to keep the work within the sums appropriated by Congress.

Mr. HAYES. Mr. Chairman, I rise to oppose the amendment of the gentleman from New York. I do not care to consume very much of the time of this committee. I stand here simply to say that I am opposed to all amendments to this appropriation bill, except the amendments that may be offered to guard the improvements which we propose to make in the Mississippi River.

Mr. SAPP. You do not know what they are yet.

Mr. HAYES. I desire to say that in my judgment this is one of the fairest and most equitable appropriation bills that has ever been presented to this House for its consideration. We have the assertion of the gentleman from Texas [Mr. REAGAN] in charge of the bill that every item in it has been not only carefully considered by fifteen gentlemen who make up his committee, as honest and faithful as any other fifteen gentlemen upon the floor, but every item has been carefully considered at the War Department, and has been recommended by the engineers who had charge of and who have made the surveys, as well as by the Department itself, and I say that this bill coming before us at this time and with that indorsement it becomes us to take it and take it substantially as it comes from the committee. There may be now and then a little item for which an appropriation ought perhaps not to be made. But let me ask if there has ever been an appropriation bill of any kind put through this House which did not contain some such item? Why, we put through the other day in two hours the legislative, executive, and judicial appropriation bill, and I will venture the assertion, Mr. Chairman, that there were items in that bill that would not meet the approbation of every member of this House on mature reflection.

Gentlemen have complained that \$10,000,000 is too large a sum to be appropriated for our rivers and harbors. Why, Mr. Chairman, gentlemen who make that assertion fail to comprehend, I imagine, the magnitude and importance of the great work for which these appropriations are being made. Look at our great sea-coast, extending from Maine down the Atlantic across the Gulf of Mexico up the Pacific to Alaska. Look at the vast number of bays, inlets, and harbors all along that coast line, and the hundreds of rivers that flow from the interior of our country and empty into the Atlantic, the Gulf of Mexico, and the Pacific Ocean; many of them, Mr. Chairman, navigable for hundreds of miles. Look at the grand chain of lakes on our northern borders, with their splendid harbors and their vast commerce. Look at the mighty Mississippi and the Missouri, that carry the products of a vast empire in itself down through the Valley of the Mississippi into the Gulf of Mexico, and thence to the world, and tell me, with all of these mighty factors in the commerce of this country, if you regard \$10,000,000 too much for their improvement, repair, or preservation? Is it too much to promote the interest of our vast commerce, both internal and foreign, which is to be preserved and stimulated by such an appropriation as this?

Our external commerce last year, according to the report of the Bureau of Statistics, was \$1,613,000,000, and the Chief of the Bureau of Statistics told me yesterday that our inland commerce was twenty times as much. This would give a grand aggregate of this commerce of over thirty-five billion dollars, and add to that the external commerce, and we have the immense total external and internal commerce of this country reaching the enormous sum of about thirty-seven billion dollars; and yet we are told, notwithstanding the fact that this stupendous sum represents our commerce, that ten million dollars is too much to improve, increase, or maintain that commerce. We are

told that it is too much to be appropriated for our rivers and harbors.

[Here the hammer fell.]

Mr. RUSSELL, of Massachusetts. I ask consent to print some remarks in connection with this subject in the RECORD.

There was no objection, and it was ordered accordingly. [See page 1522.]

Mr. HAYES. Mr. Chairman, I make the same request.

There was no objection. [See Appendix.]

Mr. COX. Mr. Chairman, I ask the privilege to print in the RECORD a compilation, made carefully, of how much each State gets in this bill, as my former calculation was hurriedly made and crude, and I ask this in order to make it perfect.

Mr. O'NEILL. If it is a correct calculation I shall not object.

The CHAIRMAN. Is there objection?

There was no objection to the request.

The table is as follows:

ARKANSAS.	
Arkansas.....	\$20,000
Black.....	20,000
Le Ferre.....	5,000
Onachita.....	2,000
Salome.....	10,000
White.....	4,000
White and Saint Francis.....	6,000
Total.....	73,000
ALABAMA.	
Mobile.....	90,000
Alabama.....	20,000
Warrior, &c.....	25,000
Total.....	135,000
CONNECTICUT.	
Bridgeport.....	10,000
New Haven.....	15,000
New Haven.....	60,000
Norwalk.....	5,000
Southport.....	2,500
Stonington.....	30,000
Connecticut River.....	30,000
Housatonic.....	2,000
Thames.....	30,000
New London.....	4,300
Total.....	188,800
CALIFORNIA.	
Oakland.....	60,000
Wilmington.....	12,000
Petalumas.....	8,000
Sacramento.....	30,000
San Joaquin.....	20,000
Total.....	130,000
DELAWARE.	
Pier.....	10,000
New Castle.....	20,000
Broad.....	10,000
Duck.....	3,000
Mispillion.....	3,500
Rancocas.....	10,000
Christiana.....	10,000
Total.....	66,500
DAKOTA.	
Missouri.....	15,000
Missouri.....	40,000
Red River, one-half.....	9,000
Yellowstone, one-half.....	10,000
Total.....	74,000
DISTRICT OF COLUMBIA.	
Harbors, &c.....	50,000
FLORIDA.	
Apalachicola.....	10,000
Tampa.....	10,000
Apalachicola.....	1,500
Choctawhatchee.....	7,000
Cumberland Sound.....	100,000
Escambia.....	5,000
Saint John's.....	100,000
Suwanee.....	3,000
Volusia.....	5,500
Pensacola.....	20,000
Total.....	262,000
GEORGIA.	
Brunswick.....	5,000
Savannah.....	25,000
Chattahoochee.....	20,000
Coosa.....	60,000
Flint.....	15,000
Ockmulgee.....	5,000
Oconee.....	2,500
Oostanemle, &c.....	1,000
Savannah.....	8,000
Savannah.....	15,000
Total.....	156,500

IOWA.	
Fort Madison	\$2,500
Muscatine	2,500
Mississippi	5,000
Des Moines	40,000
Missouri, one-half	10,000
Missouri, one-half	7,000
Missouri	7,000
Total	74,000

ILLINOIS.	
Calumet	20,000
Chicago	150,000
Galena	12,000
Rock Island	6,000
Waukegan	15,000
Illinois	250,000
Mississippi	600,000
Mississippi	10,000
Mississippi	6,000
Total	1,069,000

INDIANA.	
Michigan City	30,000
Wabash	25,000
White	20,000
Total	75,000

KANSAS.	
Missouri	20,000
Missouri	8,000
Total	28,000

KENTUCKY.	
Kentucky	100,000
Big Sandy	30,000
Tradewater	3,000
Cumberland	10,000
Louisville and Portland Canal	42,000
Louisville and Portland Canal	40,500
Total	225,500

LOUISIANA.	
New Orleans	75,000
Amite	5,000
Courtebeau	7,500
Bayou Teche	20,000
Terre Bonne	8,800
Red River	10,000
Tangipahoa	2,000
Vermillion	4,900
Calcasieu	12,000
Calcasieu	3,000
Bartholomew	8,000
Tensas	3,000
Boeuf	5,000
Tchefuncta	1,500
Tieckfaw	2,000
Bayou Teche	25,000
Bayou La Fourche	500
Total	193,200

MISSOURI.	
Saint Louis	10,000
Mississippi	6,000
Mississippi	10,000
Mississippi	175,000
Mississippi	20,000
Cuivre	2,000
Gasconade	10,000
Missouri	15,000
Glasgow	20,000
Missouri	20,000
Missouri	10,000
Missouri	15,000
Missouri	20,000
Mississippi	10,000
Improvement current	2,000
Total	345,000

MISSISSIPPI.	
Mississippi	50,000
Big Sunflower	4,000
Noxubee	8,000
Pascagoula	4,000
Pearl	25,000
Pearl	2,500
Tallahatchee	3,000
Tombigbee	1,000
Yazoo	6,000
Mississippi	50,000
Yallahusha	3,500
Tchula Lake	3,000
Total	160,000

MARYLAND.	
Baltimore	150,000
Annapolis	5,000
Breton	3,000
Choptank	5,000
Elk	5,000
Secretary	3,000
Thread haven	3,000
Wicomico	2,000
Susquehanna	15,000
Total	191,000

MISCELLANEOUS.	
Ohio River	\$350,000
Milwaukee	100,000
Mississippi, Missouri, and Arkansas	150,000
Mississippi River	1,000,000
Mississippi	200,000
Mississippi, gauging	5,000
Mississippi, snag-boat	25,000
Mississippi, Rock Island Rapids	8,000
Osage, Kansas, and Missouri	20,000
James B. Eads	10,000
Repairing breakwater	4,000
Reservoirs, Mississippi	150,000
Surveys	100,000
Total	2,122,000

MICHIGAN.	
Muskegon	10,000
Ontonagon	20,000
Pentwater	6,000
Portage Lake	10,000
Saint Joseph	8,000
Saugatuck	5,000
South Haven	5,000
White River	7,500
An Sable	4,000
Charlevoix	10,000
Cheboygan	6,000
Frankfort	10,000
Grand Haven	50,000
Black Lake	6,000
Great Marais	20,000
Lake Huron	50,000
Ludington	10,000
Manistee	10,000
Manistique	1,000
Monroe	1,000
Detroit	50,000
Saginaw	10,000
Saint Clair	5,000
Saint Mary's	150,000
Saint Mary's	50,000
Total	514,500

MINNESOTA.	
Great Marais	10,000
Duluth	25,000
Mississippi	10,000
Saint Anthony	15,000
Red River, one-half	9,000
Total	69,000

MONTANA.	
Missouri	30,000
Yellowstone, one-half	10,000
Total	40,000

MASSACHUSETTS.	
Hyannis	5,000
Newburyport	40,000
Nantasket	25,000
Plymouth	10,000
Provincetown	5,000
Boston	100,000
Merrimac	9,000
Taunton	25,000
Scituate	10,000
Wareham	10,000
Total	239,000

MAINE.	
Richmond	3,000
Cathance	6,000
Gut	5,000
Kennebunk	2,000
Lubec	20,000
Portland	20,000
Moosabec	10,000
Richmond	10,000
Total	76,000

NEBRASKA.	
Missouri	10,000
Missouri, one half	10,000
Missouri, one half	7,000
Total	27,000

NEW YORK.	
Buffalo	90,000
Charlotte	2,500
New Rochelle	3,000
Flushing	10,000
Great Sodus	5,000
Little Sodus	7,500
Olcott	3,000
Port Jefferson	4,000
Pultneyville	2,000
Wilson	10,000
Waddington	2,500
Ticonderoga	5,000
Oswego	50,000
East River and Hell Gate	200,000
Buttermilk	40,000
Hudson	15,000
Niagara	5,000
Canarsie	5,000
Sheepshead	5,000
Sumpawamus	5,000
Total	469,500

NEW HAMPSHIRE.	
Portsmouth.....	\$20,000
Exeter.....	5,000
Winnipsaukee.....	2,500
Total.....	27,500

NEW JERSEY.	
Rahway.....	10,000
South.....	6,000
Woodbridge.....	5,000
Raritan.....	25,000
Shrewsbury.....	86,000
Cheesequake.....	5,000
Cohansey.....	7,000
Elizabeth.....	4,000
Passaic.....	50,000
Matiawan.....	15,000
Raritan.....	50,000
Salem.....	3,000
Total.....	266,000

NORTH CAROLINA.	
Cape Fear.....	10,000
Currituck.....	30,000
Broad.....	5,000
Neuse.....	15,000
Pamlico Harbor.....	3,000
Scuppernon.....	1,000
Trent.....	2,000
Pasquotank, one-half.....	2,500
Total.....	68,500

OHIO.	
Ashtabula.....	20,000
Black.....	7,000
Cleveland.....	200,000
Fairport.....	10,000
Huron.....	3,000
Muskingum.....	30,000
Port Clinton.....	5,000
Sandusky.....	10,000
Toledo.....	40,000
Vermillion.....	2,000
Sandusky River.....	7,500
Total.....	334,500

OREGON.	
Canal.....	100,000
Upper Columbia.....	15,000
Lower Willamette.....	45,000
Upper Willamette.....	15,000
Yaquina.....	10,000
Total.....	185,000

PENNSYLVANIA.	
Erie.....	20,000
Marcus Hook.....	30,000
Allegheny.....	25,000
Schuylkill.....	40,000
Delaware.....	100,000
Delaware.....	10,000
Delaware.....	100,000
Delaware.....	40,000
Chester.....	3,000
Susquehanna.....	15,000
Total.....	383,000

RHODE ISLAND.	
Narragansett.....	5,000
Providence.....	40,000
Newport.....	25,000
Total.....	70,000

SOUTH CAROLINA.	
Charleston.....	175,000
Ashley.....	1,500
Great Pedee.....	6,000
Waccamaw.....	5,000
Altamaha.....	5,000
Wappoo.....	10,000
Waterlee.....	8,000
Santee.....	22,000
Total.....	232,500

TENNESSEE.	
Memphis.....	15,000
Big Hatchee.....	3,500
Casey Fork.....	4,000
Clinch.....	3,000
Cumberland.....	10,000
Cumberland.....	15,000
Duck.....	3,000
French.....	3,500
Hiwassee.....	1,500
Obed's.....	2,500
Tennessee.....	7,000
Tennessee.....	250,000
Total.....	318,000

TEXAS.	
Galveston.....	\$250,000
Aransas Pass.....	80,000
Brazos.....	40,000
Pass Cavallo.....	60,000
Galveston.....	50,000
Neches.....	3,000
Sabine.....	150,000
Sabine.....	7,000
Trinity.....	10,000
Buffalo.....	25,000
Brazos San Diego.....	75,000
Total.....	750,000

VERMONT.	
Burlington.....	10,000
Swanton.....	2,500
Otter.....	2,000
Total.....	14,500

VIRGINIA.	
Mount Vernon.....	1,500
Rappahannock.....	15,000
Staunton.....	5,000
Totusky.....	2,500
Urbana.....	4,000
York.....	25,000
Norfolk.....	75,000
New.....	20,000
Appomattox.....	10,000
Black Water.....	1,500
Chickahominy.....	2,000
Pamunkey.....	2,500
Dan.....	8,000
James.....	60,000
Mattaponi.....	3,300
Namoni.....	2,000
North Landing.....	7,500
Pagan.....	5,000
Neabasco.....	5,000
Pasquotank, one-half.....	2,500
Archer's.....	5,000
Total.....	262,300

WISCONSIN.	
Ahnapee.....	8,000
Green Bay.....	5,000
Kenosha.....	5,000
Manitowoc.....	4,000
Sheboygan.....	25,000
Superior Bay.....	5,000
Sturgeon Bay Canal.....	10,000
Two Rivers.....	15,000
Menominee.....	12,000
Milwaukee.....	8,000
Port Washington.....	17,000
Racine.....	6,000
Chippewa.....	10,000
Saint Croix.....	8,000
Fox.....	125,000
Kewaunee.....	5,000
Total.....	263,000

WEST VIRGINIA.	
Wyandotte.....	3,500
Little Kanahwa.....	20,000
Monongahela.....	25,000
Shenandoah.....	2,500
Elk.....	5,000
Great Kanahwa.....	200,000
Total.....	256,000

WASHINGTON TERRITORY.	
Cowlitz.....	1,000

The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from New York, [Mr. VAN VOORHIS.]

The committee divided; and there were ayes 3, noes not counted. So the amendment was not agreed to.

Mr. UPDEGRAFF, of Iowa. I desire to offer an amendment, to be inserted immediately after the pending paragraph.

The Clerk read as follows:

Insert at the end of the paragraph:
"Provided, That no money appropriated by this act shall be expended in the improvement of any stream, notwithstanding the sum be designated by name and appropriated for herein, which in an ordinary stage of water is not capable of floating vessels of fifty tons burden for a length of thirty consecutive miles, and which does not intersect or form part of a State line."

Mr. UPDEGRAFF, of Iowa. I desire to say a few words in connection with this subject. In the ordinary business reported to this House by committees it usually happens that there are some members of the committee who are able to give some reasons why a measure should not pass or why it should be modified. In this instance, as I understand it, every single member of the Committee on Commerce is in favor of the bill as it stands without the dotting of an *i* or the crossing of a *t*. The members of this House have been practically without information on this subject. The report of the engineers has been inaccessible to all except the members of the committee, or practically so. Day after day have I endeavored to procure a copy, and day after day I have been unsuccessful until yesterday, when by blandishments and—I will not say what else—

A MEMBER. Not bribery.

Mr. UPDEGRAFF, of Iowa. In some way I succeeded in obtaining a copy from the room of the Senate Committee on Commerce. That report is entirely without an index. What you get in it you have to get by accident, or you have to read two thousand or more pages.

I opened the report, and accidentally, as it were, I fell upon this description of one of the streams for which this bill appropriates money. It is Secretary Creek, Maryland. Here is a report by the engineers. But before I read the extract I will premise it with this remark. These gentlemen who make these reports live upon the money appropriated in this bill, and of course they will make it appear to be necessary if possible. They will magnify their office and magnify their work. This has reference to Secretary Creek, Maryland. There is a secretary bird, too, and I do not know but it was born and had its origin on this creek. The engineer says:

The whole length is not much over three miles. It is entirely in Dorchester County; its course is almost due west; the declivity of the stream is little or nothing; the currents slow; rise of tide about one and a half feet; the volume of the stream dependent mainly on the tide.

This creek is the water outlet for the trade of the town of East New Market and the surrounding territory, fertile and thickly settled, of about eighty square miles.

Not eighty miles square, but eighty square miles; a territory about equal to two of our congressional townships. And this is introduced as a national measure.

Furthermore, a few pages on, at page 197, I fell across the following, which relates to the Little Kanawha, West Virginia:

The present plan of improvement was adopted in 1877, having for its object the attainment of raft and push-boat navigation.

How is that for national navigation? Now, mind you, the raft and push-boat navigation does not now exist. The object of the bill is to create a raft and push-boat navigation. I read further from this report about the Little Kanawha:

The attainment of raft and push-boat navigation at lower stages than was then practicable, and generally facilitating both classes of navigation, especially the former, from Bull Town to the present slack water. These objects have already been largely secured, and it only remains to carry to completion the present plan to effect all the improvement of the river practicable under it.

And the amount estimated as necessary for completion of this work is \$900,000. And this is not the stream that commands the Choptank trade, which comes next to this.

The next is the Big Sandy River, West Virginia and Kentucky. I read from page 196:

The present project so far as improving the natural channels was adopted in 1878, and as to the instituting of slack-water navigation in 1880, the object of the first named plan being to better the raft and push-boat navigation in low stages, and of the second to afford a permanent five-foot navigation. The natural channels are narrow, obstructed, and with as little as three inches of water in them at low stages over shoals and ripples. The amount expended has considerably widened and deepened these channels—

For which God be thanked—

and rendered the navigation easier. The appropriation of \$66,000 asked is for constructing the first or test lock and dam \$60,000, and for continuing improvements of natural channels \$6,000.

The whole amount estimated to be necessary for the completion of the existing project is \$1,872,000. [Laughter.]

[Here the hammer fell.]

Mr. OSMER. If I am recognized, I yield my time to the gentleman from Iowa, [Mr. UPDEGRAFF.]

The CHAIRMAN. Is there objection?

Mr. CHALMERS. Is not debate on the amendment exhausted?

The CHAIRMAN. The Chair will state what is the rule. Five minutes are allowed in advocacy of the amendment and five minutes against it. The gentleman from Iowa has occupied five minutes for the amendment, and now the gentleman from Pennsylvania [Mr. OSMER] proposes to yield him five minutes, and the Chair asked for objections.

Mr. CHALMERS. I object to anything outside of the rule.

The CHAIRMAN. Objection is made, and the enforcement of the rule is insisted on.

Mr. UPDEGRAFF, of Iowa. The gentleman from Pennsylvania [Mr. OSMER] is against the amendment.

Mr. WASHBURN. I am in favor of it, and if recognized will yield my time to the gentleman from Iowa.

The CHAIRMAN. But the gentleman from Mississippi objects. In that case ten minutes would be consumed in advocacy of the amendment, leaving no time for opposition.

Mr. McLANE. I rise to oppose the amendment. No amendment could be more injurious to the best interests of the country than that offered by the gentleman from Iowa. The western and southern commerce is developed by the deepening of the shallow streams that lead into the deep streams. And the population of the country interested in these shallow streams perhaps are most deserving of the sympathies of this Congress. If you take the State of Iowa and the State of Missouri, you will find the appropriations asked for are quite as often for the small streams as for the big streams.

Mr. SAPP. I will tell the gentleman that there is not a dollar appropriated for anything in Iowa except for the Mississippi and Missouri Rivers.

Mr. McLANE. The gentleman from Iowa has complained that the Missouri is not provided for. I want his attention specially to the fact that no part of the Missouri River, which he desires to have im-

proved, could be improved if the amendment of his colleague was adopted.

Mr. SAPP. Certainly not. I am aware of the fact that the committee entirely ignore the Missouri.

Mr. McLANE. They do no such thing. They are very liberal, and I hope the committee will find very judicious appropriations made for the Missouri River.

Mr. SAPP. How much is appropriated for the Missouri River?

Mr. McLANE. Much more than the gentleman states; I will answer his question in my own time. I am now dealing with his colleague who proposes that we shall fix a depth of water, and shall improve no river containing a less depth. I say that the adoption of his amendment would prevent improvement of the Missouri and of the Upper Mississippi River and in many respects the Lower Mississippi. It is to that point that I ask the attention of the gentleman who stands here and complains that his Missouri River has not been provided for; and yet he is ready to support his colleague who would have us adopt an amendment which would exclude all appropriations for the Missouri River for which and its immediate tributaries the bill appropriates between three and four hundred thousand dollars.

Mr. SAPP. Why so?

Mr. McLANE. One of the important improvements upon the Missouri River is at a point where there is not half the depth fixed by this amendment as the minimum, and near the mouth of the Missouri the navigation is in danger of being altogether closed.

Mr. SAPP. Not three inches of water for the Missouri River?

Mr. McLANE. I say to the gentleman from Iowa [Mr. UPDEGRAFF] that if the committee shall adopt his amendment it will destroy those very features of this bill which gentlemen from his section have taken the most interest in, and I tell him further, that some of the improvements on the Missouri are at points where the depth is at low water only about twenty-three inches, I think, and therefore I say to him that the amendment of his colleague directed against creeks in Virginia and Maryland, in fact assails the Missouri River improvements.

[Here the hammer fell.]

Mr. COX. I move to strike out the last word.

Mr. CHALMERS. I object to that; it is a formal amendment only. The CHAIRMAN. The gentleman from New York [Mr. Cox] has a right to move the amendment, but he has no right to withdraw it except by unanimous consent.

Mr. COX. I hope my friend from Mississippi will allow me—

Mr. McLANE. I ask for a vote on the amendment of the gentleman from Iowa, [Mr. UPDEGRAFF.]

Mr. COX. I have offered a formal amendment, as has been done many times before. I do not know why I should be made an exception. I want to have the compliment, if there is any compliment in it, of following my distinguished friend from Maryland, [Mr. McLANE.] He is here evidently to advocate that little Secretary Creek in his State.

Mr. McLANE. I call the gentleman from New York to order.

Mr. COX. For what?

Mr. McLANE. The item for Secretary Creek is not now before the committee.

Mr. COX. Well, I am before the committee. [Laughter.] I am like Secretary Creek. I am not very large in dimensions. [Great laughter.]

Mr. McLANE. I want the gentleman from New York to direct his attention to the pending amendment.

The CHAIRMAN. The Chair understands the gentleman from New York to move a formal amendment for the purpose of addressing the committee on the subject before the committee.

Mr. COX. The gentleman from Maryland will gain nothing by these little snapperadoes of practice. I am used to meeting them. I want to answer my friend from Maryland, and why will he not allow me to do so? He said that I was not right when I said that democratic precedents favored something else than this peculiar line of legislation. He said he could show more democratic Presidents or statesmen—I am not certain which.

Mr. McLANE. Two to your one. Two democratic Presidents who signed river or harbor improvement bills for every one that vetoed such bills. I can say three for one.

Mr. COX. I did not make the point two to one; but I will give you two Presidents who based their vetoes of such measures as this on democratic precedents and doctrines. The first which I quote is the famous veto measure of President Polk, of August 3, 1846, in which he said:

The Constitution has not, in my judgment, conferred upon the Federal Government the power to construct works of internal improvement within the States, or to appropriate money from the Treasury for that purpose. That this bill assumes for the Federal Government the right to exercise this power, cannot I think, be doubted. The approved course of the Government and the deliberately-expressed judgment of the people have denied the existence of such a power in the Constitution.

Mr. CHALMERS. Was not General Cass the author of that, and was he not afterward nominated by the democratic party for President?

Mr. COX. I ask my friend from Tennessee, [Mr. WHITTHORNE,] who was at that time connected with the executive office while Mr. Polk was President, to state if this clear enunciation of democratic principle did not come direct from the occupant of the White House

to Congress? Indeed, it is within my knowledge that my friend copied that very message—

Mr. CHALMERS. The bill which President Polk vetoed was introduced by General Cass, who was afterward nominated for President by the democrats.

Mr. COX. Yes, and got beaten. [Laughter.] Here is more of the wisdom that came from the South and its true democratic statesmen in the earlier and better days of the Republic, when the dangerous practice prevailed of combining all these measures, good and bad, for big and little objects in one bill. I read from the same message; and the quotation is but the echo of democratic sentiment and platforms up to and until the desire for local improvement submerged the landmarks of the Constitution.

The wisdom of the framers of the Constitution in withholding power over such objects from the General Government and leaving them to the local government of the States becomes more and more manifest with every year's experience of the operation of our system. In a country of limited extent, with few such objects of expenditure, (if the form of government permitted it,) the common treasure might be used for the improvement with much less inequality and injustice than in one of the vast extent which ours now presents in population and territory. The treasure of the world would hardly be equal to the improvement of every bay, inlet, creek, and river in our country which might be supposed to promote the agricultural, manufacturing, or commercial interests of a neighborhood.

There is both constitutional interpretation and human sagacity in these ideas, and if they only came from one statesman of the democratic type they justify my vote and action on a miscellaneous and multifarious measure like this ten-million bill.

President Polk asks and demands what President Pierce afterward asked and demanded. As a safeguard against these mischievous bills he urged that these measures should each be placed in a separate bill. He demanded that each item should be determined on its intrinsic, independent merits. What endless wrangle and bickering would be saved by such a prudent system. It would be wise beyond our later experience. I stand here on that ground, believing that to yield to such pernicious practice is to ignore our best democratic instruction and make an example of wasteful excess for a troubled future.

Why not bring in your separate bill for the Missouri River? Why not bring in your separate bill for the Mississippi River? Why not bring in your separate bill for Secretary Creek? Why not bring in your separate bill for your shallow push-pole and brush-imposed streams and railroad-tie, hoop-pole, and raft navigation? Then we can decide each one on its own merits or demerits when it comes up for debate, comparison, and consideration. I ask permission to print some more of the wisdom of democratic statesmen.

Mr. CHALMERS. I object.

Mr. COX. Does the gentleman object to my printing further extracts?

The CHAIRMAN. The Chair understands that objection is made.

Mr. COX. Then I must take advantage of some other opportunity to get them before the House.

Mr. ATKINS. I hope the gentleman will print the approval by President Jefferson of the Cumberland-road bill.

Mr. COX. I will give you the real old Jeffersonian doctrine before I am done; and it will go to the foundation of our polity as a Federal system and its reserved and delegated powers.

Mr. McLANE. I rise to oppose the amendment.

The CHAIRMAN. The pending amendment is to strike out the last word—a formal amendment.

Mr. McLANE. But it is an amendment which the Chair entertained, and is debatable. If the gentleman from New York [Mr. Cox] had the right to speak for five minutes in favor of it, I have the right to occupy an equal time in opposition.

The CHAIRMAN. The gentleman will proceed; the Chair will not undertake to restrict him.

Mr. TOWNSEND, of Ohio. I rise to a question of order.

Mr. McLANE. I waive my right to the floor.

Mr. TOWNSEND, of Ohio. My point of order is that the discussion should be confined to the amendment of the gentleman from Iowa, so that we may vote upon it and get it out of the way. These great underlying questions of constitutional law which my friend from New York alludes to may come up another time. Let us now dispose of these practical questions.

The CHAIRMAN. As no one is claiming the floor now to discuss the amendment, the point of order is not applicable to anything before the committee; but if it should be made hereafter, the Chair will endeavor to confine members to the pending question.

The question being taken on the amendment of Mr. Cox, to strike out the last word, it was not agreed to.

The question was then taken on the amendment of Mr. UPDEGRAFF, of Iowa; and there were—ayes 51, noes 91.

Mr. UPDEGRAFF, of Iowa, called for tellers.

Tellers were ordered; and Mr. UPDEGRAFF, of Iowa, and Mr. McLANE were appointed.

The committee divided; and the tellers reported ayes 47, noes 108. So the amendment was not agreed to.

Mr. UPDEGRAFF, of Iowa. I move to amend by inserting the following:

Provided, That no money appropriated by this act shall be expended in the improvement of any stream, notwithstanding the same be designated by name and appropriated for herein, which in an ordinary stage of water is not capable of floating vessels of fifty tons burden for a length of thirty consecutive miles, and which does not intersect or form a part of a State line: Provided, That this restriction shall not apply to tide streams emptying into the ocean.

Mr. Chairman, I said something to-day, if I remember aright, about the Big Sandy and its character. I now want to call attention to the Guyandotte, which is one of the streams I desire to have excluded by this amendment. In the report of the Engineer Department I find the following language respecting this stream:

The present plan of improvement for this river was adopted in 1878, and has been carried on in accordance with this to date, the object being to improve the whole river for raft navigation primarily, and for push-boat navigation at certain special points; for both species of navigation the river was practically closed save on rises of considerable height.

It has not been possible to combine these two species of navigation on the Guyandotte. "Push-boat" navigation was too much for it, provided raft navigation were added. [Laughter.]

So much for the Guyandotte. Now I come to the Elk River, West Virginia. This is one of the streams which I think ought to be excluded. Here is what the Engineer's Report says on page 691:

The obstructions are rocks, snags, and overhanging trees.

Think of a great navigable stream obstructed by "overhanging trees." My friend from Indiana knows that the Wabash could not be obstructed by "overhanging trees." Think of an "overhanging tree" obstructing the navigation of the Mississippi River or the Missouri. Here is a stream upon which the commerce of the nation is to float; and unfortunately there are "overhanging trees" which obstruct it. [Laughter.]

Before the river can be considered properly prepared for the full development of the trade upon it which the resources of the country will probably produce and maintain—

It is prepared now for all the trade there is—

some or all of the private mill-dams should certainly be removed or modified.

Now, let the country understand, let this House permit the country to understand, that \$10,000,000 is appropriated, in part at least, in order that the national commerce can be push-boated over modified mill-dams. Just think of it—rafts and push-boats carrying the great commerce of this mighty nation over modified mill-dams. I can see the Committee on Commerce, (for whom I have the highest respect, and I have heard some of them talk in magnificent phrase about the rich wealth of the products of this country and its magnificent commerce,) I can see that committee with push-boats pushing that mighty commerce over a modified mill-dam, provided the "overhanging trees" are removed. That is the character of the Elk River.

The Engineer's Report says:

The money thus far has been spent in conformity with the idea of making an open navigation of ten or twelve inches in depth.

How is that for the mighty commerce of America? Ten to twelve inches in depth. Not now, but it is expected to be secured in order that the mighty commerce of the country may be pushed over these modified mill-dams. [Laughter.]

Now, what is going to be the cost of it? The report goes on to state:

The unexpected cheapness and success, however, of the work of the last season lead me to conclude that what remains can be done for very much less than the amount of that estimate, which was \$100,000.

The estimate is now modified to \$90,000.

I come next to the Kentucky River. Here is a stream that has some title to respect. The Engineer's Report says:

The present project for the improvement of this river is that proposed by Major W. E. Merrill, corps of engineers, in his report of August, 1879, on the survey of the river, contemplating slack-water navigation of six feet depth, with permanent dams for the main river, i. e. up to Three Forks, or for two hundred and fifty-eight miles. There is at present no regular or permanent navigation, the five old locks or dams on the lower eighty-two miles of the river having become, by disasters and neglect, practically useless, and above them there is but little water in low stages without ripples and bars of rock and gravel scattered along the channel.

The first appropriation for this river was \$100,000. The amount appropriated in this bill, if I have got my figures right, is \$100,000.

[Here the hammer fell.]

Mr. COX. I move to add to the amendment the following:

Provided no money shall be appropriated in this bill for any river exclusively in one State.

I beg to support that amendment by further extracts from the messages of democratic Presidents. My friend from Tennessee [Mr. ATKINS] said that Jefferson signed the Cumberland-road bill. So he did; but upon the ground that it was a post-route. He considered it, I suppose, somewhat constitutional on that ground. But for a statement of the *rationalia* of the Jeffersonian ideas of government on this head let me refer to the message of President Pierce, to be found on page 2079 of the Statesman's Manual, volume 3. Gentlemen cannot comprehend the cogent reasoning in pure diction—the genuine democracy as illustrated by the analyses of our fundamental authority and limitations—except by a perusal of the whole document. I beg, I plead with them to read it. Only by its thoughtful reading can gentlemen do justice to the sentiment which inspires my opposition to this measure.

The doctrine which gentlemen advocate is nowhere more pertinently denounced than in this extract:

Annual and special messages of successive Presidents have been occupied with it, sometimes in remarks on the general topic, and frequently in objection to particular bills. The conflicting sentiments of eminent statesmen, expressed in Congress, or in conventions called expressly to devise, if possible, some plan calculated to relieve the subject of the embarrassments with which it is evinced, while they have directed public attention strongly to the magnitude of the interests

involved, have yet left unsettled the limits, not merely of expediency, but of constitutional power, in relation to works of this class by the General Government.

It is quite obvious that if there be any constitutional power which authorizes the construction of "railroads and canals" by Congress the same power must comprehend turnpikes and ordinary carriage-roads; nay, it must extend to the construction of bridges, to the draining of marshes, to the erection of levees, to the construction of canals of irrigation; in a word, to all the possible means of the material improvement of the earth by developing its natural resources anywhere and everywhere, even within the proper jurisdiction of the several States. But if there be any constitutional power thus comprehensive in its nature, must not the same power embrace within its scope other kinds of improvement of equal utility in themselves, and equally important to the welfare of the whole country? President Jefferson, while intimating the expediency of so amending the Constitution as to comprise objects of physical progress and well being, does not fail to perceive that "other objects of public improvement," including "public education," by name, belong to the same class of powers. In fact, not only public instruction, but hospitals, establishments of science and art, libraries, and, indeed, everything appertaining to the internal welfare of the country, are just as much objects of internal improvement, or, in other words, of internal utility, as canals and railways.

The admission of the power in either of its senses implies its existence in the other; and since, if it exists at all, it involves dangerous augmentation of the political functions and of the patronage of the Federal Government, we ought to see clearly by what clause or clauses of the Constitution it is conferred.

There being no specific grant in the Constitution of a power to sanction appropriations for internal improvements, and no general provision broad enough to cover any such indefinite object, it becomes necessary to look for particular powers, to which one or another of the things included in the phrase "internal improvements" may be referred.

Failing to find such general or particular powers, he exercised his prerogative at the same time, laying down a civic lesson from which we have wofully departed. The bill which he vetoed was over a million. Since then, in spite of his special warnings, we have reached ten times that amount per annum.

Now, sir, I desire once more to put upon record this decision of President Pierce, following the decisions of democratic Presidents:

In view of all this, it is not easy to estimate the disastrous consequences which must have resulted from such extended local improvements being undertaken by the General Government. State legislation upon this subject would have been suspended and private enterprise paralyzed, while applications for appropriations would have perverted the legislation of Congress, exhausted the national Treasury, and left the people burdened with a heavy public debt beyond the capacity of generations to discharge.

Mr. Chairman, ponder this wisdom in the light of new facts of our physical progress! We have now in this country, constructed partly by the aid of States and private capital, or at least we had up to 1878, four billion four hundred and eighty million dollars' worth of railroads. It is many millions more this year, 1881. We had also of canals built by States—Delaware Canal, Maryland Canal, Illinois Canal, Indiana Canal, New Jersey Canal, New York Canal, and Ohio Canal—at least \$120,000,000, all ordered by State legislation and paid for out of taxes upon the counties and upon the States. Other States perhaps have not the same advantages. Is it right to tax the States which built, at their own expense, their own communications, to pay for the improvements of other States not so generous and wise?

Mr. BRAGG. I desire to ask the gentleman from New York a question.

Mr. COX. Well, sir, ask it.

Mr. BRAGG. Does not the gentleman from New York know since that doctrine was maintained that the Federal courts which then had admiralty jurisdiction only up to ebb and flow of the tide, have extended that jurisdiction over the great lakes, over the Ohio River, over the Missouri River, over all the streams leading into the waters that empty out of the Saint Lawrence River; that that jurisdiction has been taken by the Federal courts and those streams are under Federal jurisdiction?

Mr. COX. That may be all true; but I ask you, whether or not every time there is a decision of the Supreme Court extending tide-water or other Federal jurisdiction, the gentleman will come forward and vote for these "log-rolling" bills with their millions of mixed measures? He will not do it. He is, I know, an economist on certain matters, a very strict one.

What is log-rolling? You men of the West know. It is well to recur to it for the illustration. You know that in early times the pioneer went to seek his home not upon the prairies, but into the woods where there was plenty of water and timber. They and their neighbors may not have combined their labors to cut down the trees and to hew out the logs or split the rails; but when it came to rolling the logs together in heaps for burning or to be lifted into their places for the cabin or barn, they had many hands to aid the necessary works. Wee then to the man or neighbor who refused or who failed to come and assist in the log-rolling. He never got help to have his cabin built, his land cleared, or any outside assistance unless he helped others. That is what log-rolling means. Is it not a good figure for just such a bill as this? You get together all the States you need, all the strength and interests in one bill you require, and all the indispensable votes that you can in its favor. You have combined them altogether here. You have their aid. Why? Because you return the favor to them which they show you.

As these precedents which I have quoted show you, there is danger here. It intrenches upon true economy. Is it a dishonesty or any implication of unfairness on the part of the committee, when I can quote from these democratic precedents, to show that this system is wrong from top to bottom?

Mr. THOMAS TURNER. Mr. Chairman, I rise to say a word in connection with this matter.

Mr. BLACKBURN. I hope my colleague will yield to me for a moment, to make a suggestion to the gentleman from New York. I propose that he amend or modify his amendment by inserting after the word "river" the words "or harbor," so that it will read, "no money herein appropriated shall be expended upon any river or harbor exclusively within any one State."

Mr. COX. I prefer not to accept that. [Laughter.]

Mr. BLACKBURN. I thought it would simply complete the absurdity of the amendment.

Mr. COX. The gentleman knows very well that I do not accept my absurdities from that quarter.

Mr. BLACKBURN. The gentleman need not go to any quarter for that.

Mr. COX. I take my absurdity from another quarter; that is from myself. [Laughter.]

Mr. BLACKBURN. Nature has furnished the gentleman with enough without seeking elsewhere. [Laughter.]

Mr. COX. I do not see why the gentleman should make this personal assault upon me, this violent attack. I had enough of that the other day, when I was kicked by a mule or something else. [Great laughter.]

Mr. BLACKBURN. Did you get a pension?

Mr. COX. No; but I ought to have one for endeavoring to rescue the Government from a dangerous enemy.

Mr. THOMAS TURNER. Mr. Chairman, it does not come in good grace from a member representing a Western State to oppose slight appropriations to be given for improving streams in the State of Kentucky. It is not fair, Mr. Chairman, because our State happens to have no very considerable rivers, and because she is an internal State, and has neither coast line nor harbor to improve, that she is to be cursed with the fact that she is not to have a dollar for improving her internal streams. It is neither fair nor just. Gentlemen have forgotten that the Western Reserve gave over two hundred million acres of land to be expended in improvements at tide-water, and the State of Kentucky and Tennessee because they have no coast lines or harbors are to be deprived of all benefits under this system of improving rivers and harbors. I say, it comes with bad grace from the gentleman from Iowa, whose State has received so much, to object to a trifling appropriation for the State of Kentucky. Under that doctrine we could not expend one dollar in improvements there, and that great State could never get anything, while the Western region combines together and makes a just claim for the development of their resources, and that they should have a larger portion of these immense amounts annually appropriated for those works. They forget, sir, that Kentucky has to bear its due share of the burden of paying them. During all the years that these appropriations have been made, Kentucky has contributed more than any other State toward the building up of our commercial resources. Kentucky has been in the Union for eighty-nine years, and has never received from the Federal Treasury for improvements but the pitiful sum of \$311,000, not one-twentieth of the amount annually devoted to the development of the resources of these States.

The gentleman talks about the depth of water in those rivers being only so much, and that no money shall be appropriated for the improvement of the Kentucky River because the depth of water is so slight, and speaks of it being only six feet. Mr. Chairman, if I were to go to Wisconsin, I could point out the fact that at Port Washington they commence with from nine to twelve inches of water and now they have five feet, and expect to improve it so as to make it twelve. I might go to Ahnepee, Wisconsin, and it is the same thing. We have more water in the Kentucky River than they had at Port Washington even with its improvements. Now Port Washington has a commerce of over ten thousand tons, because it has been developed. Thousands and thousands of dollars have been expended upon these harbors and others, while we with our great commerce and vast inland trade have never received our share, or anything like even a small fraction of it. The doctrine contended for here is the doctrine that the people who have the misfortune of not living upon these great streams should pay their part of the money into the Treasury but should not have a dollar out of it for improvements. You will give those who have harbors and navigable streams and who happen to be favored, vast sums of money to extend the depth of water from twelve feet to sixteen feet or above; but where you have one or two or three feet you have nothing to give because it is not a great stream and you do not believe it possible they can improve it.

But, Mr. Chairman, the bulk of this commerce is on the small streams. The streams of a small country and the productions of a small country are just as dear to the people as though they lived on a great stream and represented the commerce of a great country, and they should have a proper proportion of the money which is expended for that purpose. This great State, which has contributed its millions of dollars into the Treasury, a State which pays annually some thirteen millions of dollars into the Treasury, gets not a dollar of public money expended within its border for public improvements. Is that fair? Ought not there to be some consideration for the money which she pays into the Treasury? Of the \$475,000,000 expended by this Government for public buildings for internal improvements and for educational purposes, \$399,000,000 of it have gone to Northern

States and, sir, only \$76,000,000 to the Southern States, when, according to their population and area and wealth and the amount they pay into the Treasury, they should be entitled to at least two hundred and ten million dollars. For years and years they have contributed on an average of 44½ per cent. of the whole amount—

[Here the hammer fell.]

Mr. WILSON. I ask that the amendments be again reported.

The amendments were again read.

Mr. WILSON rose.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. COX. I withdraw my amendment.

Mr. WILSON. I move to strike out the last word. As I was called out of the House temporarily I had not the pleasure of hearing the whole of the remarks made by the gentleman from Iowa, [Mr. UPDEGRAFF.] But I heard some of his criticisms on the streams of West Virginia. I will say to that gentleman that he at least is laboring under a very egregious error. As I understand the object of this river and harbor bill, it is for the development of the resources of the country, and to throw into the markets of the several States and the markets of the world the rich commodities now locked up in the regions to which those rivers furnish an outlet.

The gentleman referred to one of those streams, the Little Kanawha. I desire to say that in my opinion there is no river of the same length and size in all these United States of America the improvement of which is so valuable and which will contribute so much to the general welfare of the country. Let me enumerate some of the commodities of the district through which that river flows. Its timber finds a market (as shown by papers accompanying the Engineer's report) everywhere from New York to New Orleans. In consequence of the small improvement made in it a few years ago, timber has been floated down to Parkersburg, shipped thence by rail to Baltimore, and from there sent to Europe. The valuable hard lumber of West Virginia finds a market in California. It is shipped by rail three hundred miles to Baltimore, and from there is shipped sometimes to California and sometimes to Europe. Its oil finds a ready sale in all the markets of the world. The oil produced in that country, the outlet of which is this Little Kanawha River, adds something to the balance of trade in favor of this country against foreign nations. And that oil has been floated down this river to market.

The sawed lumber of the Little Kanawha reaches more than a dozen States in the Union. There are vast coal-fields and vast iron-fields there; and the coal from the country along that river, by reason of the improvements now being made, will be shipped and will reach the people of the western and southern cities.

This is the best bill we can have to regulate interstate commerce. It gives cheap fuel, cheap food, and cheap transportation. It opens up competing lines, and can never be governed by monopolies. It is the farmer's improvement, and enables his productions, the fruits of his honest labor, to reach markets without the skinning process of pooling, rebates, &c.

Mr. SAPP. I desire to offer an amendment.

The CHAIRMAN. There are two amendments now pending.

Mr. WILSON. I withdraw the formal amendment.

Mr. UPDEGRAFF, of Iowa. I object to the withdrawal of the formal amendment. I want to say a few words before it is withdrawn.

The gentleman from West Virginia [Mr. WILSON] says I have been mistaken in my remarks about the Little Kanawha. My remarks in regard to that stream were read from the report of the Engineer; the official report. The chairman of the Committee on Commerce, when he was arguing against permitting discussion or amendment on this bill, and portraying the labors of the committee, said they had read this report and studied it day after day for I do not know how long. Then I am justified in saying this bill was reported in the light of this report; and the report as to the Little Kanawha says the only object of its improvement is to attain a raft and push-boat navigation; and the estimate of the amount necessary to complete the project is stated at \$900,000.

Now, I put this to the gentleman, that the appropriation, though small in itself, will not be worth one fig, and might as well be sunk in the Potomac unless it is followed up by appropriations large enough to complete the project, which, it is estimated, will cost \$900,000.

Mr. WILSON. The gentleman from Iowa [Mr. UPDEGRAFF] will understand—

Mr. UPDEGRAFF, of Iowa. The gentleman has his quarrel with the engineers, the men who make their living out of these appropriations, and who, as we all know, will magnify their office.

Mr. WILSON. You do not have—

The CHAIRMAN. The gentleman will address the Chair.

Mr. WILSON. We are only having a little *tête-à-tête*. [Laughter.]

Mr. UPDEGRAFF, of Iowa. Whatever light we can get against these appropriations comes in unconsciously, for not one of these engineers would permit such remarks to be made as I have read if he dreamed that the use would be made of them that is now being made. Other engineers in other districts—and I have examined the reports enough to learn that—do not appear to have made such remarks. But here was a man who was a subordinate and did not have any more sense than to tell a part of the truth. [Laughter.]

These engineers are divided and subdivided into strata. There is first the boss engineer, and then a stratum below him; then another

stratum and so on down until you get to the local engineers. It reminds me of the old distich:

Big fleas have little fleas,
And lesser fleas to bite 'em;
And these fleas have other fleas,
And so ad infinitum.

[Laughter.]

Mr. WILSON. Now one word—

Mr. UPDEGRAFF, of Iowa. So these reports come up from the "little fleas" to the "big fleas;" and in a few instances the "little fleas" have told the truth. What I have referred to has been found by accident. How much more could be found by careful examination I cannot tell.

Mr. THOMAS TURNER. That shows how much you know about it. Mr. UPDEGRAFF, of Iowa. If I can do so well with the little knowledge I have, how much could I do if I had as much as you claim to have? [Laughter.]

Mr. WILSON. Just a word. Because the gentleman does not obtain the appropriation he desires, he seems to be willing to form a combination with his friends over there to defeat proper appropriations. He is playing the game:

Tickle me, Toby, oh, tickle, do;
You tickle me and I'll tickle you.

[Laughter.]

The CHAIRMAN. The time for debate upon the pending amendment has expired.

Mr. WILSON. I withdraw my formal amendment.

Mr. SAPP. I desire to offer an amendment to the amendment of my colleague, [Mr. UPDEGRAFF.]

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

But the amount so appropriated shall be used in removing snags out of Missouri River and in completing the survey of the same.

Mr. REED. Now we have the real milk in the cocoanut.

Mr. SAPP. Now I ask that the amendment be read as it will stand if my amendment should be adopted.

The Clerk read as follows:

Provided, That no money appropriated by this act shall be expended in the improvement of any stream, notwithstanding the same be designated by name and appropriated for herein, which, in an ordinary stage of water, is not capable of floating vessels of fifty tons burden for a length of thirty consecutive miles, and which does not intersect or form a part of a State line: *Provided*, That this restriction shall not apply to tidal streams emptying into the ocean; but the amount so appropriated shall be used in removing snags out of the Missouri River and in completing the survey of the same.

Mr. SAPP. A word or two upon that amendment. I do not know that I would have engaged in this discussion at all but for what was said by the gentleman from Maryland, [Mr. MCLANE.] It is insisted by him that so far as the Missouri River is concerned she has been liberally dealt with by the Committee on Commerce. That I must emphatically deny.

I desire to call the attention of this committee to the amounts appropriated in this bill for the Missouri River for general purposes, and the items of appropriation so specified. There is \$45,000 appropriated for the removal of snags in the Missouri River; then \$40,000 for the improvement of the Missouri River, above the mouth of the Yellowstone; then \$30,000 to complete the survey of over three thousand miles of that river. That is all that is appropriated for the Missouri River for general purposes in this bill.

Now, a word or two in relation to the importance of that river as a navigable stream. I need not call the attention of this committee to the fact that the Missouri River is navigable for nearly four thousand miles. I need not call attention to the fact that the Missouri River drains a territory sufficient in extent for a great empire. I need not call attention to the fact that that river runs through the richest agricultural country on the face of the globe, a country now thickly peopled by industrious and enterprising citizens. I maintain that the claims of the Missouri River have been very greatly overlooked by the Committee on Commerce.

Now, one word in regard to the local appropriations which are made in this bill. Whenever anything is said by any of us in relation to the appropriations made for the Missouri River, we are met with the assertion that sundry appropriations are made for local purposes and benefits. How is that? It is true that some appropriations are made for the improvement of the channel of the Missouri River at various points. What is the character of those appropriations? Are they such as are deserved? Not at all. A mere pittance is appropriated for some particular point, and when the ice runs out of that great stream in the spring of the year all the work done by that little appropriation is rendered useless by the results of the spring flow.

Mr. BARBER. What is the aggregate amount of these local appropriations?

Mr. SAPP. The gentleman can examine the bill for himself. Twenty thousand dollars was appropriated to be expended at Council Bluffs and Omaha, while the engineers recommend some sixty thousand dollars for that improvement. So in regard to Brownsville, Nebraska, Saint Joseph, Missouri, Fort Leavenworth, and various other places along the Missouri River. I say that there is not sufficient appropriated for these local improvements to complete the work as recommended by the engineers—only enough really to begin work, so that in the course of three, four, five, or six months after work has ceased all that has been done is swept away. Money spent in this manner might just as well be thrown into the channel of the river.

Mr. REAGAN. I suggest to the gentleman from Iowa [Mr. UPDEGRAFF] that the form of his amendment might do injury; that if he desires to get the judgment of the House upon streams appropriated for, as he deems improperly, in this bill, he should move to strike out those items as we reach them. In that way we shall act upon each question directly.

Mr. SAPP. I want to say to the gentleman that the difficulty is this: if I were to undertake—

Mr. REAGAN. I cannot yield. I am now speaking of what the gentleman's colleague proposes.

Mr. SAPP. I hope the gentleman will withhold his suggestions if he does not want a reply.

Mr. REAGAN. The gentleman has made his speech, and I propose in a moment to reply to him; but I am now replying to his colleague and am making the suggestion that if he considers any of these items objectionable he should move to strike them out as we reach them, and not by an amendment of this sort run the risk of injuring really meritorious works.

Now, the gentleman from Iowa who has just taken his seat, [Mr. SAPP], has taken occasion several times to speak of the absence of appropriations in this bill for the Missouri River. He urges now that the appropriations ought to be sufficient to complete the work. Why, sir, that is said with reference to every work provided for in this bill. To have made the appropriations upon that idea would have involved the necessity of reporting a bill appropriating \$25,000,000.

But let me show that the gentleman cannot have examined the bill carefully. It will be seen how much justice there is in his complaint that the Missouri River has been neglected when I give some of the items of appropriation for that river: For Atchison, Kansas, \$20,000; Brownsville, Nebraska, \$10,000; Cedar City, \$15,000; Council Bluffs, Iowa, \$20,000; Eastport, Iowa, \$14,000; Fort Leavenworth, \$8,000; Glasgow, \$20,000; Kansas City, \$20,000; Lexington, \$10,000; Saint Charles, \$15,000; Saint Joseph, \$20,000; Sioux City, \$7,000; Vermillion, Dakota, \$15,000; above the mouth of the Yellowstone, \$40,000; and for the continuation of the systematic survey of the Missouri from the mouth to Fort Benton, \$30,000. Then of the appropriation of \$150,000 for removing snags from the Mississippi, the Missouri, &c., \$45,000 is assigned to the Missouri, and \$20,000 to the Yellowstone, thus making \$329,000 for that poor, neglected Missouri River.

Mr. SAPP. Only \$115,000 is appropriated for general purposes.

Mr. REAGAN. I think the gentleman cannot have examined the bill. I have shown that \$329,000 is given for that river besides the improvement of its various tributaries, to say nothing of the interest which the State of Iowa has in the appropriations for the Mississippi River. The appropriation for the Mississippi River from the mouth of the Illinois to the Des Moines Rapids is \$175,000. Then, Iowa is interested in the \$600,000 proposed to be appropriated, between the mouth of the Ohio and the mouth of the Illinois. She is also interested in the \$200,000 which we recommend to be expended between the Des Moines Rapids and Saint Paul. Yet the gentleman complains on behalf of the State of Iowa and the Missouri River! Why, sir, that great central region of country which depends so much for the value of its agricultural products and the other interests of its people upon navigation and commerce has received the chief attention in this river and harbor bill.

Mr. SAPP. How can we get to the Mississippi River from the Missouri, if you do not take out the snags?

Mr. REAGAN. I have shown that \$329,000 is given by the bill for the improvement of the Missouri River.

Before the hammer falls I will repeat that if the gentleman from Iowa can point out any rivers unworthy of an appropriation, he should move to strike them out when we reach them. I hope he will not insist on his present amendment, which may do real harm.

The question being taken on the amendment of Mr. SAPP to the amendment of Mr. UPDEGRAFF, of Iowa, it was not agreed to.

The question then recurred on the amendment of Mr. UPDEGRAFF, of Iowa.

Mr. VAN VOORHIS. I move that the committee rise. It is now four o'clock, and it is time for us to adjourn.

The question being taken on the motion of Mr. VAN VOORHIS, there were—ayes 35, noes 90.

Mr. VAN VOORHIS. I call for tellers.

Mr. CAMP. No quorum has voted.

The CHAIRMAN. The point is made that no quorum has voted; and the Chair will appoint tellers.

Mr. REAGAN. I submit that a quorum is not necessary on a motion that the committee rise.

The CHAIRMAN. But the Chair thinks the Committee of the Whole would be very much embarrassed in the transaction of any business if it should go upon the record that no quorum is present. The Chair appoints as tellers the gentleman from New York, Mr. VAN VOORHIS, and the gentleman from Texas, Mr. REAGAN.

The committee divided; and there were—ayes 21, noes 129.

So the committee refused to rise.

The CHAIRMAN. The question recurs on the adoption of the amendment of the gentleman from Iowa, [Mr. UPDEGRAFF.]

Mr. DAVIS, of Illinois. I move to amend that amendment by striking out the words "for thirty consecutive miles."

The amendment to the amendment was rejected.

The question again recurred on the amendment of Mr. UPDEGRAFF of Iowa.

The committee divided; and there were—ayes 31, noes 91.

Mr. VAN VOORHIS. No quorum has voted.

The CHAIRMAN ordered tellers; and Mr. UPDEGRAFF, of Iowa, and Mr. REAGAN were appointed.

The committee again divided; and the tellers reported—ayes 32, noes 121.

So the amendment to the amendment was rejected.

Mr. VALENTINE. I wish to have my amendment read.

Mr. REAGAN. I move that the committee rise for the purpose of closing debate on the pending paragraph and amendments thereto in one minute.

The CHAIRMAN. The Chair will state there is an amendment pending of the gentleman from Nebraska, [Mr. VALENTINE.]

Mr. REAGAN. I demand a vote on my motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. WHITE. I move that the House do now adjourn.

The House divided; and there were—ayes 52, noes 107.

Mr. CAMP. I demand the yeas and nays on the motion.

The House divided; and there were—ayes 21.

The SPEAKER. That is not one-fifth of the last vote, and the yeas and nays are not ordered.

So the House refused to adjourn.

Mr. REAGAN. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the river and harbor appropriation bill; and pending that motion I move that all debate on the pending paragraph and the amendments thereto be closed in one minute.

The motion was agreed to.

Mr. REAGAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

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

The House divided; and there were—ayes 41, noes 104.

Mr. VAN VOORHIS. No quorum has voted.

Mr. CAMP. I demand tellers.

Mr. VAN VOORHIS. I demand the yeas and nays.

The yeas and nays were not ordered, and tellers were not ordered.

So the House refused to adjourn.

ENROLLED BILL.

Mr. KENNA, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill (S. No. 752) granting an increase of pension to Crafts J. Wright; when the Speaker signed the same.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. REAGAN. I now move that the House resolve itself into the Committee of the Whole House on the state of the Union to go on with the river and harbor appropriation bill.

Mr. CAMP. I demand a division.

The House divided; and there were—ayes 123, noes 4.

Mr. VAN VOORHIS. No quorum has voted.

The SPEAKER appointed Mr. VAN VOORHIS and Mr. REAGAN as tellers.

The House again divided; and the tellers reported—ayes 140, noes 9.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. By order of the House all debate on the pending paragraph and the amendments thereto is limited to one minute. [Cries of "Vote!" "Vote!"]

Mr. CAMP. There is an amendment pending.

The CHAIRMAN. The gentleman from Nebraska sent up an amendment which has not been read.

Mr. VALENTINE. It is not applicable to the pending section, and I withdraw it.

Mr. VAN VOORHIS. I have an amendment which I desire to have read.

The Clerk read as follows:

Add at the end of paragraph 1:

"Provided, That no new work shall be begun unless the sum hereby appropriated for that work shall be sufficient to finish and complete the same."

Mr. REAGAN. There is one minute left for debate on this paragraph and amendments thereto. I wish to say but one word, and it is this: that I have no more interest in the success of this bill than others, and if it be the purpose of members of the House merely to wear out the time by filibustering—and it looks like that—then there is not much use in trying to go on with it. I am willing to give a reasonable time to see whether it is the purpose to defeat this bill by filibustering, and if it is, then I shall get out of the way and let it be done.

Mr. VAN VOORHIS. I have the right to offer an amendment, and the gentleman from Texas has no right to charge me with filibustering.

The CHAIRMAN. The time for debate has expired.

The amendment was again read.

Mr. REAGAN. I believe that amendment has been voted on once before.

Mr. COX. Is it in order now to move to amend an amendment?

The CHAIRMAN. It is.

Mr. COX. Then I move to strike out the last word. Is it in order to debate that?

The CHAIRMAN. It is not.

Mr. COX. Then I withdraw the amendment.

Mr. HOUSE. Has not the amendment just proposed by the gentleman from New York been once voted upon to-day and rejected?

Mr. VAN VOORHIS. I want the gentleman from Texas to understand that this amendment is limited to new work. The other applied to all work appropriated for. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The amendment, the Chair will state, is almost the same as the preceding one, which was rejected. But there is some difference, and the Chair prefers to submit the question to the committee.

Mr. VAN VOORHIS. On the point of order I desire to say a word.

The CHAIRMAN. The Chair has overruled the point of order. The question is on agreeing to the amendment.

The amendment was not agreed to.

Mr. MURCH. I offer the following amendment, to come in between lines 10 and 11 in the second paragraph.

The CHAIRMAN. The Chair will state that the committee have not reached that paragraph yet. The Clerk will read the next paragraph.

The Clerk read as follows:

Improving Richmond Island Harbor, Maine: Completing improvement, \$3,000.

Mr. MURCH. I now offer the following amendment—

Mr. COX. I make the point of order on that paragraph of the bill.

The CHAIRMAN. The amendment proposed by the gentleman from Maine will be read.

The Clerk read as follows:

For improving Rockland Harbor, Maine, \$25,000.

The CHAIRMAN. Before the gentleman from Maine proceeds the gentleman from New York makes the point of order against the paragraph just read.

Mr. REAGAN. I desire to ask if the amendment proposed by the gentleman from Iowa has been voted upon?

The CHAIRMAN. The amendment was rejected.

Mr. COX. I made the point of order because I want to inquire whether any appropriation for this purpose has been heretofore made. I wish to know whether it is in the continuation of appropriation for work there or whether it is new work?

Mr. REAGAN. Twenty thousand dollars was appropriated for this work last year.

Mr. COX. Then the point of order probably will not lie on this paragraph.

Mr. UPDEGRAFF, of Iowa. Was that money expended?

Mr. REAGAN. Three thousand dollars I find has been expended.

The CHAIRMAN. The Chair overrules the point of order upon the statement made without undertaking to decide now what may be the character of the bill, because on that question the Chair may want to hear the views of gentleman on the floor.

Mr. MURCH. Mr. Chairman, I went before the Committee on Commerce for the purpose—

Mr. REAGAN. Let the amendment be reported again.

The amendment was again read.

Mr. CLYMER. I make the point of order upon that.

Mr. MURCH. I will state to the gentleman from Pennsylvania that there was an appropriation made last year for this purpose.

Mr. CLYMER. Then I withdraw the point of order.

Mr. MURCH. Mr. Chairman, I went before the Committee on Commerce during one of its sittings urging this appropriation, but they rejected the application on the ground that the board of engineers had made no report upon this. Since issuing their annual report a plan has been adopted for the construction of this breakwater at Rockland. Twenty thousand dollars was appropriated for this purpose last year, and the local engineer there has already advertised for proposals to construct the breakwater. I could have the reports of the engineers read here as far back as 1856 showing the great necessity for this improvement.

Mr. Chairman, this is a harbor, and the only one which can be reached by vessels within a range of seventy-five miles on that coast. In our semi-arctic region the fall and winter navigation of that section of our State is exceedingly difficult and dangerous. We have located now a life-saving station within ten miles of this place, there being no harbor in which a vessel of any proper dimensions can enter for the purpose of shelter from storms. There is, as I have stated, no adequate harbor in a range of seventy-five miles on that coast. The work there is ready to be begun.

The local engineer in charge has planned a breakwater, and in such a manner that every appropriation which may be made for it is utilized, and if discontinued for any purpose no bad results will follow and no loss accrue to the Government. I come before this commit-

tee, Mr. Chairman, urging that the river and harbor bill be increased, and I know that the idea is unpopular among members here. I do not think that this, however, is a great amount to be appropriated for such purposes. I regard this bill as one of vital importance to the interests of the country, and I am in favor of appropriating \$50,000,000 for the improvement of the rivers and harbors of this country if it can be done honestly and where needed. Besides, this bill has no terrors for me if the money is honestly expended; and, when the Government of the United States is receiving an annual surplus of \$90,000,000 of revenue, it is time to include the repairs and improvements of our rivers and harbors in our general legislation. Neither the gentleman from Iowa nor any other gentleman upon this floor can make the point of order upon this appropriation for the reason that it is a continuing one. Neither can it be made upon the ground that it is for an improvement of some small, shoal stream. It is a large harbor, one of the finest in the country, and our people have been trying since 1856 to get an appropriation for a breakwater there for the protection of its shipping. Thirty thousand vessels, according to the report of the light-house keeper there, pass by and enter that harbor annually. It is, as I have stated, the only available harbor on the coast along the line of seventy-five miles where the navigation is difficult and dangerous.

The winds from the east and northeast have a range of forty miles and bring upon our harbor a great overflow of water which destroys our docks and shipping. The Ulysses, a new steamer, not long ago broke from her moorings during one of the storms prevalent on that coast, and was wholly destroyed. A large bark was driven ashore and badly damaged. Our docks are inundated by every gale of wind we have. Rockland has been a very important ship-building port. At times we have had as many as twenty-seven ships on the stocks at once being built.

[Here the hammer fell.]

Mr. DE LA MATYR. I move to strike out the last word, for the purpose of giving more time for the gentleman from Maine to complete his statement, which is of importance.

The CHAIRMAN. The gentleman from Indiana proposes to take the floor and yield his five minutes to the gentleman from Maine. Is there objection?

Mr. BROWNE. I object. The same proposition was made for gentlemen on this side and was objected to.

Mr. KENNA. If the gentleman from Maine occupied other five minutes, would not that exhaust the time allowed for debate?

Mr. MURCH. I hope the members of the Committee on Commerce will make no objection.

The CHAIRMAN. Objection is made.

Mr. MURCH. Then I ask consent to print the remainder of my remarks.

There was no objection.

Mr. KING. I would like to ask the gentleman from Maine one question. Who is responsible for and under whose direction are these expenditures made?

Mr. MURCH. If I could hear the gentleman's question I would endeavor to answer it.

When the hammer fell, Mr. Chairman, I was saying that we were a ship-building city, and this, coupled with our large production of the best lime manufactured in the country, makes this port very important in a local sense.

But, Mr. Chairman, I will let the board of engineers testify on this subject. In 1852 Lieutenant J. Newton, (now General Newton,) of the United States Engineer Corps, made a report to the Chief Engineer of the Army, from which I make the following extracts:

It is the only harbor for the larger class of vessels between Townsend and Belfast, embracing an extent of coast of nearly seventy-five miles. These headlands—Owl's Head and Jameson's Point—are two miles nine hundred yards from each other and may be said to form the entrance to the harbor, which is thereby exposed to the winds that range from north-northeast to south-southeast. The wind being east-northeast traverses from twenty to thirty miles of the Penobscot Bay before entering the harbor, which, with the great depth of water, occasions a very heavy sea. When the winds are more easterly the sea is less on account of the interposition of the Fox Islands, which, in the direction due east, are only eight or nine miles distant from the entrance to the harbor. When east by south, or east-southeast, or near these points, a heavy sea is thrown in from the ocean which is said to be more destructive than any other to which the bottom is exposed, though it passes into the harbor in a rather indirect manner between the Fox and Monroe Islands. These winds bring in a vast body of water, with a heavy ground swell washing the wharves and causing vessels to drag their anchors.

The harbor is accessible with all winds as long as a vessel can carry sail and is free from obstructions. * * * The bottom is of blue clay and forms a most excellent holding ground. * * * Vessels running down the bay, with a storm threatening from the usual quarter, after passing Rockland * * * find no safe harbor until they reach Herring Gut, fifteen miles distant from the latter place; but this place being small is often crowded, and incapable of holding more; so that they are obliged to continue this course fifteen miles more to Townsend, which furnishes a safe and spacious anchoring ground. Again, vessels bound up the bay, with a storm threatening, would not leave Townsend or Herring Gut unless there was a good harbor at Rockland. * * * Besides the protection to general commerce by a breakwater at Rockland, there is a large local interest involved in this matter, three hundred vessels, coasters and fishing craft, are owned here, and about two hundred more are estimated as trading with the place. Rockland, from a very small village, has grown into a large town of 7,000 inhabitants within the space of ten years, and is deservedly considered one of the most flourishing places in Maine. Its prosperity flows from a source which will probably not fail it, to wit, the manufacture of lime.

The number of barrels of lime manufactured is now 1,000,000 per annum, for the

burning of which 70,000 cords of wood are required. The value of property annually afloat and consequently exposed is—
 1,000,000 barrels of lime at eighty cents per barrel \$800,000
 70,000 cords of wood at \$3 per cord 210,000

Total 1,010,000

To this must be added the value of vessels, (over one million more.) Besides the support of its own population Rockland supplies a large back country, and by this induces other branches of trade which are continually augmenting. In fine Rockland is increasing rapidly, and bids fair to increase for a long time.

For the above reasons I recommend Rockland Harbor for the proposed breakwater.

This report, Mr. Chairman, was made twenty-eight years ago. Let us see what more modern engineer investigations show. I take the following from the report of Generals Tower and Newton, addressed to the Chief of Engineers, United States Army, under date of September 10, 1880:

The harbor of Rockland, an indentation of the coast at the southwest extremity of Penobscot Bay, is formed by the projecting headlands of Owl's Head and Jameson's Point. It is exposed to the direct action of the winds from N. 29° E. to S. 60° E.; from N. 29° E. to N. 70° E. The winds generally have the whole sweep of the bay, with a rake of twenty-three miles, throwing in a heavy sea.

When the wind is east-southeast, or about that point, it is said that a heavy groundswell is thrown into the harbor, more destructive than any other to which the bottom is exposed, though it passes into the harbor in an indirect manner. * * * The harbor has a wide entrance and good anchorage, is deep and spacious, and with competent protection would prove valuable as a harbor of refuge. From the returns made by the light-keeper at Owl's Head, it appears that between sunrise and sunset, from January 1 to December 31, 1879, the number of vessels passing his station amounted to 21,539, including barks, brigs, schooners, sloops, and steamers. This enumeration excludes vessels passing outside through the Fox Island Channel. If to the above be added those passing after sunset, the number might be estimated at nearly thirty thousand.

No convenient harbor of refuge exists for a long stretch of coast, the contiguous harbor at Owl's Head being exposed to winds from N. 29° E. to E.

Now, Mr. Chairman, it seems to me that in view of the facts embraced in the foregoing extracts from the reports of engineering experts, and in the fact that we have a line of ocean steamers every day in the week from Boston, and a line of steamers from Portland touching nearly every day, with two lines of steamers running from Rockland to Mount Desert, with a number of smaller steamers running to the adjacent islands, that we present almost as meritorious claim for improvements as is presented for the improvement of the Little Kanawha in West Virginia.

The neglect to appropriate for the breakwater at Rockland may occasion great loss of life and property. Our hardy seamen need this protection. Our commerce that now exists demands the construction of this breakwater. The Government can well afford it and this Congress will be remiss in its duties if it refuses the small amount of \$25,000 asked for.

The question being taken on Mr. MURCH's amendment there were—ayes 38, noes 76.

Mr. MURCH. A quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Maine, Mr. MURCH, and the gentleman from Texas, Mr. REAGAN.

The committee again divided; and the tellers reported—ayes 46, noes 106.

So the amendment was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Portsmouth, New Hampshire, \$20,000.

Mr. VAN VOORHIS. I move to strike out the last word in the paragraph just read. I am prepared to vote for the proposition if it is a proper one; but I do not know anything about it. The committee have told us nothing about it, but have merely put it in the bill. I want the chairman of the Committee on Commerce to explain why the harbor at Portsmouth, New Hampshire, requires \$20,000.

The CHAIRMAN. The chairman of the committee in giving that explanation would have to confine his remarks to the amendment, which is, to strike out the last word. The gentleman from New York might reach his object by moving to strike out the whole clause.

Mr. VAN VOORHIS. Then I move to strike out the paragraph. And I ask the chairman of the committee if he can give any good reason why the appropriation should be made? [After a pause.] If the chairman of the committee is to sit down and give no answer because he can give none, I withdraw my amendment.

The Clerk read the following paragraph:

Improving harbor at Provincetown, Massachusetts, \$5,000.

Mr. COX. Are these new or old works?

Mr. RUSSELL, of Massachusetts. They are old works.

Mr. REAGAN. I think all these paragraphs make appropriations for continuing old works.

The Clerk read the following:

Improving Oakland Harbor, California, \$60,000; and the sums of money heretofore appropriated for this improvement and unexpended are hereby reappropriated; but the sums so appropriated and reappropriated shall not be available until the right of the United States to the bed of the estuary and training-walls of this work is secured, free of expense to the Government, in a manner satisfactory to the Secretary of War.

Mr. PAGE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out \$60,000 and insert \$100,000.

Mr. PAGE. Mr. Chairman, it is not my purpose to criticise or find

fault with the amount of money appropriated for any of the rivers and harbors outside of my own State. But I wish to urge upon the committee the necessity and importance of this work situated in my own State, with the wants and necessities of which I am familiar. I do not object to this bill because it appropriates too much money. I base my objections to it upon the fact that it has not discriminated in favor of the important works, and has made appropriations, large appropriations, for what in my judgment are unimportant works.

My idea of the duties devolving upon the Committee on Commerce is that they should take into consideration first the question as to what is absolutely necessary for the improvement of a certain river or harbor, and what are the obstructions which have to be removed in the interest of commerce. The next question to be considered should be the importance and the amount of commerce carried upon the river or entering the harbor.

I speak, Mr. Chairman, in behalf of Oakland Harbor, a portion of the bay of San Francisco. Oakland Harbor is on the east side of the bay of San Francisco. The Government has already appropriated some two hundred and fifty thousand dollars or more for the improvement of this harbor to which is brought the commerce of the Asiatic countries, and of the whole interior portion of my State. The people in the great producing valleys of the Sacramento and the San Joaquin find that Oakland Harbor is the point from which the wheat produced in the State should be shipped to foreign markets. And the commerce coming from China and Japan by sea ought to be landed at the Oakland wharf for reshipment over the great overland highway of the country. Oakland is the terminal point of the two great transcontinental railroads.

My amendment is to appropriate \$100,000 instead of \$60,000 for the purpose of continuing this improvement. The State of California, let me say to the committee, is entitled to some little consideration. I find upon consulting the records and the statistics that the bay and the harbor of San Francisco, of which this improvement is a part, in the amount of money collected as custom duties is the fourth harbor in the United States; only three other ports collecting more than is collected at the harbor and port of San Francisco. I find that in the payment of internal revenue California stands ninth on the list of States; only eight States paying more than California pays into the Treasury of the United States. In the Public Lands Department California pays more money into the Treasury than any other State. In point of tonnage it is the third of all the States in the Union. It is this harbor which must receive the commerce of Asia. There is not a port more important, not only to the Pacific coast but to the entire country. The tea and coffee shipped from foreign ports ought to have their reshipment from this harbor. We propose to remove the obstructions that are there.

I see the chairman is about to let the hammer fall. I hope some gentleman will take the floor and yield me five minutes.

Mr. ANDERSON. If I am recognized I yield five minutes to the gentleman from California.

The CHAIRMAN. Is there objection?

Mr. SPARKS. Oh, we cannot agree to that.

The CHAIRMAN. Objection is made.

Mr. ANDERSON. No gentleman rises in his place to object.

Mr. CLYMER. I move to strike out the last word, and will give the gentleman my time.

Mr. PAGE. Am I permitted to go on?

The CHAIRMAN. No gentleman having risen in his place to object, the gentleman from California may proceed.

Mr. BARBER. I wish to ask the gentleman from California how much is the unexpended appropriation?

Mr. PAGE. The amount appropriated last year was \$80,000, and of that \$60,000 was tied up by a foolish provision attached to the appropriation.

Now, this is the first opportunity that California has ever had upon the floor of this House, in the eight years that I have been a member of it, to present her claims before the people of this country for appropriations of this character. This is the first river and harbor bill that during that time has ever been before the House for discussion.

Consequently the time of the Committee on Commerce is very much taken up with their own matters. I acquit them of any intention to do any injustice to any one. But that committee has really not time to hear the two hundred and ninety-three members of this House separately in presenting their claims for consideration. My judgment is that this is the proper way in which a bill of this kind should be considered; in Committee of the Whole on the state of the Union. If two hundred and ninety-three members cannot be depended upon to pass upon the question of properly distributing over ten million dollars, how can it be expected that a committee of only fifteen members can do it?

I have never asked and I do not now ask for one dollar of appropriation that is not of general interest, not simply for the people of one locality, but for the people of an entire State. The State of California will export this year in wheat alone over fifty millions of bushels. It is a State that produces more wool for exportation than any other State in the Union, and also more wine. The harbor on the east side of the bay of San Francisco is the terminal point of two great transcontinental railroads, where ship and car can meet and exchange the commerce not only of the State of California and of

the Pacific coast as well as of the Indies, but of the Eastern States also.

The people of the eastern portion of this country are interested that the commerce which they send to and receive from the Pacific coast shall not be landed on the San Francisco side of the bay, where they are compelled to pay storage and wharfage, &c., and then to take it in cars across the ferry to Oakland. It is for their interest that the ship as it comes in from foreign ports shall be able to sail up to the wharf, there to meet the car which will take the commodities it bears and carry it for three thousand miles across to the eastern portion of this country.

I ask that the appropriation I have indicated be made, and I desire to say that later on I shall move to strike out the proviso in this paragraph, and I think I can give good reasons why that proviso should be stricken out.

Mr. COX. I rise to oppose any increase of appropriation in this bill, and I do so upon a ground which I think the people will approve and which I trust this House will confirm. We are piling up taxes inordinately upon the people of this country and their industries. The men who favor a high protective tariff are also and always in favor of these large expenditures; and those who will act wisely as to lessening our taxes will disfavor these large expenditures, such as are contained in this bill, for all sorts of improvements.

We have now two modes of collecting the revenues for the support of this Government. About three-fifths of the amount for the support of the Government is collected on imported commodities; about two-fifths internal revenue, mostly on spirits, tobacco, &c. A large amount of taxes collected on imported commodities is collected from articles of absolute utility, not upon luxuries.

Under our present tariff laws (see Spofford's Almanac, 1879) over eighty-six million dollars is collected upon cotton manufactures, wool and its manufactures, flax and its manufactures, hemp and its manufactures, iron and steel manufactures, earthen and crockery ware, glassware, leather fabrics, breadstuffs and provisions, rice, salt, wood manufactures, sugar and molasses, and tin and its manufactures. Last year we raised nearly a hundred millions of dollars from such sources. What are these immense sums raised for? To pay these contractors or somebody for these works on streams, in harbors, &c.—unconstitutional purposes, according to democratic authority.

Now, where one dollar of the amount raised under our tariff system goes into the Treasury, I believe I could demonstrate, if I had more time than five minutes—and I think the gentleman from Texas [Mr. REAGAN] would bear me out in that—where you get one dollar into the Treasury you impose upon the people ten dollars of taxation which never sees the Treasury. It goes elsewhere. Where does it go to? Every one who votes to pile up these taxes upon the people by increasing appropriations for such internal improvements as this bill contains must bear in mind that for the ten millions of dollars which is appropriated by this bill a hundred millions of dollars is taken out of the pockets of the people, which does not go into the Treasury, but goes to the bounty-fed manufacturers of certain pet localities. Mr. Chairman, I may be asked how much is collected from the people for their luxuries by their indirect tariff taxation. I will refer them to page 37 of the American Almanac of 1879. We will there find that diamonds, dolls, embroideries, feathers, furs, silks, spirits, tobacco, watches, toys, plate glass, musical instruments, and one or two other articles yielded a custom revenue of less than \$30,000,000.

Mr. DUNN. Suppose that this bill should not pass? Will taxation be thereby reduced?

Mr. COX. I think if we should cultivate certain habits that look to economy and frugality in our expenditures we would here soon begin to remodel our tax system to correspond so that after a while it will be all right with my friend from Arkansas [Mr. DUNN] and his fleeced constituents. How could there be any trouble, if we should try the experiment of frugality and stop paying out these moneys for wasteful and useless and abnormal purposes? But so long as there is a plethora in the Treasury, growing out of immense direct and indirect taxes, so long will these big bills come rolling in.

I want to cut down all taxation, by tariff or otherwise. I would take the tax off legacies, matches, stamps, medicines, &c. I am in favor, Mr. Chairman, [Mr. CARLISLE in the chair,] of the bill which you have in charge, and at the same time, I would endeavor to raze these insidious robberies, or rather burglaries in the form of tariff duties. Pile up taxes by these river and harbor appropriations for little streams and great streams, useful harbors and useless harbors, in one bill, without discrimination, and so long as you do it there will be a lamentable lack of that reform which is needed in our revenue laws and exchequer.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the amendment of the gentleman from California, [Mr. PAGE,] to increase the appropriation for Oakland Harbor from \$60,000, as provided in the bill under consideration, to \$100,000.

The question was taken upon the amendment; and, upon a division, there were—ayes 60, noes 79.

No further count being called for, the amendment was not agreed to.

Mr. REAGAN. It is now growing late; and I presume it is not the desire of the committee to continue the consideration of the bill later this evening, though of course that would be agreeable to me. As there are a great many gentlemen who have expressed a desire that

the committee rise, and the House adjourn, I make the motion that the committee rise.

Mr. PAGE. I have one more amendment to offer to this paragraph.

Mr. REAGAN. Very well; go on.

Mr. KENNA. I hope the committee will not rise. We are making very satisfactory progress.

Mr. PAGE. I have no objection to the committee rising, if that is the general desire.

The CHAIRMAN. Does the gentleman from Texas move that the committee rise?

Mr. REAGAN. No, sir; I withdraw the motion.

Mr. CAMP. I move that the committee rise.

Mr. O'NEILL. I hope the gentleman will withdraw the motion.

If we do not get on with this bill an hour or two this evening we may lose the bill. This House has sat through the hours of the night upon a mere private bill, and I do not see why members should be unwilling to stay here awhile longer to work upon this very important public measure. [Cries of "Regular order!"]

The CHAIRMAN. The motion is not debatable.

The question being taken on the motion of Mr. CAMP, it was agreed to, there being—ayes 95, noes 55.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole had had under consideration the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its secretaries, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1327) to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes.

The message also announced that the Senate had passed a bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 2075) to amend section 989, Revised Statutes, relative to suits against officers of the United States; and

Joint resolution (S. R. No. 156) in relation to the International Exhibition of 1883.

Mr. ATKINS. I move that the House adjourn.

Mr. ANDERSON. I ask leave to have an amendment printed in the RECORD. [Cries of "Regular order!"]

The question being taken on the motion of Mr. ATKINS, it was agreed to; and accordingly (at five o'clock and fifteen 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. ANDERSON: The petition of ex-soldiers, now citizens of Phillips County, Kansas, against the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

By Mr. CALDWELL: The petition of John Stockton, Samuel Smith, and other soldiers of Clinton County, Kentucky, against the passage of the Senate bill No. 496—to the same committee.

By Mr. COVERT: The petition of the Chamber of Commerce of New York, for the passage of the Lowell bankruptcy bill—to the Committee on the Judiciary.

By Mr. DEERING: The petition of citizens of Reinbeck, Iowa, against the passage of the Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. FINLEY: The petition of citizens of Ohio for the passage of the interstate commerce bill—to the Committee on Commerce.

Also, the petition of citizens of Ohio for the passage of an income-tax law—to the Committee on Ways and Means.

By Mr. FISHER: The petition of soldiers of Perry County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. FORD: The petition of James Booky and others, citizens of Michigan, of similar import—to the same committee.

By Mr. HASKELL: The petitions of ex-soldiers of Wyandotte, Labette, and Cherokee Counties, Kansas, of similar import—to the same committee.

By Mr. HEILMAN: The petition of 100 soldiers of Warwick County, Indiana, for the equalization of soldiers' bounties, and against the passage of the sixty-surgeons bill—to the same committee.

By Mr. HUMPHREY: Memorial of the Chamber of Commerce of Milwaukee, Wisconsin, for the repeal of the tax on bank deposits—to the Committee on Ways and Means.

Also, the petition of H. Watterson and others, of Ono, Wisconsin, for the passage of an income-tax law—to the same committee.

Also, the petition of George Harris and others, of Ono, Wisconsin, that the Bureau of Agriculture be made a department—to the Committee on Agriculture.

Also, the petition of A. W. Oglevie and others, of Ono, Wisconsin, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of Edwin Van Shoonhover and others, of Ono,

Wisconsin, for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. LAPHAM: Resolution of the Chamber of Commerce of New York, favoring the passage of the Lowell bankrupt bill—to the Committee on the Judiciary.

By Mr. LINDSAY: The petition of Martin W. Frederic, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. MCMAHON: The petition of John G. Doren, for reimbursement of money necessarily expended by him in the preparation of indexes to House printed matter from January 1, 1878, to January 1, 1881—to the Committee on Accounts.

By Mr. OVERTON: The petition of Ezra Bailey and 29 other soldiers, of Bradford County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. PHISTER: The petition of George R. Sample, for the repeal of the revenue law which requires the stamping of proprietary medicines—to the Committee on Ways and Means.

By Mr. POUND: The petitions of Randolph Voight and 27 others, and of James R. Lace, Henry Curran, and 59 others, ex-soldiers, of Wisconsin, against the passage of Senate bill No. 496, known as the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. PRICE: The petition of 44 citizens of Iowa, of similar import—to the same committee.

By Mr. SCOVILLE: The petition of Edward Gilbert and others, of Tonawanda, New York, of similar import—to the same committee.

By Mr. SHALLENBERGER: The petition of Major J. M. Gaston and 11 other ex-soldiers, of Finleyville, Pennsylvania, of similar import—to the same committee.

By Mr. SHERWIN: The petition of W. H. Cowlin and 51 other soldiers, of similar import—to the same committee.

By Mr. WILLIAM G. THOMPSON: The petition of David Byers, and 40 other soldiers, of Iowa, of similar import—to the same committee.

By Mr. TYLER: The petition of W. C. Clark and other soldiers, of Vermont, of similar import—to the same committee.

Also, the petition of the Reform Association of Brooklyn, New York, for reform in the civil service—to the Committee on Reform in the Civil Service.

By Mr. J. T. UPDEGRAFF: The petition of J. K. Murphy and 203 others, citizens of Belmont County, Ohio, that the Bureau of Agriculture be made a department—to the Committee on Agriculture.

By Mr. WASHBURN: The petition of A. W. Goodspeed and 29 others, citizens of Stearns County, Minnesota, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of the same parties, for legislation to protect innocent purchasers from the impositions of fraudulent vendors of patents and patent-rights—to the Committee on Patents.

By Mr. WISE: The petition of W. A. Nichols and 54 others, of similar import—to the same committee.

Also, the petition of Simon Fisher and 54 others, that the Bureau of Agriculture be made a department—to the Committee on Agriculture.

Also, the petition of Joseph Jemison and 53 others, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of H. L. Spires and other soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, February 14, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of FRANCIS M. COCKRELL, chosen by the Legislature of Missouri a Senator from that State for the term beginning March 4, 1881; which were read and ordered to be filed.

Mr. HOAR presented the credentials of HENRY L. DAWES, chosen by the Legislature of Massachusetts a Senator from that State for the term beginning March 4, 1881; which were ordered to be filed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting the final report of the commissioners having charge of the repavement of Pennsylvania avenue between the Treasury Department and the Capitol grounds; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PRINTING OF EXECUTIVE COMMUNICATION.

Mr. COCKRELL. I notice that on Saturday the Chair "laid before the Senate a communication from the Secretary of the Interior, transmitting copies of letters from the Commissioner of Pensions relative to the condition of the working force of his office and his appropriation for 'contingent expenses;' which was referred to the Committee on Appropriations."

I think, as that information is desired by every Senator, those letters should be printed; and I make that motion.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. DAVIS, of Illinois, presented the petition of the National Temperance Society, Hon. William E. Dodge president, J. N. Stearns corresponding secretary, praying for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout our national domain.

The VICE-PRESIDENT. The Chair understands that similar petitions have hitherto gone to the Committee on Finance, and this petition will be so referred.

Mr. DAVIS, of Illinois, presented resolutions of the Board of Trade of Chicago, Illinois, favoring an appropriation for a harbor of refuge in Milwaukee Bay; which were referred to the Committee on Commerce.

He also presented the petition of the Board of Trade of Chicago, Illinois, praying for the passage of a law to prevent the adulteration of food and drugs; which was referred to the Committee on Agriculture.

Mr. WILLIAMS presented the memorial of the Home Bitters Company, of Saint Louis, Missouri, remonstrating against abolishing the stamp tax on proprietary medicines; which was referred to the Committee on Finance.

Mr. EATON. I am requested to present the petition of the Good Templars of Connecticut, officially signed, praying for a constitutional amendment to prohibit the manufacture and sale of alcoholic beverages throughout our national domain. I am led to say, in offering this petition, that I hope and trust there will be a constitutional amendment adopted previous to this one so that the count of the electoral votes once in four years may be had without terror going all over this land. It will be time enough then, in my judgment, to consider a constitutional amendment of this character. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. RANDOLPH presented the petition of the Good Templars of New Jersey, officially signed, praying for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout our national domain; which was referred to the Committee on Finance.

Mr. JOHNSTON. I present a similar petition of the Good Templars of Virginia, which I move be referred to the Committee on Finance.

The motion was agreed to.

Mr. HILL, of Georgia. I present the petition of the Grand Division of the Sons of Temperance of the State of Georgia, officially signed, asking for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout our national domain. As the petition asks for an amendment to the Constitution, I think it ought to go to the Committee on the Judiciary, though the petitioners have coupled it with a special request that it go to a special committee on alcoholic liquors. I move its reference to the Committee on the Judiciary, as it proposes a constitutional amendment.

Mr. THURMAN. I hope my friend will not insist on that motion. That very proposition was made several years ago, and after a very full discussion, by an almost unanimous vote of the Senate, it was decided that this matter touched the revenue so closely that the Committee on Finance was the proper committee to consider it.

The VICE-PRESIDENT. Such petitions have hitherto gone to the Committee on Finance.

Mr. THURMAN. They have all been so referred, and I hope this petition will take the same course.

Mr. HILL, of Georgia. I do not understand what the Committee on Finance has to do with amending the Constitution; but as I am ready to do almost anything to gratify my friend from Ohio, I will agree to a reference to that committee.

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

Mr. HARRIS. I present the memorial of the ex-trustees of the public schools of the District of Columbia, remonstrating against a proposed amendment to the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia. Notwithstanding the bill has been reported to the Senate, I move the reference of the memorial to the Committee on the District of Columbia.

The motion was agreed to.

Mr. COKE presented the petition of the Galveston Temple of Honor, of the State of Texas, officially signed, praying for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout our national domain; which was referred to the Committee on Finance.

Mr. KERNAN presented the petition of the Grand Temple of Honor and Temperance of New York, officially signed, praying for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout our national domain; which was referred to the Committee on Finance.

Mr. RANSOM presented the petition of the Grand Lodge of Good Templars of North Carolina, officially signed, praying for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout our national domain; which was referred to the Committee on Finance.